

Memorandum

From: Michale McComis, Ed.D., Accreditation Constituency Representative

To: U.S. Department of Education Regulatory Negotiation Team

Date: January 8, 2026

Re: Suggested Revision to the “Retaining Eligibility During Orderly Program Closure” language proposed by the Department

On behalf of several of the other constituency group, although not inclusive of all ideas and concerns, I am submitted in the following revisions to move forward a discussion regarding the “Retaining eligibility during orderly program closure” draft language provided by the Department.

(4) Retaining eligibility during orderly closure:

Notwithstanding paragraph (1), if the Secretary determines that a program has failed to satisfy the requirements of § 668.402, such a program shall not cease Direct Loan Program participation for a period not to exceed the full-time normal duration of the program if, within 120 days of the Secretary’s determination, the institution and the Secretary may agree to add an amendment to the institution’s program participation agreement, except in cases where the program or the institution based upon the program’s compliance is subject to a Probation or equivalent action by a recognized accrediting agency or State regulatory agency (including licensing Boards) or where the institution is subject to [citation to HCM2], that requires the institution to—

(i) Cease accepting new enrollments on or after the date of the agreement;

(ii) Engage in an orderly closure of the program in which the institution provides an opportunity for enrolled students to complete their program at the institution and, when available [for discussion], at another eligible institution through transfer-of-credit, articulation agreements, or teach-out agreements regardless of their academic progress at the time of the closure.;

(iii) Inform the institution's State regulatory agency and accrediting agency and to meet any program discontinuation or closure requirements of those agencies;

(iv) Acknowledge that the program has been voluntarily discontinued and subject to the requirements of 34 CFR 668.603 (c)(2); and

(v) Maintain the program under a warning status and provide warning notice to students in accordance with the requirements set forth in 34 CFR 668.605.