2026 Negotiated Rulemaking
Accreditation, Innovation, and Modernization (AIM) Committee Protocols

I. Mission Statement

The U.S. Department of Education has established this negotiated rulemaking committee to develop proposed student financial assistance regulations pursuant to Sec. 492 of the Higher Education Act of 1965, as amended (HEA).

II. Participation

- The committee consists of the following:
    - U.S. Department of Education Federal negotiator
    - Office of General Counsel (non-voting) legal counsel
    - Non-federal primary and alternate negotiators
    - Facilitator (non-voting)

- The primary negotiators and the Federal negotiator will participate for the purpose of negotiating the terms of proposed regulations. The alternate negotiator will only participate as a negotiator in the absence of the primary negotiator or if primary negotiator decides to have the alternate negotiator speak for the constituency on a particular topic. In such case, only one of the two individuals may speak for the constituency on a particular topic. Other negotiators on the committee may not serve as a proxy in the absence of the primary and the alternate negotiator for a constituency.

- By agreeing to serve on the committee, members consent to the Department's selection of the facilitator and these protocols.

III. Meeting Facilitation

- The facilitator will help to ensure negotiations run smoothly by preparing and distributing a record of agreements, and helping parties find areas of agreement and resolve differences. The facilitator will be available to facilitate full committee meetings and any caucuses.

IV. Committee Membership

- The committee may approve additional members if no primary member of the committee objects. All requests to add members must be made no later than the morning of the first day and must include a rationale for consideration by the committee. If the committee agrees to add new members, they must be available to participate immediately upon addition.

- The Department may remove any member or alternate who ceases to be employed by or associated with the community of interests that the individual was chosen to represent.

V. Decision Making

- To be considered that the committee have reached agreement, the committee will operate by consensus, which means there must be no dissent by any member of the committee. Members should not block or withhold consensus unless they have substantive reservations about what is proposed. Abstaining will be equivalent to not dissenting.

- All agreements reached during the negotiations will be assumed to be tentative until the call for final agreement on the proposed regulatory language. Committee members may not withdraw their agreement once consensus is achieved.

VI. Agreement

- The goal of the committee is to develop proposed regulations.

- If the committee reaches consensus on the proposed regulations, the Department will use this agreed-upon language in its Notice of Proposed Rulemaking (NPRM), unless the Department reopens the negotiated rulemaking process or provides a written explanation to the negotiators regarding why it has decided to depart from that language. That written explanation will contain a statement of the reasons for altering the consensus-based language and this statement will be provided to the negotiators in advance of the publication of the proposed regulations. The Department will also identify any changes made to the proposed regulations after consensus in the preamble to the NPRM, and negotiators are free to comment positively or negatively.

- Committee members agree if the committee reaches consensus and the Department uses that proposed language, neither they, their employers, nor their sponsoring organization (if applicable) will comment negatively on the NPRM.

- If the committee is unable to reach consensus, the Department may proceed with rulemaking using its own draft language, though it may choose to incorporate elements from topics discussed by the committee.

VII. Committee Meetings

- The Department will maintain a record of tentative and final agreements reached during the negotiation process, as well as any discussions that should be included in the preamble language of the NPRM. Transcriptions and videos of the sessions will be published on the website as soon as they are available.

- The Department will make reasonable efforts to distribute materials to committee members in a timely fashion. To the extent practicable, the Department will provide members with documents for discussion at committee meetings at least seven days in advance of the initial meeting.

- All discussions during negotiations must be presented thoughtfully and respectfully. The facilitator will work to maintain decorum at all times.

- The Department will develop and will work with the facilitator on the final agenda.

- All committee meetings, but not caucuses, are open to the public and to the extent practicable, will also be livestreamed.

- Committee members shall remain fully engaged in the work of the committee and refrain from other activities during the time committee meetings are in session. Breaks will be provided with times announced by the facilitator.

- Negotiators may submit materials electronically to the Department for distribution to the committee, including research, proposals, and alternate regulatory text. Materials submitted to the Department will be shared with the entire committee and made publicly available.

VIII. Negotiation Process

- The facilitator will announce the topic(s). The first time a topic is discussed during each session, the Federal negotiator will provide an overview of the topic. A committee member who wishes to speak on that topic shall seek recognition in a manner prescribed by the facilitator. The facilitator will determine the order by which committee members speak. Committee members shall wait until called upon to speak and follow facilitator instructions.

- Only one committee member may speak at a time. Members will refrain from interrupting other committee members.

- When called on, a committee member will have up to three minutes to speak. A committee member who exceeds the time may be muted. The facilitator will remind the member when there are 30 seconds remaining. To preserve time for other topics, committee members should refrain from repeating previously-made points on a topic.

IX. Caucus Process

- Any primary committee member may call for a caucus, which generally consists of a subset of negotiators. A caucus stops the discussions of the committee.

- When a primary committee member calls for a caucus, the facilitator will collect the names of all committee members who will participate in the caucus.

- The primary committee member who called for the caucus shall state its purpose and request a specific amount of time expected for the caucus. Additional time may be granted at the discretion of the facilitator and the Federal negotiator, and the facilitator will notify the other committee members of the extension. Negotiations resume when the caucus has ended.

- The Federal negotiator may limit the meeting length of a caucus to facilitate the orderly completion of the agenda. To maximize the actual committee time, caucuses should only be used to resolve differences currently being discussed.

X. Safeguards for Members

- Any member may withdraw from the negotiations at any time, without prejudice, by notifying the facilitator in writing.

- Any member whose employment changes during the negotiations will notify the facilitator of that change. The Department will determine if they are still an appropriate representative of the constituency for which they were selected.

- All members and the organizations they represent shall act in good faith in all aspects of these negotiations.

- Contact with the media, and other organizations outside the community of interest represented by the member will generally be limited to discussion of the overall objectives and progress of the negotiations. The Committee shall not disclose any Material, Non-Public Information, such as discussions within caucuses, outside of the public committee discussions. Members shall refrain from characterizing the views, motives, and interests of other members regarding negotiated rulemaking during contact with the media, other organizations outside the community of interest represented by the member, and to the public.