

**U.S. Department of Education  
Institutional and Programmatic Eligibility Committee  
Negotiated Rulemaking**

**Meeting Summary  
February 14-18, 2022 (Second Session)**

**Welcome**

Gregory Martin, Department of Education’s federal negotiator, welcomed the Institutional and Programmatic Eligibility Committee (“Committee”) members, advisors, and facilitators to the negotiated rulemaking session.

**Introductions**

The Committee members, advisors, and facilitators introduced themselves.

**Overview of the Negotiated Rulemaking Process**

Commissioners Cynthia Jeffries, Brady Roberts, Rozmyn Miller and Kevin Wagner, facilitators from the Federal Mediation and Conciliation Service (FMCS), reviewed the technological, procedural, and information-sharing protocols along with the Session Two Agenda.

**Membership**

The following individuals are the Members of the Institutional and Programmatic Eligibility Committee:

<u>Community of Interest</u>	<u>Primary Negotiator</u>	<u>Alternate Negotiator</u>
Accrediting Agencies	Jamienne S. Studley, WASC Senior College and University Commission (WSCUC)	Dr. Laura Rasar King, Council on Education for Public Health
Civil Rights Organizations and Consumer Advocacy Organizations	Carolyn Fast, The Century Foundation	Jaylon Herbin, Center for Responsible Lending
Civil Rights Organizations	Amanda Martinez, Unidos US	N/A
Financial Aid Administrators at Postsecondary Institutions	Samantha Veeder, University of Rochester	David Peterson, University of Cincinnati

<u>Community of Interest</u>	<u>Primary Negotiator</u>	<u>Alternate Negotiator</u>
Four Year-Year Public Institutions of Higher Educations	Marvin Smith, University of California, Los Angeles (UCLA)	Deborah Stanley, Bowie State University
Legal Assistance Organizations That Represent Students and/or Borrowers	Johnson Tyler, Brooklyn Legal Services	Jessica Ranucci, New York Legal Assistance Group
Minority -Serving Institutions	Dr. Beverly Hogan, Tougaloo College (retired)	Ashley Schofield, Claflin University
Private, Non-profit Institutions of Higher Education	Kelli Perry, Rensselaer Polytechnic Institute	Emmanuel A. Guillory, National Association of Independent Colleges and Universities (NAICU)
Proprietary Institutions of Higher Education	Bradley Adams, South College	Michael Lanouette, Aviation Institute of Maintenance/Centura College/Tidewater Tech
State Attorneys General	Adam Welle, Minnesota Attorney General's Office	Yael Shavit, Office of the Massachusetts Attorney General
State Higher Education Executive Officers, State Authorizing Agencies, and/or State Regulators of Institutions of Higher Education and/or Loan Servicers	Debbie Cochrane, California Bureau of Private Postsecondary Education	David Socolow, New Jersey Higher Education Student Assistance Authority (HESSA)
Students and Student Loan Borrowers	Ernest Ezeugo, Young Invincibles	Carney King, California State Senate
Two-Year Public Institutions of Higher Education	Dr. Anne Kress, Northern Virginia Community College	William S. Durden, Washington State Board for Community and Technical Colleges

<u>Community of Interest</u>	<u>Primary Negotiator</u>	<u>Alternate Negotiator</u>
U.S. Military Service Members, Veterans, or Groups Representing Them	Travis Horr, Iraq and Afghanistan Veterans of America	Barmak Nassirian, Veterans Education Success

**Additional Participants**

Two non-voting advisors provided expertise, shared information, and participated in discussions during the second session. They were David McClintock, Compliance Auditor, McClintock & Associates, P.C., who is a compliance auditor with experience auditing institutions that participate in the Title IV, HEA Programs; and Dr. Adam Looney, David Eccles School of Business at the University of Utah, who is a Labor economist with experience in policy research, accountability, and/or analysis of higher education data.

Dr. Looney, Advisor to the Committee, and Mr. Christopher Bennett, from the Department of Education, both gave presentations to the Committee on the topic of Gainful Employment.

Five non-voting Department Office of General Counsel officials Steve Finley, Donna Mangold, Denise Morelli, Alejandro Reyes, and Ron Sann were present and participated in discussions at various times during Session 2.

**The Agenda**

The second session’s agenda included discussion of the following issues in order of discussion:

- Issue #1: Ability to Benefit
- Issue #2: Standards of Administrative Capability
- Issue #3: Gainful Employment
- Issue #4: Financial Responsibility
- Issue #5: Changes of Ownership and Control in Chance
- Issue #6: Certification Procedures
- Issue #7: Title IV Revenue and Non-Federal Education Assistance Funds - 90/10

**Discussion of Issues**

The Committee discussed the above substantive issues in detail. Discussion of each issue began with the Department reviewing each issue paper and associated proposed solutions and/or questions. Committee members had the opportunity to pose additional questions as well as offer their interests, concerns, and preferences relative to each issue. Temperature checks for tentative agreement were taken, where appropriate, regarding the proposed text

and/or concepts with respect to each issue.

All the issues were discussed during the second session.

### **Public Comment**

The Committee provided opportunity for public comment at the end of each day. Public comment was received virtually on all five days of the session.

### **Next Meeting**

The next meeting will be held virtually March 14-18, 2022.

### **Next Steps**

The facilitators will distribute a draft summary of the second session, and a draft agenda for the third session. In addition, the Department will distribute draft regulatory text related to the issues discussed one week prior to the March session. Any documents or information that members want to share with the Department, or the Committee as a whole, should be sent to the facilitators for subsequent distribution. Additionally, any questions or information requests that members have should be directed to the facilitators. The Committee members should also visit the Department's Institutional and Programmatic Eligibility Committee webpage to review the updated issues papers, proposed regulatory text changes, and other information.

Committee members will communicate with others within their communities of interest to inform and get feedback from them.

### **Attendance**

All the members of the Committee were present for the second session.