

**U.S. Department of Education
Higher Education Opportunity Act
Negotiated Rulemaking
Meeting One Summary**

**Team I – Program Integrity Issues
November 2-6, 2009**

Welcome

Carney McCollough, and Fred Sellers, Negotiators for the Department of Education, and Dan Madzellan, delegated to perform the functions of the Assistant Secretary for Postsecondary Education, welcomed the members of the Negotiated Rulemaking Team and thanked them for agreeing to assist the Department in developing regulations to implement provisions of the Higher Education Opportunity Act (HEOA).

Introductions

All members who were present introduced themselves.

Overview of the Negotiated Rulemaking Process

The facilitators provided an overview of the negotiated rulemaking process. They explained that the Team’s discussions will focus on developing consensus regulatory text for the Department’s proposed rule to implement the HEOA.

Review and Adopt Protocols

Team members discussed and adopted organizational protocols, which will govern the Team’s activities throughout the negotiated rulemaking process.

Membership

The membership of the team was presented. Additions to the committee and Alternates to Primary members were proposed and discussed. The following negotiators on the initial list of nominated members were presented and accepted:

Community of Interest	Primary	Alternate
Students	Rich Williams US PIRG	Angela Peoples USSA
Consumer Advocacy Organizations	Margaret Reiter Consumer Law Attorney	Deanne Loonin National Consumer Law Center
2-year Public Institutions	Richard Heath Anne Arundel CC	Joan Zanders Northern Virginia CC
4-year Public Institutions	Phil Asbury UNC-Chapel Hill	Joe Pettibon Texas A & M University
Private, Nonprofit Institutions	Todd Jones AICUO	Maureen Budetti NAICU
Private, For-Profit Institutions	Elaine Neely Kaplan Higher Education Corp.	David Rhodes School of Visual Arts

College Presidents	Terry Hartle ACE	
Admissions Officers	David Hawkins NACAC	
Business Officers	Susan Williams Mercy College	Anne Gross NACUBO
Financial Aid Administrators	Val Meyers Michigan State University	Joan Berkes NASFAA
Regional/Programmatic Accreditors	Barbara Brittingham Commission on Institutions of Higher Education of the New England Association of Schools and Colleges	Sharon Tanner National League for Nursing Accrediting Commission
National Accreditors	Anthony Mirando NACCAS	
Workforce Development	Jim Simpson Florida State College	
Lending Community Representative	Carol Lindsey Texas Guaranteed Student Loan Corporation	Janet Dodson National Student Loan Program
U.S. Department of Education	Carney McCullough, and Fred Sellers	

The following Primary negotiators were proposed and accepted.

Community of Interest	Primary	Alternate
Test Publishers	Chris Young Wonderlic, Inc.	Dr. David Waldschmidt Wonderlic, Inc.

The following Alternate negotiators were proposed and accepted.

Community of Interest	Alternate
College Presidents	Bob Moran AASCU
Admissions Officers	Amanda Modar NACAC
Regional/Programmatic Accreditors	Ralph Wolff (Second Alternate to Sharon Tanner)
National Accreditors	Michale McComis ACCSC
Workforce Development	Susan Lehr Florida State College

Review Negotiating Agenda of Issues

The Team reviewed and discussed the list of agenda items. The Agenda of Issues was accepted.

Workshop-Style Review of Issues

Team members participated in discussions on each item on the Agenda of Issues listed below.

1. Definition of High School Diploma
2. Ability to Benefit
3. Misrepresentation of Information
4. Incentive Compensation
5. State Authorization
6. Gainful Employment - Informational Presentation Thursday 9:00 am
7. Definition of Credit Hour
8. Agreements Between Institutions of Higher Education
9. Verification - Informational Presentation Wednesday 1:00 pm
10. Satisfactory Academic Progress
11. Retaking Coursework
12. Return of Title IV Funds: Term-based Module Program
13. Return of Title IV Funds: Institutions Taking Attendance
14. Timeliness & Method of Disbursement

Public Comment

An opportunity was provided at the end of each day for the public to provide comment. One member of the public provided comments at the end of the first day.

Logistics

The second session of Team I is scheduled for December 7-11, 2009, with the following schedule:

Monday: 1:00 pm – 5:00 pm

Tuesday to Thursday: 9:00 am – 5:00 pm

Friday: 9:00 am – 12:00 pm

The session will be held at the U.S. Department of Education in the 8th Floor Conference Center located at 1990 K St. NW in Washington, D.C.

Next Steps

Prior to the next meeting, the Department will provide draft regulatory text to the Team that reflect the workshop discussions of this first session. The facilitators will distribute the approved Organizational Protocols, a Team Contact List, Agenda for the second meeting, and Draft Meeting Summary of the first meeting.

Attendance

Present:

Phil Asbury
Joan Berkes
Barbara Brittingham
Maureen Budetti
Janet Dodson
Anne Gross
Terry Hartle
David Hawkins
Richard Heath
Todd Jones
Susan Lehr
Carol Lindsey
Deanne Loonin

Michale McComis
Val Meyers
Anthony Mirando
Amanda Modar
Bob Moran
Elaine Neely
Angela Peoples
Joe Pettibon
Margaret Reiter
David Rhodes
Jim Simpson
Sharon Tanner
David Waldschmidt

Rich Williams
Susan Williams
Ralph Wolff
Chris Young
Joan Zanders
U.S. Department of
Education:
Carney McCullough
Fred Sellers
Facilitators:
Chip Cameron
Albert Palacios
Craig Bagemihl