

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

**Team I – Program Integrity Issues
December 7-11, 2009**

Welcome

Carney McCullough, and Fred Sellers, Negotiators for the Department of Education, and David Bergeron, Acting Deputy Assistant Secretary, 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).

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 Minutes

Team members discussed and adopted minutes of the November 2-6, 2009 meeting.

Membership

The membership of the team was presented. Additions to the committee and Alternates to Primary members were proposed and discussed.

The following negotiators approved at the initial meeting were present (unless otherwise noted):

Non-Federal Negotiators		
Community of Interest	Primary	Alternate
Students	Rich Williams U.S. PIRG	Angela Peoples United States Student Association
Consumer Advocacy Organizations	Margaret Reiter Attorney	Deanne Loonin National Consumer Law Center
2-year Public Institutions	Richard Heath Anne Arundel Community College	Joan Zanders Northern Virginia Community College
4-year Public Institutions	Phil Asbury Univ. of North Carolina - Chapel Hill	Joe Pettibon Texas A & M University
Private, Nonprofit Institutions	Todd Jones Association of Independent Colleges and Universities of Ohio	Maureen Budetti National Association of Independent Colleges and Universities
Private, For-Profit Institutions	Elaine Neely Kaplan Higher Education Corp.	David Rhodes School of Visual Arts
College Presidents	Terry Hartle ACE	Bob Moran American Association of State Colleges and Universities
Admissions Officers	David Hawkins National Association for College Admission Counseling	Amanda Modar National Association for College Admission Counseling
Business Officers	Susan Williams	Anne Gross

	University of Bridgeport	National Association of College and University Business Officers
Financial Aid Administrators	Val Meyers Michigan State University	Joan Berkes National Association of Student Financial Aid Administrators
Regional/Programmatic Accreditors	Barbara Brittingham Commission on Institutions of Higher Education of the New England Association of Schools and Colleges	Sharon Tanner (1 st Alternate) National League for Nursing Accrediting Commission Ralph Wolf (2 nd Alternate) Western Association of Schools and Colleges
National Accreditors	Anthony Mirando National Accrediting Commission of Cosmetology Arts and Sciences	Michale McComis Accrediting Commission of Career Schools and Colleges
Work Force Development	Jim Simpson Florida State College	Susan Lehr Florida State College
Lending Community Representative	Carol Lindsey Texas Guaranteed Student Loan Corp	Janet Dodson National Student Loan Program
Test Publishers	Chris Young Wonderlic, Inc.	Dr. David Waldschmidt Wonderlic, Inc. (Did not attend)
State Higher Education Officials	Dr. Marshall Hill Nebraska Coordinating Commission for Postsecondary Education	Dr. Kathryn Dodge New Hampshire Postsecondary Education Commission

The following Primary and Alternate negotiators not approved at the initial meeting were proposed and accepted.

Community of Interest	Primary	Alternate
State Higher Education Officials	Dr. Marshall Hill, Nebraska Coordinating Commission for Postsecondary Education	Dr. Kathryn Dodge, New Hampshire Postsecondary Education Commission

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. Deleted by Department of Education
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 second day and another member of the public at the end of the fourth day.

Logistics

The third session of Team I is scheduled for January 25-29, 2010, with the following schedule:

Monday: 1:00 pm – 6:00 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 Team I that reflects the workshop discussions of the first two sessions. The facilitators will distribute the approved Team Contact List, Agenda for the third meeting, and Draft Meeting Summary of the second 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
Rich Williams
Susan Williams
Ralph Wolff
Chris Young
Joan Zanders
Marshall Hill
Kathryn Dodge

U.S. Department of Education:

Carney McCullough
Fred Sellers

Facilitators:

Chip Cameron
Craig Bagemihl