

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

**Team I – Program Integrity Issues
January 25 – 29, 2010**

Overview of the Negotiated Rulemaking Process

The facilitators provided an overview of the negotiated rulemaking process. They explained that the Team's discussions for this meeting would focus on developing final consensus on the Department's proposed regulatory text to implement remaining changes resulting from the HEOA and other changes.

Review and Adopt Minutes

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

Review of Issues

Team members participated in discussions on each item on the Agenda of Issues listed below. Following each issue is the final status as agreed to by the negotiators:

1. Definition of High School Diploma (Tentative Agreement)
2. Ability to Benefit (Tentative Agreement)
3. Misrepresentation of Information (Tentative Agreement)
4. Incentive Compensation (No Tentative Agreement)
5. State Authorization – (No Tentative Agreement)
6. Gainful Employment – (No Tentative Agreement)
7. Definition of Credit Hour (Tentative Agreement)
8. Agreements Between Institutions of Higher Education – (Tentative Agreement)
9. Verification – (Tentative Agreement)
10. Satisfactory Academic Progress – (Tentative Agreement)
11. Deleted by Department of Education – (NA) Retaking Coursework (Tentative Agreement)
12. Return of Title IV Funds: Term-based Module Program (No Tentative Agreement)
13. Return of Title IV Funds: Institutions Taking Attendance (No Tentative Agreement)
14. Timeliness & Method of Disbursement (Tentative Agreement)

Public Comment

An opportunity was provided at the end of each day for the public to provide comment. One member of the public commented at the end of the second day and another member of the public commented at the end of the fourth day.

Logistics

The facilitators provided revisions and additions to proposed Department regulatory text from both the Department negotiators and members of the committee.

Next Steps

Pursuant to the Committee Protocols, because tentative agreement was not reached on all issues, the Department has no obligation to adopt the draft language on any issue in its development of the proposed rule. Again, according to Committee Protocols the non-Federal negotiators are under no obligation to refrain from commenting negatively on any proposed rule that the Department issues.

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