

Department of Education convenes "Accreditation and Innovation" negotiated rulemaking committee

11 January 2019

The U.S. Department of Education (ED) will convene a negotiated rulemaking committee in Washington, D.C. 14-16 January 2019 to begin discussions about proposals to revise the ED regulations related to the Title IV federal student financial aid programs. The ED's agenda for the committee, referred to as the "Accreditation and Innovation" committee, and three subcommittees is broad, and the draft regulations that it has released in advance of next week's meeting would make sweeping changes that the ED says are intended to foster innovation in higher education through deregulation. ¹

As indicated in [materials](#) released by the ED, the ED seeks to make significant changes to its regulations related to, among other things

- the ED's interaction with accrediting agencies;
- state authorization of distance education programs;
- the definition of a "credit hour";
- distance and correspondence education, including with respect to "regular and substantive" faculty interaction;
- outsourcing arrangements between institutions and other providers of academic programs; and
- restrictions on religious institutions' participation in the Title IV programs.

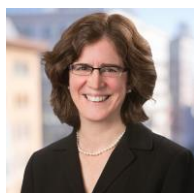
The proceedings are [scheduled](#) to continue in a series of meetings over the next several months. During the first session, the committee is [expected](#) to review and adopt protocols, receive a briefing on the issues identified by the ED, finalize its agenda, and then proceed to discuss each of the agreed-upon issues as time allows. Three subcommittees — the Distance Learning and Educational Innovation subcommittee, the TEACH Grant subcommittee, and the Faith-Based Entities subcommittee — will convene separately later in the week. The full committee hearing is open to the public, and both the full committee and subcommittee meetings will be [live streamed](#).

¹ For more background on some of the topics to be addressed, see [our previous alert](#).

In advance of the meetings, the ED distributed to the negotiators and made available to the public summaries of the ED's initial proposed revisions and draft mark-ups of current regulatory language to show the ED's proposed revisions. Those materials are now available on the [committee's website](#), where additional materials related to the committee's work will be posted over time.

We will be monitoring discussions by and developments related to the negotiated rulemaking committee and subcommittees in the coming weeks and months. Members of the higher education community (including EdTech companies) should remain alert as the rulemaking process continues, as the implications for institutions and service providers could be significant.

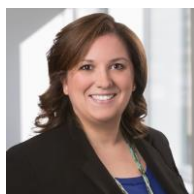
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