



Dept. Of Education Moves Quickly

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Last week, the Department of Education (ED) announced that it will establish up to four negotiated rulemaking (Neg Reg) committees to determine what regulated changes can be made in an effort to incorporate recommendations made by the Secretary's Commission on the Future of Higher Education. The Commission intends to release its final report by mid-September, having voted and approved the third draft report earlier this month. This is according to a report published by Higher Education Washington, Inc.

The negotiated rulemaking process will also develop proposed regulations for the new Academic Competitiveness Grant (ACG) and the National Science and Mathematics Access to Retain Talent (SMART) Grant. One of the four committees will address issues related to the federal student loan programs authorized by Title IV—Parts B, D, and E—of the HEA. In 1994, the ED was required by Congress to use Neg Reg on two specific issues: schoolwide programs and standards and assessment.

If the HEA is reauthorized by the Senate before the rulemaking process completes its first negotiated session, the Department will also include changes to the regulations that may be needed to reflect new laws enacted. There is still higher education legislation pending in Congress.

The Education Department is scheduled to begin sessions in December 2006 in Washington, DC. Check the ED's website for dates and locations of the sessions.

The Department will also hold four public regional hearings. These sessions are open to interested parties who want to discuss the agenda for the negotiated rulemaking sessions. The schedule for these hearings is as follows: September 19, 2006, at the University of California-Berkeley; October 5, 2006, at Loyola University Chicago; November 2, 2006, at the Royal Pacific Hotel Conference Center in Orlando, FL; and November 8, 2006, at the U.S. Department of Education in Washington, DC.

Neg Reg is an attempt to reduce rulemaking time, thereby limiting subsequent legal challenges. Neg Reg was first practiced by the Environmental Protection Agency (EPA) to cut down on confrontations over perceived red tape and excessive bureaucracy.

All Neg Reg is governed by a law based upon Congress' passage of the Negotiated Rulemaking Act of 1990. Among its provisions, the Act restricts the membership on a Neg Reg committee to 25 members, except in certain circumstances.