

MEETING SUMMARY

U.S. Department of Education Negotiated Rulemaking Accreditation Committee III April 24-26, 2007

Welcome

Vickie Schray, Senior Advisor to the Under Secretary, welcomed negotiators to the third session of negotiated rulemaking. Sally Wanner, Program Attorney, Office of the General Counsel, accompanied Ms. Schray at the table.

Review of the Agenda

The committee reviewed the agenda for this session. The committee discussed their assumptions of each issue and the expectations of timeliness and final decision. The Department announced that it is looking to reach consensus on the entire package, which, in accordance with the protocols, would allow the committee to review and comment on the preamble prior to publication of the proposed rules.

Review of the Protocols

The Department reviewed the protocols and reminded non-Federal negotiators of safeguards for members of the negotiating committee, including withdrawal. The Department discussed the non-punitive consequences resulting from this decision.

Discussion of Issues

The negotiators discussed the issues and the language proposed by the Department. The negotiators expressed concurrence or opposition to the proposed language. The intent of the discussion was to build towards a tentative agreement on individual items, and eventual consensus on the entire package. The Department suggested a reordering of the issues for discussion, providing an explanation of the revised sequence. The Department stated that this process is geared toward improving and clarifying existing regulations under existing statutory authority.

The committee reached tentative agreement on five issues:

- Issue #1 – Due process
- Issue #2 – Substantive change
- Issue #8 – Consideration of mission in application of standards
- Issue #10 – Direct assessment programs
- Issue #14 – Agency materials -- Record keeping and confidentiality

The status of the other issues is detailed below:

- Issue #3 – Monitoring – Not yet fully discussed
- Issues #6 and #7 -- Quantitative standards for programs leading to gainful employment and Institutional success with respect to student achievement
 - Dissent by two negotiators

Issue #9 – Transfer of credit and acceptance of credentials – Dissent by one negotiator

Issues #12 and #13 – Recognition procedures and Decision-making authority – Not yet fully discussed

Issue #15 – Providing information to the public – Not yet fully discussed

Meeting Conclusion

This Committee met with the intention of finalizing the discussion, reaching tentative agreement on each issue, and ultimately reaching consensus on the entire package of regulatory language. The committee members made final statements regarding all of the issues covered. The non-Federal negotiators requested additional time for consideration of the outstanding issues. The Department agreed to consider holding a fourth and final session, with the understanding that the non-Federal negotiators would confer among themselves and present alternative language for consideration at that time.