

**U.S. Department of Education
Retrospective Review Plan Report -- January 11, 2016**

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ED	FSA	Use of Prior-Prior Year Tax Data for the Free Application for Federal Student Aid (FAFSA)		FSA and the IRS use the IRS Data Retrieval Tool (DRT), which allows applicants and their parents to access and transfer directly from the IRS the federal tax data required to complete the FAFSA. The calendar gap between the IRS tax return filing requirement (April 15) and the student aid application process (beginning on January 1) makes it difficult for applicants to use the DRT. Under this initiative, ED would allow aid applicants to use tax return data from the second preceding year (prior-prior year) to complete their FAFSA.	New	Oct-16	Yes, many more applicants will be able to use the DRT to complete their FAFSA.	n		Through the Paperwork Reduction Act process, ED will seek public comment on changes to the FAFSA that may be needed to implement these changes.	Recent data show that over 4 million FAFSA applicants are unable to use the DRT because they apply for aid before they have filed their taxes. Others cannot use the DRT because they filed their taxes too recently for their data to be available via the DRT. Using tax return data from the second preceding year (prior-prior year) would eliminate the barriers facing these FAFSA applicants in using the DRT to complete their FAFSA more easily, accurately and timely and, thereby, reduce the burden of verification on institutions of higher education and improper payments.
ED	FSA	Multiyear Certification for Student Loan Income-Driven Repayment (IDR) Plans		In 2014-2015, we found that 57 percent of borrowers failed to recertify on time. Over half of the borrowers that did not recertify on time eventually recertified or continued to make payments, but 31 percent of those who did not recertify on time (18 percent of all borrowers examined) went into a hardship-related forbearance or deferment and 15 percent (8 percent of all borrowers examined) were delinquent six months later. FSA and the IRS would develop a system permitting multi-year recertification for borrowers in IDR plans.	New	TBD	Yes, the process for recertification of eligibility for IDR would be simplified.	n		Through the Paperwork Reduction Act process, ED will seek public comment on information collections necessary to implement these changes.	An electronic multiyear certification process would simplify the repayment process for millions of borrowers in IDR plans and could, in some cases, prevent unnecessary defaults. There would be unquantified costs to developing this system.

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ED	FSA/OUS	Streamlining the Process for Student Loan Discharges Based on a Total and Permanent Disability (TPD) for Certain Borrowers Receiving Social Security Disability Benefits		Beginning in 2016, ED and the Social Security Administration (SSA) will conduct a data match on a quarterly basis to determine whether there are Federal student loan borrowers who are potentially eligible to have their loans discharged on the basis of TPD. Once a borrower who is receiving SSI or SSDI disability payments is identified as having a disability status of Medical Improvement Not Expected (MINE) from SSA, ED will send the borrower a discharge application and information about the discharge possibility and process. ED will accept SSA's Award Notice with a MINE designation as evidence of TPD, rather than requiring a physician's certification.	Ongoing	2016	Yes, through this initiative, ED will streamline the TPD loan discharge process for certain borrowers receiving SSI or SSDI disability payments.	n		Informal feedback from borrowers as the changes are implemented.	These changes will significantly reduce the burden on certain borrowers who may qualify for loan discharge based on TPD and may lower rates of default.
ED	OCFO	Education Department Acquisition Regulations (EDAR)	1890-AA18	These amendments would modify EDAR in order to update the regulations to accurately implement the current Federal Acquisition Regulations (FAR) and ED policies.	Ongoing	Nov-16	No.	n		Informal feedback from regulated parties as the regulations are implemented.	We do not anticipate an increase in burden as a result of these amendments.

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ED	OCFO	Adoption of Government wide Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards	1890-AA19	These regulations adopt OMB's revised government wide Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal awards to non-Federal entities. The amendments also remove a number of obsolete regulations for grant programs that are no longer authorized.	Completed	11/2/2015 (80 FR 67621)	Yes, regarding indirect cost rates for non-Federal entities.	n		ED published an interim final rule in the Federal Register on December 19, 2014 (79 FR 75871), soliciting public comment on the regulations.	The Uniform Guidance (UG) is expected to reduce burden by increasing the audit threshold from \$500,000 to \$750,000, permitting certain non-Federal entities to use the de minimis indirect cost rate, and increasing flexibility. OMB has established five metrics to determine whether the UG reduces burden, as follows: the number of forms approved under the PRA; the number of exemptions from the UG granted by OMB; the number of exceptions from approved indirect cost rates; the number of extensions of indirect cost rates; and the number of fixed amount awards made by Federal agencies.
ED	OCTAE	Workforce Innovation and Opportunity Act (WIOA) -- Adult Education and Family Literacy Act	1830-AA22	These regulations will implement changes to the Adult Education and Family Literacy Act resulting from the enactment of WIOA and remove a number of obsolete regulations.	Ongoing	Jun-16	No.	n		ED published a Notice of Proposed Rulemaking in the Federal Register on April 16, 2015 (80 FR 20967), soliciting public comment on the proposed regulations.	Estimates of the costs and benefits of these proposed regulations were set forth in the NPRM and will be revised, as appropriate, in the final regulations.

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ED/DOL	OCTAE/ OSERS	WIOA-Joint Rule for Combined and Unified State Plans, Performance Accountability, and the One-Stop System Joint Provisions	1830-AA21	These joint regulations from ED and Department of Labor will implement the provisions of WIOA regarding combined and unified State plans, performance accountability, and One-Stop systems.	Ongoing	Jun-16	No.	n		ED and DOL published a Notice of Proposed Rulemaking in the Federal Register on April 16, 2015 (80 FR 20573), soliciting public comment on the proposed regulations.	Estimates of the costs and benefits of these proposed regulations were set forth in the NPRM and will be revised, as appropriate, in the final regulations.
ED	OESE	Clarification of supplement-not-supplant requirements under Title I of the Elementary and Secondary Education Act of 1965 (ESEA)		ED issued guidance for schoolwide programs under Title I of the ESEA. This guidance highlights specific advantages and flexibilities in schoolwide programs, and in particular clarifies a key supplement-not-supplant provision. Under the ESEA and the Title I regulations, a local educational agency (LEA) may exclude from supplanting determinations supplemental non-Federal funds expended in any school for programs that meet the intent and purposes of Title I. We clarified that this exclusion applies even if the activity is required by State or local law, which will provide greater flexibility to LEAs in meeting the requirement.	Completed	Jul-15	Yes, increased flexibility for LEAs.	n		Informal feedback from regulated parties.	The flexibility outlined in this guidance should reduce burden on LEAs in meeting the supplement-not-supplant requirements under the ESEA.

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ED	OESE	ESEA -- Modified Academic Achievement Standards	1810-AB16	These regulations under title I, part A of the ESEA will no longer permit States to define modified academic achievement standards and develop alternate assessments for students with disabilities based on those modified academic achievement standards in order to satisfy ESEA accountability requirements.	Completed	8/21/2015 (80 FR 50773)	No.	n		ED received comments on these regulations in December 2013.	We do not anticipate any increase in burden as a result of the amendments.
ED	OESE	Impact Aid Program	1810-AB24	The purpose of this regulatory action is to update the current regulations in response to statutory changes and related issues that have arisen, as many of the regulations for this section have not been updated since 1995; to improve clarity and transparency regarding Federal program operations; and to improve the LEA's application processes to generate a more accurate data collection, which will facilitate more timely Impact Aid payments.	New	Jun-16	Yes, certain flexibilities for States.	n		ED published a notice of proposed rulemaking in the Federal Register on December 30, 2015 (80 FR 81477) soliciting public comment on the proposed amendments.	We expect there to be a reduction in burden as a result of these amendments.

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ED	OPE	Borrower Defense -- Regulations		On October 20, 2015, we published a notice in the Federal Register (80 FR 63478) announcing our intention to establish a negotiated rulemaking committee to address for loans made under the William D. Ford Federal Direct Loan Program: (1) The procedures to be used for a borrower to establish a defense to repayment; (2) the criteria that ED will use to identify acts or omissions of an institution that constitute defenses to repayment of Direct Loans, including the creation of a Federal standard; (3) the standards and procedures that ED will use to determine the liability of the institution for amounts based on borrower defenses; (4) the effect of borrower defenses on institutional capability assessments; and (5) other loan discharges.	New	1-Nov-16	TBD	n		ED held two public hearings in September 2015 soliciting comment on issues to be included in the negotiations. ED will begin negotiated rulemaking on proposed regulations in January 2016.	Estimates of the costs and benefits of these proposed regulations will be provided in the notice of proposed rulemaking (NPRM).
ED	OPE	Borrower Defense - Streamlined Claims Process	1845-0132	On June 8, 2015, ED announced several steps it is taking to assist students in obtaining debt relief as a result of fraudulent actions taken by career colleges, in particular, students who attended schools owned by Corinthian Colleges, Inc. As part of this initiative, ED has created a streamlined process by which students who attended schools owned by Corinthian can apply for a discharge of their loans.	Ongoing	Ongoing: Currently active collection concluded by OIRA 6/16/2015.	Yes, as part of this initiative, ED has created a streamlined process by which students who attended schools owned by Corinthian can apply for a discharge of their loans.	n		Through the Paperwork Reduction Act process, ED requested public comment on the forms that borrowers, including students who attended Corinthian schools, may use to obtain debt relief. We will continue to engage with all stakeholders in connection with these efforts.	ED anticipates currently unquantified burden reduction from use of the streamlined process for Corinthian students because students will only have to complete a short attestation rather than compile and submit multiple materials to support their claims.

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ED	OPE	Experimental Sites Initiative (ESI) under the Higher Education Act of 1965, as amended (HEA)	N/A	Under the ESI, the Secretary has authority to grant waivers from certain title IV, HEA statutory or regulatory requirements to allow a limited number of institutions to participate in experiments to test alternative methods for administering the title IV, HEA programs.	Ongoing	Ongoing	Yes, under the ESI, ED may grant waivers of certain statutory and regulatory requirements.	y	Participating institutions may be required to use experimental designs for purposes of evaluation.	Ongoing work with schools participating in the current experiments and evaluation of the experiments by school officials and ED staff.	The benefits will be increased knowledge of whether proposed innovative practices designed to improve the administration of the title IV, HEA programs and student outcomes are effective.
ED	OPE	Title III and Title V of the HEA	1840-AD08	These regulations will implement statutory changes made to titles III and V of the HEA in recent reauthorization legislation. They will update and clarify existing program regulations and create regulations for newly established programs.	Ongoing	TBD	TBD	n		ED will publish a Notice of Proposed Rulemaking soliciting public comment on the proposed regulations.	Estimates of the costs and benefits of these proposed regulations will be provided in the NPRM.
ED	OPE	Title IV of the HEA – Gainful Employment Programs	1840-AD15	Implementation of regulations establishing standards under title IV of the HEA for programs that prepare students for gainful employment in a recognized occupation.	Ongoing	N/A	Yes, transition period, sunset provisions, and delayed effective date for certain provisions.	n		ED is conducting focus groups on the disclosure template institutions will need to use under the regulations.	Estimates of the costs and benefits of these regulations were set forth in the final regulations.

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ED	OPE	Revised Pay As You Earn	1840-AD18	These regulations will allow additional borrowers of Direct Loans to cap their Federal student loan payments at 10 percent of their income; revise the rules governing how certain military servicemembers can receive the benefit of the interest rate cap provided by the Servicemembers Civil Relief Act; streamline and enhance existing processes under the FFEL and Direct Loan Program regulations; expand the circumstances under which an institution may challenge or appeal a draft or final cohort default rate based on the institution's participation rate index; and allow lump sum payments made through student loan repayment programs administered by the Department of Defense to count as qualifying payments for purpose of the Public Service Loan Forgiveness Program.	Completed	10/30/2015 (80 FR 67203)	Yes, the final regulations include streamlining measures and flexibilities.	n		ED completed negotiations of these proposed regulations in April 2015. The negotiating committee reached consensus on the proposed regulations. ED published a Notice of Proposed Rulemaking in the Federal Register on July 9, 2015 (80 FR 39607), soliciting public comment on the proposed regulations.	Estimates of the costs and benefits of these regulations were set forth in the final regulations published on October 30, 2015.
ED	OPE	Title IV, HEA – Program Integrity and Improvement	1840-AD14	These regulations address issues affecting program integrity and improvement under title IV of the HEA, including cash management of funds provided under the title IV Federal Student Aid programs, treatment of previously-passed coursework, and clock-to-credit hour conversion.	Completed	10/30/2015 (80 FR 67125)	Yes, streamlined requirements for converting clock hours to credit hours.	n		ED published a Notice of Proposed Rulemaking in the Federal Register on May 18, 2015 (80 FR 28483), soliciting comments on the proposed regulations.	Estimates of the costs and benefits of these regulations were set forth in the final regulations published on October 30, 2015.

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ED	OS	Open Licensing Requirement for Direct Grant Programs	1894-AA07	These regulations would amend 2 CFR part 3474 in order to require that all Department grantees awarded direct grant funds openly license to the public all copyrightable intellectual property created with Department grant funds.	New	Apr-16	No.	n		On November 3, 2015, ED published a Notice of Proposed Rulemaking in the Federal Register (80 FR 67672) soliciting public comment on these proposed regulations.	The proposed regulations would result in significant benefits by allowing stakeholders to more easily access resources that are created by ED's many competitive discretionary grant programs. The proposed regulations would broaden the impact of ED's investments, enabling broader and more effective dissemination of grant-funded works to the public. ED stakeholders, such as LEAs, SEAs, IHEs, students, and others beyond direct grant recipients would be able to freely use and access the technology and high-quality materials, promoting equity and especially benefiting resource-poor stakeholders.
ED	OSERS	Significant Disproportionality under Part B of the Individuals with Disabilities Education Act (IDEA)	1820-AB73	These proposed regulations would establish a standard methodology for States to use in determining significant disproportionality, clarify the remedies required to address significant disproportionality, and extend comprehensive coordinated early intervening services to students, age 3 through grade 12, with and without disabilities.	Ongoing	Oct-16	TBD	n		ED will publish a Notice of Proposed Rulemaking soliciting comment on the proposed regulations in January 2016.	The costs and benefits of the proposed regulations will be set forth in the Notice of Proposed Rulemaking.
ED	OSERS	WIOA -- Rehabilitation Act of 1973	1820-AB70	These regulations will implement changes to the Rehabilitation Act of 1973 made by WIOA affecting the State Vocational Rehabilitation Services and the State Supported Employment Services programs. These regulations also will implement provisions of new section 511, which was added by WIOA, that are under the purview of the Department.	Ongoing	Jun-16	No.	n		ED published a Notice of Proposed Rulemaking in the Federal Register on April 16, 2015 (80 FR 21059), soliciting public comment on the proposed regulations. ED also held two public meetings on the proposed regulations (see 80 FR 22661).	Estimates of the costs and benefits of these proposed regulations were set forth in the NPRM and will be revised, as appropriate, in the final regulations.

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ED	OSERS	WIOA -- Miscellaneous Program Changes	1820-AB71	These regulations will implement changes made by WIOA to programs administered by the Rehabilitation Services Administration and will remove several obsolete regulations.	Ongoing	Jun-16	No.	n		ED published a Notice of Proposed Rulemaking in the Federal Register on April 16, 2015 (80 FR 20988), soliciting public comment on the proposed regulations. ED engaged in tribal consultation, including hosting a webinar on June 9, 2015.	Estimates of the costs and benefits of these proposed regulations were set forth in the NPRM and will be revised, as appropriate, in the final regulations.