

**U.S. Department of Education
Higher Education Act
2013 Gainful Employment Negotiated Rulemaking Committee**

**Meeting Summary
September 9 - 11, 2013**

Welcome

Mr. Jeff Appel, Deputy Under Secretary of the Department, welcomed the members of the Gainful Employment Negotiating Committee and thanked them for agreeing to assist the Department in developing proposed regulations to address gainful employment issues.

Introductions

All members in attendance introduced themselves.

Overview of the Negotiated Rulemaking Process

The facilitators provided an overview of the negotiated rulemaking process. They explained that the Committee's discussions would focus on developing consensus regulatory text for the Department's proposed rule on gainful employment.

Review and Adopt Minutes

This was the initial meeting of this Negotiating Committee, so there were no minutes from a previous meeting.

Organizational Protocols and Membership

The members of the Committee discussed and approved the draft Organizational Protocols. The membership of the Committee, primaries and alternates, was discussed. Nominations for additions to the committee were made from those in attendance from the public. There was not a consensus on adding the nominated individuals to the Committee. The membership of the 2103 Gainful Employment Negotiated Rulemaking Committee is:

2013 Gainful Employment Negotiated Rulemaking Committee		
Facilitator		
	Chip Cameron	Charles Pou
Federal Negotiator		
U.S. Department of Education	John Kolotos U.S. Department of Education	

Non-Federal Negotiators		
Community of Interest	Primary	Alternate
Students	Rory O’Sullivan, Policy and Research Director, Young Invincibles	Kalwis Lo, Legislative Director, United States Student Association
Legal assistance organizations that represent students	Eileen Connor, Senior Staff Attorney, Special Litigation Unit, New York Legal Assistance Group	Whitney Barkley, Staff Attorney, Mississippi Center for Justice
Consumer advocacy organizations	Margaret Reiter	Tom Tarantino, Chief Policy Officer, Iraq and Afghanistan Veterans of America
Financial aid administrators	Kevin Jensen, Financial Aid Director, College of Western Idaho	Rhonda Mohr, Student Financial Aid Specialist, California Community Colleges Chancellor’s Office
State higher education executive officers	Jack Warner, Executive Director and CEO, South Dakota Board of Regents	Sandra Kinney, Vice President of Institutional Research and Planning, Louisiana Community and Technical College System
State attorneys general and other appropriate State officials	Della Justice, Special Assistant Attorney General, Kentucky Attorney General	Libby DeBlasio, Assistant Attorney General, Colorado Department of Law, Consumer Protection Section, Consumer Fraud Unit
Business and industry	Ted Daywalt, CEO and President, VetJobs	Thomas Kriger, Research Director, Building and Construction Trades Department, AFL-CIO, Director, Standing Committee on Apprenticeship and Training
Minority serving institutions	Helga Greenfield, Associate Vice President for College Relations and Director of Title III and Government Relations, Spelman College	Ronnie Higgs, Vice President, Student Affairs and Enrollment Services at California State University, Monterey Bay

Two-year public institutions	Richard Heath, Financial Aid Director, Anne Arundel Community College	Glen Gabert, President, Hudson County Community College
Four-year public institutions	Barmak Nassirian, Director of Federal Policy Analysis, American Association of State Colleges and Universities	Barbara Hoblitzell, Associate Director, Student Financial Support, University of California Office of the President
Private, non-profit institutions	Jenny Rickard, Vice President for Enrollment, University of Puget Sound	Thomas Dalton, Assistant Vice President for Enrollment Management, Excelsior College
Private, for-profit institutions—publicly traded	Brian Jones, General Counsel, Strayer University	Raymond Testa, Vice President of Government Affairs & Compliance, Empire Education Group
Private, for-profit institutions-- not publicly traded	Marc Jerome, Board Member, Association of Proprietary Colleges in New York and Executive Vice President, Monroe College	Justin Berkowitz, Vice President of Operations, Daytona College
Accrediting agencies	Belle Wheelan, President, Southern Association of Colleges and Schools Commission on Colleges	Neil Harvison, Chair, Association of Specialized and Professional Accreditors, Chief Academic and Scientific Affairs Officer of the American Occupational Therapy Association

Review Negotiating Agenda of Issues

The Committee discussed the agenda for the meeting. The Committee agreed that the discussion of issues would begin with the draft regulatory text that was circulated by the Department before the meeting.

Public Comment

Several opportunities were provided for the public to provide comment. No comments were received from the public at the end of Day 1. Comments from the public were received at the end of the second and the third days of the meeting.

Next Steps

The Non-Federal Negotiators formed several informal Working Groups on the following issues:

- Repayment rates
- Placement rates
- Transition period
- Cohort default rates
- Upfront program eligibility
- Student consequences

Opportunity to Improve??

Prior to the next meeting, the Department will review the proposals from the Working Groups, as well as proposals from other Negotiators, and will provide draft regulatory text to the Committee.