



## Agency Priority Goal (APG) Action Plan

# Provide Regulatory Relief to Education Stakeholders

**APG Goal Leader:** Robert Eitel, Senior Counselor to Secretary

**APG Deputy Goal Leader:** Hilary Malawer, Deputy General Counsel

# Overview

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## Goal Statement

- By September 30, 2019, the Department will reduce the regulatory burden on education stakeholders by submitting to OMB no fewer than 25 deregulatory actions (against a baseline of zero (0) for FY 2015 and 2016).

## Challenge

- The Department intends to reduce regulatory burden on stakeholders through review, rescission, and modification of outdated, burdensome regulations, information collections, and guidance.

## Opportunity

- Overly burdensome regulatory requirements can adversely affect the nation's ability to prepare students for the opportunities and challenges of the 21<sup>st</sup> century.
- Reducing regulatory burden, including financial costs, on States, school districts, and schools, as well as other stakeholders, will help empower students, their parents, and local communities to achieve their educational and career goals.

# Leadership

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Core Team: Regulatory Reform Task Force (RRTF), comprised of senior career and political leadership across the Department and led by the Regulatory Reform Officer and Regulatory Policy Officer. The Goal Leader (Robert Eitel) and Deputy Goal Leader (Hilary Malawer) serve as co-chairs of the RRTF.

# Goal Structure & Strategies

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The goal is a two-year goal covering FY 2018 and FY 2019.

The goal will be achieved through a comprehensive review of the Department's regulations, guidance, and information collections to identify those that are overly burdensome, inconsistent with Administration priorities, unnecessary, outdated or ineffective. Based on that review, the Department will determine whether such regulations, guidance, or information collections need to be modified or rescinded and will then take appropriate action consistent with applicable law.

For FY 2018, the Department submitted 24 deregulatory actions to OMB.

For FY 2019, the Department intended to submit no fewer than 3 deregulatory actions to OMB.

Following submission of such actions to OMB, completion of review by OMB, and any applicable public comment periods, the Department publishes such deregulatory actions.

# Summary of Progress – FY 2019 Q4

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- During the 4th quarter of FY 2019, the Department continued progress on its challenging regulatory agenda, including progress on some milestones that are not captured by the metrics. For instance, on July 15, the Department submitted two notices of proposed rulemaking, one on TEACH Grants and Title IV Faith-Based Entities and the other on Eligibility of Faith-Based Entities, to OMB for review.
- During FY 2019, the Department modified or discontinued 10 information collection requests, which resulted in approximately \$3.6M in cost savings related to the time/burden it takes state agencies, local education agencies, institutions of higher education, etc. to complete information collection requests.
- On September 6, the Department submitted final regulations on Accreditation and Related Issues to OMB for review. Development of these final regulations was the result of complex work on a short timeline, following consensus at negotiated rulemaking earlier this year. The Department published these final regulations in the Federal Register on November 1, 2019.
- On September 23, the Department published final borrower defense to repayment (institutional accountability) regulations in the Federal Register. These final regulations revise the Federal standard and process for adjudicating borrower defenses to repayment claims for Federal student loans first disbursed on or after July 1, 2020. The regulations provide for actions the Secretary may take to collect from schools the amount of financial loss due to successful borrower defense to repayment loan discharges.

# Summary of Progress – FY 2018 through FY 2019

- The Regulatory Reform Task Force (RRTF), which includes a wide cross section of the Department's senior leaders, was established under Executive Order 13777, to review and reduce regulatory inefficiencies. The 2018 Regulatory Reform Task Force [Report](#) was published December 21, 2018.
- The Department established cross-office workgroups in response to RRTF recommendations on topics such as evaluating the Education Department General Administrative Regulations (EDGAR) regulations and reducing paperwork burden.
- During FY 2018 through FY 2019, the Department submitted to OMB and issued regulatory actions, including:
  - [Programs and Activities Authorized by the Adult Education and Family Literacy Act](#) (Title II of the Workforce Innovation and Opportunity Act);
  - [Program Regulations Superseded by Reauthorizations of the Perkins Act](#);
  - [Teacher Quality Enhancement Grants Program](#);
  - [Preparing Tomorrow's Teachers to Use Technology \(PTE\) Program](#);
  - [Program Integrity: Gainful Employment](#); and
  - [Borrower Defense \(Institutional Accountability\)](#).
- The Department will continue to regulate and deregulate consistent with the actions in the Unified Agenda, and to evaluate potential future deregulatory actions through RRTF and workgroup meetings.

## **The Department achieved this APG.**

- By September 30, 2019, the Department proposed to reduce the regulatory burden on education stakeholders by submitting to OMB no fewer than 25 deregulatory actions. The Department surpassed this target and submitted 40 deregulatory actions to OMB from FY 2018 through FY 2019.

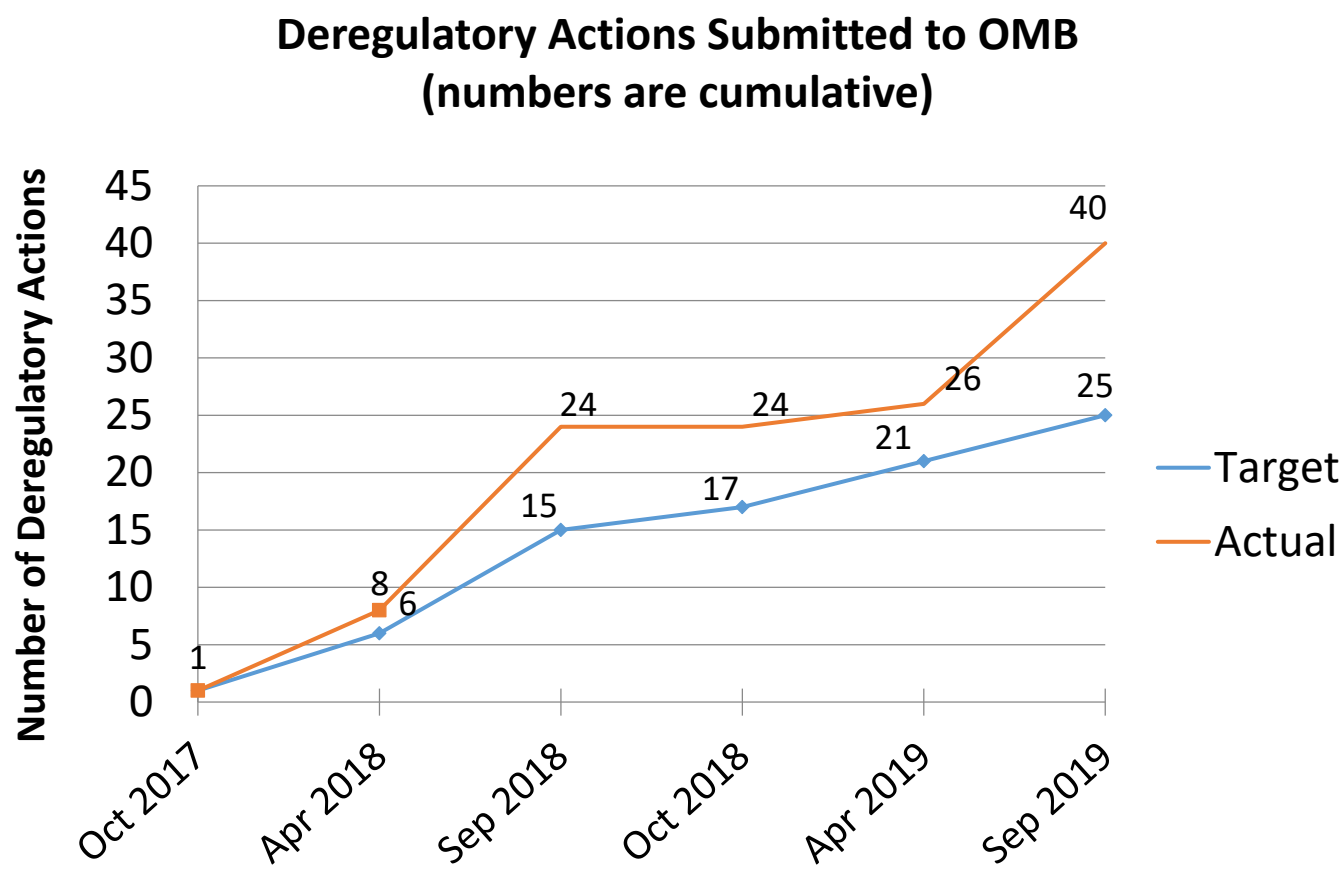
# Key Milestones

Milestone Summary					
Key Milestone*	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Comments
Publication of Spring 2018 Unified Agenda	May 2018	Complete			The <a href="#">report</a> was published May 9, 2018.
Publication of Fall 2018 Unified Agenda and Regulatory Plan	Nov 2018	Complete			The <a href="#">report</a> was published October 17, 2018.
Submission of Regulatory Review Task Force (RRTF) Report to Secretary	Nov 2018	Complete			The <a href="#">report</a> was published December 21, 2018.
Publication of Spring 2019 Unified Agenda	May 2019	Complete			The <a href="#">agenda</a> was published in May 2019.
Submission of RRTF Report to Secretary	Nov 2019	On-Track			
Publication of Fall 2019 Unified Agenda and Regulatory Plan	Dec 2019	On-Track			

\* Key Milestone “Submission of RRTF Report to Secretary” with target date of April/May 2019 previously included in FY 2018 APG Action Plans has been removed; this report will now be submitted on an annual basis.

# Key Indicators

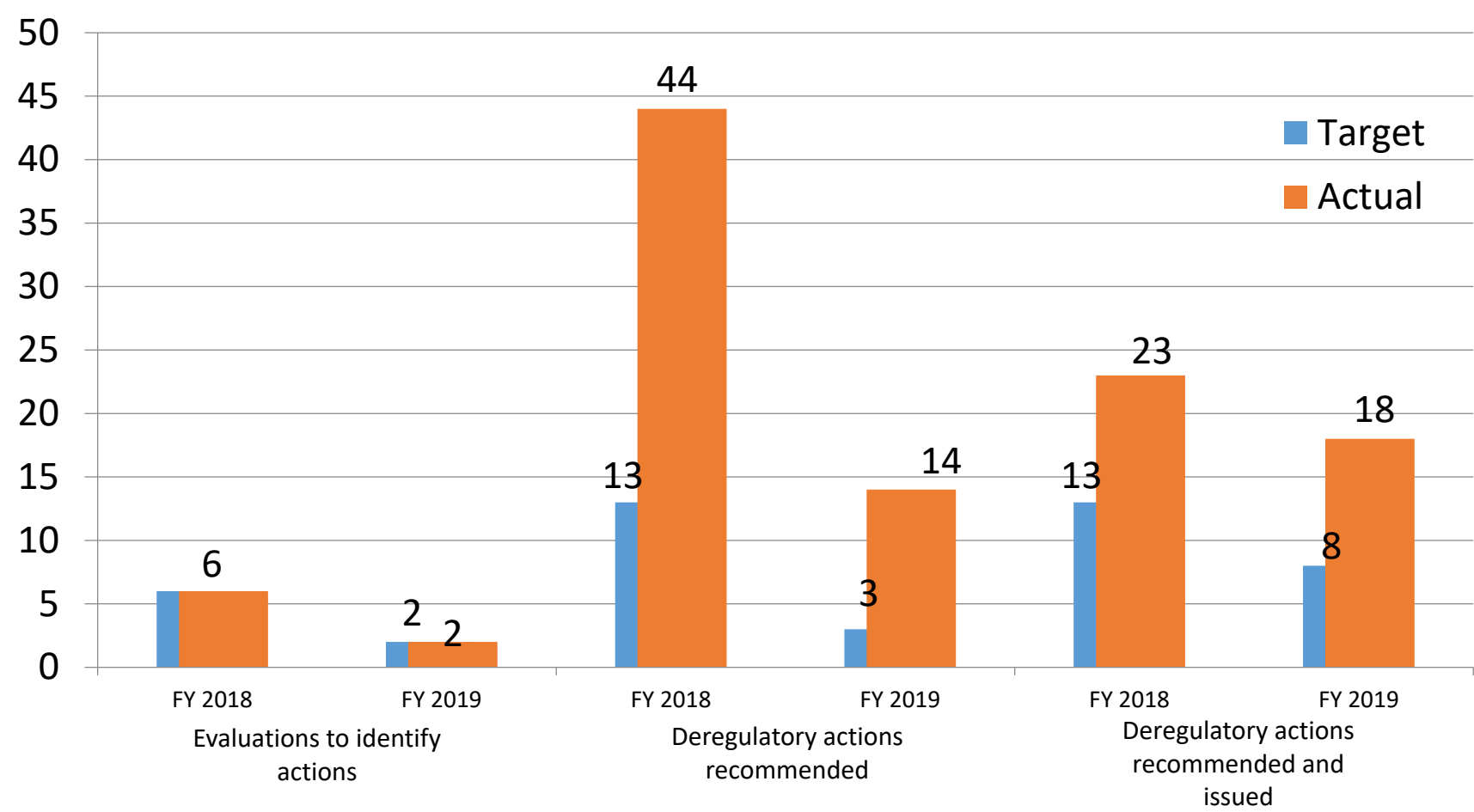
The graph below represents the performance targets that the Department measured progress against in FY 2018 and FY 2019.





# Key Indicators

The graph below represents the performance targets and progress in FY 2018 and FY 2019.\*



\*In FY 2019, the Department consolidated metrics on significant deregulatory actions sent to OMB with requests for significance determinations into a single metric tracking the total deregulatory actions submitted to OMB. See slide 7.

# Data Accuracy and Reliability

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Submissions to OMB are available on [reginfo.gov](https://reginfo.gov) or through electronic communications with OMB. The Department does not anticipate any data reliability concerns or other limitations.

# Additional Information

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## Contributing Programs

All offices within the Department supported this APG as it is directly related to Strategic Goal 4 and Strategic Objective 4.1. The Department collaborated with OMB on the submissions and review of deregulatory actions.

## Stakeholder / Congressional Consultations

In addition to the Department-wide *Federal Register* notice seeking public comment, several Principal Offices have asked for the views of the stakeholders especially relevant to their offices in a variety of ways. Of note, we recently sought the views of stakeholders through the negotiated rulemaking process for numerous higher education issues, including accreditation, State authorization, distance learning and educational innovation, participation by faith-based educational entities, and TEACH grants. We reached consensus on all of the issues negotiated.

Additionally, the Department conducted Congressional consultation as part of the development of its FY 2018-22 Strategic Plan and the FY 2018-19 APGs.