



Agency Priority Goal (APG) Action Plan

Regulatory Reform

APG Goal Co-Leaders: Robert Eitel, Senior Counselor to Secretary
Hilary Malawer, Deputy General Counsel

Overview

Goal Statement

Impact Statement

Provide regulatory relief to education stakeholders as necessary and appropriate.

Achievement Statement

By September 2021, the Department will provide regulatory relief for education stakeholders by taking no fewer than eight deregulatory actions, which includes reduction in paperwork burden.

Challenge

The Department has a very busy regulatory agenda, with limited resources to complete the rulemakings. To mitigate this, we will need to be strategic in our timelines and allocation of resources.

In addition, COVID-19 presented challenges to the Department's planned regulatory agenda. ED and Office of Management and Budget (OMB) resources that would have been devoted to rulemaking and deregulatory efforts were significantly diverted toward disseminating \$30 billion allocated under the CARES Act to states, students, institutions of higher education, and other entities.

Opportunity

Overly burdensome, outdated, or ineffective regulatory requirements can adversely affect the nation's ability to prepare students for the opportunities and challenges of the 21st century.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 and help students to achieve their education and career goals.

Leadership & Implementation Team

The Department made structural changes and improvements to its regulatory reform task force (RRTF). The RRTF now consists of a working group (which will be the initial vetting unit for regulatory and deregulatory actions as well as modifications or rescissions of important guidance) and a leadership council (to which the working group will present recommendations for decision-making).

Hilary Malawer,
Chair

**Regulatory Reform
Task Force Working
Group**



Robert Eitel,
Hilary Malawer,
Reed Rubinstein,
Jim Blew

**Regulatory Reform
Task Force
Leadership Council**

Goal Structure & Strategies

The goal is a two-year Agency Priority Goal (APG) covering FY 2020 and FY 2021.

- 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, including Executive Order 13891.
- Following submission of such actions to OMB, completions of review by OMB, and any applicable public comment periods, the Department will publish such deregulatory actions to take the appropriate action with respect to the identified items.

Summary of Progress – FY 2020 Q4

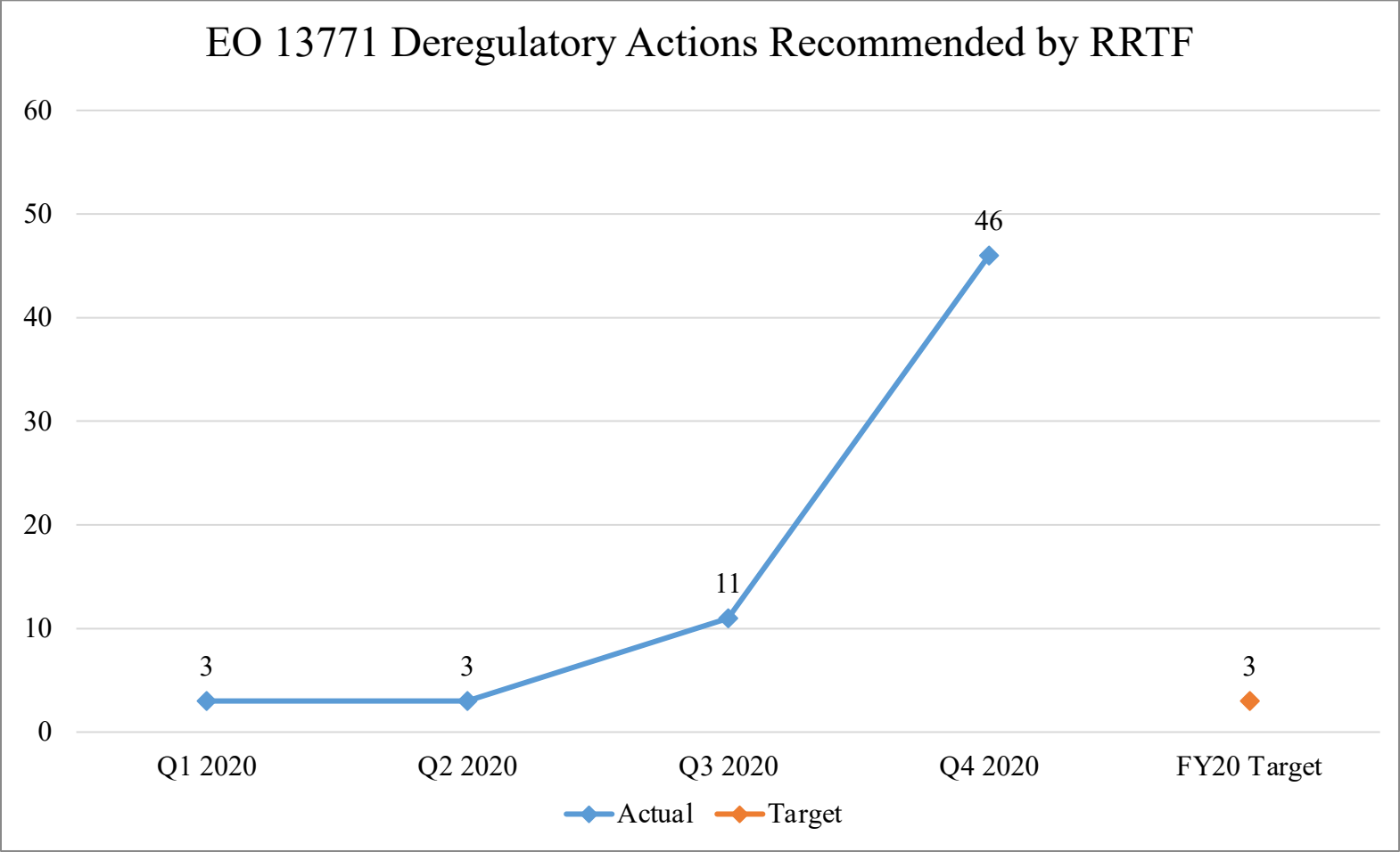
- On August 31, 2020, the Department published a notice, [Notice of the Rescission of Outdated Guidance Documents](#), in the Federal Register of outdated guidance being rescinded in connection with the Department's implementation of Executive Order 13891 (85 FR 54148). This notice was the result of significant work by the Regulatory Reform Task Force and various principal operating components.
- On October 5, 2020, the Department published its interim final rule on [Rulemaking and Guidance Procedures \(85 FR 62597\)](#). This rule, promulgated in part to implement Executive Order 13891 sets for the processes the Department will follow when engaging in rulemaking or issuing guidance. The rule requires the Regulatory Reform Task Force's involvement in future rulemaking or issuance of significant guidance.
- On September 2, 2020, the Department published the final [Distance Education and Innovation](#) rules in the Federal Register (85 FR 54742). These final regulations were the result of a complex negotiated rulemaking process regarding numerous significant issues on which we reached consensus.
- On September 23, 2020, the Department published the final [Free Inquiry regulations](#) in the Federal Register (85 FR 59916). Although these final regulations were a regulatory (as opposed to deregulatory) action, they represented the completion of an important policy goal for the Department.
- Despite the challenges posed by the COVID-19 pandemic, the Office of the General Council (OGC) met or exceeded all of the metrics for FY 2020. In addition, the Department is now moving forward with submitting or preparing to submit additional regulatory packages listed on its Unified Agenda to the Office of Management and Budget, including the Education Department General Administrative Regulations notice of proposed rulemaking, Total and Permanent Disability Discharge final rule, and Pell final rule.

Key Milestones

Milestone Summary				
Key Milestone	Milestone Due Date	Milestone Status	Owner	Comments
Publication of Fall 2019 Unified Agenda	Nov 2019	Completed	Hilary Malawer	
Submission of Regulatory Reform Taskforce Report to the Secretary	Jan 2020	Completed	Hilary Malawer	
Publication of Spring 2020 Unified Agenda	May 2020	Completed	Hilary Malawer	The Spring 2020 Unified Agenda was published on June 30, 2020.
Publication of Fall 2020 Unified Agenda	Nov 2020		Hilary Malawer	
Submission of Regulatory Reform Taskforce Report to the Secretary	Jan 2021		Hilary Malawer	
Publication of Spring 2021 Unified Agenda	May 2021		Hilary Malawer	

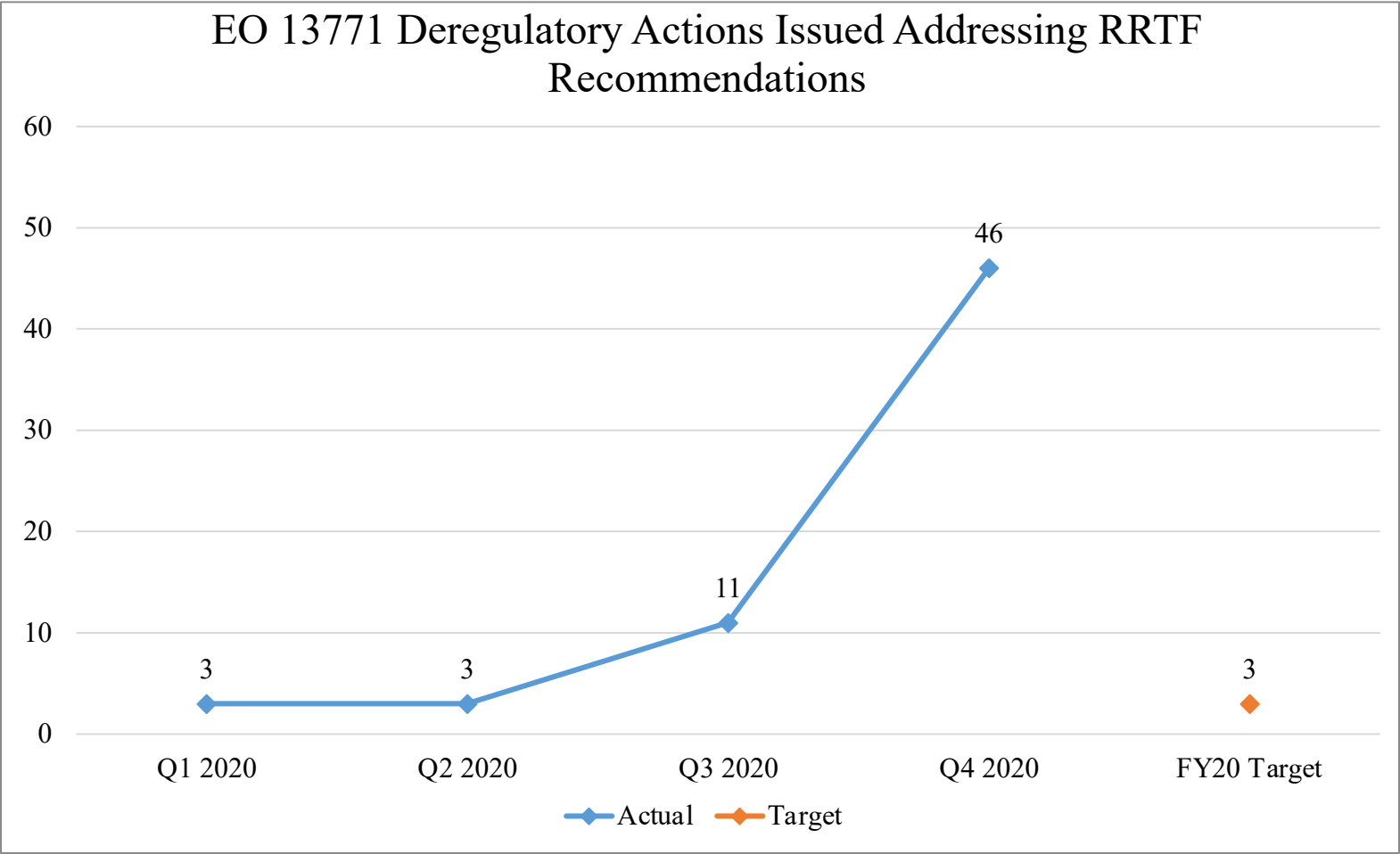
Key Milestones and Indicators

The graph below represents performance targets that the Department is measuring progress against in FY 2020. It shows cumulative actuals by quarter.



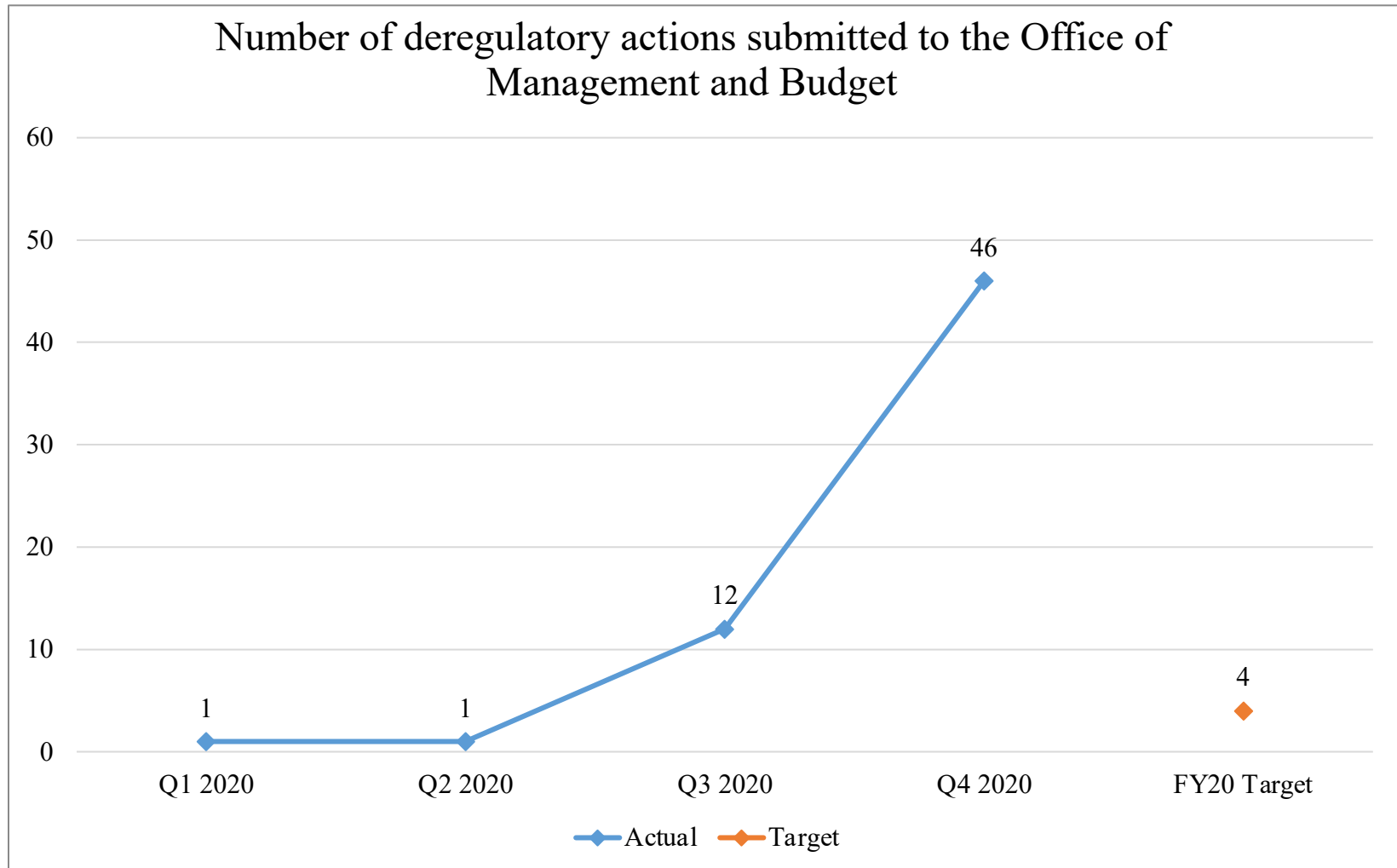
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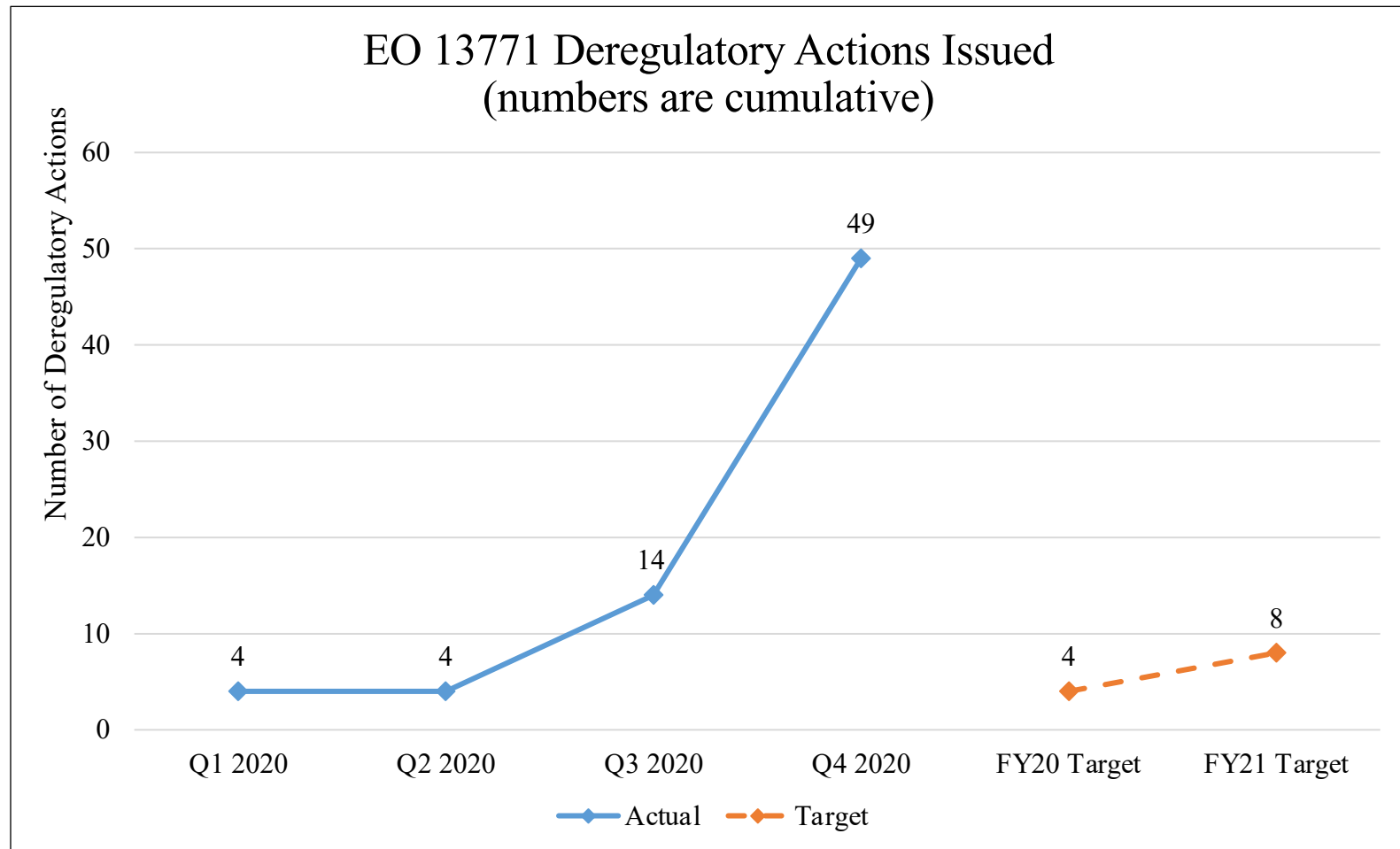
Key Milestones and Indicators

The graph below represents performance targets that the Department is measuring progress against in FY 2020. It shows cumulative actuals by quarter.



Key Milestone and Key Indicators

The graph below represents performance targets that the Department is measuring progress against in FY 2020 and FY 2021. It shows cumulative actuals by quarter.



Data Accuracy and Reliability

The Division of Regulatory Services monitors the data and verifies numbers. The Office of the General Counsel's Deputy General Counsel verifies the data are accurate.

Additional Information

Contributing Programs

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

Stakeholder / Congressional Consultations

The Department conducted congressional consultation as part of the development of the *U.S. Department of Education's Strategic Plan for Fiscal Years 2018-22*, the FY 2018-19 APGs, and the FY 2020-21 APGS.