



**Agency Priority Goal (APG) Action Plan**

# Regulatory Reform

**APG Goal Leader(s):**

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

# Overview

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## **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. In addition, the Office of Management and Budget (OMB) also has limited resources. 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 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Overly burdensome, outdated, or ineffective regulatory requirements can adversely affect the nation's ability to prepare students for the opportunities and challenges of the 21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 and help students to achieve their education and career goals.

# Leadership & Implementation Team

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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

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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.

# Summary of Progress

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Our deregulatory actions issued so far this fiscal year are:

- On November 1, 2019, the Department published in the Federal Register [final regulations](#) amending the regulations governing the recognition of accrediting agencies, certain student assistance general provisions, and institutional eligibility. These final regulations were the result of a complex negotiated rulemaking process regarding numerous significant issues on which we reached consensus. This package included two deregulatory actions (RINs 1840-AD36 and 1840-AD37).
- On November 26, 2019, the Department published in the Federal Register [interim final regulations](#) to amend and update the regulations for total and permanent disability student loan discharge for veterans. These interim final regulations remove administrative burdens that may have prevented at least 20,000 totally and permanently disabled veterans from obtaining discharges of their student loans, as the law provides.
- On November 22, 2019, the Department published [final regulations](#) modifying the requirements related to the responsibilities of State educational agency recipients of funds under title I, part C, of the Elementary and Secondary Education Act of 1965, as amended, to conduct annual prospective re-interviews to confirm the eligibility of children under the Migrant Education Program.

In addition:

- The Department submitted the [notice of proposed rulemaking](#) (NPRM) on distance education and innovation to the Office of Management and Budget (OMB) for review. Although NPRMs are not counted in the metrics, the submission to and work with OMB on this document reflected significant effort on the part of the Department. The NPRM published in the Federal Register on April 2. These proposed regulations were the result of a complex negotiated rulemaking process regarding numerous significant issues on which we reached consensus.

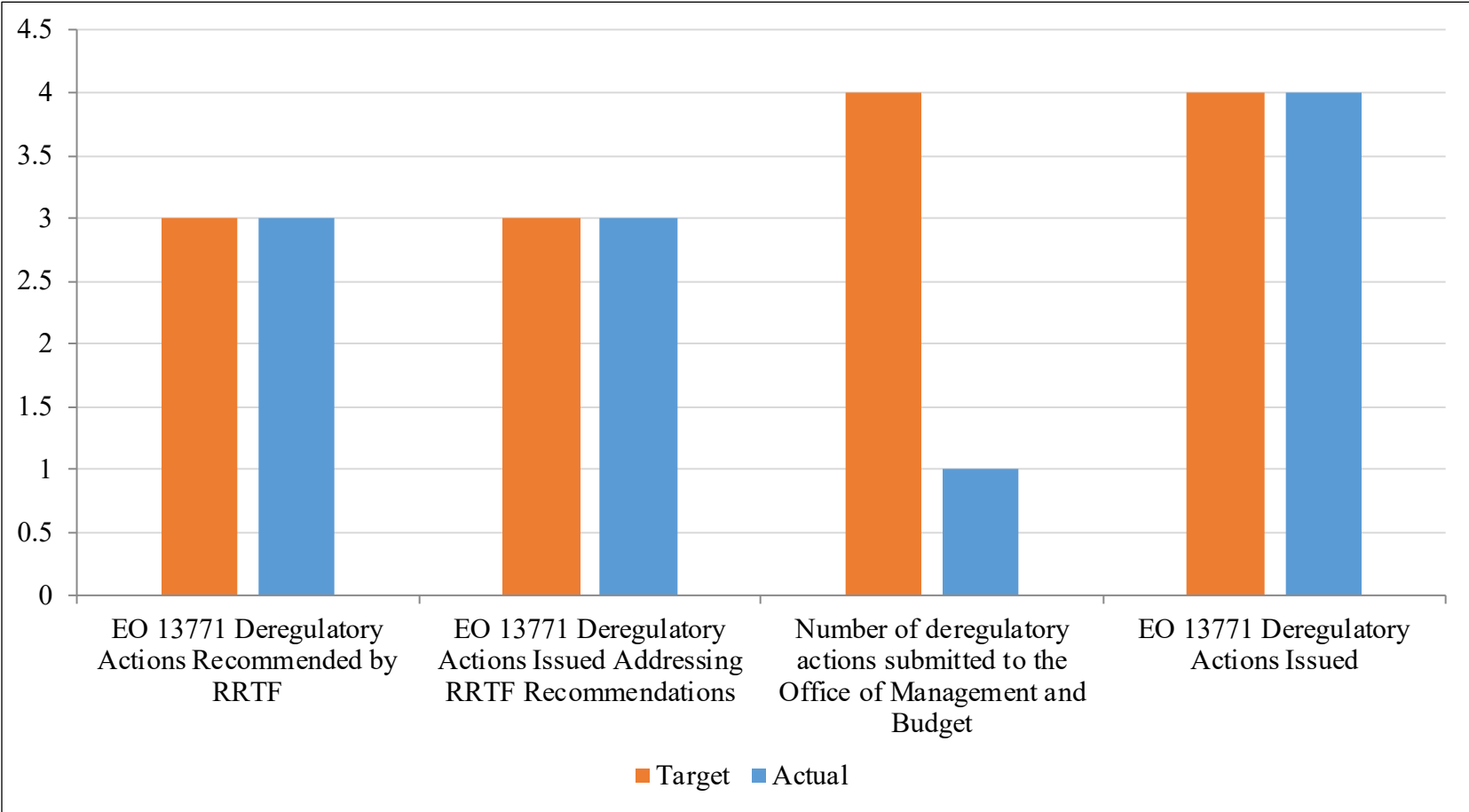
# Key Milestones

## Milestone Summary

Key Milestone	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Comments
Publication of Fall 2019 Unified Agenda	<a href="#">Nov 2019</a>	Complete		Hilary Malawer	
Submission of Regulatory Reform Taskforce Report to the Secretary	<a href="#">Jan 2020</a>	Completed		Hilary Malawer	
Publication of Spring 2020 Unified Agenda	May 2020	In progress		Hilary Malawer	
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	

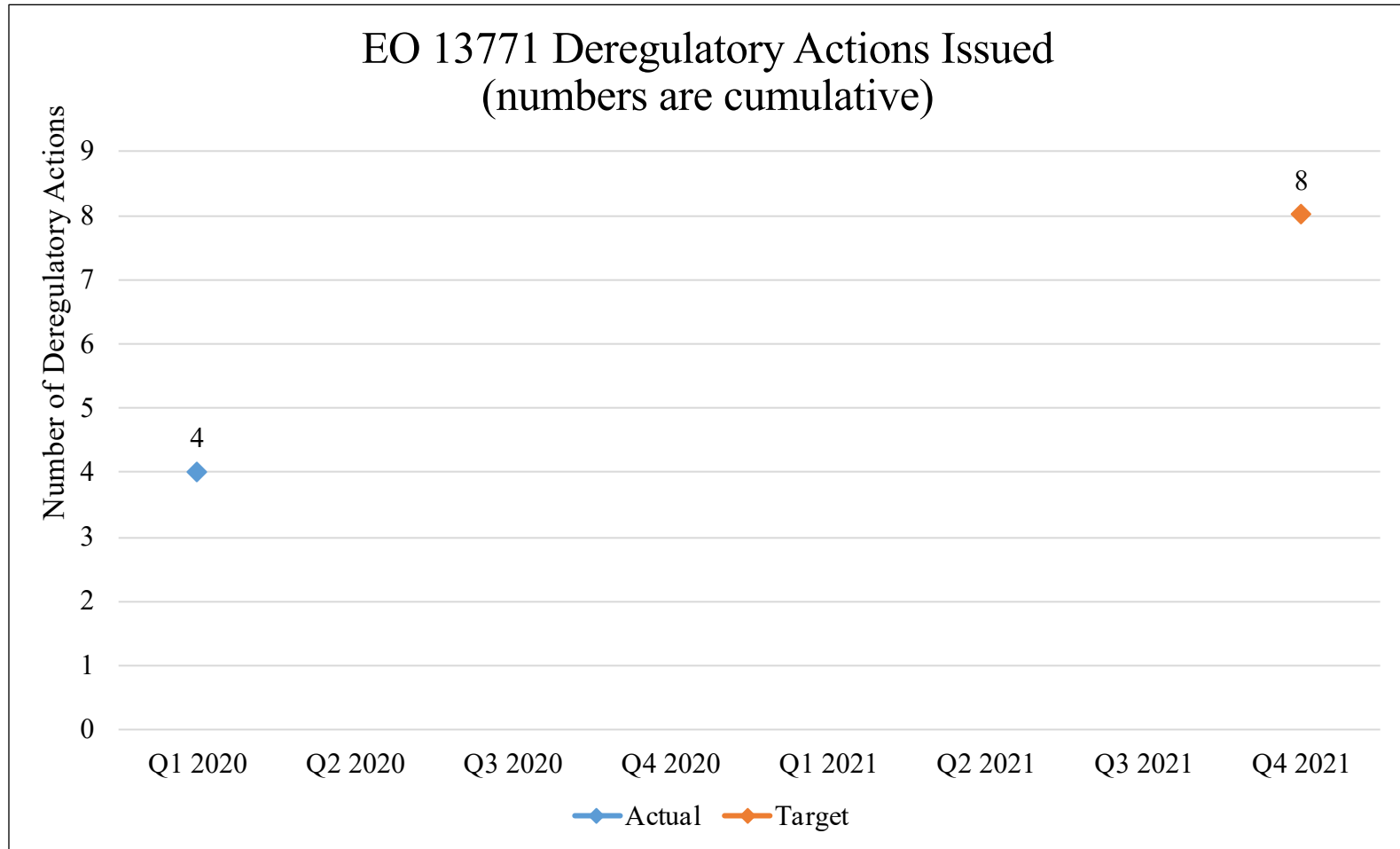
# Key Milestones and Indicators

The graph below represents the FY 2020 performance targets and progress for certain metrics as of the first two quarters of FY 2020.



# Key Indicators

The graph below represents performance targets that the Department is measuring progress against in FY 2020 and FY 2021.





# Data Accuracy and Reliability

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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

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## **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.