



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

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Overly burdensome, outdated, or ineffective regulatory requirements can adversely affect the nation's ability to prepare students for the opportunities and challenges of the 21st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

Summary of Progress – FY 2020 Q3

- The Department mobilized quickly to disseminate \$30 billion allocated under the CARES Act to States, students, institutions of higher education, and other entities. The Department worked expeditiously and was successful in meeting this challenge of unprecedented scope and allocated much-needed funds to stakeholders.
- The Department had to respond quickly and creatively to the challenges posed by the Covid-19 pandemic. As an example of this, the Department issued two final deregulatory actions to help stakeholders manage the challenges presented by the pandemic. One provides an extension of the application amendment period for Impact Aid program applications, and the other provides additional time for participants in current Indian Education Professional Development grant-funded programs who are impacted by the extraordinary circumstances related to the COVID-19 pandemic to find qualifying employment or to complete their work-related payback obligation.
- The Department submitted to the Office of Management and Budget the final regulatory package on Ensuring Student Access to High Quality and Innovative Postsecondary Educational Programs. Publication of this package is expected during Quarter 4.

Summary of Progress – FY 2020 Q3

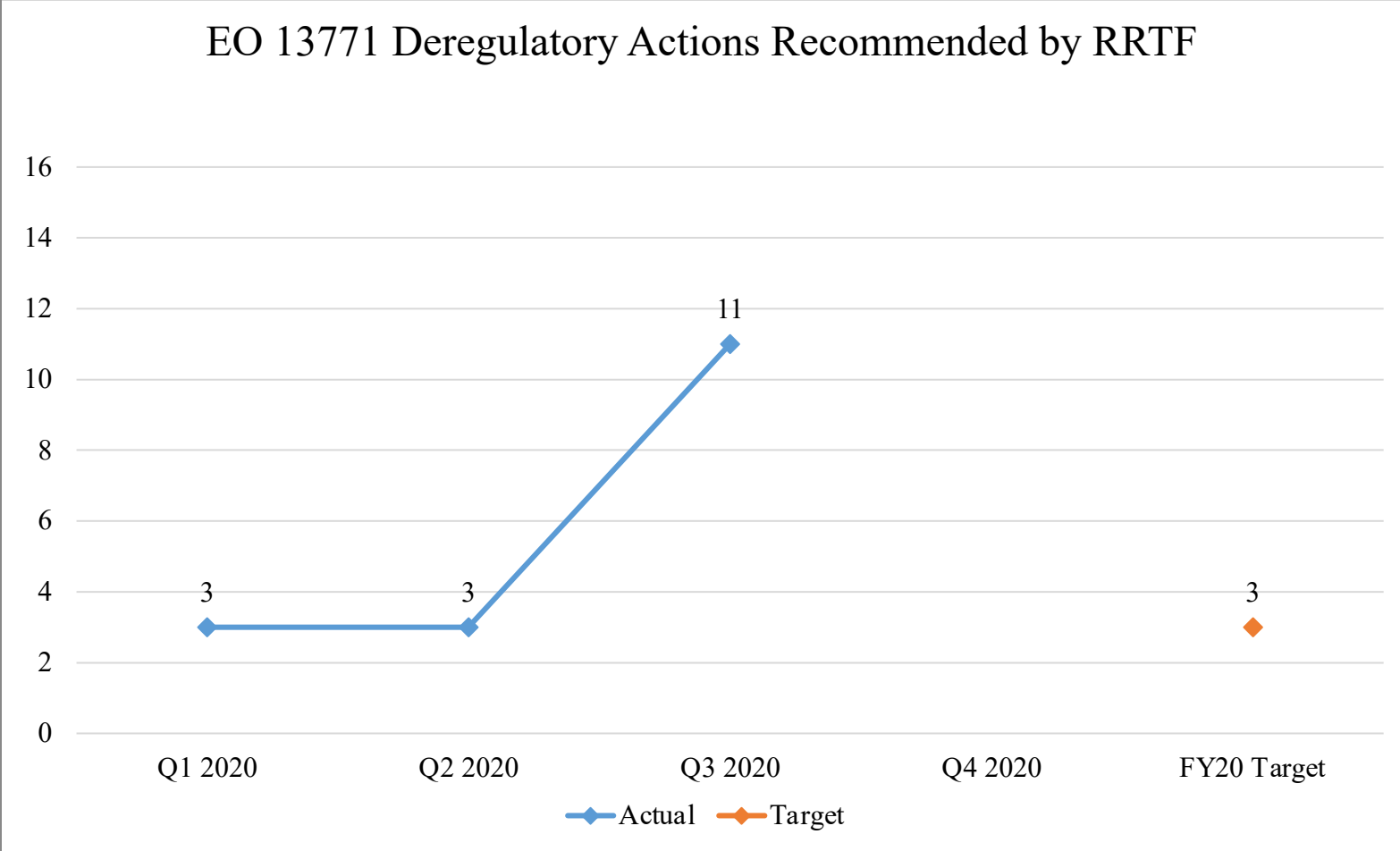
- On May 19, the Department published the final Title IX regulations in the Federal Register. The completion of these regulations represents the achievement of a notable policy goal for the Department.
- The Department's Office of Special Education and Rehabilitative Services published, with an opportunity for public comment, (1) a policy statement and frequently asked questions granting prior approval for two direct cost categories, and (2) an interpretation to clarify current policy and announce a change in policy regarding the use of Federal vocational rehabilitation funds reserved for pre-employment transition services.

Key Milestones

Milestone Summary					
Key Milestone	Milestone Due Date	Milestone Status	Change from last quarter	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	

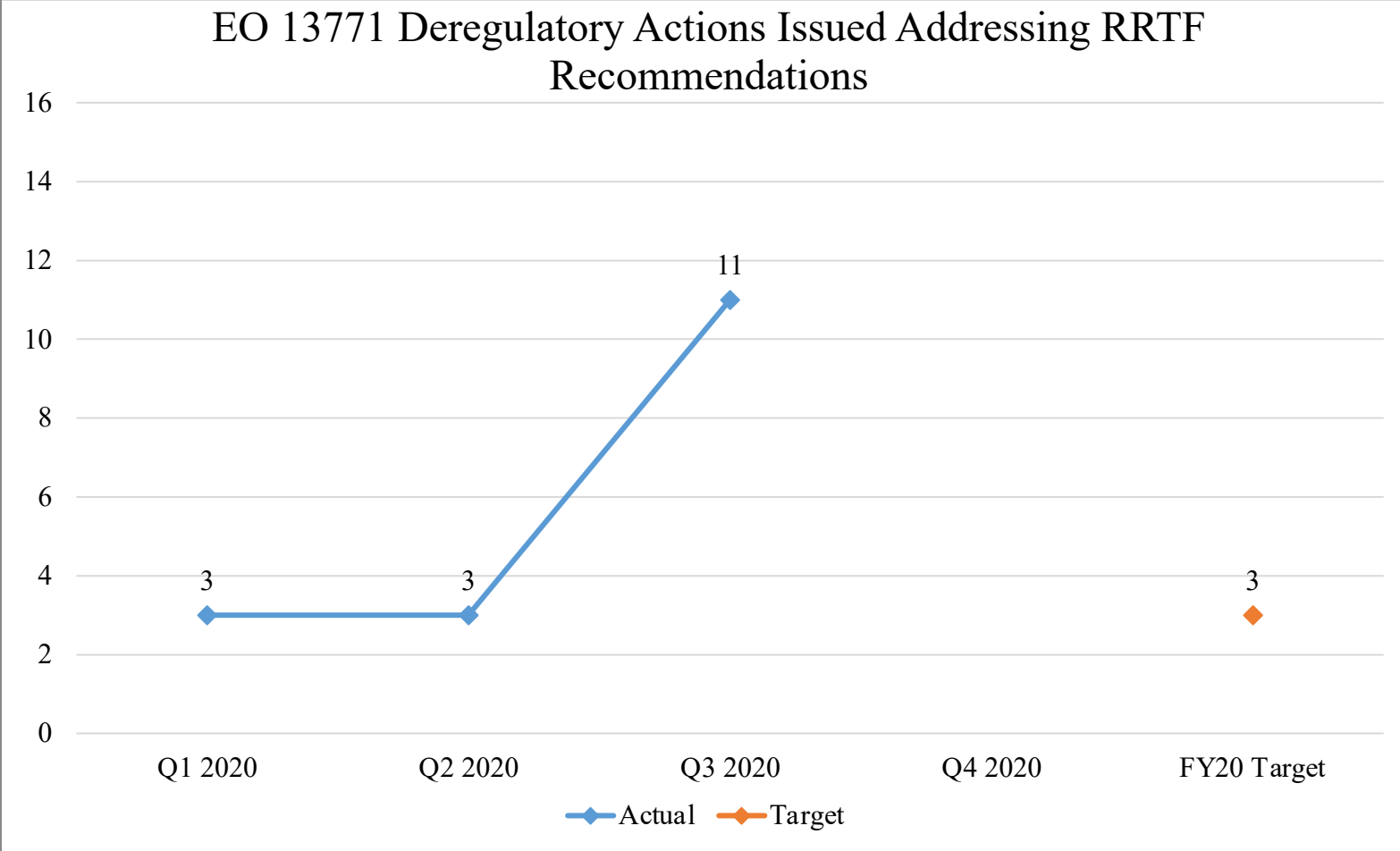
Key Milestones and Indicators

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



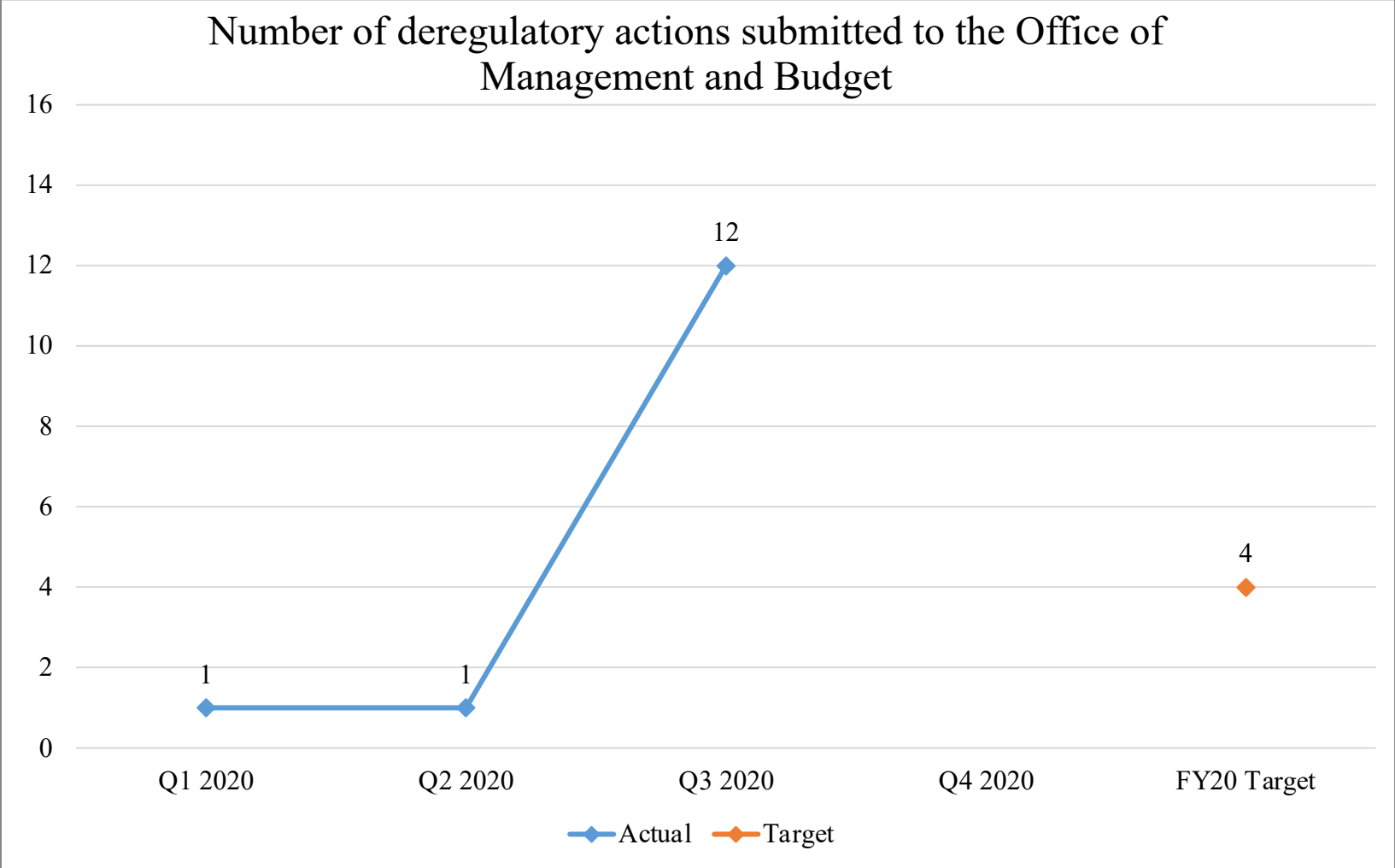
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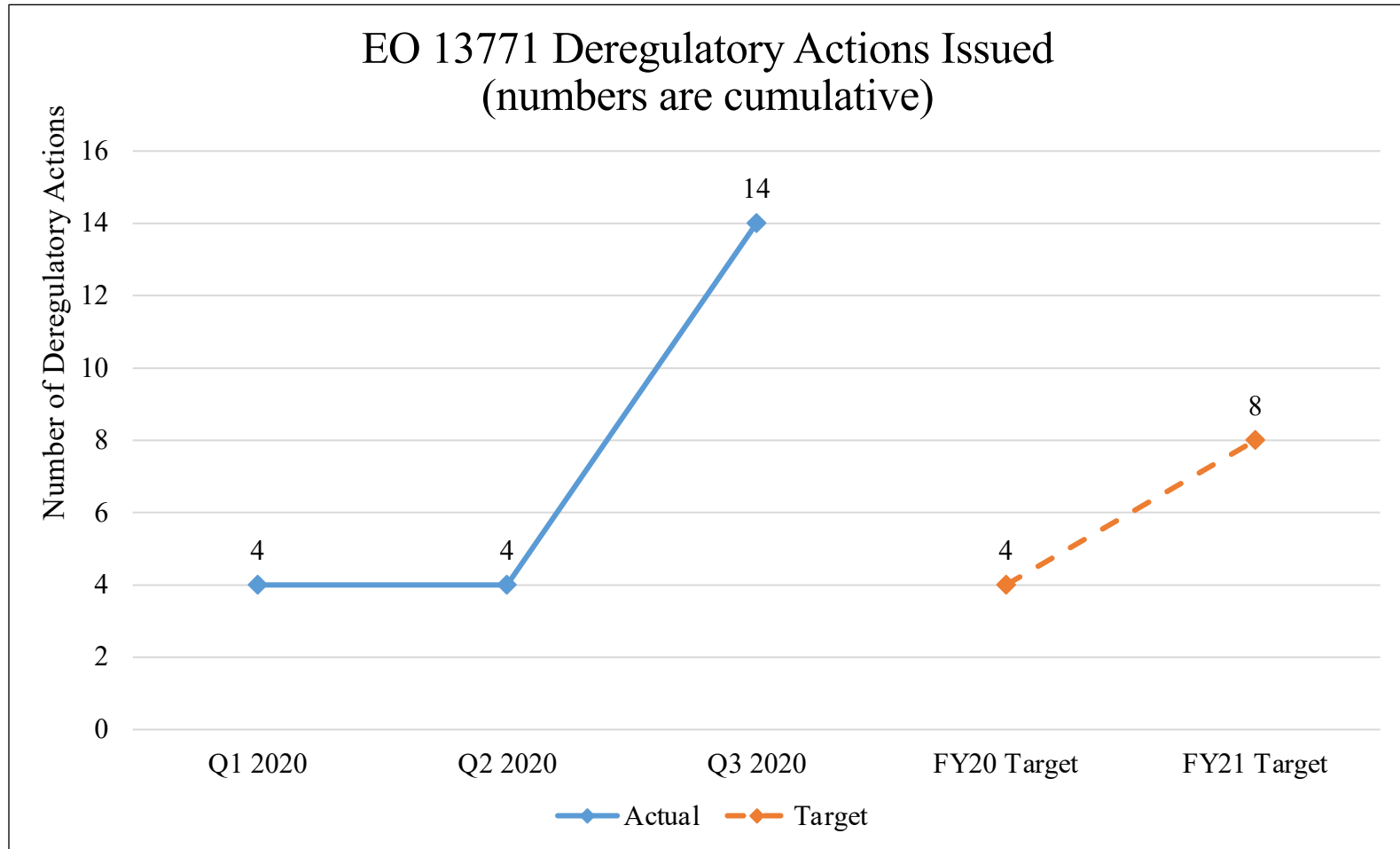
Key Milestones and Indicators

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



Key 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.