Military-Connected Students: Education Policy Update 2022

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Resources available on the MHEC website post-event.

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MCMC Contact

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Today’s Presenter

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Education Policy Update

Overview of the Department of Education 2021-2022 Regulatory Negotiations and A Look At Recent Legislative Updates
The 2021-2022 Education Rulemaking
What is “NegReg”? Regulatory negotiations, also known as “NegReg,” are a critical element of the U.S. Department of Education’s rulemaking process mandated by the Higher Education Act (HEA) as amended in 1990.¹

Statute
The Higher Education Act of 1965 can be amended through the legislative process, triggering subsequent public comment periods and rulemaking.

Regulation
To turn the laws into rules, the Department of Education is required to run a consensus-driven process receiving input from stakeholders.

Impact
The negotiated regulations go into effect if consensus is reached; in the event there remain detractors, the Department writes the final rules.

¹ The Negotiated Rulemaking Act of 1990 codified the rulemaking process governing Title IV funds of the Higher Education Act of 1965
The 2021-2022 Rulemaking

Marketing is the study and management of exchange relationships. Marketing is the business process of creating relationships with and satisfying customers.

### Series One: Student Loan Forgiveness

**Dates (2021)**  
October 4 – 8  
November 1 – 5  
December 6 – 10

**Negotiators**  
Justin Hauschild (SVA)  
Emily DeVito (VFW)

**Key Topics**
- Public Service Loan Forgiveness
- Loan relief for borrowers with a total and permanent disability
- Closed school discharges
- Borrower defense to repayment
- Discharges for false certification of student eligibility

### Series Two: School Oversight

**Dates (2022)**  
January 18 – 21  
February 14 – 18  
March 14 – 18

**Negotiators**  
Travis Horr (IAVA)  
Barmak Nassirian (VES)

**Key Topics**
- The 90/10 Rule (“loophole”)
- Gainful employment
- Standards of administrative capability & financial responsibility
- Change of ownership & change in control of institutions of higher education

2 A comprehensive list of topics for the complete series is available at the U.S. Department of Education website, “Negotiated Rulemaking for Higher Education 2021-22”
Series One Outcomes

Occurring over three months in five-day sessions, the first series of negotiations was a resounding success for service members, veterans and their families.

VSO & MSO Testimony
The voice of the service members, veterans, and families community was shared loud and clear in testimony by 14 separate advocacy organizations.

Key Wins
Major issues saw success, including loan relief for public service, disability, closed schools, and fraud.³

Impact
The voice of veterans and veterans leaders significantly shifted the tone and gravity of the negotiations, demonstrating the importance of this community at the table.

Student Stories
Over 30 individual student veterans shared their personal experiences with disability, closed schools, and being defrauded.

³ Full summary of Series One topic outcomes sent 12/15/2021, and copies available upon request.
Series Two Expectations

The second series of topics is vastly more technical compared to Series One, and we expect a much greater fight from industry representatives and their investors.

Key Topic: The 90/10 Rule and blocking attempts to undermine the closure of the loophole. Ensure veterans and servicemembers are no longer targeted.

- Several key rules for oversight of colleges will be important student protections – making the stakes even higher than before.

- The voice of service members, veterans, and families organizations is especially crucial this round to counteract anticipated industry offensives.
Statutory Changes

It was a busy year, as legislators and advocates sought to address crucial inequities, with much work remaining as new laws are implemented within the Executive Branch.

- **REMOTE Act**: Emergency protections extended in the final hour.
- **NDAA**: The annual omnibus included provisions for vets.
- **Parity Act**: Guard & Reserve Members may see improved benefits.
- **Army IgnitED**: Ongoing struggles with the Army’s TA platform persist.
Several transformational proposals will seek to increase standards among academic providers, while advocates seek to make recent short-term laws permanent.
Contact

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Thank You