

August 4, 2017

Joe Conaty  
Delegated the functions and duties of the Deputy Secretary  
Co-Chair, Agency Reform Task Force  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202

Dear Mr. Conaty,

Thank you for your July 26 message regarding Executive Order 13781. As representatives of American colleges and universities, we appreciate the opportunity to provide feedback on ways in which the Department of Education can “best serve the needs of America’s students, families, and educators and implement its mission of educational excellence and equity.” On behalf of the associations listed below, we offer the following comments and look forward to engaging with the department on these efforts moving forward.

We believe that improvements to the process by which the department develops regulations would enhance the ability of colleges and universities to effectively and efficiently put in place federal requirements. In particular, we strongly recommend changes to the negotiated rulemaking process that is frequently used to implement changes to the Higher Education Act. *The Report of the Task Force on Federal Regulation of Higher Education*, which was issued by a bipartisan group of senators in 2015, contains a thorough discussion of the department’s negotiated rulemaking process. This process is often highly contentious and can produce outcomes that only partly reflect the views of participants. We believe a better process would be more likely to result in consensus and, in doing so, would improve the regulatory outcomes.

Appendix IV, attached at the end of the report, identifies a number of areas where the department could amend or improve the way it currently manages this process, including: how public hearings are conducted; how committee members are selected; how issues are bundled; the process by which facilitators are identified and selected; and how consensus is defined, among others. We would urge your task force to review those recommendations and include them as part of your final report.

Please note that we will be submitting more expansive comments in response to the June 22 Federal Register notice asking for input on regulations that may be appropriate for repeal, replacement, or modification.

We thank you for your attention to these comments, and as the representatives of stakeholders directly impacted by the work of the Department of Education, we appreciate the chance to offer these suggestions.

Sincerely,



Terry W. Hartle  
Senior Vice President

Attachment

On behalf of:

AACRAO: American Association of Collegiate Registrars and Admissions Officers  
American Association of Community Colleges  
American Association of State Colleges and Universities  
American Council on Education  
Association of American Universities  
Association of Catholic Colleges and Universities  
Association of Community College Trustees  
Association of Governing Boards of Colleges and Universities  
Association of Jesuit Colleges and Universities  
Association of Public and Land-grant Universities  
Council for Christian Colleges & Universities  
Council for Higher Education Accreditation  
Council of Graduate Schools  
EDUCAUSE  
Hispanic Association of Colleges and Universities  
National Association of College and University Business Officers  
National Association of Independent Colleges and Universities  
National Association of Student Financial Aid Administrators  
NASPA - Student Affairs Professionals in Higher Education  
UNCF