DEPARTMENT OF EDUCATION
34 CFR Chapter VI
Negotiated Rulemaking Committee, Negotiator Nominations and Schedule of Committee Meetings—Teacher Preparation and TEACH Grant Programs

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Intent to establish negotiated rulemaking committees.

SUMMARY: We announce our intention to establish a negotiated rulemaking committee to prepare proposed regulations under Title II and Title IV of the Higher Education Act of 1965, as amended (HEA). The committee will include representatives of organizations or groups with interests that are significantly affected by the topics proposed for negotiation. We request nominations for individual negotiators who represent key stakeholder constituencies for the issues to be negotiated to serve on the committee and we set a schedule for committee meetings.

DATES: We must receive your nominations for negotiators to serve on the committee on or before November 25, 2011. The dates, times, and locations of the committee meetings are set out in the Schedule for Negotiations section, below.

SUPPLEMENTARY INFORMATION: On May 5, 2011, we published a notice in the Federal Register (76 FR 25630) announcing our intent to establish one or more negotiated rulemaking committees to develop proposed regulations under the HEA. In addition, we announced our intent to develop these proposed regulations by following the negotiated rulemaking procedures in Section 492 of the HEA.

The notice also announced a series of three regional hearings at which interested parties could comment on the topics suggested by the Department and suggest additional topics for consideration for action by the negotiating committees. We also held four public roundtable discussions to complement the regional hearings. The hearings and roundtables were held in: Nashville, Tennessee (roundtable only); Tacoma, Washington; Chicago, Illinois; and Charleston, South Carolina. We invited parties to comment and submit topics for consideration in writing as well. (Transcripts from the regional hearings can be found at http://www2.ed.gov/policy/highered/reg/hearulemaking/2011/hearings.html. Written comments may be viewed through the Federal eRulemaking Portal at http://www.regulations.gov. Instructions for finding comments are available on the site under “How to Use Regulations.gov” in the Help section. Individuals can enter docket ID ED–2011–OPE–0003 in the “Enter Keyword or ID” search box to locate the appropriate docket.)

Regulatory Issues: After consideration of the information received at the regional hearings, in the roundtable discussions, and in writing, we have decided to establish a negotiating committee to address teacher preparation program issues in Title II of the HEA and in the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program authorized by Title IV of the HEA.

We list the topics the committee is likely to address in the Committee Topics section, below. We intend to select negotiators for the committee who represent the interests significantly affected by the topics proposed for negotiations. In so doing, we will follow the requirement in Section 492(b)(1) of the HEA that the individuals selected must have demonstrated expertise or experience in the relevant subjects under negotiation. We will also select individual negotiators who reflect the diversity among program participants, in accordance with Section 492(b)(1) of the HEA. Our goal is to establish a committee that will allow significantly affected parties to be represented while keeping the committee size manageable.

The committee may create subgroups on particular topics that may involve additional individuals who are not members of the committee. Individuals who are not selected as members of the committee will be able to attend the meetings, have access to the individuals representing their constituencies, and participate in informal working groups on various issues between the meetings. The committee meetings will be open to the public.

The Department has identified the following constituencies as having interests that are significantly affected by the topics proposed for negotiations. The Department plans to seat as negotiators individuals from organizations or groups representing these constituencies:

- Postsecondary students, including legal assistance organizations that represent students.
- Teachers.
The goal of the committee is to develop high-quality proposed regulations that reflect a final consensus of the committee. Consensus means that there is no dissent by any member of the negotiating committee, including the committee member representing the Department. An individual selected as a negotiator will be expected to represent the interests of their organization or group. If consensus is reached, all members of the organization or group represented by a negotiator are bound by the consensus and are prohibited from commenting negatively on the resulting proposed regulations. The Department will not consider any such negative comments that are submitted by members of such an organization or group.

Nominations
Nominations should include:
- The name of the nominee, the organization or group the nominee represents, and a description of the interests that the nominee represents.
- Evidence of the nominee’s expertise or experience in the subject, or subjects, to be negotiated.
- Evidence of support from individuals or groups of the constituency that the nominee will represent.
- The nominee’s commitment that he or she will actively participate in good faith in the development of the proposed regulations.
- The nominee’s contact information, including address, phone number, fax number, and e-mail address.


Nominees will be notified whether or not they have been selected as negotiators as soon as the Department’s review process is completed.

Committee Topics
The topics the committee is likely to address are as follows:
- The requirements for institutional and program report cards on the quality of teacher preparation (Section 205(a) of the HEA):
- The requirements for State report cards on the quality of teacher preparation (Section 205(b) of the HEA):
- The standards to ensure reliability, validity, and accuracy of the data submitted in report cards on the quality of teacher preparation (Section 205(c) of the HEA):
- The criteria used by States to assess the performance of teacher preparation programs at higher education institutions in the State, the identification of low-performing programs (Section 207(a) of the HEA), and the consequences of a State’s termination of eligibility of a program (Section 207(b) of the HEA):
- The definition of the term “high quality teacher preparation program” for the purpose of establishing the eligibility of an institution to participate in the TEACH Grant program (Section 420L(1) of the HEA):
- The definition of the term “high quality professional development services” for the purpose of establishing the eligibility of an institution to participate in the TEACH Grant program (Section 420L(1) of the HEA);
- The service and repayment obligations for the TEACH Grant Program (Subpart E of 34 CFR 886).

These topics are tentative. Topics may be added or removed as the process continues.

Schedule for Negotiations
The committee will meet for three sessions on the following dates:
- Session 1: January 18–20, 2012.

The first and second day of each session will begin at 9 a.m. and end at around 5 p.m. The final day of each session will begin at 9 a.m. and end at 12 p.m.

The meetings will be held at the U.S. Department of Education, 400 Sixth Street, NW., Eighth Floor Conference Center, Washington, DC 20006.

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