

**DEPARTMENT OF EDUCATION**

**Office of the Secretary**

**34 CFR Subtitles A and B**

**Unified Agenda of Federal Regulatory and Deregulatory Actions**

**AGENCY:** Office of the Secretary, Department of Education.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Secretary of Education publishes a semiannual agenda of Federal regulatory and deregulatory actions. The agenda is issued under the authority of section 4(b) of Executive Order 12866, “Regulatory Planning and Review.” The purpose of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about regulatory actions we plan to take.

**FOR FURTHER INFORMATION CONTACT:** Questions or comments related to specific regulations listed in this agenda should be directed to the agency contact listed for the regulations. Other questions or comments on this agenda should be directed to LaTanya Cannady, Program Specialist, or Paul Riddle, Acting Assistant General Counsel, Division of Regulatory Services, Office of the General Counsel, Department of Education, Room 6C128, 400 Maryland Avenue SW., Washington, DC 20202–2241; telephone: (202) 401–9676 (LaTanya Cannady) or (202) 401–6269 (Paul Riddle). Individuals who use a telecommunications device for the deaf (TDD) or a text telephone (TTY) may call the Federal Relay Service (FRS) at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** Section 4(b) of Executive Order 12866, dated September 30, 1993, requires the Department of Education (ED) to publish, at a time and in a manner specified by the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, an agenda of all regulations under development or review. The Regulatory Flexibility Act, 5 U.S.C. 602(a), requires ED to publish, in October and April of each year, a regulatory flexibility agenda.

The regulatory flexibility agenda may be combined with any other agenda that satisfies the statutory requirements (5 U.S.C. 605(a)). In compliance with the Executive order and the Regulatory Flexibility Act, the Secretary publishes this agenda.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation to any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract that includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.

- A citation of legal authority.
- The name, address, and telephone number of the contact person at ED from whom a reader can obtain additional information regarding the planned action.

In accordance with ED’s Principles for Regulating listed in its regulatory plan (78 FR 1361, published January 8, 2013), ED is committed to regulations that improve the quality and equality of services to its customers. ED will regulate only if absolutely necessary and then in the most flexible, most equitable, least burdensome way possible.

Interested members of the public are invited to comment on any of the items listed in this agenda that they believe are not consistent with the Principles for Regulating. Members of the public are also invited to comment on any uncompleted actions in this agenda that ED plans to review under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine their economic impact on small entities. This publication does not impose any binding obligation on ED with regard to any specific item in the agenda. ED may elect not to pursue any of the regulatory actions listed here, and regulatory action in addition to the items listed is not precluded. Dates of future regulatory actions are subject to revision in subsequent agendas.

**Electronic Access to This Document**

The entire Unified Agenda is published electronically and is available online at [www.reginfo.gov](http://www.reginfo.gov).

**Philip Rosenfelt,**  
*Acting General Counsel.*

**OFFICE OF POSTSECONDARY EDUCATION—COMPLETED ACTIONS**

Sequence No.	Title	Regulation Identifier No.
269 .....	Gainful Employment .....	1840–AD15
270 .....	Violence Against Women Act .....	1840–AD16
271 .....	Title IV of the HEA—Definition of Adverse Credit for Direct PLUS Loan Eligibility .....	1840–AD17

**DEPARTMENT OF EDUCATION (ED)**

*Office of Postsecondary Education (OPE)*

**Completed Actions**

**269. Gainful Employment**

*Legal Authority:* 20 U.S.C. 1001 to 1003; 20 U.S.C. 1070g; 20 U.S.C. 1085; 20 U.S.C. 1088; 20 U.S.C. 1091 to 1092; 20 U.S.C. 1094; 20 U.S.C. 1099c; 20 U.S.C. 1099c–1; 20 U.S.C. 1221e–3; 20 U.S.C. 3474

*Abstract:* The Secretary amends the regulations for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA). The amendments follow a negotiated rulemaking conducted by the Department in the fall of 2013. Specifically, a negotiating committee met in September, November, and December of 2013 to prepare proposed regulations regarding measures for determining whether certain postsecondary educational

programs prepare students for gainful employment in a recognized occupation, the conditions under which these educational programs remain eligible for the title IV Federal Student Aid programs, and requirements for reporting and disclosure of relevant information.

*Completed:*

Reason	Date	FR Cite
Final Regulations	10/31/14	79 FR 64890

*Regulatory Flexibility Analysis*  
 Required: Yes.  
 Agency Contact: John A. Kolotos,  
 Phone: 202-502-7762, Email:  
 john.kolotos@ed.gov.  
 RIN: 1840-AD15

**270. Violence Against Women Act**

*Legal Authority:* 20 U.S.C. 1092  
*Abstract:* These regulations to address the changes to the campus safety and security reporting requirements in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), made by the Violence Against Women Reauthorization Act of 2013 (VAWA).  
 Completed:

Reason	Date	FR Cite
NPRM .....	06/20/14	79 FR 35418

Reason	Date	FR Cite
Final Action .....	10/20/14	79 FR 62752

*Regulatory Flexibility Analysis*  
 Required: Yes.  
 Agency Contact: Gail McLarnon,  
 Phone: 202-219-7048, Email:  
 gail.mclarnon@ed.gov.  
 RIN: 1840-AD16

**271. Title IV of the HEA—Definition of Adverse Credit for Direct Plus Loan Eligibility**

*Legal Authority:* 20 U.S.C. 1078-2  
*Abstract:* The Department is amending our regulations on the definition of “adverse credit” for Direct PLUS Loan eligibility. We make Direct PLUS Loans to parents of dependent undergraduate students and to graduate

and professional students. To be eligible to receive a Direct PLUS Loan, the applicant must not have an “adverse credit” history as determined pursuant to regulations promulgated by the Secretary.

*Completed:*

Reason	Date	FR Cite
NPRM .....	08/08/14	79 FR 46640
Final Action .....	10/23/14	79 FR 63317

*Regulatory Flexibility Analysis*  
 Required: Yes.

*Agency Contact:* Gail McLarnon,  
 Phone: 202-219-7048, Email:  
 gail.mclarnon@ed.gov.  
 RIN: 1840-AD17

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