

Current Regulatory Issues in D.C.



Duane Morris®

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Federal Regulatory Highlights

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About Duane Morris

Duane Morris LLP, a law firm with more than 950 attorneys in offices across the United States and internationally, provides innovative solutions to today's legal and business challenges to a broad array of clients, including postsecondary institutions and nontraditional education service providers.

Throughout its more than 100-year history, Duane Morris has fostered a collegial culture, where lawyers collaborate to leverage our collective knowledge and experience to address client needs.

Our Education Industry Group includes lawyers with a depth of expertise in federal higher education regulation and decades of federal policy experience.



Ranked a Leading
Law Firm in Education

Agenda

- Situational Awareness
- 2020-2023 Rulemaking
- 2024 Rulemaking
- Q&A

Situational Awareness

- Blistering pace of rule making
 - 2021-2022: 19 rule making issues
 - 2023-2024: 8 so far
- The wheels seem to be coming off
- Time is ticking
 - 203 days until presidential election
 - 281 days in Biden first term
 - 76 legislative days remain on calendar for the House
 - 88 legislative days remain on calendar in the Senate



Status of 2020-2023 Regulations

- Blanket Student Loan Forgiveness 1.0
 - Overturned by Supreme Court
- Borrower Defense to Repayment
 - Enjoined by 5th Circuit Court of Appeals
- Gainful Employment Rulemaking
 - Final Rule Implementation... bi-partisan Senate letter, partial delay + lawsuit
- 90/10
 - Final Rule Implementation...
- Program Length Cap at 100% state licensure minimum
 - Final Rule Implementation... delay (kinda)

2020-2023 Rulemaking

- Other Rulemakings: Financial Responsibility, Administrative Capability, Certification, Change in Ownership, Pre-Dispute Arbitration
- Rules MIA
 - Title IX
 - Third Party Servicer

2024 Rulemaking

- Two Rulemaking Committees so far
- Program Integrity and Institutional Quality:
 - R2T4
 - Distance Education
 - State Authorization
 - Cash Management
 - Accreditation
- Student Loan Debt Relief

Questions and Answers