



FEDERAL LEGISLATIVE & REGULATORY UPDATE

Thursday, April 2, 2026

AGENDA



**STAT & Earnings Accountability NPRM OMB/OIRA Review and Meeting
School Notification Process Under 1994/2016 BDR to Repayment Regulations
Audited Financial Statement Enforcement Priorities Published
Accreditation, Innovation and Modernization Federal Negotiated Rulemaking
&
So, So Much More**

- Federal Regulatory Update
- Q&A



REGULATORY UPDATE

**BREAKING
NEWS**

The image features the words "BREAKING NEWS" in a large, bold, white, three-dimensional sans-serif font. The letters are set against a vibrant red background. A series of white, curved lines radiate from the top right corner, creating a sense of motion and urgency. The text is positioned in the upper half of the frame, with "BREAKING" on the top line and "NEWS" on the bottom line. The lighting is dramatic, highlighting the edges of the 3D letters and casting soft shadows on the red surface below.

[Knowledge Center Home](#) > [Library](#) > [Electronic Announcements](#) > [School Notification Process Under the 1994 and 2016 Borrower Defense to Repayment Regulations \(34 C.F.R. 685.206\(c\) and 34 C.F.R. 685.222\)](#)

(GENERAL-26-22) School Notification Process Under the 1994 and 2016 Borrower Defense to Repayment Regulations (34 C.F.R. 685.206(c) and 34 C.F.R. 685.222)

🖨️ Print

POSTED DATE: March 30, 2026

AUTHOR: Federal Student Aid

ELECTRONIC ANNOUNCEMENT ID: GENERAL-26-22

SUBJECT: School Notification Process Under the 1994 and 2016 Borrower Defense to Repayment Regulations (34 C.F.R. 685.206(c) and 34 C.F.R. 685.222)

Tags

Electronic Announcements

Direct Loan

General

Laws and Regulations

SCHOOL NOTIFICATION PROCESS UNDER THE 1994 AND 2016 BORROWER DEFENSE TO REPAYMENT REGULATIONS

Overview

The U.S. Department of Education (ED) has resumed adjudicating borrower defense to repayment applications that are not impacted by the Sweet v. McMahon settlement. These applications may fall under a combination of three borrower defense regulations: (1) the borrower defense regulation published in 1994, 34 C.F.R. 685.206(c) (the 1994 Regulation); (2) the borrower defense regulation published in 2016, 34 C.F.R. 685.222 (the 2016 Regulation); and (3) the borrower defense regulation published in 2019, 34 C.F.R. 685.206(e) (the 2019 Regulation). The 1994 and 2016 regulations require ED to notify institutions about all applications before they are substantively reviewed through the fact-finding process. Institutions have the option to respond to the notices, but there is no negative inference against a school that does not respond. This Electronic Announcement reminds institutions about the notification and adjudication process under the 1994 and 2016 regulations. This Electronic Announcement also discusses the separate recoupment process, which includes its own notification and response components, if ED approves applications and seeks to recoup the cost of the discharged loans.

As of this date, ED is only notifying institutions of applications that fall under the 1994 and 2016 regulations. When ED begins notifying institutions of cases that fall under the 2019 Regulation, we will issue a future announcement with additional details around the notification and adjudication process.

SCHOOL NOTIFICATION PROCESS UNDER THE 1994 AND 2016 BORROWER DEFENSE TO REPAYMENT REGULATIONS

Borrower Defense to Repayment Process

The 1994 and 2016 regulations require ED to notify institutions of all borrower defense to repayment applications filed by their former or current student borrowers and provide an optional opportunity for the schools to respond before adjudication. Such notification occurs prior to any substantive review of an application. ED notifies institutions by sending them relevant borrowers' applications. ED's policy is to provide institutions that wish to respond 60 days from the date they receive the notification. A nonresponse does not create an inference in favor of the borrower.

ED attempts to batch applications to provide institutions with all pending claims at one time and plans to issue batches of notifications periodically. More than 90% of institutions receiving recent notices have fewer than 100 applications. For the small number of institutions with more than 500 applications filed by former or current student borrowers during this period, ED will reach out to the school's financial aid administrator and explain how it will pace the number of notifications to be sent each week.

SCHOOL NOTIFICATION PROCESS UNDER THE 1994 AND 2016 BORROWER DEFENSE TO REPAYMENT REGULATIONS

Borrower Defense to Repayment Process

After the notice period ends and the fact-finding process is complete, ED adjudicates the application(s) on the merits. The 1994 Regulation provides for approvals based on acts or omissions by the institution that relate to the making of the loan for enrollment at the school or the provision of educational services for which the loan was provided that would give rise to a cause of action against the school under applicable state law. The 2016 Regulation provides for approvals based on substantial misrepresentation; a nondefault, favorable contested judgment; or breach of contract. Substantial misrepresentations are the most common type of alleged misconduct. For substantial misrepresentations, ED must have evidence that demonstrates that a borrower's school made a substantial misrepresentation that the borrower reasonably relied on to his or her detriment (34 C.F.R. 685.222). To meet this standard, ED requires facts to prove each of these elements; these facts typically answer the who, what, when, where, why, and how questions relating to the alleged misconduct. Applications are approved or denied based on these elements.

If the application and other available evidence do not satisfy the regulatory standard, ED will deny the application and notify the borrower. If the regulatory standard is satisfied, ED will approve the application, discharge the relevant loans, and may issue a refund of payments to the borrower.

SCHOOL NOTIFICATION PROCESS UNDER THE 1994 AND 2016 BORROWER DEFENSE TO REPAYMENT REGULATIONS

Recoupment Process

If ED approves a discharge, ED will—at a separate date—determine whether to engage in a separate proceeding to recoup borrower defense costs from the institution. If it chooses, the institution will have an opportunity to contest any recoupment action before a hearing officer. During that process, ED will send a second notification to the institution with the application form for all loans for which recoupment is requested, all attachments submitted by the borrower, and the rationale for ED’s decision to discharge.



SCHOOL NOTIFICATION PROCESS UNDER THE 1994 AND 2016 BORROWER DEFENSE TO REPAYMENT REGULATIONS

1994 and 2016 Notification Letter Information

Does ED review the applications substantively before sending notice?

No. The 1994 Regulation and 2016 Regulation require ED to conduct a fact-finding process before it substantively reviews the application for a borrower defense to repayment claim.

Will I keep receiving additional claims?

ED's goal is to send all claims against an institution at a single time and then periodically send recently submitted applications in a subsequent send. The small number of schools with more than 500 claims may receive them in batches.

What should I expect to receive as part of the notice process?

During the school notification process, ED sends the borrower's application form and a notification email.

How long do I have to respond?

ED's policy is to give institutions 60 days to respond.

SCHOOL NOTIFICATION PROCESS UNDER THE 1994 AND 2016 BORROWER DEFENSE TO REPAYMENT REGULATIONS

1994 and 2016 Notification Letter Information

What kind of information is helpful to send back?

Institutions should review the application and consider how best to respond, if at all, to the information in the application. Each application is unique and will require a review to determine what information would be helpful to provide. Under the 1994 Regulation and 2016 Regulation, ED does not draw an adverse inference against an institution that does not respond to an application.

What should I do if the application is vague or doesn't have a clear allegation against my school?

Institutions must decide—without ED input—about how to respond, if at all, to any application. If a school concludes that an application is vague or does not have a clear allegation against it, the school may include that conclusion in its response to ED, if it decides to respond.

Why am I seeing claims from borrowers who separated from my school years ago?

Under the 1994 and 2016 regulations, there is no time bar on a borrower's ability to apply for borrower defense. As long as the borrower still has active federal student loans, the borrower may submit a borrower defense application.

How should I deal with record retention policies for older claims?

Institutions must decide—without ED input—about its record retention policy. If a school no longer has records relating to a borrower due to how long ago the borrower attended the school, the institution may include that information in its response to ED, if it decides to respond.

SCHOOL NOTIFICATION PROCESS UNDER THE 1994 AND 2016 BORROWER DEFENSE TO REPAYMENT REGULATIONS

1994 and 2016 Notification Letter Information

Why am I receiving duplicative claims?

ED attempts to combine multiple applications from a single borrower relating to a single institution into one application. However, in some instances, multiple cases for a single borrower may be sent to a school. When this occurs, a school may respond to each case, refer to its response in a previous case, or choose not to respond.

Why am I receiving claims against a different institution?

ED attempts to send cases to the institution for which the application directly relates to the claim. Infrequently, an intake error may result in a case being tagged to the wrong school. In these instances, a school may respond by stating the case does not relate to their school or choose not to respond. During the adjudication process, ED will ensure the case is sent to the correct school.

Is an affidavit required under the 1994 and 2016 regulations?

ED requests that schools provide an affidavit if they choose to respond, but it is not required.

SCHOOL NOTIFICATION PROCESS UNDER THE 1994 AND 2016 BORROWER DEFENSE TO REPAYMENT REGULATIONS

1994 and 2016 Notification Letter Information

Can I receive an extension on the days given to respond, as stated in the notification requirement?

ED is willing to work with schools through this process and may grant extensions if the request is reasonable. Send reasonable requests for extensions to bdschoolevidence@ed.gov.

Will I have a second opportunity to respond if ED grants a discharge and decides to seek recoupment?

Yes. Under the 1994 and 2016 regulations, if the borrower's application is approved **and** ED seeks recoupment, you will be able to respond a second time during the recoupment process. Institutions are not party to the process which ED uses to resolve claims made to ED in pending borrower defense applications. At the fact-finding stage, the information you provide assists ED in determining how to adjudicate the application. If the application is denied, your initial school notification letter will be the only time you will hear about the application. If the application is approved and ED seeks recoupment, you will be a party to the recoupment process and will have an additional opportunity to respond to the borrower's application.

Key Takeaways

- ED is notifying most institutions of all applications for borrower defense to repayment claims received and will periodically send newly submitted applications. For institutions that have started receiving applications already, ED has issued approximately 70% of the notifications.
- Institutions are notified of all applications prior to any substantive review by ED. This is due to the requirements of fact finding required under the 1994 Regulation and 2016 Regulation before ED adjudicates applications, and the notification process is part of the fact-finding step.
- Under the 1994 Regulation and 2016 Regulation, it is optional for an institution to respond to the applications, and a nonresponse does not give rise to a negative inference against the school.
- For cases adjudicated under the 1994 Regulation, ED will approve applications that allege a misrepresentation only if it has evidence that demonstrates that all elements of the applicable state law are met.
- For cases adjudicated under the 2016 Regulation, ED will approve applications that allege substantial misrepresentations only if it has evidence that demonstrates that a borrower's school made a substantial misrepresentation that the borrower reasonably relied on to his or her detriment. ED will separately decide whether to recoup funds on any approved claim. Any recoupment actions ED chooses to initiate have their own notification and response processes, which include providing additional evidence to the institution.

Questions

Is there a reason for “most” not all institutions being sent their applications?

Will the institution be notified when all of their applications/claims have been shared with the institution?

Although not required to respond, and no negative inference is made, it does potentially put the institution at risk of recoupment, doesn't it?

HOT TOPICS



Pending EO 12866 Regulatory Review

RIN: [1840-AE06](#)

Title: Accountability

Agency/Subagency: ED / OPE

Legal Deadline: Statutory

International Impacts: No

Pandemic Response: No

Received Date: 03/24/2026

Stage: Proposed Rule

Economically Significant: Yes

Affordable Care Act [Pub. L. 111-148 & 111-152]: No

Dodd-Frank Wall Street Reform and Consumer Protection Act, [Pub. L. 111-203]:
No

[View EO 12866 Meetings](#)

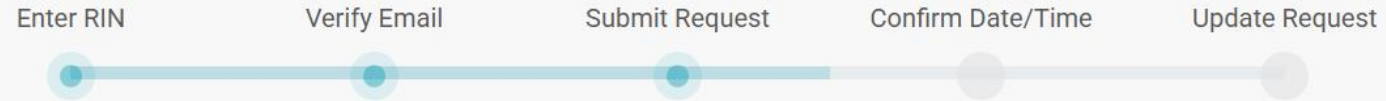
[Request EO Meeting](#)

**OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF INFORMATION AND REGULATORY AFFAIRS
E.O. 12866 REGULATORY REVIEW**

What Information Should Be Shared In The Meeting

Your perspectives in these meetings are most useful to the Federal government if they are evidence-based or reflect your own lived experiences with government policies. For instance, you might share how a regulatory action could impact your family's life, or the way that your small business works.

You may also point out issues of importance, emphasize the value of alternative approaches and/or substitute language, and help decision-makers appreciate the strengths of other solutions than those proposed. If you are personally affected by an issue in a regulatory action or work with people who are affected, you may also use this meeting as an opportunity to highlight your first-hand experiences.



E.O. 12866 Meeting Request

RIN: 1840-AE06
Title: Accountability
Agency/Subagency: Department of Education (ED) / Office of Postsecondary Education (OPE)

Your E.O. Meeting Request has been submitted successfully. An email will arrive with next steps including date and time confirmation.

EO Detail

Request Status:	Submitted
Requestor's Name:	Tom Netting
Requestor's Organization:	CSPEN - Career Schools Private Education Network
Email Address:	tom@tengovtstrategies.com
Phone:	202-680-9455

IN OTHER NEWS





U.S. DEPARTMENT OF EDUCATION BUILDING TO BECOME U.S. DEPARTMENT OF ENERGY

Announcement

The U.S. General Services Administration (GSA) is transferring the Department of Education's Lyndon B. Johnson (LBJ) headquarters building in D.C. to the Department of Energy to save on maintenance costs, with the move scheduled for August 2026. The Department of Education will relocate its remaining staff to 500 D Street SW.

U.S. DEPARTMENT OF EDUCATION BUILDING TO BECOME U.S. DEPARTMENT OF ENERGY

Key Details of the Sale

LBJ Building Transfer:

The LBJ Building (400 Maryland Avenue SW) is being handed over to the Department of Energy. This move aims to save \$350 million in deferred maintenance costs, as the Energy Department's current facility, the James V. Forrestal Building, is outdated.

Education Department Relocation:

The Department of Education employees are slated to move to a smaller space at 500 D Street SW by August 2026.

Downsizing Factors:

The Department of Education reduced its staff from 4,000 to 2,000, with many functions and student loan portfolios transferred to other agencies, leaving the main building 70% vacant.

U.S. DEPARTMENT OF EDUCATION BUILDING TO BECOME U.S. DEPARTMENT OF ENERGY

Key Details of the Sale

Separate Property Sale:

A separate, vacant federal building was sold to Dalian Development for roughly \$24 million, destined for conversion into housing, retail, and entertainment spaces.

Broader Real Estate Changes:

The GSA is actively selling underutilized federal properties to reduce the government's real estate footprint, including a recently published (and subsequently removed) list of hundreds of properties in the D.C. area.



[Knowledge Center Home](#) > [Library](#) > [Electronic Announcements](#) > [Enforcement priorities related to audited financial statement requirements under §668.23\(d\)\(1\)](#)

(GENERAL-26-18) Enforcement priorities related to audited financial statement requirements under §668.23(d)(1)




Print

POSTED DATE: March 20, 2026

AUTHOR: Federal Student Aid

ELECTRONIC ANNOUNCEMENT ID: GENERAL-26-18

SUBJECT: Enforcement priorities related to audited financial statement requirements under §668.23(d)(1)

On Oct. 31, 2023, the U.S. Department of Education (ED) published *Federal Register* notice [88 FR 74568](#)  that amended regulations related to financial responsibility, administrative capability, certification procedures, and Ability-to-Benefit. Through this Electronic Announcement, ED is providing notice

Tags

Electronic Announcements

General

ENFORCEMENT PRIORITIES RELATED TO AUDITED FINANCIAL STATEMENT REQUIREMENTS UNDER §668.23(D)(1)

Overview

On Oct. 31, 2023, the U.S. Department of Education (ED) published Federal Register notice 88 FR 74568 that amended regulations related to financial responsibility, administrative capability, certification procedures, and Ability-to-Benefit. Through this Electronic Announcement, ED is providing notice regarding its enforcement priorities under § 668.23(d)(1) which discusses audited financial statements which, in collaboration with other regulatory requirements, enables ED to make a determination of an institution's financial responsibility.

ED has discretion regarding the use of its enforcement authority and believes that taking enforcement action against institutions for failure to comply with certain aspects of § 668.23(d)(1) would not be appropriate due to our limited resources nor would taking action advance the national interest or the policy priorities of ED. We also note that institutions of higher education have raised practical challenges associated with transitioning their fiscal year to the new standard and implementing other changes to their financial statements by the originally established effective date. Accordingly, as discussed below, ED has no plans to take enforcement actions under certain specific provisions in § 668.23(d)(1) that went into effect July 1, 2024. ED may also take action to amend § 668.23(d)(1) in a future rulemaking

ENFORCEMENT PRIORITIES RELATED TO AUDITED FINANCIAL STATEMENT REQUIREMENTS UNDER §668.23(D)(1)

Summary of § 668.23(d)(1) Provisions Subject to Delayed Enforcement

Fiscal-Year Alignment with IRS Annual Return(s)

Enforcing the requirement for financial statements submitted to ED for fiscal years beginning on or after July 1, 2024, to match the fiscal year end of the entity's annual return(s) filed with the Internal Revenue Service (IRS) will not be a priority until at least fiscal years beginning on or after July 1, 2027. Institutions may continue submitting audited financial statements that follow their existing institutional fiscal year, even if that fiscal year does not match the reporting period of IRS annual returns. ED expects that this delay will give institutions additional time to match their fiscal year end dates with their IRS return(s). For institutions that have already aligned their financial statements fiscal years with their IRS return(s), no additional action is required.

ED-Requested or ED-Required Fiscal Years

Enforcing the requirement for submission of acceptable financial statements for a school's latest complete fiscal year (or such years as requested by ED or required by this part) will not be a priority until at least July 1, 2027. ED will not require institutions to provide audited financial statements covering additional or ED-specified fiscal years under this new authority during the delay period. Existing authorities outside the Oct. 31, 2023, rule remain unchanged..

ENFORCEMENT PRIORITIES RELATED TO AUDITED FINANCIAL STATEMENT REQUIREMENTS UNDER §668.23(D)(1)

Summary of § 668.23(d)(1) Provisions Subject to Delayed Enforcement

Expanded Applicability of Financial Statements Submissions

Enforcing the requirement that federal student aid functions performed by that entity are covered in the submission of financial statements will not be a priority until at least July 1, 2027. Institutions may follow the previous version of § 668.23(d)(1) regarding which entities' financial statements must be included or consolidated in submissions during the delay period.

Required Disclosure When No Related-Party Transactions Exist

Enforcing the requirement that, if there are no related party transactions during the audited fiscal year or related party outstanding balances reported in the financial statements, management must add a note to the financial statements to disclose this fact will not be a priority until at least July 1, 2027. Institutions do not need to add a specific note disclosing when there are no related party transactions for fiscal years covered by the delay. Institutions must continue to follow applicable Generally Accepted Accounting Principles (GAAP) and Generally Accepted Government Auditing Standards (GAGAS) requirements.

ENFORCEMENT PRIORITIES RELATED TO AUDITED FINANCIAL STATEMENT REQUIREMENTS UNDER §668.23(D)(1)

Summary of § 668.23(d)(1) Provisions Subject to Delayed Enforcement

The enforcement de-prioritization described in this announcement does not alter ED's expectation for institutions to submit annual compliance and financial statements audits to ED. Institutions must continue to submit these audits in accordance with the requirements under § 668.23 as enforcing the audit requirement remains an enforcement priority for ED. Additionally, all other amendments to the financial responsibility regulations promulgated in the Oct. 31, 2023, Federal Register remain enforcement priorities for ED. We appreciate your continued partnership as we implement these regulations. Please continue to reference the Knowledge Center for updates.



DEADLINE



FEDERAL REGISTER

The Daily Journal of the United States Government




PR Proposed Rule

ACCOUNTABILITY IN HIGHER EDUCATION AND ACCESS THROUGH DEMAND-DRIVEN WORKFORCE PELL: PELL GRANT EXCLUSION RELATING TO OTHER GRANT AID; AND WORKFORCE PELL GRANTS

A Proposed Rule by the Education Department on 03/09/2026



 This document has a comment period that ends in 20 days. (04/08/2026)

[SUBMIT A PUBLIC COMMENT](#)

23 comments received. [View posted comments](#)

ACCOUNTABILITY IN HIGHER EDUCATION AND ACCESS THROUGH DEMAND-DRIVEN WORKFORCE PELL: PELL GRANT EXCLUSION RELATING TO OTHER GRANT AID; AND WORKFORCE PELL GRANTS

SUMMARY

The Secretary of Education (Secretary) proposes to amend the regulations governing institutional eligibility, general provisions, and the Federal Pell Grant (Pell Grant) Program under title IV of the Higher Education Act (HEA) of 1965, as amended (the title IV, HEA programs). The proposed regulations would implement statutory changes to the title IV, HEA programs included in the One Big Beautiful Bill Act (OBBB), signed into law by President Trump on July 4, 2025. The OBBB made numerous changes to the HEA, including changes to student eligibility requirements for the Pell Grant Program and the establishment of Workforce Pell Grants for students who enroll in a new type of eligible program called an “eligible workforce program,” intended to be a high-quality, performance-based, short-term program that supports America's workforce needs.

ACCOUNTABILITY IN HIGHER EDUCATION AND ACCESS THROUGH DEMAND-DRIVEN WORKFORCE PELL: PELL GRANT EXCLUSION RELATING TO OTHER GRANT AID; AND WORKFORCE PELL GRANTS

EXECUTIVE SUMMARY

The Secretary proposes to codify two changes made to the HEA by the OBBB through these regulations. The two changes are:

Pell Grant Ineligibility When Other Aid Covers Full Cost.

The OBBB does not allow students to receive Pell Grant funds during any period for which they also receive grant or scholarship aid from non-Federal sources—including States, eligible institutions, or private sources—that equals or exceeds their cost of attendance (COA) for such period.

Workforce Pell Grants.

The OBBB allows students to receive Pell Grants for eligible workforce programs that are 150-599 clock hours in length or an equivalent number of credit hours and that take at least 8 weeks but less than 15 weeks of instructional time to complete (also referred to as “Workforce Pell Grants”). The OBBB establishes several other eligibility requirements for such programs, including approval by a Governor and the Secretary, and annual outcome metrics.

ACCOUNTABILITY IN HIGHER EDUCATION AND ACCESS THROUGH DEMAND-DRIVEN WORKFORCE PELL: PELL GRANT EXCLUSION RELATING TO OTHER GRANT AID; AND WORKFORCE PELL GRANTS

DIRECTED QUESTIONS

Written Arrangements To Provide Educational Programs (§ 668.5(c))

Ineligibility Due to Grant or Scholarship Assistance From Non-Federal Grants (§ 690.5)

Components Determined by Governors (§ 690.93)

Value-Added Earnings: Interim Value-Added Earnings Metric (§ 690.95(a))

Value-Added Earnings: Exclusion of Certain Students in the Completer Cohort (§ 690.95(a))

Value-Added Earnings: Process for Combining Multiple Cohorts (§ 690.95(h))

Value-Added Earnings: Programs Serving Out-Of-State Students (§ 690.95(k))



Available Student Loan Repayment Plans Following the FY2025 Budget Reconciliation Law

P.L. 119-21, the FY2025 budget reconciliation law, amends the Higher Education Act to change student loan repayment plan availability under the Direct Loan program. For borrowers of loans made before July 1, 2026, current plans remain available until July 1, 2028, on which date, borrowers in income-contingent repayment (ICR) plans will be transitioned to other available plans. For borrowers of new loans made on or after July 1, 2026, two newly enacted plan options will replace current plans. This infographic presents changes to repayment plan availability from enactment through July 1, 2028.

For All Borrowers

Date of Enactment

JULY 4
2025

Fixed repayment plans

- Standard 10-year repayment plan
- Extended repayment plan
- Graduated repayment plan

Alternative repayment plans

IDR plans

- IBR plans
- ICR plans*

	For Borrowers of Loans Made Before July 1, 2026 <small>(assumes borrower does not take out new loans on or after July 1, 2026)</small>	For Borrowers of New Loans on or After July 1, 2026 <small>(also applies to borrower's loans made before July 1, 2026)</small>
New Plans Become Available		
JULY 1 2026	<ul style="list-style-type: none"> Fixed repayment plans <ul style="list-style-type: none"> Standard 10-year repayment plan Extended repayment plan Graduated repayment plan Alternative repayment plans IDR plans <ul style="list-style-type: none"> IBR plans ICR plans <input checked="" type="radio"/> RAP 	<ul style="list-style-type: none"> Fixed repayment plans <ul style="list-style-type: none"> <input checked="" type="radio"/> Standard 10-year repayment plan <input checked="" type="radio"/> Extended repayment plan <input checked="" type="radio"/> Graduated repayment plan <input checked="" type="radio"/> Tiered standard repayment plan <input checked="" type="radio"/> Alternative repayment plans IDR plans <ul style="list-style-type: none"> <input checked="" type="radio"/> IBR plans <input checked="" type="radio"/> ICR plans <input checked="" type="radio"/> RAP
ICR Plans Repealed	<ul style="list-style-type: none"> Fixed repayment plans <ul style="list-style-type: none"> Standard 10-year repayment plan Extended repayment plan Graduated repayment plan Alternative repayment plans IDR plans <ul style="list-style-type: none"> IBR plans <input checked="" type="radio"/> ICR plans <input checked="" type="radio"/> RAP 	<ul style="list-style-type: none"> Fixed repayment plans <ul style="list-style-type: none"> <input checked="" type="radio"/> Tiered standard repayment plan IDR plans <ul style="list-style-type: none"> <input checked="" type="radio"/> RAP
JULY 1 2028		
	<ul style="list-style-type: none"> <input checked="" type="radio"/> Newly enacted repayment plan in P.L. 119-21 <input checked="" type="radio"/> Not available 	<ul style="list-style-type: none"> IBR - Income-based repayment ICR - Income-contingent repayment IDR - Income-driven repayment RAP - Repayment Assistance Plan
		<ul style="list-style-type: none"> *Consists of the income-contingent repayment, Pay As You Earn, and Saving on a Valuable Education plans

Transition Out of ICR

Before July 1, 2028, borrowers enrolled in an ICR plan must select another plan available to borrowers of loans made before July 1, 2026.

If they do not make a selection by July 1, 2028, ED will enroll:

- all RAP-eligible loans → RAP
- all non-RAP-eligible loans → IBR

Newly Enacted Plans in P.L. 119-21

● Tiered standard repayment plan

- Fixed monthly payments so that borrower repays loan over a specified repayment term
- Repayment term based on outstanding principal balance (10 to 25 years)

● RAP

- Monthly payments equal to one-twelfth of 1% to 10% of total income
- Interest not covered by monthly payment is not charged to borrower
- Monthly principal reduction of up to \$50 ("matching principal payment")
- Maximum repayment period of 30 years

For additional information on changes to repayment plans made by P.L. 119-21, see CRS Report R48727, *Amendments to the Higher Education Act Made by P.L. 119-21, the FY2025 Budget Reconciliation Law*.

Information as of March 12, 2026. Prepared by Rita Zota, Analyst in Education Policy, and Mari Lee, Visual Information Specialist.





90/10 – Questions and Answers

This guidance is intended to answer questions that the public has presented to the Department regarding the new 90/10 regulations.

Questions on this topic are divided into the following categories:

- [90/10 General Questions \(90/10\)](#)
- [Ineligible Programs \(IP\)](#)
- [Comingled Federal and State Funds \(CFSE\)](#)
- [Income Share Agreements \(ISA\)](#)
- [Enrollment Limitations \(EL\)](#)



COMING
ATTRACTIONS

A C C R E D I T A T I O N



FEDERAL REGISTER

The Daily Journal of the United States Government



PR Proposed Rule

Intent To Establish Negotiated Rulemaking Committee

A Proposed Rule by the Education Department on 01/27/2026



PUBLISHED DOCUMENT: 2026-01620 (91 FR 3403)



PDF



Document
Details



Document
Dates



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Contents

DOCUMENT HEADINGS

Department of Education
34 CFR Chapter VI
[Docket ID ED-2025-OPE-1042]
RIN 1840-AD82

AGENCY:

Office of Postsecondary Education, Department of Education.



PRESS RELEASE

U.S. Department of Education Announces Negotiated Rulemaking to Reform and Strengthen America's Higher Education Accreditation System

JANUARY 26, 2026

The U.S. Department of Education (the Department) today announced its intent to establish the [Accreditation, Innovation, and Modernization](#) (AIM) negotiated rulemaking committee to develop proposed regulations that would, among other goals, simplify the

NEGOTIATED RULEMAKING TO REFORM & STRENGTHEN AMERICA'S HIGHER EDUCATION ACCREDITATION SYSTEM

AIM Committee Dates

The Committee will meet in-person at the Department in Washington, DC for two sessions on the following dates:

Session 1: April 13-17, 2026; and
Session 2: May 18-22, 2026.

Session times will be from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m.

**WHAT
COULD
BE
NEXT?**



KEY DATES TO REMEMBER

March 31 – FY23 CDR Appeal Window Opens

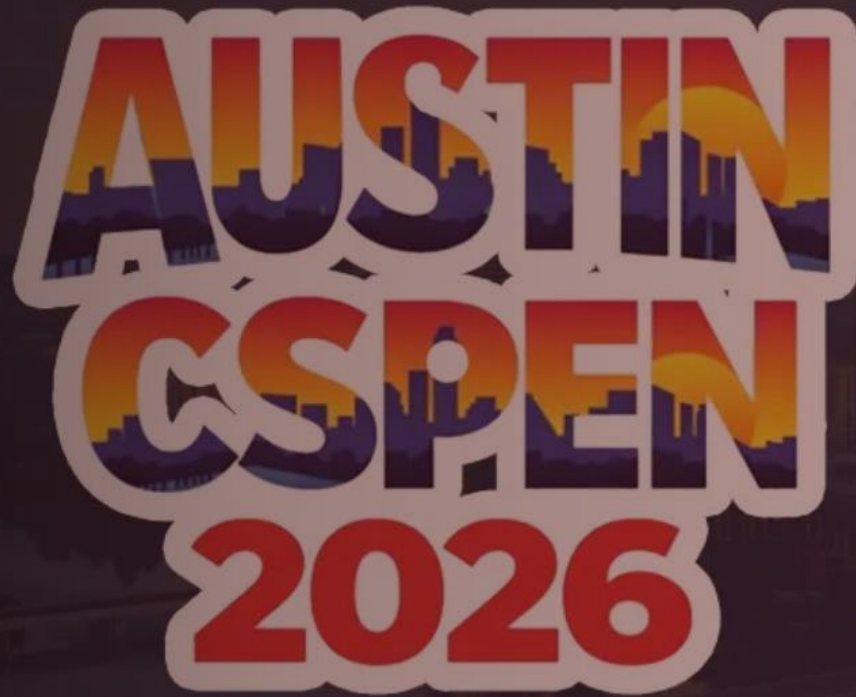
April 6-10 – Distribution of Accreditation, Innovation and Modernization (AIM) Committee Federal Negotiated Rulemaking Draft

April 8 – Workforce Pell NPRM Comment Period Deadline

April 10 – Student Tuition and Transparency System & Earnings Accountability NPRM Release

April 13-17 – AIM Committee Federal Negotiated Rulemaking – Session One

May 18-22 – AIM Committee Federal Negotiated Rulemaking – Session Two



CSPEN 12th Annual Conference

August 10-13, 2026

Austin Marriott Downtown

Austin, Texas

[Learn More](#)



Agency Rule List - Spring 2025

Department of Education

Agency	Agenda Stage of Rulemaking	Title	RIN
ED/OESE	Proposed Rule Stage	Innovative Assessment Demonstration Authority	1810-AB60
ED/OESE	Proposed Rule Stage	Impact Aid Program--Technical Corrections	1810-AB66
ED/OPE	Prerule Stage	Accreditation Issues	1840-AD82
ED/OPE	Prerule Stage	Title IV Eligibility issues	1840-AD92
ED/OPE	Proposed Rule Stage	Documentation of Foreign Source Gifts and Contracts, Section 117 of the Higher Education Act of 1965	1840-AD50
ED/OPE	Proposed Rule Stage	Public Service Loan Forgiveness	1840-AD91
ED/OCR	Proposed Rule Stage	Elimination of Disparate Impact Theory Under Title VI of the 1964 Civil Rights Act	1870-AA20
ED/OCR	Proposed Rule Stage	Procedures for Investigations and Enforcement of Title VI Violations	1870-AA21
ED/OPEPD	Proposed Rule Stage	Protection of Pupil Rights Amendments	1875-AA13
ED/OPEPD	Proposed Rule Stage	Family Educational Rights and Privacy Act	1875-AA15



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ED/OPE

RIN: 1840-AD92

Publication ID: Spring 2025

Title: Title IV Eligibility issues

Abstract:

The Department proposes to address Title IV eligibility issues to remove requirements that unnecessarily target faith-based or for-profit institutions and interfere with efficient and beneficial mergers, sales, and transfers of institutions of higher education. Such issues to be addressed in the context of institutional eligibility for participation of Federal student financial aid include rules governing change of ownership, cash management, administrative capability standards, and financial responsibility requirements.

Agency: Department of Education(ED)

Priority: Other Significant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Prerule Stage

Major: No

Unfunded Mandates: Undetermined

EO 14192 Designation: Deregulatory

CFR Citation: [34 CFR 600](#)

Legal Authority: [20 U.S.C. 1001, 1002, 1003](#) [20 U.S.C. 1088, 1091, 1094](#) [20 U.S.C. 1099b, and 1099c](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice of Intent to Commence Negotiated Rulemaking	07/06/2023	88 FR 43069
NPRM	07/24/2024	89 FR 60256
NPRM Comment Period End	08/23/2024	
Notice of Intent to Commence Negotiated Rulemaking	10/00/2025	
Second NPRM	03/00/2026	
Second NPRM Comment Period End	04/00/2026	
Final Action	08/00/2026	

