HUSCH BLACKWELL

Federal Compliance Update: Changes Expected in 2023

Issues in Higher Education Webinar Series
March 7, 2023

1

Presenters

Hayley Hanson
Husch Blackwell
816-983-8377
hayley.hanson@huschblackwell.com

Abby Felter
Husch Blackwell
816-983-8234
Abby.felter@huschblackwell.com

HUSCH BLACKWELL

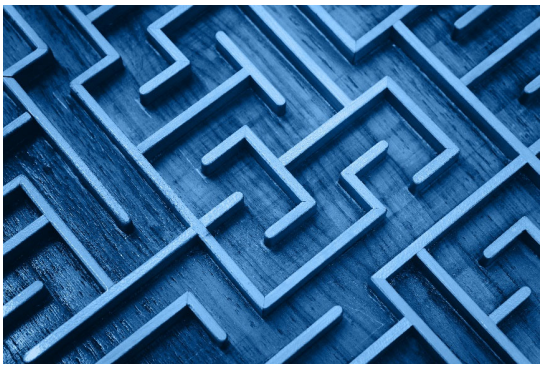
© 2023 Husch Blackwell LLP

2

© 2023 Husch Blackwell LLP

Agenda

- GLBA – Safeguards Rule
- Title IX Regulatory Update
- Third Party Servicers
- Federal Forecast
- Negotiated Rulemaking



HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

3

GLBA – Safeguards Rule

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

4

© 2023 Husch Blackwell LLP

Gramm-Leach-Bliley Act – History and Amendments

- The Federal Trade Commission's Standards for **Safeguarding Customer Information (Safeguards Rule)** took effect in 2003 and was amended in 2021 to keep pace with current technology.
- The Safeguards Rule has long established cybersecurity standards under which customer information must be maintained by financial institutions.
- Financial institutions include all higher education institutions that participate in the federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended (Title IV).
- **All Title IV institutions whether public, private nonprofit or for-profit must comply with GLBA cybersecurity requirements as a condition of Title IV participation.**

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

5

Definition of "Customer Information" for GLBA

Customer information is information obtained as a result of providing a financial service to a student (past or present).

Institutions or servicers provide a financial service when they, among other things, administer or aid in the administration of the Title IV programs; make institutional loans, including income share agreements; or certify or service a private education loan on behalf of a student.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

6

© 2023 Husch Blackwell LLP

Requirements in the GLBA Safeguards Rule

- The objectives of the GLBA standards for safeguarding information are to –
  - Ensure the security and confidentiality of student information;
  - Protect against any anticipated threats or hazards to the security or integrity of such information; and
  - Protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any student (16 C.F.R. 314.3(b)).

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

7

What are the key changes to the GLBA Safeguards rule?

Adds guidance on how to develop and implement specific aspects of an overall information security program but maintains the flexibility to design the information security program to the size and complexity of each financial institution.

Adds accountability for information security programs, such as providing periodic reports to boards of directors and identifying a single "Qualified Individual" responsible for the information security program.

Exemptions for institutions that collect information on fewer than 5,000 consumers from the requirements of a written risk assessment, incident response plan, and annual reporting to the Board of Directors.

Expansion of entities subject to the Rule.

Defines terms and provides examples within the Rule.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

8

© 2023 Husch Blackwell LLP

Safeguards to Control Identified Risks

- ❑ Periodic review of access control; this includes a review of authorized users and limitation of authorized users' access on a "need to know" basis for performance of duties;
- ❑ Evaluation of the data, personnel, devices, and systems on which your institution conducts its business;
- ❑ Protect all customer information held by your institution, transmitted or at rest;
- ❑ Adopt secure in-house development practices for applications used by your institution to reduce risk to consumer information;
- ❑ Implement multi-factor authentication for any individual accessing any information system;
- ❑ Procedures for the secure disposal of customer information (timing identified in the regulation);
- ❑ Change management procedures; and
- ❑ Policies, procedures and controls to monitor and log the activity of authorized users to detect unauthorized use or access.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

9

Monitoring, Testing, and Training

- ❑ Regularly test the effectiveness of your safeguards, including for detecting actual and attempted attacks.
- ❑ Continuous monitoring or periodic penetration testing.
- ❑ Conduct annual penetration testing and vulnerability assessments, including systemic scans to identify vulnerabilities, at least every six months or when there are material changes to your institution's operations.
- ❑ Provide personnel with security awareness training, updated in accordance with the written risk assessment. Schedule regular refreshers of the training.
- ❑ Monitor service providers and require, by contract, the providers to implement and maintain appropriate safeguards of customer information. Periodically assess service providers based on risk.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

10

© 2023 Husch Blackwell LLP

Incident Response Plan

Draft and maintain a written incident response plan to promptly respond to and recover from an incident. The response plan must include:

- Goals
- Internal processes activated in response to an incident
- Clear roles, responsibilities and levels of decision-making authority;
- Communications and information sharing of the incident inside and outside your institution;
- Process to fix identified weaknesses;
- Procedures for documenting and reporting incidents and the response; and
- Evaluation and revision needed for the information security plan after an incident.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

11

Exemption

Financial institutions that maintain customer information concerning fewer than 5,000 consumers are exempt from the following requirements of the Safeguards Rule:

- Written risk assessment;
- Conduct continuous monitoring or periodic penetration testing and vulnerability assessments;
- Written incident response plan; and
- Qualified Individual written report, at least annually, to the board of directors or equivalent.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

12

© 2023 Husch Blackwell LLP

When will institutions be required to comply with new Safeguards rule?

- The amended Rule took effect **January 10, 2022, the compliance deadline was recently extended to June 9, 2023,** for the following requirements:
  - Board reporting
  - Written incident response plan
  - Personnel training
  - Designation of a qualified individual
  - Design of risk-assessment-specific safeguards

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

13

Enforcement of the Safeguard Rules

Which agency will enforce for your educational institution?

What are the penalties for non-compliance under the Safeguards Rule?

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

14

© 2023 Husch Blackwell LLP

Title IX Regulatory Update

2022 Proposed Rulemaking

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

15

Title IX Regulatory Update

- On June 23, 2022, the Department of Education released its Title IX Notice of Proposed Rulemaking
- 700-plus pages, responds to changes in Title IX regulations imposed in August 2020

HUSCH BLACKWELL

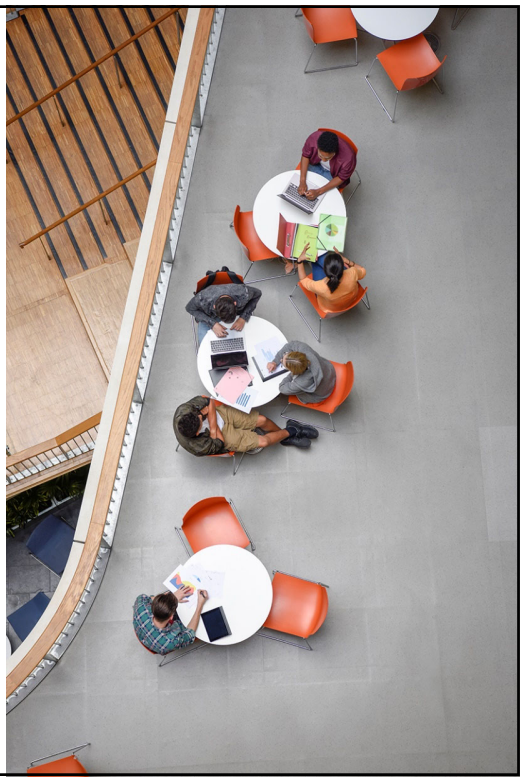
© 2023 Husch Blackwell LLP

16

© 2023 Husch Blackwell LLP

Key Concepts

- Sets the standard for enforcement of Title IX
- Expand protections against sex-based discrimination of all types.
- Restore victim protections.
- Prohibit exclusion from programs on the basis of gender identity.



© 2023 Husch Blackwell LLP

17

Proposed Regulations Objectives –Generally

- Advance Title IX's goal of ensuring that no person experiences sex discrimination in education, that all students receive appropriate support as needed to access equal educational opportunities, and that school procedures for investigating and resolving complaints of sex discrimination, including sex-based harassment and sexual violence, are fair to all involved.
- Restore vital protections for students which were eroded by regulations implemented during the previous Administration, which weakened protections for survivors of sexual assault and diminished the promise of an education free from discrimination.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

18

© 2023 Husch Blackwell LLP

Proposed Regulations Objectives - Generally

- Provide clear rules to help schools meet their Title IX obligation to eliminate sex discrimination in their programs and activities.
- Strengthen protections for LGBTQI+ students by clarifying that Title IX's protections against discrimination based on sex apply to discrimination based on sexual orientation and gender identity.

HUSCH BLACKWELL

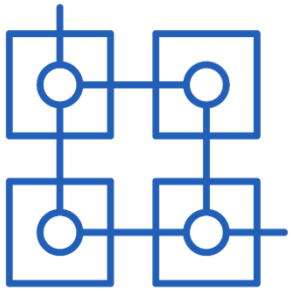
© 2023 Husch Blackwell LLP

19

Notable Title IX proposed changes

Scope of Coverage

- Explicitly includes as forms of sex discrimination under Title IX discrimination based on pregnancy, sexual orientation, gender identity, sex stereotypes, or sex characteristics.



HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

20

© 2023 Husch Blackwell LLP

Notable Title IX proposed changes

Hostile Environment

- Modifies the definition of hostile environment sexual harassment to align with Title VII
- Unwelcome sex-based conduct that is sufficiently severe or pervasive, that, based on the totality of the circumstances and evaluated subjectively and objectively, denies or limits a person's ability to participate in or benefit from an education program or activity.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

21

Notable Title IX proposed changes

Quid Pro Quo

- Applies to conduct by agents or other persons authorized by the institution to provide an aid, benefit, or service under the institution's education program or activity.
- Does not apply to students with leadership positions in extracurricular activities because such students are typically not authorized by an institution to provide aid, benefits, or services under an institution's education program or activity.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

22

© 2023 Husch Blackwell LLP

Notable Title IX proposed changes

Jurisdictional Scope

- Harassment occurring outside of an educational program or activity can nevertheless violate Title IX if such harassment contributes to a hostile environment within an educational program or activity.
- Conduct occurring within an institution's education program and activity includes conduct that occurs off-campus when the respondent represents the institution or is otherwise engaged in conduct under the institution's "disciplinary authority."

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

23

Notable Title IX proposed changes

Jurisdictional Scope

- Title IX does not apply to sex-based harassment occurring (1) outside an institution's education program or (2) outside the U.S. where the harassment does not contribute to a hostile environment in the institution's education program or activity in the U.S.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

24

© 2023 Husch Blackwell LLP

Notable Title IX proposed changes

Grievance Process

- Expands application of the grievance process requirements to all forms of sex discrimination, not just sexual harassment
- BUT -- includes additional requirements for sexual harassment complaints involving students at postsecondary institutions and generally preserves more of the procedural requirements of the current regulations.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

25

Notable Title IX proposed changes

Definitions

- Refines definitions of retaliation to include "intimidation, threats, coercion, or discrimination against anyone because the person has reported possible sex discrimination, made a sex-discrimination complaint, or participated in any way in an institution's Title IX process."
- Adds definition of peer retaliation: retaliation by one student against another student.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

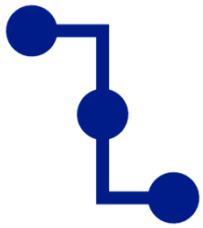
26

© 2023 Husch Blackwell LLP

Notable Title IX proposed changes

Less Stringent Procedures

- Relaxes several procedural processes:
  - Complaints may be made orally or in writing
  - Removes the participation requirement for students, employees, & those persons authorized to act on their behalf
  - Mandatory dismissal now permissive
  - Evidence review process



HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

27

Notable Title IX proposed changes

Advisors

- The right to an advisor would be preserved in sexual harassment complaints involving postsecondary students, but that is not the case for complaints of sexual harassment that do not involve students or sex discrimination complaints

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

28

© 2023 Husch Blackwell LLP

Notable Title IX proposed changes

Confidential Employees

- Employees whose communications are privileged under law and are associated with their role or duties for the institution;
- Employees whom the institution has designated as a confidential resource for the purpose of providing services to individuals in connection with sex discrimination; and
- Employees of postsecondary institutions who conduct human subjects research studies that have been approved by the institution's Institutional Review Board and that are designed to gather information about sex discrimination.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

29

Notable Title IX proposed changes

Live Hearings

- Eliminates the live hearing requirement and allows use of the single-investigator model
- Institutions must develop a process for assessing credibility that could be satisfied by either "advisor-conducted questioning at a live hearing" or having the "decisionmaker ask their questions and the parties' questions of any party and witnesses during individual meetings."

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

30

© 2023 Husch Blackwell LLP

Notable Title IX proposed changes

Cross-Examination

- In live hearings, the decisionmaker must determine the relevance of advisor-conducted questioning prior to a party answering. The decisionmaker should not permit questions that are "vague or ambiguous, or harassing of the party being questioned."
- If a party does not respond to questions related to their credibility, the decisionmaker must not rely on any statement of that party that supports that party's position.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

31

Notable Title IX proposed changes

Determinations

- Notice of determination need not be in writing or include any specific details in sex discrimination complaints or sexual harassment complaints that do not involve postsecondary students.
- Must provide written determination of whether sex-based harassment occurred in cases involving postsecondary students.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

32

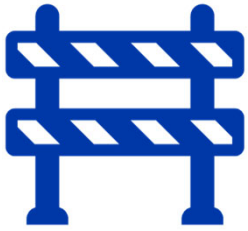
© 2023 Husch Blackwell LLP

Notable Title IX proposed changes

Title IX Coordinator

Must monitor barriers to reporting conduct that may constitute sex discrimination; and that the institution must take steps reasonably calculated to address identified barriers:

- regular campus climate surveys
- Targeted feedback from students and employees who have reported or made complaints about sex discrimination
- public awareness events for purposes of receiving feedback from student and employee attendees,
- publicizing and monitoring an email address designated for anonymous feedback about reporting barriers.



HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

33

So, everything's settled then?

- *Victim Rights Law Center v. Cardona* (D. Mass. August 2021)
  - Exclusionary rule vacated
  - Arbitrary and capricious
    - ED did not consider likely consequences: "No attorney worth her salt recognizing that – were her client simply not to show up for the hearing – an ironclad bar would descend, suppressing any inculpatory statements her client might have made to the police or third parties, would hesitate to so advise."

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

34

© 2023 Husch Blackwell LLP

Third-Party Servicer (TPS)

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

35

TPS Definition

The HEA defines "Third-Party Servicer" as:

"any individual, any State, or any private, for-profit or nonprofit organization, which enters into a contract with—

(1) any eligible institution of higher education to administer, through either manual or automated processing, any aspect of such institution's student assistance programs under this subchapter and part C of subchapter I of chapter 34 of Title 42; or

(2) any guaranty agency, or any eligible lender, to administer, through either manual or automated processing, any aspect of such guaranty agency's or lender's student loan programs under part B of this subchapter, including originating, guaranteeing, monitoring, processing, servicing, or collecting loans."

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

36

© 2023 Husch Blackwell LLP

Expands Definition of TPS

The new interpretation of TPS includes a "catch-all" provision that captures all vendors that

> *"perform any other aspect of the administration of the Title IV programs or comply with the statutory and regulatory requirements associated with those programs."*

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

37

New array of vendors

- Student Recruitment
- Software Products & Services Linked to Title IV
- Educational Content & Instruction

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

38

© 2023 Husch Blackwell LLP

Recruitment- and Application-Related Activities

Third-Party Servicer	Not a Third-Party Servicer
Interacting with prospective students for the purposes of recruiting or securing enrollment.	Conducting, hosting, or assisting with community awareness/public service FASFA completion events
Assisting students with the completion of application and enrollment processes.	Publishing and/or mailing general student financial aid information, policies, procedures, or handbooks
Processing admissions applications.	
Establishing or modifying admissions standards	
Processing Title IV student financial aid application	
Performing individualized and interactive financial aid counseling	

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

39

Computer Services/Software and Record Maintenance

Third-Party Servicer	Not a Third-Party Servicer
Collecting, reviewing, and/or maintaining the information and/or documentation necessary to make or support student eligibility determinations and/or to disburse Title IV funds to a student or borrower.	Warehousing of records, if such activity involves only storage of records and the entity has no access to or control over the data.
Providing computer services or software in which the provider has access to, or maintains control over, the systems needed to administer any aspect of the Title IV programs, whether through manual or automated processing, including, but not limited to, systems related to financial aid management, recruitment and enrollment, admissions, registration, billing, and learning management.	Providing computer services or software where the provider has no access to and maintains no control over the systems needed to administer any aspect of the Title IV programs.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

40

© 2023 Husch Blackwell LLP

Instructional Content

Third-Party Servicer	Not a Third-Party Servicer
Providing any percentage of a Title IV-eligible program at an institution, including: • Establishing requirements for the completion of a course and/or evaluating whether a student has met those requirements; • Delivering instruction or mandatory tutoring; • Assessing student learning, including through electronic means; or • Developing curricula or course materials, unless the institution maintains full control of the curriculum/materials and delivers the instruction itself.	Providing optional supplementary academic support to students, such as tutoring or other forms of optional academic assistance. This exclusion **does not** apply if the academic assistance is mandatory or a required part of the academic program. Selling or providing course materials, if the institution maintains full control of the curriculum and delivers the instruction itself. This exclusion **does not** apply if the vendor maintains control of the program or materials after selling the materials to the institution or is in any way involved with instruction.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

41

Impact on Institutions

- Institutions have until Sept. 1, 2023, to report any arrangements with Third-Party Servicers that have not previously been reported to the Department.
- Institutions must also:
  - ensure their Third-Party Servicer contracts include specified terms;
  - obtain a signed certification form from each Third-Party Servicer; and
  - ensure their E-App is updated to identify each Third-Party Servicer.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

42

© 2023 Husch Blackwell LLP

Impact on Vendors

- Vendors covered by the Department's new interpretation of a Third-Party Servicer:
  - are responsible for compliant contracts;
  - must submit to the Department or update a Third-Party Servicer Data Form; and
  - must meet annual audit requirements.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

43

Next Steps

- Take inventory of their arrangements with all outside vendors providing products or services in relevant areas (recruitment, software products/services, and educational content/instruction).
- Communicate with covered vendors
- Attend virtual listening sessions (March 8 and 9, 2023)

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

44

© 2023 Husch Blackwell LLP

Personal Liability for Title IV Compliance Failures

- March 2, 2023 announcement
- ED may require individuals at schools demonstrating financial risk to assume personal responsibility by signing a school's Title IV program participation agreement
- Risk factors:
  - Significant audit findings
  - Failure to meet financial responsibility requirements
  - Legal actions related to fraud, misrepresentation, consumer harm, or financial malfeasance
  - Significant compliance issues
  - Executive compensation or a bonus structure that could significantly affect the financial health of the institution

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

45

Federal Forecast

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

46

© 2023 Husch Blackwell LLP

The Clery Act

- Proposed legislation: S. 5047 – Campus Accountability and Safety Act
- Proposed changes to the Clery Act:
  - Increase transparency and reporting requirements
  - Create a campus safety website
  - Establish new campus resources and support services for survivors of campus sexual assault
  - Establish a uniform process to adjudicate sexual assault cases

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

47

Third Party Arrangements

"It has come to our attention that institutions and their accrediting agencies do not always accurately account for the percentage of a program that is provided by an ineligible entity."

- U.S. Dept. of Education

Concern regarding ineligible entities:

- Establishing the requirements for completion of the course;
- Delivering instruction or mandatory tutoring;
- Assessing student learning, including through electronic means;
- Developing curricula or course materials, where the institution and its instructors cannot make changes to the materials; and
- Gap-year experiences

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

48

© 2023 Husch Blackwell LLP

Program Participation Agreements

"If a company owns, controls, or profits from a college, it should also be on the hook if the institution fails students."

- Under Secretary of Education, James Kvaal

Updated PPA Signature Requirements impact:

- Sole Member of Institution
- Entity or Person with Substantial Direct or Indirect Control of the Institution
- Entity that provides audited financial statements for Institution's annual financial submissions to the U.S. Department of Education

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

49

Changing Accrediting Agencies

"The goal is to prevent a race to the bottom in quality standards among accrediting agencies and ensure that institutions cannot switch to an accrediting agency with less rigorous standards simply to evade accountability..."

-Antoinette Flores, Senior Advisor, Office of Postsecondary Education

Institutions must apply to switch accrediting agencies:

- Institutions must receive approval from the Dept. of Education to switch accrediting agencies.
- The Department will determine whether an institution has "reasonable cause" to change its accrediting agency.
- Requests to change accrediting agencies will be rejected if due to bad standing or an attempt to lessen oversight of the institution.
- Approval **only if** able to demonstrate that a change in accreditor will improve institutional quality.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

50

© 2023 Husch Blackwell LLP

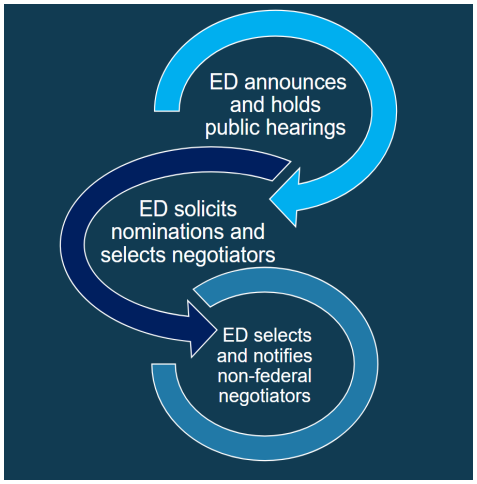
Negotiated Rulemaking

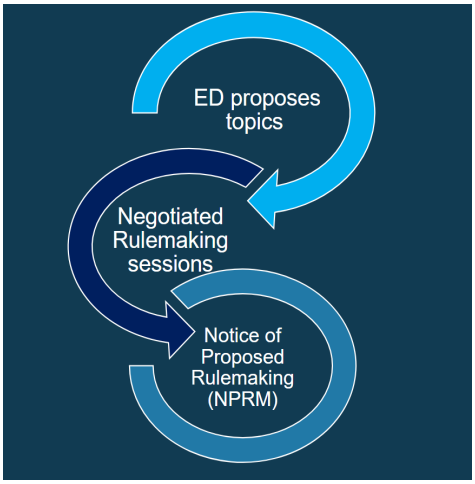
HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

51

Negotiated Rulemaking





Source: U.S. Department of Education 2020 FSA Training Conference

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

52

© 2023 Husch Blackwell LLP

Negotiated Rulemaking Topics

Standards of Administrative Capability	Changes of Control and Ownership	Borrower Defense to Repayment	Gainful Employment
Total and permanent disability discharges	Closed-school loan & False certification discharges	Loan Repayment Plans	Public Service Loan Forgiveness
Financial Responsibility Triggers & Reporting	Pre-dispute arbitration & class action waiver clauses	Pell Grant Eligibility	90/10 Regulations for Proprietary Institutions

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

53

Final Rules

- Borrower Defense
- Closed School Discharges
- Interest Capitalization
- Total and Permanent Disability Discharges
- False Certification
- Public Student Loan Forgiveness
- 90/10
- Prison Education Programs
- Change in Ownership

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

54

© 2023 Husch Blackwell LLP

Borrower Defense to Repayment (BDR)

- Effective July 1, 2023
- Establishes a single federal standard for BDR
- New definition of aggressive and deceptive recruitment
- Reinstates a ban on pre-dispute arbitration and class action waivers

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

55

BDR continued

- The Final Rule provides five grounds under which a claim could be filed:
  - Substantial misrepresentation
  - Substantial Omission of fact
  - Breach of Contract
  - Aggressive and Deceptive Recruitment
  - A federal or state judgment or department adverse action against the institution that could give rise to a borrower defense claim

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

56

© 2023 Husch Blackwell LLP

Extending Pell Grants to Incarcerated Students

- Individuals expected to become eligible next summer to apply for Pell Grants to pay for college
- New Prison Education Program (PEP) rules become effective July 2023
- Ban on Pell for prisoner's dates back to 1994
- Incarcerated individuals will be able to use Pell to pay for public or nonprofit postsecondary educational programs, up to the cost of attendance.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

57

Change in Ownership

- New rule updates the definition of nonprofit institution to prevent improper financial benefits to a former owner or other affiliate of a college.
- Tightens ownership and control provisions when a for-profit institution converts to a nonprofit institution.
- Unlikely for a nonprofit status to be approved if the institution owes debts to a former owner or if it holds a revenue-sharing or other agreement with a former owner, current or former employee, or board member that is inconsistent with the market value for the services provided.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

58

© 2023 Husch Blackwell LLP

Other Final Rules

- Total and Permanent Disability Discharge: streamline and ensure uniformity of the TPD discharge across all the loan programs
- False Certification: established a uniform standard for false certification
- Public Service Loan Forgiveness (PSLF): Definitions were added, modified, and restructured to clarify the definitions of qualifying employer and full-time for PSLF purposes
- Closed School Loan Discharge: Expanded qualifications
- Pre-Dispute Arbitration: Added limitations to the use of pre-dispute arbitration agreements.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

59

Forthcoming: Gainful Employment (GE) Predictions

- In June 2022, ED indicated that it was holding back GE 3 until spring 2023 with expected effective date of July 1, 2024
- We expect the new GE rules will restore tests that could cause a GE program to lose eligibility to receive Title IV funding or require significant disclosures to students enrolled in or considering enrolling in GE programs.

HUSCH BLACKWELL

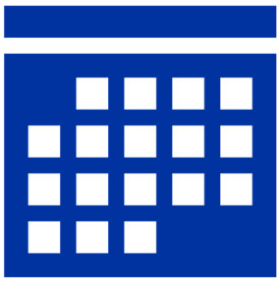
© 2023 Husch Blackwell LLP

60

© 2023 Husch Blackwell LLP

Other Rules Delayed until Spring 2023

- Ability to Benefit
- Financial Responsibility
- Administrative Capability
- Certification Procedures



HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

61

Knowledge is power.

- ✓ Receive Husch Blackwell Education communications in your inbox including:
  - Upcoming events
  - Legal Alerts
  - Complimentary monthly webinars
- ✓ Request digital copy of today's presentation.
- ✓ Request information about our legal services.

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

62

© 2023 Husch Blackwell LLP

Questions

?

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

63

HUSCH BLACKWELL

© 2023 Husch Blackwell LLP

64

© 2023 Husch Blackwell LLP