



May 12, 2025

Russell T. Vought, Director
Office of Management and Budget (OMB)
Room 252
Eisenhower Executive Office Building
17th Street and Pennsylvania Avenue, NW
Washington, DC 20504

OMB Request for Information: Deregulation

Dear Director Vought,

On behalf of the American Council on Education and the undersigned higher education associations, we write regarding the request for information on areas for deregulation across the federal government, including addressing any regulations currently in effect. While many federal regulations serve a valuable role in promoting accountability, transparency, and student success, there are many examples of regulations that are duplicative, redundant or poorly-targeted that increase burden and cost to colleges and universities.

In 2015, the higher education community produced a report on federal regulation of higher education to identify recommendations regarding burdensome regulations, at the request of a bipartisan group of U.S. senators.¹ The report noted that institutions must often allocate resources to compliance that would be better applied to student education, safety, and innovation in instructional delivery. In addition, the report concluded that “many rules are unnecessarily voluminous and too often ambiguous, and that the cost of compliance has become unreasonable. Moreover, many regulations are unrelated to education, student safety, or stewardship of federal funds—and others can be a barrier to college access and innovation in education.” While the report was written almost a decade ago, the task force also created a list of guiding principles to “govern the development, implementation, and enforcement of regulations.” We believe those guiding principles can be helpful in efforts to look at deregulation, specifically at the U.S. Department of Education (Department), as well as in the implementation of executive orders and other policies by the administration:

- Regulations should be related to education, student safety, and stewardship of federal funds.
- Regulations should be clear and comprehensible.
- Regulations should not stray from clearly stated legislative intent.
- Costs and burdens of regulations should be accurately estimated.

¹ “Recalibrating Regulation of Colleges and Universities: Report on the Task Force on Federal Regulation of Higher Education”, <https://www.acenet.edu/Documents/Higher-Education-Regulations-Task-Force-Report.pdf>

- Clear safe harbors should be created.
- The Department should recognize good faith efforts by institutions.
- The Department should complete program reviews and investigations in a timely manner.
- Penalties should be imposed at a level appropriate to the violation.
- Disclosure requirements should focus on issues of widespread interest.
- All substantive policies should be subject to the “notice-and-comment” requirements of the Administrative Procedure Act.
- Regulations that consistently create compliance challenges should be revised.
- The Department should take all necessary steps to facilitate compliance by institutions.

In considering these principles, we have identified several examples of regulatory issues either currently in effect or set to take effect in the near future that do not meet these goals. Many of these are included in our recent letter to the Department regarding negotiated rulemaking, which we encourage you to consider in this process as well.²

In addition, we call on the administration to delay or provide additional information regarding regulations that were established by the previous administration but have not been fully implemented. These include:

- April 24, 2024 Department of Justice final rule on “Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Agencies.” Under Title II of the American’s with Disabilities Act. This final rule is meant to go into effect for large institutions on April 26, 2026, and small public entities on April 26, 2027.³
- Oct. 10, 2023 Department of Education final rules on “Financial Value Transparency and Gainful Employment”.⁴ Extension of the reporting processes and completer’s list was extended to Sept. 30, 2025.⁵

Our institutions are preparing to comply with these reporting and implementation deadlines, many of which will entail significant commitments of resources and staff time. Given the shifts in administration priorities, as well as the changes to staffing and leadership, that accompany a transition between administration, there is a lack of clarity as to what compliance may necessitate. We therefore ask OMB and federal agencies to review these regulations in light of the compliance challenges that covered entities still need to work through and to move quickly to clarify their status going forward.

² <https://www.acenet.edu/Documents/Comments-ED-Rulemaking-Topics-050825.pdf>

³ <https://www.federalregister.gov/documents/2024/04/24/2024-07758/nondiscrimination-on-the-basis-of-disability-accessibility-of-web-information-and-services-of-state>

⁴ <https://www.federalregister.gov/documents/2023/10/10/2023-20385/financial-value-transparency-and-gainful-employment>

⁵ <https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2025-02-14/extension-completers-list-and-reporting-processes-financial-value-transparency-and-gainful-employment-until-september-30-2025>

Regarding regulations governing research policy, we support the detailed comments submitted by the Council on Governmental Relations (COGR)⁶ based on the actionable ideas to improve government efficiency affecting the performance of research.⁷ These regulations have an enormous impact on institutions that engage in federally funded research.

And finally, as the Trump administration makes policy changes, we ask that you follow the guiding principles laid out above, and work with the stakeholder community and our institutions in the implementation of any new regulations, while providing clarity and transparency on regulations that are being rescinded or amended. It is very difficult to comply with existing regulations unless there is a shared understanding of the requirements. Our institutions want to be in compliance and take their responsibilities seriously, but that is difficult when regulations suddenly change without prior notice and consultation.

Thank you for your consideration and we look forward to working with you on these important issues.

Sincerely,



Ted Mitchell, President

On behalf of:

American Association of Community Colleges
American Association of State Colleges and Universities
American Council on Education
American Indian Higher Education Consortium
Association of American Universities
Association of Catholic Colleges and Universities
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
Council of Graduate Schools
EDUCAUSE
Hispanic Association of Colleges and Universities
National Association of College and University Business Officers
National Association of Independent Colleges and Universities
National Association of Student Financial Aid Administrators

⁶ May 7, 2025 COGR comments to OMB:

https://www.cogr.edu/sites/default/files/COGR%20Response_Deregulation%20RFI-o.pdf

⁷ April 2025 COGR “Actionable Ideas to Improve Government Efficiency Affecting the Performance of Research”:

https://www.cogr.edu/sites/default/files/Actionable%20Ideas%20to%20Improve%20Gov%20Efficiency%20COGR_o.pdf