

To: All Negotiators

From: Robert Anderson

Re: Authorization Proposal Regarding Complaint Process Language and “State Discretion”

This language below proposes a modest change to language related to complaints. What is being recommended will provide greater clarity and accuracy for students and was developed based on feedback from state regulators.

The Department included language to address its concerns about complaints. Additional consultation from states has generally supported the changes but raised some concerns about the concept of “state discretion.” More precise language that allows states to act in ways that are consistent with their own regulations and policies (which could include state discretion), is needed. This does not seem to be an objectionable change.

600.9

...

(d) If an institution is authorized to offer distance education in another State under a State authorization reciprocity agreement, as defined in § 600.2:

1. Such agreement must:

...

(vii) permit member States to, at their State's discretion, consistent with their own statutes and regulations, accept, investigate, and resolve complaints about an institution of higher education that have not yet been submitted to and resolved by the institution of higher education.