

HIGHER EDUCATION INFORMATION MEMO

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Federal Judge Blocks Education Department's New Minimum Clock-Hour Rule

A federal judge in Texas has issued a nation-wide injunction blocking the Education Department's new minimum clock-hour rule (Proposed Rule) for career prep programs, which was scheduled to go into effect on July 1, 2024.

In recent decades, the Education Department has enforced a "150% Rule," which provides students with access to federal funds, so long as a nondegree program's length does not exceed 150% of a state's minimum credit hour requirements. However, the Proposed Rule was poised to restrict federal student aid to nondegree programs that require the minimum hours a state mandates for licensure in a given field (e.g., cosmetology, massage therapy, esthetician, etc.). Subsequently, a coalition of schools filed a lawsuit contending that the Proposed Rule exceeded the Education Department's authority and violated federal procedures required for regulatory changes.

On June 21, 2024, U.S. District Judge Mark T. Pittman of the Northern District of Texas found that the coalition of vocational schools established that a preliminary injunction was warranted and blocked implementation of the Proposed Rule pending resolution of the underlying lawsuit. The Education Department can appeal Judge Pittman's order to the Fifth Circuit.

If you have any questions, please contact [Alison Roach](#), any attorney in Bond's [higher education practice](#), or the Bond attorney with whom you are regularly in contact.

