

## **SUPPORTING STATEMENT**

Information Collections under the Proposed Regulations Governing the Criteria for Foreign Schools to Apply to Participate in Title IV, HEA Programs

**RIN-1840-AD03**

### **A. Justification**

#### **1. Necessity of Information Collected**

This request is for approval of changes to the policies and procedures for foreign schools to apply to participate in Title IV, HEA programs. These proposed regulations specify new policies to ensure comparability between domestic institutions and foreign institutions regarding academic year definitions for non-degree programs. The proposed regulations also include changes to reporting requirements for foreign graduate medical schools, and add specific regulations for foreign nursing schools.

#### **2. Purpose and Use of Information Collected**

Subpart E – Eligibility of Foreign Institutions to Apply to Participate in the Federal Family Education Loan (FFEL) Programs - OMB 1845-NEWA

Sections 600.54, 600.55, and 600.57 contain collection requirements. Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507 (d)), the Department of Education is submitting a copy of these sections to the Office of Management (OMB) for its review. We are proposing the following changes:

*Section 600.54 – Criteria for determining whether a foreign institution is eligible to apply to participate in the FFEL programs.*

The proposed regulation in §600.54 (d)(3) would establish new requirements for foreign institutions receiving Title IV, HEA program funds to demonstrate that their method of determining academic work in a non-degree program is equivalent to the definition of an academic year that is required for domestic schools (§668.3) to use in determining program eligibility. This determination is made on a program by program basis by the Department.

*Section 600.55 – Additional criteria for determining whether a foreign graduate medical school is eligible to apply to participate in the Title IV, HEA programs.*

Proposed §668.55(c)(2) would require a foreign graduate medical school to determine and require the consent requirements of all students accepted for admission who are U.S. citizens, nationals, or eligible permanent residents. That would enable the school to comply with the collection and submission requirements in proposed §600.55(d) for Medical College Admission Test (MCAT) scores, residency placement, and U.S. Medical Licensing Examination (USMLE) scores.

The proposed regulations in §600.55(d) would require a foreign graduate medical school, at its own expense, to obtain and submit by September 30 of each year, its accrediting authority for all

students who are U.S. citizens, nationals, or eligible permanent residents, the: (1) MCAT scores admitted during the preceding award year and the number of times each student took the exam; (2) percentage of students graduating during the preceding award year who are placed in an accredited U.S. medical residency; and (3) USMLE scores earned during the preceding award year by each student who graduated during the three preceding years, and the date each student took each test, including any failed tests. The USMLE scores submitted would have to be disaggregated by step/test, and attempt. A school would have to submit the data on MCAT scores and placement in an U.S. residency only upon request, but would be required to submit the USMLE data to the Department by September 30, unless notified by the Department.

The proposed regulations at §600.55(e)(2) would require a foreign graduate medical school to notify their accrediting body within one year of any material changes in: (1) the educational programs, including clinical sites; and (2) the overseeing bodies and in the formal affiliation agreements with hospitals and clinics.

Finally, proposed regulations in §600.55(g)(3) would require a foreign graduate medical school to publish all the languages in which instruction is offered.

*Section 600.57 – Additional criteria for determining whether a foreign nursing school is eligible to apply to participate in the FFEL program.*

The proposed regulations would add a new section specifying additional Title IV, HEA eligibility criteria for foreign nursing schools. The foreign nursing school eligibility includes, among other items §600.57(a)(6)(i), a requirement that the school must determine the consent requirements for, and the necessary consents of, all students accepted for admission who are U.S. citizens, nationals, or eligible permanent residents. This will enable the school to comply with the requirements for collection and submission of National Council Licensure Examination for registered Nurses (NCLEX-RN) results or pass rates.

The foreign nursing school eligibility also includes §600.57(a)(6)(ii) where annually, at its own expense, schools obtain and provide to the Department: (1) all NCLEX-RN results achieved by students and graduates who are U.S. citizens, nationals, or eligible permanent residents, and (2) the dates the student has taken the examination (including any failed examinations). Or, as an alternative to obtaining the NCLEX results individually, the school may obtain a report or reports from the National Council of State Boards of Nursing (NCSB), or an NCSB affiliate or NCSB contractor, reflecting the percentage of the school's students and graduates taking the NCLEX-RN in the preceding year who passed the examination, or the data from which the percentage could be derived.

### **3. Consideration of Improved Information Technology**

Institutions may use computer and Internet technology to image, transmit, and receive the supporting documents. Institutions are encouraged to make available documents that need to be completed by students on their Internet sites if possible.

#### **4. Efforts to Identify Duplication**

There is no duplication of data as a result of the collection of this information.

#### **5. Burden Minimization as Applied to Small Business**

No small businesses are impacted by this collection.

#### **6. Consequences of Less Frequent Data Collection**

Report submission and information change requirements are imposed to assure accountability of program participants for proper program administration and less frequent collection could impair accountability of program participants. Additionally, the receipt of proper consent forms helps to ensure that funds being disbursed to students at these institutions meet eligibility requirements.

#### **7. Special Circumstances Governing Data Collection**

This application is consistent with all of the guidelines in 5 CFR 1320.5(d)(2).

#### **8. Consultation Outside the Agency**

A Notice of Proposed Rulemaking, as well as a 60 and 30-day notice was published in the Federal Register seeking public comment.

Prior to the approval of these proposed regulations, the Department negotiated with members of the community during three sessions in early 2010. The Department of Education (Department) announced in a September 9, 2009 Federal Register notice (74 FR 46399), the Department's intention to establish negotiated rulemaking committees to prepare proposed regulation under Title IV of the HEA. These committees were formed as a result of a Federal Register notice published on May 26, 2009 (74 FR 24728) which announced a series of three regional hearings at which interested parties could comment on topics suggested by the Department and suggest additional topics for consideration.

#### **9. Payments or Gifts to Respondents**

No payments or gifts will be provided to the respondents.

#### **10. Assurance of Confidentiality**

There is no assurance of confidentiality provided to institutions for the submission of this information.

#### **11. Questions of a Sensitive Nature**

The Department is not requesting any sensitive data.

#### **12. Annual Hour Burden for Respondents/Recordkeepers**

The additional burden hours calculated below include time for reviewing the change in regulations; for determining the method and means to incorporate changes; develop or update

systems and forms and formats for gathering the required information; and to prepare any required reports.

Section 600.54 – Criteria for determining whether a foreign institution is eligible to apply to participate in the FFEL programs.

§600.54 (d)(3) – Demonstration of academic year equivalency in non-degree programs.

<u># of Respondents</u>	<u># of Responses</u>	<u>Hrs/Response</u>	<u># of Burden Hours</u>
Private institutions			
33	33	X .17	6
Public institutions			
93	93	X .17	16
TOTAL			
126	126		22

Section 600.55 – Additional criteria for determining whether a foreign graduate medical school is eligible to apply to participate in the Title IV, HEA programs.

§600.55(c)(2) – Admission criteria

<u># of Respondents</u>	<u># of Responses</u>	<u>Hrs/Response</u>	<u># of Burden Hours</u>
Individual			
2,800	2,800	X.08	224
For-profit institutions			
3	3	X .50	2
Private institutions			
10	10	X .50	5
Public institutions			
58	58	X .50	29
TOTAL			
2,871	2,871		260

§600.55(d) – Collection and submission of data.

<u># of Respondents</u>	<u># of Responses</u>	<u>Hrs/Response</u>	<u># of Burden Hours</u>
For-profit institutions			
3	3	X 1.25	4
Private institutions			
10	10	X 1.25	13
Public institutions			
58	58	X 1.25	73
TOTAL			
71	71		90

§600.55(e) – Requirements for clinical training.

<u># of Respondents</u>	<u># of Responses</u>	<u>Hrs/Response</u>	<u># of Burden Hours</u>
For-profit institutions			
1	1	X .82	1
Private institutions			
3	3	X .82	3
Public institutions			
15	15	X .82	12
TOTAL			
19	19		16

§600.55(g) – Other criteria.

<u># of Respondents</u>	<u># of Responses</u>	<u>Hrs/Response</u>	<u># of Burden Hours</u>
For-profit institutions			
3	3	X .33	1
Private institutions			
10	10	X .33	3
Public institutions			

58	58	X .33	19
TOTAL			
71	71		23

Section 600.57 – Additional criteria for determining whether a foreign nursing school is eligible to apply to participate in the Title IV, HEA programs.

§600.57(a)(6)(i) – Consent forms

<u># of Respondents</u>	<u># of Responses</u>	<u>Hrs/Response</u>	<u># of Burden Hours</u>
Individual			
1,200	1,200	X.08	96
For-profit institutions			
3	3	X .50	1.5

§600.57(a)(6)(ii) – Reporting requirements

<u># of Respondents</u>	<u># of Responses</u>	<u>Hrs/Response</u>	<u># of Burden Hours</u>
For-profit institutions			
3	3	X 1.50	4.5
TOTAL			
1,206	1,206		102

**GRAND TOTAL**

<b>4,364</b>	<b>4,364</b>		<b>513</b>
--------------	--------------	--	------------

For additional information, please see the supplementary document “OMB 1845-NEWA (04289) Table.”

**13. Start-Up Cost Burden to the Respondents**

There is no new system start-up costs associated with these proposed regulations.

**14. Estimated Annual Cost to the Federal Government**

There are no additional costs to the Federal government as a result of the proposed regulation.

**15. Reasons for Changes to Burden Hour Estimated**

The 513 burden hours are a program change resulting from proposed changes to regulations to ensure eligibility requirements are met by both students and institutions. A summary is provided below.

<b># of Respondents</b>	<b># of Responses</b>	<b># of Burden Hours</b>
<i>Section 600.54 – Criteria for determining whether a foreign institution is eligible to apply to participate in the FFEL programs.</i>		
126	126	22
<i>Section 600.55 – Additional criteria for determining whether a foreign graduate medical school is eligible to apply to participate in the Title IV, HEA programs.</i>		
3,032	3,032	389
<i>Section 600.57 – Additional criteria for determining whether a foreign nursing school is eligible to apply to participate in the FFEL program.</i>		
1,206	1,206	102
<b>TOTAL</b>		
<b>4,364</b>	<b>4,364</b>	<b>513</b>

**16. Collection of Information with Published Results**

The results of the collection of information will not be published.

**17. Approval to Not Display Expiration Date**

The Department is not seeking this approval.

**18. Exception to the Certification Statement**

The Department is not requesting any exceptions to the “Certification of Paperwork Reduction Act Submissions.”