

SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
Student Assistance General Provisions – Subpart A - General

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section¹. Specify the review type of the collection (new, revision, extension, reinstatement with change, reinstatement without change). If revised, briefly specify the changes. If a rulemaking is involved, make note of the sections or changed sections, if applicable.

The recent Negotiated Rulemaking regarding Gainful Employment removed and reserved subparagraph (a) – “Reporting requirements.” and added §668.6(d) which provides a sunset provision for §668.6 as of December 31, 2016 from §668.6 Reporting and disclosure requirements for programs that prepare students for gainful employment in a recognized occupation. A new subpart Q - “Gainful Employment (GE) Programs” was added to 34 CFR 668 to incorporate the new regulations. The majority of the regulations take effect July 1, 2015. See Federal Register, Vol. 79, No. 211, pages 64890-65103 for the full regulatory change. However, the new requirements in §668.412 – “Disclosure requirements for GE programs.” have an implementation date of January 1, 2017. See Federal Register, Vol. 79, No 233, pages 71957-71959 for corrections.

Because §668.6 remains in effect until December 31, 2016, this request is for an extension of approval of the current disclosure template requirements that are contained in the Student Assistance General Provisions regulations – Subpart A - §668.6(b) - Disclosures. Educational programs offered by an institution of higher education consistent with §668.8(c)(3) are programs that are at least a one-academic year training program that leads to a certificate, or other non-degree recognized credential and that prepares a student for gainful employment in a recognized occupation. Similarly, programs offered by a proprietary institution of higher education or by a postsecondary vocational institution of higher education under §668.8(d) must provide undergraduate training that prepares a student for gainful employment in a recognized occupation.

The template allows institutions to input much of the required disclosure information which will then be combined with data maintained by the Department. Once these two sources of data are combined the information that will comprise the required disclosure will be transmitted to the institution about its gainful employment program. The institution will maintain this required disclosure information on its systems and display it, using the common output document format provided by the Department, on the

¹ Please limit pasted text to no longer than 3 paragraphs.

institution's Web site for prospective students to view. The Department does not store this information in any system resident at the Department.

Section 668 - Subpart A – General - §668.6 – Reporting and disclosure requirements for programs that prepare students for gainful employment in a recognized occupation. (OMB control number: 1845-0107)

In the regulations §668.6(b) Disclosures, for each program in this section, the institution must provide prospective students with the name of the occupations (by name and its Standard Occupational Classification (SOC) code) that the program prepares students to enter, along with links to occupational profiles on the Department of Labor's Occupational Information Network (O*Net), or Web links to a representative sample of the SOC codes for which its graduates typically find employment. Institutions are also required to disclose on their Web sites information about on-time graduation rates for students completing the program; the cost of tuition and fees for these programs within normal time, the cost of books and supplies, and room and board, if applicable. The institution may include information on other costs, such as transportation and living expenses, but it must provide a Web link, or access to the program cost information the institution makes available under §668.43.

The placement rate for students completing the program must be disclosed and the institution must identify whether the placement rate was calculated under the accrediting agency or the State's requirements. In lieu of disclosing the accrediting agency or State required placement rates, an institution must disclose the placement rate as determined under a methodology that will be developed by NCES, when that rate is available. Additionally, the institution must separately identify the median loan debt from Title IV, HEA program loans incurred by students and the median loan debt from private loans and institutional financing plans.

For each program, the institution must include the information in §668.6(b) in promotional materials it makes available to prospective students and post this information on its Web site. The information displayed on the institution's Web site must be prominently displayed in an open format that can be retrieved, downloaded, indexed, and searched by commonly use Web search applications. An open format is one that is platform independent, machine readable, and made available to the public without restrictions that would impede the re-use of that information.

The Secretary provides a disclosure template that is accessible to institutions online through the Office of Postsecondary Education's Web site. A Gainful Employment Disclosure Template Quick Start Guide (in two different browser formats) is also provided to assist institutions with completing the required disclosure template. The disclosure template was developed to provide institutions with a uniform format for the submission and collection of information required under §668.6(b) to be resident on the institution's Web site for each of its gainful employment programs. Institutions will fill in required information from §668.6(b) in the designated sections of the disclosure template and will submit it after completion. Once the institution's information has been

captured by the disclosure template, it will subsequently generate a file that must be saved and posted to the institution's Web site. The file displays the information that institutions have input and information that has been supplied by the Department into the disclosure template in a standard format that can be used by institutions on their Web sites. A list of gainful employment disclosure definitions is provided in the disclosure template start up guide to assist institutions with completing the template successfully.

The data elements on the disclosure template include, but are not limited to: an institution's 6-digit OPEID, a program's 6-digit CIP code, the credential level of the program, program length, total tuition and required fees for the entire program completed in normal time, total estimated costs for books and supplies for the entire program, total room and board charges for living on campus, the URL for program cost information on an institution's Web site, the number of students completing the program, the median cumulative federal student loans debt, the median cumulative private loan debt, the median cumulative institutional financing plan debt, information on program completion in normal time, and job placement rate. Institutions will be required to provide additional information regarding their gainful employment program's job placement rate including, but not limited to: who is included in the rate, what type of jobs, the timeframe of when the job placement rate is based, how graduates are tracked, and to what state or accrediting agencies, if any, that rate is reported. These data elements provided by institutions to the Department will meet the disclosure final provisions required in 668.6(b).

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Student Assistance General Provisions:

The Department of Education is responsible for evaluating whether students are receiving training in a recognized occupation where they can be gainfully employed. The information that will be disclosed by institutions for each of their gainful employment programs on the institution's Web site is consistent with the regulations and will allow the institution and the Department to evaluate the outcomes of programs that lead to gainful employment in a recognized occupation, as well as, inform prospective students.

The information provided by institutions on the disclosure template is required to be prominently displayed on the institution's Web site and accessible to prospective students as a resource. Institutions will save the disclosure template as the output document provided by the Department and display it on its Web site and any applicable programmatic Web site to insure a consistent look, which will make data comparison much easier and more effective for prospective students.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of

information technology, e.g. permitting electronic submission of responses, and the basis for the decision of adopting this means of collection. Also describe any consideration given to using technology to reduce burden.

There are no legal or technical obstacles to the use of technology in this information collection activity.

This disclosure of information involves electronic submission of responses and Web technology through the use of the disclosure template that institutions are required to complete and by providing information to prospective students through an institution's Web site. The disclosure template is hosted online through the Office of Postsecondary Education and permits institutions to electronically submit their responses and receive information such as, but not limited to CIP codes in a drop-down listing for selection, credential level of programs in a drop-down listing for selection, Standard Occupational Codes (SOC codes) in a drop-down listing for selection.

The information in §668.6(b) that is submitted by institutions using the disclosure template will not be collected and saved by the Department, but instead is be used to capture a "snapshot" of the institution's data submitted at that time. Web technology is incorporated into this template consistent with the requirements of §668.6(b) so institutions can disclose information to students on the institution's Web site. Prospective students will have the ability to compare gainful employment programs at different institutions and to learn what career options are available with each program before enrolling at an institution.

Additionally, the output document will use the schema.org vocabulary, along with the [microdata format](#), to add information to the HTML content that will make it easier for search engine users to locate the information about the programs when searching the Internet.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information is not duplicated on any other information collection.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction, which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.

The provisions of 668.6(b) will not have a significant economic impact on a substantial number of small entities. We have minimized burden on for these and all institutions by providing a format and some of the required data for the regulatory

disclosures as well as a template to present the required information to prospective students.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The disclosure of information about a gainful employment program on the institution's Web site will provide useful information to prospective students and their families. The intent of the provisions in §668.6(b) is to enable students to make an informed choice about a gainful employment program by making the disclosures clear, timely, and meaningful. These disclosures will also allow students to make determinations about the amount of student indebtedness is being incurred by students who complete the gainful employment program, the average amount of the cost of attendance, normal completion time, and job placement data.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances connected to this collection.

8. As applicable, state that the Department has published the 60 and 30 Federal Register notices as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

This collection will have both a 60 and 30 day period requesting interested parties to provide comments on the burden calculation for this format. This is the request for the 30 day public comment period.

While no public comments were received during the 60 day comment period, there were internal discussions about comments received by the contractor from the institutional users of the disclosure template. Those comments have resulted in two minor changes to the template. These changes are illustrated on the attached two pages from the Quick Start Guide.

The first change eliminates the need to check a box indicating there were few than 10 graduates in a program and keeping the median loan debt from being calculated to preserve confidentiality of loan respondents. There is internal programming that recognizes when an institution has input fewer than 10 in the appropriate box and causes the median loan debt from being calculated and displayed.

The second change adds a radio button to allow a school to indicate that there were no graduates in a specific program for a specific year. This provides greater clarity in the disclosure template by expanding the explanations of why no data was provided for job placement.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees with meaningful justification.

There are no payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument. Please provide a citation for the Systems of Record Notice and the date a Privacy Impact Assessment was completed as indicated on the IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided.² If the collection is subject to the

² Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 –

Privacy Act, the Privacy Act statement is deemed sufficient with respect to confidentiality. If there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentiality of the data.

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

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature in this application.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden, and an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. All narrative should be included in item 12. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in the ROCIS IC Burden Analysis Table. (The table should at minimum include Respondent types, IC activity, Respondent and Responses, Hours/Response, and Total Hours)
- Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

As stated earlier, in the recent negotiated rulemaking sessions regarding Gainful Employment, §668.6(a) – “Reporting requirements” was removed and reserved. Therefore, the burden previously identified in this information collection for that section of the regulations needs to be removed to correctly report the burden assessed to institutions and individuals.

	# of Respondents	# of Responses	# Hrs Burden
Current inventory:			
	19,780,528	19,780,528	1,270,478
Remove burden assess for §668.6(a):			
	16,274,929	16,274,929	668,758
New starting inventory:			
	3,505,599	3,505,599	601,720

AFFECTED ENTITIES and BURDEN:

Individuals:

We estimate that 2,227,230 prospective students will enroll in gainful employment programs at proprietary institutions. On average, we estimate that it will take a student 10 minutes (.17 hours) to read the disclosures provided by the institution for a total of 378,629 hours of increased burden in OMB Control Number 1845-0107.

We estimate that 65,697 prospective students will enroll in gainful employment programs at private nonprofit institutions. On average, we estimate that it will take a student 10 minutes (.17 hours) to read the disclosures provided by the institution for a total of 11,168 hours of increased burden in OMB Control Number 1845-0107.

We estimate that 314,517 prospective students will enroll in gainful employment programs at public institutions. On average, we estimate that it will take a student 10 minutes (.17 hours) to read the disclosures provided by the institution for a total of 53,468 hours of increased burden in OMB Control Number 1845-0107.

Collectively, under §668.6(b), we estimate that it will take 2,607,444 prospective students a total of 443,265 hours of burden to read the disclosures provided by the institution under OMB Control Number 1845-0107.

Institutions:

We estimate that there are 37,589 gainful employment programs at 3,961 institutions that will require disclosure consistent with the requirements of §668.6(b).

We estimate that there are 12,250 gainful employment programs at 2,526 proprietary institutions that must comply with these disclosure requirements. On average, we estimate that it will take institutional staff 8 minutes (.13 hours) per program to complete the disclosure template as provided by the Department and disclose this information on the institution's Web site for a total of 1,593 hours of burden in OMB Control Number 1845-0107.

We estimate that there are 2,343 gainful employment programs at 318 private nonprofit institutions that must comply with these disclosure requirements. On average, we estimate that it will take institutional staff 8 minutes (.13 hours) per program to complete the disclosure template as provided by the Department and disclose this information on the institution’s Web site for a total of 305 hours of burden in OMB Control Number 1845-0107.

We estimate that there are 22,996 gainful employment programs at 1,117 public institutions that must comply with these disclosure requirements. On average, we estimate that it will take institutional staff 8 minutes (.13 hours) per program to complete the disclosure template as provided by the Department and disclose this information on the institution’s Web site for a total of 2,989 hours of increased burden in OMB Control Number 1845-0107.

Collectively, under §688.6(b), we estimate that it will take institutional staff a total of 4,887 hours of burden in OMB Control Number 1845-0107 to complete the Department’s gainful employment template and disclose this information on the institution’s Web site.

Revised burden calculations for Section 668.6(b) – Disclosures:

	# of Respondents	# of Responses	# of Burden
Hours:			
INDIVIDUALS:	2,607,444	2,607,444	443,265
INSTITUTIONS			
Proprietary:	2,526	12,250	1,593
Private Non-Profit:	318	2,343	305
Public:	<u>1,117</u>	<u>22,996</u>	<u>2,989</u>
Institution Sub-total:	3,961	37,589	4,887
Revised Total for Disclosures:	2,611,405	2,645,033	448,152

The revised burden hours were calculated at 601,702 and the newly assessed burden hours are 448,152 for a net decrease of 153,568 of burden hours. This change is due to the decrease in the number of programs required to complete the Department’s gainful employment template and disclose this information on the institution’s Web site as well as the number of prospective students estimated to begin those programs.

Attached is Chapter 2 of the “Gainful Employment Disclosure Template Quick State Guide” which includes screen shots of the web-based information collection disclosure template, the output document to be displayed on the institution’s Web site and an explanation of data elements.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and acquiring and maintaining record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Item 12

Total Annualized Capital/Startup Cost : _____
Total Annual Costs (O&M) : _____
Total Annualized Costs Requested : _____

No costs have been associated with this revision.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The estimate of annualized cost to the Federal government is \$50,000 per year. The cost was provided as a contract estimate from the Office of Postsecondary Education.

15. Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic phenomenon outside of an agency's control (e.g., correcting a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include totals for changes in burden hours, responses and costs (if applicable).

This is an extension of the current collection package and there is a decrease in the amount of burden in the current inventory. The burden change of 448,152 hours, 2,611,405 respondents and 2,645,033 responses are due to estimated decreases in the number of prospective students as well as a decrease in the estimated number of gainful employment programs that would require the regulatory disclosures. Additionally, due to the removal of a section of the regulations, a large number of burden hours (668,758) and respondents/responses (16,274,929) are also removed from the information collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

This information will not be published by ED.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

ED is not seeking this approval.

18. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.

There are no exceptions to the certification.