

Comments/Responses

Comment: One commenter stated that the template is not user friendly in terms of preparation and posting, and suggested that institutions should not be required to utilize the template if the information is conspicuously available on the institution's Web site.

Discussion: The regulations require institutions to use the disclosure template provided by the Department. The Department has worked to make the input screens as user friendly as possible, including by prepopulating fields based on previous inputs wherever possible. Although the information on the disclosure template may be prominently displayed on an institution's Web site, utilizing the template will ensure a consistent look across many different institutions, which will make data comparison easier and more efficient for prospective students. Additionally, the output document will use schema.org vocabulary in a microdata format so that search engine users will be able to locate the information they desire quickly when searching the Internet.

Changes: None.

Comment: One commenter suggested that we include as disclosure items the GE program's retention rate and required certification or licensure sit and passage rates. The commenters also argued that completion rate was not useful to students, and that it did not reflect program quality.

Discussion: The Department used consumer testing to determine the disclosure items most meaningful to students and prospective students in deciding to enroll, or continue enrollment, in a GE program. The Department has not consumer tested retention rate information and therefore we decline to include the metric at this time. However, under the new disclosure requirements, institutions must disclose information related to state licensure requirements. Specifically, institutions must disclose whether the GE program meets any State licensure requirements and if completion of the program qualifies the student for any applicable licensure exam. The Department disagrees that completion rate is of little interest to students and does not reflect program quality. Consumer testing indicated that students are interested in knowing the completion rate in normal time and the Department has chosen to include the metric accordingly. At this time, the Department does not require that institutions disclose the licensure exam passage rates on the disclosure template; however we encourage institutions to provide this information upon request if it is available.

Changes: None.

Comment: One commenter expressed support for the inclusion of the conspicuous classification of program length for full-time and part-time students. However, the commenter suggested that the information could be misleading if these information sets are combined and has suggested either outlining the completion rates for full-time or part-time students or only providing information for the predominant enrollment status.

Discussion: We appreciate the commenter's support regarding the disclosure of completion rates. We agree that a rate that combines full-time and part-time students may be confusing, so we will clarify that the completion rate should be reported separately for full-time and part-time students. The full-time completion rate should reflect only students whose enrollment status was full-time as of the first day of the program. Likewise, the part-time completion rate should reflect only students whose enrollment status was less than full-time as of the first day of the program. We will also note that a program that is oriented towards part-time students (i.e. a program with a program length that reflects the time required for a part-time student to complete the program) would be required to report normal time to completion for those students whose enrollment status was less than full-time as of the first day of the program.

Changes: The Department will only require institutions to include in the completion rate students whose enrollment status was full-time as of the first day of the program. Institutions will have the option to report a

part-time completion rate for students whose enrollment status was less than full-time as of the first day of the program.

Comment: One commenter suggested that the Department perform a credit score check prior to determining an institution's debt-to-earnings rates (D/E rates). The commenter contended that if a student's poor credit score affects the student's ability to obtain employment, despite an institution's efforts, it should not reflect negatively on the institution. Moreover, the commenter suggested that a list of students with bad credit could be provided in order to challenge the D/E rates calculated by the Department.

Discussion: We are not taking comments on the accountability provisions of the final gainful employment rule that was published on October 31, 2014.

Changes: None.

Comment: One commenter suggested we add another field for disclosing tuition and fees for State universities to allow them to separately disclose costs for in-State and out-of-State students.

Discussion: We appreciate the commenter's suggestion and will add additional fields for tuition and fees disclosures.

Changes: We have revised the "cost" tab on the disclosure template to include fields to disclose in-State tuition and fees and out-of-State tuition and fees, if applicable.

Comment: One commenter suggested that the Department minimize the burden on institutions associated with updating the disclosure template annually by prepopulating the template with the information provided the prior year. As a result, after the first year, institutions would only need to update the template when there are changes that make it necessary to do so, delete templates for inactive programs, and add templates for newly approved programs.

Discussion: We appreciate the commenter's suggestion. However, the Department is not able to prepopulate the templates with the prior years' data, as the Department does not maintain the information that is submitted in previous years. The current template is designed to produce an output based on the input of data within a single session; no data is ever transmitted to the Department and therefore cannot be prepopulated into the template for subsequent updates to the template.

Changes: None.

Comment: One commenter suggested that the template allow institutions to disclose two off-campus room and board amounts, one for students living off-campus with family, and another for students living off-campus without family.

Discussion: Because of the wide variety of backgrounds of students enrolled in GE programs at different institutions, it would be difficult to provide consistent and comparable information if off-campus room and board costs disclosed included whether a student lived with or without family. To streamline the information provided on the disclosure template, the Department will limit the off-campus room and board costs to the costs of living without family.

Changes: None.

Comment: One commenter supported the requirement that institutions disclose any States where they do not meet the requirements for students to sit for licensure examinations.

Discussion: We appreciate the commenter's support.

Changes: None.

Comment: One commenter supported the inclusion of a warning graphic for programs that are at risk of losing eligibility for title IV, HEA program funds based on their D/E rates for the next award year. However, the commenter suggested that we end the accompanying warning after “may not be able to use federal student grants or loans to pay for the program,” to provide for a more concise warning and to not detract from the message that the program is not meeting the standards set by the Department.

Discussion: We appreciate the commenter’s support and agree with the commenter that the warning is too long. The Department’s consumer testing has also indicated that the warning message is too long.

Changes: The warning message will be truncated. The Department will publish a revised warning in a Federal Register notice.

Comment: One commenter suggested that the estimated monthly loan payment disclosure, which assumes a 10-year amortization period, does not reflect what graduates actually pay since some graduates do not repay their loans in ten years. The commenter also questioned the use of a monthly debt payment amount, when institutions are required to disclose only an annual, not monthly, earnings amount.

Discussion: The 10-year repayment plan is the standard repayment plan for the vast majority of borrowers receiving Federal student loans. Therefore, we believe it is the most accurate representation of what borrowers should expect to pay after graduation. We believe that debt payments are typically understood in terms of monthly payments, while many students contemplate earnings in an annual context. However, the Department will consider subjecting this idea to consumer testing in the future.

Changes: None.

Comment: One commenter suggested that the information on the disclosure template will be more meaningful if compared to other programs at similar institutions—particularly whether a program’s completion and job placement rates are low, typical, or high compared to other programs—through a graphic-based interface.

Discussion: The redesigned disclosure template reflects lessons learned from consumer testing and has been created in an effort to ensure a consistent look across many different institutions, which will make data comparison easier and more efficient for students and prospective students. We understand that graphics could improve the user experience, and plan to test the impact of a graphical presentation of the metrics on consumer decision-making, particularly providing contextual information about a program’s relative performance. The Department may update the template in the future based on the results of this consumer testing.

Changes: None.

Comment: One commenter suggested that the Department include program Cohort Default Rate (CDR) and repayment rates as metrics on the template because these metrics would reflect not only students who have graduated, but also those who have withdrawn.

Discussion: We recognize that information related to program CDR and repayment rates could be meaningful to students making educational decisions. However, the Department is unable to provide program CDR and repayment rate information to students at this time due to system constraints. We will consider adding program CDR, in addition to program repayment rates, to the template in the future once the Department is able to provide this information to institutions.

Changes: None.

Comment: One commenter suggested that the Department utilize the disclosure template to remind institutions of the requirement to prominently display disclosure templates on program Web sites. The

commenter suggested that the Department should contact institutions that are not in compliance with this requirement.

Discussion: We do not believe it is necessary to restate the regulatory requirements on the disclosure template. Under § 668.412 of the Final Regulations, an institution must provide the disclosure template on its Web site as well as in all GE program promotional materials, and directly distribute the disclosure template to prospective students. The Department will continue to monitor compliance with the disclosure requirements during program reviews and audits to ensure that students are receiving the disclosures that are required by law.

Changes: None.

Comment: One commenter suggested that, in the additional information portion of the disclosure template, we indicate that the Department calculated the median earnings of program graduates using data provided by the Social Security Administration, so that students are aware of the source of the information.

Discussion: We agree that students should know that the earnings data on the template is reliable and comes from an authoritative source.

Changes: When users hover over the information button on the output template, the template will indicate that the data comes from the Social Security Administration.

Comments: One commenter asked if the header on the disclosure template can be changed to reflect if the program has a different format that is not full-time, such as part-time or accelerated.

Discussion: Yes, the information in the title portion on the disclosure template will change based on institution, credential level, program name, and program length.

Changes: None.

Comment: Several commenters suggested that the Department did not fulfill all HEA and APA procedural requirements prior to publishing the GE disclosure template. Some commenters objected to the addition of new disclosure requirements without consultation with the higher education community and suggested that the required disclosures are duplicative of other existing disclosure requirements, creating significant burden on institutions. Another group of commenters suggested that the Department failed to fulfill HEA and APA procedural requirements prior to assigning the responsibility for calculation of completion rates and median debt to institutions. According to this group of commenters, the HEA requires the Department to go through negotiated rulemaking consistent with the Master Calendar prior to making any changes to HEA regulations. Consequently, this commenter suggested that the Department violated the HEA by assigning this responsibility to schools without first going through negotiated rulemaking. The same commenters also claimed that the Department failed to fulfill APA notice and comment rulemaking requirements. According to these commenters, the Department improperly characterized the changes as “Agency Information Collection” and “Comment Request”. The commenter suggested that this mischaracterization was unfair because as a result, institutions were not afforded proper notice of impending changes to the required disclosures. This group of commenters requested that the Department either shoulder the responsibility for conducting these calculations or forego collection of this data.

Discussion: The final rule provides that the Department will, based on consumer testing, identify the information to be included on the disclosure template in a notice published in the [Federal Register](#) and that the information “may include, but is not limited to,” the items listed in § 668.412. Accordingly, the Department is availing itself of the flexibility under § 668.412, which was subject to both negotiated rulemaking under the HEA and notice-and-comment rulemaking under the APA, to specify disclosure items that are different from, or calculated differently from, the items specified as possible disclosures in the

regulations. The new disclosure requirements reflect lessons learned from consumer testing and therefore we believe they are very important pieces of information that prospective students and student need before making a decision to enroll, or continue enrollment, in a GE program. The detailed requirements for, and the specific rationales underlying, each of the new disclosure requirements can be found in the “Supporting Statement for Paperwork Reduction Act Submission,” OMB Number: 1845-0107, which was published in the Federal Register on [insert date] ([insert cite]), consistent with the requirements under § 668.412. With respect to commenters’ complaints regarding burden, we believe that any burden that is incurred by institutions while meeting the disclosure requirements is outweighed by its benefits of accountability and transparency to students and taxpayers. Moreover, under the current GE disclosure requirements institutions are already required to calculate the metrics required by the new disclosure requirements and therefore, the Department believes such calculations impose a nominal burden compared with current practice. We would also note that this collection has resulted in a net decrease of burden.

Changes: None.

Comment: Several commenters requested clarity on the students included in the disclosure data. One commenter suggested that we expressly indicate that the median earnings disclosure is based only on data on individuals who have received Federal financial aid. Another commenter asked the Department to clarify whether the term “student,” when used on the disclosure template and in related publications, refers to only those who received Federal financial aid or the student population as a whole. Similarly, another commenter suggested adding the disclaimer that the disclosure information reflects only students who are receiving title IV, HEA program funds, and not the entirety of the student population enrolled in a GE program.

Discussion: As outlined on the first screen of the input disclosure template, “student” refers to an individual who has received title IV, HEA program funding, unless otherwise noted. The primary exception to this is the percentage of students borrowing metric, which requires institutions to specify how many students, including those not receiving Title IV aid, were enrolled in the most recently completed award year. This figure is necessary to determine the share of all students, not just those receiving Title IV aid, have borrowed to enroll in a program. though this is already noted in several places, we appreciate the commenter’s suggestions and will revise the disclosure template to ensure there is clarity as to which cohorts (Title IV vs. all students) underlie each of the disclosure items on the output screen.

Changes: When users hover over the information button next to each metric, they will be informed that this number has been derived from statistics pertaining only to graduates who have received Federal financial aid. The Department will also clarify on the input screen any fields that include students that did not receive Title IV aid.

Comment: One commenter suggested that we include the time period covered by the data in either the information buttons or the footer at the bottom of the template in order for students to assess the relevance of the data in the template or to use the template to compare programs.

Discussion: We appreciate the commenter’s suggestion and will redesign the template to provide this information more readily.

Changes: When a user hovers over the information button on the disclosure template, a cohort year, or the year the information has been pulled from, will appear.