SUPPORTING STATEMENT

FOR PAPERWORK REDUCTION ACT SUBMISSION

Gainful Employment Disclosure Template

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 section[1]. 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.

Current Department of Education (Department) regulation 34 CFR 668.412 specifies disclosure requirements for programs that prepare students for gainful employment in a recognized occupation. These disclosures are made by institutions using a disclosure template provided by the Secretary and approved by Office of Management and Budget under control number 1845-0107.

Under the disclosure requirements, an institution must provide current and prospective students with information about each of its programs that prepares students for gainful employment in a recognized occupation (GE program) using a disclosure template provided by the Secretary. The Secretary must specify the information to be included on the disclosure template in a notice published in the Federal Register.

The Department is requesting revision of the burden currently calculated for 1845-0107. This request revises the current information collection for the disclosure template to reflect the updated disclosure requirements that institutions must provide current and prospective students. The Secretary may, by notice in the Federal Register, change the disclosure items required under the new disclosure requirements.

We do not include in the new disclosure requirements all of the items listed in §668.412 of the Final Regulations as possible disclosure items.

Section 668 - Subpart Q – General - §668.412 – Disclosure requirements for GE programs.

For each GE program, institutions must disclose the following using the updated disclosure template:

- The length of the program in weeks, months or years.

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

- The total cost of tuition and fees it charges students, and the total costs for books, supplies and equipment for completing the program within normal time.
- The median debt for students completing the program within normal time.
- Information related to state licensure requirements.
- Warning language, if the program's final official Debt-to-Earnings Rate failed the standards.
- The URL for College Scorecard – https://collegescorecard.ed.gov

Presentation of Disclosures:

Currently under §668.412 of the Final Regulations, the institution must provide the disclosure template:

- On its Web site.

And after July 1, 2019, under §668.412 of the Final Regulations, in addition to its Web site, the institution must provide the disclosure template:

- In all GE program promotional materials, include the disclosure template or, under certain circumstances, a link to the disclosure template on its Web site; and
- Directly distribute the disclosure template to prospective students.

An institution that offers a GE program in more than one program length must publish a separate disclosure template for each length of the program. The institution must ensure that each disclosure template clearly identifies the applicable length of the program.

Similarly, an institution that offers a GE program in more than one location or format (e.g., full-time, part-time, accelerated) may publish a separate disclosure template for each location or format if doing so would result in clearer disclosures. An institution that chooses to publish separate disclosure templates for each location or format must ensure that each disclosure template clearly identifies the applicable location or format.

If an institution publishes a separate disclosure template for each length, or for each location or format of the program, the institution must disaggregate the disclosures by length of the program, location, or format.

The disaggregated disclosures remain subject to the privacy considerations under §668.412(g).

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.

The information that will be disclosed on the institution's Web site by institutions for each of their GE programs is consistent with the regulations and will inform prospective students interested in a program that prepares students for gainful employment in a recognized occupation, in order to make enrollment decisions.

The information provided by institutions on the disclosure template is required to be prominently displayed on the institution's Web site to be accessible to 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.

The information in §668.412 that will be displayed by the disclosure template will not be collected or saved by the Department. Institutions will disclose information to students on the institution's Web site. Prospective students will have the ability to compare gainful employment programs at different institutions before enrolling at an institution.

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 §668.412 will not have a significant economic impact on a substantial number of small entities. We have minimized burden on all institutions, including small institutions, by streamlining the 2019 Gainful Employment Disclosures.

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 §668.412 is to enable students to make an informed choice about a gainful employment program by making the disclosures clear, timely, meaningful, and comparable.

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.

On November 7, 2018, the Department published a notice in the Federal Register (Vol. 83, No. 216, page 55703) announcing the 60 day public comment period requesting interested parties provide comments on the burden calculation for this format. During the 60 day public comment period the Department received 25 comments. The summarized comments and Department responses are attached. Due to comments that were received, the Department is adding median debt to the disclosure. This results in a change in burden as noted in items 12 and 15. This is the request for the 30 day public comment period.

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 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 confidentially of the data.

There is no personally identifiable information included in the disclosures. 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

[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 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information)

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.

§668.412 Disclosure Requirements for GE Programs

Section 668.412 requires institutions to disclose items, using the disclosure template provided by the Secretary. Under §668.412, the Department has flexibility to tailor the disclosure in a way that will be most useful to students and minimize burden to institutions.

Institutions must update their GE program disclosure information annually. They must make it prominent, readily accessible, clear, conspicuous, and directly available on any Web page containing academic, cost, financial aid, or admissions information about a GE program.

An institution that offers a GE program in more than one program length must publish a separate disclosure template for each length of the program.

AFFECTED ENTITES and BURDEN:

Individuals:

Beginning July 1, 2019, under §668.412(e), an institution must provide, as a separate document, a copy of the disclosure information to a prospective student. Before a prospective student signs an enrollment agreement, completes registration at, or makes a financial commitment to the institution, the institution must obtain written confirmation from the prospective student that he or she received the copy of the disclosure information.

We estimate that the enrollment in the 12,380 GE programs offered by for-profit institutions for 2017 included 1,952,281 students. Most institutions will have to contact, or be contacted by, a larger number of prospective students to yield institutions' desired net enrollments. We estimate that the number of prospective students that must contact or be contacted by for-profit institutions will be 6 times the number of expected enrollment. As noted above, we estimate that 1,952,281 students will enroll in GE programs at for-profit institutions. Therefore, for-profit institutions will be required to provide 11,713,686 disclosures (1,952,281 students times 6) to prospective students.

We estimate that the burden on each prospective student will be 0.08 hours (5 minutes) to read the disclosure information and provide written confirmation of receipt. Burden will increase by 937,095 hours for prospective students at for-profit institutions (11,713,686 prospective students times 0.08 hours) under OMB Control Number 1845-0107.

We estimate that the enrollment in the 70,572 GE programs offered by private non-profit institutions for 2017 included 3,387,693 students. Most institutions will have to contact, or be contacted by, a larger number of prospective students to yield their desired net enrollments. We estimate that the number of prospective students that must contact or be contacted by private non-profit institutions will be 1.8 times the number of expected enrollment. As noted above we estimate that 3,387,693 students will enroll in GE programs at private non-profit institutions. Therefore, private non-profit institutions will be required to provide 6,097,847 disclosures (3,387,693 times 1.8) to prospective students.

We estimate that the burden on each prospective student will be 0.08 hours (5 minutes) to read the disclosure information and provide written confirmation of receipt. Burden will increase by 487,828 hours for prospective students at private non-profit institutions (6,097,847 prospective students times 0.08 hours) under OMB Control Number 1845-0107.

We estimate that the enrollment in the 140,357 GE programs offered by public institutions for 2017 included 12,316,149 prospective students. Most institutions will have to contact, or be contacted by, a larger number of prospective students to yield their desired net enrollments. We estimate that the number of prospective students that must contact or be contacted by public institutions will be 1.5 times the number of expected enrollment. As noted above, we estimate that 12,316,149 students will enroll in GE programs at public institutions. Therefore, public institutions will be required to provide 18,474,224 disclosures (12,316,149 times 1.5) to prospective students.

We estimate that the burden on each prospective student will be 0.08 hours (5 minutes) to read the disclosure information and provide written confirmation of receipt. Burden will increase by 1,477,938 hours for prospective students at public institutions (18,474,242 prospective students times 0.08 hours) under OMB Control Number 1845-0107.

Collectively, this burden for individuals totals to 2,902,861 hours under OMB Control Number 1845-0107.

<u>Institutions</u>:

We estimate that of the 223,309 GE programs that reported enrollments in the past, 12,380 programs will be offered by for-profit institutions. We estimate that, annually, the amount of time it will take to collect the data from institutional records, from information provided by the Secretary, and from the institution's accreditor or State, and the amount of time it will take to ensure that promotional materials either include the disclosure information or provide a Web address or direct link to the information will be, on average, 5 hours per program. Additionally, we estimate that revising the institution's Web pages used to disseminate academic, cost, financial aid, or admissions information to also contain the GE disclosure information about the program will, on average, increase burden by an additional 1 hour per program. Therefore, burden will increase by 6 hours per program for a total of 74,280 hours of increased burden (12,380 programs times 6 hours per program) under OMB Control Number 1845-0107.

We estimate that of the 223,309 GE programs that reported enrollments in the past, 70,572 programs will be offered by private non-profit institutions. We estimate that, annually, the amount of time it will take to collect the data from institutional records, from information provided by the Secretary, and from the institution's accreditor or State, and the amount of time it will take to ensure that promotional materials either include the disclosure information or provide a Web address or direct link to the information will be, on average, 5 hours per program. Additionally, we estimate that revising the institution's Web pages used to disseminate academic, cost, financial aid, or admissions information about the program to also contain the GE disclosure information will, on average, increase burden by an additional 1 hour per program. Therefore, burden will increase by 6 hours per program for a total of 423,432 hours of increased burden (70,572 programs times 6 hours per program) under OMB Control Number 1845-0107.

We estimate that of the 223,309 GE programs that reported enrollments in the past, 140,357 programs will be offered by public institutions. We estimate that the amount of time it will take to collect the data from institutional records, from information provided by the Secretary, and from the institution's accreditor or State, and the amount of time it will take to ensure that promotional materials either include the disclosure information or provide a Web address or direct link to the information will be, on average, 5 hours per program. Additionally, we estimate that revising the institution's Web pages used to disseminate academic, cost, financial aid, and admissions information about the program to also contain the GE disclosure information will, on average, increase burden by an additional 1 hour per program. Therefore, on average, burden will increase by 6 hours per program for a total of 842,142 hours of increased burden (140,357 programs times 6 hours per program) under OMB Control Number 1845-0107.

Beginning July 1, 2019, under §668.412(e), an institution must provide, as a separate document, a copy of the disclosure information to a prospective student. Before a prospective student signs an enrollment agreement, completes registration at, or makes a financial commitment to the institution, the institution must obtain written confirmation from the prospective student that he or she received the copy of the disclosure information.

We estimate that the enrollment in the 12,380 GE programs offered by for-profit institutions for 2017 included 1,952,281 students. Most institutions will have to contact, or be contacted by, a larger number of prospective students to yield institutions' desired net enrollments. We estimate that the number of prospective students that must contact or be contacted by for-profit institutions will be 6 times the number of expected enrollment. As noted above, we estimate that 11,713,686 (1,952,281 students for 2017 times 6) students will express interest in GE programs at for-profit institutions. Therefore, for-profit institutions will be required to provide 11,713,686 disclosures to prospective students.

On average, we estimate that it will take institutional staff 0.08 hours (5 minutes) per prospective student to provide a copy of the disclosure information which can be hand-delivered, delivered as part of a group presentation, or by sending the disclosure template via the institution’s primary email address (used to communicate with students and prospective students). We also estimate that, on average, it will take institutional staff 0.25 hours (15 minutes) to obtain written confirmation and answer any questions from each prospective student. Therefore, we estimate that the total burden associated with providing the disclosure information and obtaining written confirmation by for-profit institutions will be 0.33 hours (20 minutes) per prospective student. Burden will increase by 3,865,516 hours for for-profit institutions (11,713,686 prospective students times 0.33 hours) under OMB Control Number 1845-0107.

We estimate that the enrollment in the 70,572 GE programs offered by private non-profit institutions for 2017 included 3,387,693 students. Most institutions will have to contact, or be contacted by, a larger number of prospective students to yield their enrollments. We estimate that the number of prospective students that must contact or be contacted by private non-profit institutions will be 1.8 times the number of expected enrollment. As noted above we estimate that 3,387,693 students will be enrolled in GE programs at private non-profit institutions. Therefore, private non-profit institutions will be required to provide 6,097,847 disclosures (3,387,693 times 1.8) to prospective students.

On average, we estimate that it will take institutional staff 0.08 hours (5 minutes) per prospective student to provide a copy of the disclosure information which can be hand-delivered, delivered as a part of a group presentation, or by sending the disclosure template via the institution’s primary email address (used to communicate with students and prospective students). We also estimate that, on average, it will take institutional staff 0.25 hours (15 minutes) to obtain written confirmation and answer any questions from each prospective student. Therefore, we estimate that the total burden associated with providing the disclosure information and obtaining written confirmation by private-non-profit institutions will be 0.33 hours (20 minutes) per prospective student. Burden will increase by 2,012,290 hours for private non-profit institutions (6,097,847 prospective students times 0.33 hours) under OMB Control Number 1845-0107.

We estimate that the enrollment in the 140,357 GE programs offered by public institutions for 2017 included 12,316,149 students. Most institutions will have to contact, or be contacted by, a larger number of prospective students to yield their desired net enrollments. We estimate that the number of prospective students that must contact or be contacted by public institutions will be 1.5 times the number of expected enrollment. As noted above, we estimate that 12,316,149 students will be enrolled in GE programs at public institutions. Therefore, public institutions will be required to provide 18,474,224 disclosures (12,316,149 times 1.5) to prospective students.

On average, we estimate that it will take institutional staff 0.08 hours (5 minutes) per prospective student to provide a copy of the disclosure information which can be hand-delivered, delivered as part of a group presentation, or by sending the disclosure template via the institution's primary email address (used to communicate to students and prospective students). We also estimate that, on average, it will take institutional staff 0.15 hours (15 minutes) to obtain written confirmation and answer any questions from each prospective student. Therefore, we estimate that the total burden associated with providing the disclosure information and obtaining written confirmation by public institutions will be 0.33 hours (20 minutes) per prospective student. Burden will increase by 6,096,494 hours for public institutions (18,474,224 prospective students times 0.33 hours) under OMB Control Number 1845-0107.

Collectively, we estimate that burden will increase by 12,875,546 hours in OMB Control Number 1845-0107.

Revised burden calculations for Section 668.412 – Disclosure requirements for GE programs.

	# of Respondents	**# of Responses**	**# of Burden Hours:**
INDIVIDUALS:	36,285,757	36,285,757	2,902,861
INSTITUTIONS			
Proprietary:	2,084	11,726,066	3,939,796
Private Non-Profit:	1,750	6,168,419	2,435,722
Public:	1,859	18,614,581	6,938,636
Institution Sub-total:	5,693	36,509,066	13,314,154
Updated Total for Disclosures	**36,291,450**	**72,794,823**	**16,217,015**
Current Burden:	**13,957,372**	**27,944,411**	**3,118,160**
Difference:	**+22,334,078**	**+8,564,655**	**+13,098,855**

We estimate the costs for responding to the estimated burden hours at $44.41/hour for institutions, and $16.30 for individuals.

Individuals	2,902,861 hours x $16.30 =	$ 47,316,634
Proprietary	3,939,796 hours x $44.41 =	$174,966,340
Private Non-Profit	2,435,722 hours x $44.41 =	$108,170,414
Public	6,938,636 hours x $44.41 =	$308,144,825
Total	16,217,015 hours	$638,598,213

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 :

Costs have been associated with this revision are noted in item 12.

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 $54,950 per year. This estimated cost was calculated by dividing the annual rate for a GS 13, step 5 by two ($109,900/2=$54,950).

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 a revision of the current collection package. This adjustment is due to upcoming implementation of regulations beginning on July 1, 2019. The Department is updating the current burden assigned to 1845-0107. Based on comments received we are expanding the burden hours to include time for institutions to research, calculate and document on the template the median debt for each program template. We are requesting a revision for this information collection to 36,291,450 respondents, 72,794,823 responses, and 16,217,015 hours. The corrected burden request increases the number of respondents by +22,334,078, the number of responses by +44,850,412 and the number of burden hours +13,098,855.

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 the Department.

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.

> The Department is not seeking this approval.

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

> The Department is not seeking exception to the certification.