

The Department of Education (the Department) amends the Student Assistance General Provisions regulations to implement changes to § 668.28 – Non-Federal revenue (90/10). These changes are based on requirements of the American Rescue Plan of 2021 which amended Section 487 of the Higher Education Act of 1965, as amended, (HEA). These final regulations are a result of negotiated rulemaking in 2021 and add new requirements to the current regulations.

The final regulations amend the heading of §668.28 and references throughout the section to change “non-title IV revenue” to “non-Federal funds”.

The final regulations amend §668.28(a)(2) to create a disbursement rule that outlines how proprietary institutions calculate the percentage of their revenue that is Federal revenue and creates an end-of-fiscal-year deadline for proprietary institutions to request and disburse title IV funds to students.

The final regulations also modify §668.28(c)(3) with the steps that proprietary institutions must take if they fail to derive at least 10 percent of their revenue from allowable non-Federal sources by requiring them to notify students of the failure and the students’ potential loss of title IV aid at that proprietary institution.

This is a request for an increase in burden due to a final regulation based on a statutory change. The Department is requesting an increase of 39,732 hours for 1,683 responses at 1,650 institution.

Affected Entity	Respondent	Responses	Total Burden	Cost
For-Profit Inst.	1,650	1,683	39,732	\$1,851,114

TOTALS

Respondents

Responses

Burden Hours