

On January 18, 2022, the Department convened a negotiated rulemaking committee, the Institutional and Programmatic Eligibility Committee, to consider proposed regulations for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended, (HEA). Through the Notice of Proposed Rulemaking (NPRM) published on May 19, 2023, docket number ED-2022-OPE-0062, the Secretary proposed new regulations to promote transparency, competence, stability, and effective outcomes for students in the provision of postsecondary education.

The Final Rule under new § 668.605 requires institutions to provide warnings to current and prospective students if a Gainful Employment (GE) program is at risk of a loss of title IV, HEA eligibility, specifies the content and delivery requirements for such notifications, and provides that students must acknowledge having seen the warning before the institution may disburse any title IV, HEA funds. In addition to providing the English-language warnings, the institution will be required to provide accurate translations of the English-language warning into the primary languages of current and prospective students with limited English proficiency. Updates to the regulations since the NPRM has changed the estimated burden for this collection as identified in the NPRM.

This is a request for a new collection designated 1845-0173 by OMB during the NPRM stage of this information collection filing.

The final regulatory language in § 668.605 will add burden to institutions. The changes in § 668.605 will require institutions to provide warning notices to enrolled and prospective students that a GE program has unacceptable D/E rates or an unacceptable earnings premium measure for the year in which the D/E rates or earnings premium measure were most recently calculated by the Department along with warnings about the potential loss of title IV, HEA eligibility.

We believe that most institutions will develop the warning and make it available electronically to current and prospective students. We believe that this action will require an estimated 1 hour per affected program.

We estimate that it would take proprietary institutions 71 hours (71 programs x 1 hour = 71) to develop and deliver the required warning based on the information provided by the Department.

The changes in § 668.605 (d) will require institutions to provide alternatives to the English-language warning notices to enrolled and prospective students with limited English proficiency. We believe that this action will require an estimated 8 hours per affected program.

We estimate that it would take proprietary institutions 568 hours (71 programs x 8 hours = 568) to develop and deliver the required alternate language the required warning based on the information provided by the Department.

TOTALS

Responses – 142
Respondents -71
Burden Hours – 639

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1845-0173. Public reporting burden for this collection of information is estimated to average 4.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit (34 CFR 668.605). If you have comments or concerns regarding the status of your individual submission of this information, please contact Beth Grebeldinger at beth.grebeldinger@ed.gov directly.