

Docket: ED-2025-SCC-0548

Foreign Schools Eligibility Criteria Apply to Participate in Title IV HEA Programs

OMB # 1845-0105

Comment ID	Submitter	Comment	Response
ED-2025-SCC-0548-0001	Middle States Commission on Higher Education	As soon as an institution makes inquiry to our Commission for membership, whether domestic or foreign, we support institutions as they seek access to title IV and navigate the legal and regulatory processes of our partners in the regulatory triad. We continue to support our institutions as they further navigate changes after becoming member institutions, whether through substantive changes requiring updates to their application or changes in ownership where the title IV related processes of multiple institutions must combine. We have seen a number of foreign institutions entering into transactions with domestic institutions, thus making the clarity in the application process for foreign schools to participate in title IV even more critical. Without question, our institutions always benefit from clarity in these processes as does our Commission.	The Department thanks you for your comments and insights.
ED-2025-SCC-0548-0005	Anonymous	This agency collection should be Revoked by the Secretary, due to noncompliance of the agency is not associated with rulemaking and there is no data sharing agreement in place. This OMB agreement resulted in approximately \$6M in taxpayer dollars over the last 17 years and if this is relevant to my case, I am requesting assistance and support for a Petition of Motion, on my behalf to prosecute the perpetrators who have processed illegal and criminal activities. If this action is appropriate, I will need support from the U.S. Attorney General's Office and the Chief of Counsel, Department of Justice, FBI Director, and all agencies and departments involved, to address the criminal activities and abusive actions that are still occurring today.	The Department thanks you for your comment.
ED-2025-SCC-	International Education	Thus, the IEC requests the Department revise its interpretation of Section 668.172 to allow foreign	The Department appreciates the IEC's

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0548-0006	Council	institutions to submit audited financial statements under their home-country standards ensuring audits are “comparable” rather than identical, as intended by the HEA, limiting the need for a supplemental schedule to truly private and for-profit foreign institutions.	input. While we understand the desire for flexibility, financial statements must meet standards that ensure consistency and comparability across all institutions. Foreign audits may follow home-country standards, but the supplemental schedule remains necessary to evaluate financial responsibility under federal criteria. This ensures continued transparency and accountability for all participating institutions.
ED-2025-SCC-0548-0006	International Education Council	<p>Read together, these provisions [distance education restrictions] are contradictory: one subsection allows some distance education, while another prohibits it entirely. In such a situation, until Congress clarifies its intention, the Department’s regulations should follow what is clearly the best public policy, not simply defer to the most restrictive policy, as is now the case.</p> <p>This prohibition is out of step with modern higher education, where blended and digital components are integral to instruction worldwide. During the COVID-19 emergency, Congress and the Department recognized this reality by temporarily waiving the prohibition<sup>6</sup>. That waiver has expired, once again jeopardizing access for students. Even a single online component within an otherwise campus-based program renders the entire</p>	The Department maintains a strict interpretation of statutory and regulatory provisions that prohibit foreign institutions from offering any Title IV-eligible programs that include distance education, correspondence, or telecommunications components.

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		program ineligible for federal loans, and the result is that many American students abroad lose access to aid.	
ED-2025-SCC-0548-0006	International Education Council	The HEA requires foreign medical schools to demonstrate a 75 percent passage rate on the U.S. Medical Licensing Examination (USMLE) <sup>7</sup> . Regulations adopted in 2011 apply this standard to each part of the exam <sup>8</sup> , rather than to the aggregate results as the statute intended. For institutions with small cohorts of American students, one or two failing scores can trigger loss of eligibility, cutting off aid for all current and future students. This “one strike” approach is disproportionate, deters reputable universities from participating, and harms students who did nothing wrong. IEC recommends restoring the aggregate pass rate methodology, requiring statistically significant cohort sizes before applying the rule, and permitting a grace period before termination of eligibility.	The criteria detailed in 34 C.F.R. § 600.55(f)(1)(ii) specifies that the 75 percent requirement applies to each step/test; therefore, the school may not combine the scores from Step 1 and Step 2-CK to achieve a better “overall” score. Failure to maintain an acceptable pass rate of either USMLE Step 1 or USMLE Step 2-CK results in a loss of graduate medical program eligibility. The only exception is if there are fewer than 8 students for any one step/test. If there are fewer than 8 students, than a combined rate is calculated by the methodology detailed at 34 C.F.R. § 600.55(f)(4)(i) and (ii).
ED-2025-SCC-0548-0006	International Education Council	Nursing Education: Since 2011, foreign nursing programs have effectively been excluded from Title IV because of requirements that they establish joint degree arrangements with U.S. nursing schools <sup>9</sup> . No foreign public or non-profit nursing school can feasibly meet this standard, and all have withdrawn from participation. The policy was originally aimed at a single for-profit program	The Department appreciates these recommendations.

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		<p>that no longer exists, yet it continues to deny opportunities for Americans to study nursing abroad—even as the U.S. faces a severe nursing shortage. IEC recommends that the Department work with Congress to revise the statute and regulations governing foreign nursing schools to restore Title IV eligibility for high-quality public and non-profit programs. Specifically, the joint degree requirement with U.S. nursing schools should no longer apply to foreign public and non-profit institutions.</p> <p>In sum: These elements of the collection framework exceed what is needed for the Department to perform its functions effectively.</p>	
ED-2025-SCC-0548-0006	International Education Council	<p>IEC urges the Department to:</p> <ul style="list-style-type: none"><li>• Establish a back-up submission channel that schools can use when system errors persist.</li><li>• Provide written assurances that institutions will not face penalties or loss of eligibility due to documented system failures.</li></ul> <p>The Department should also revisit the E-App's request for personal, private contact information of senior officials. In 2023, the Department began requiring personal, private information of all senior school officials and all Board Members. While here in the U.S., the release of directory information is allowable under certain circumstances, in many other countries around the world, especially in Europe, there are very strict laws prohibiting a school, or any third-party, from releasing that information. The requirement places many foreign institutions in jeopardy of violating their domestic laws and in significant liability.</p> <p>The Department argues that this information is necessary in cases of an emergency. In all cases, institutions have created an emergency phone chain with</p>	The Department appreciates these recommendations.

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		a designated emergency contact person to begin the chain. If there is a significant emergency that would prompt the Department to reach out to institutions personally, they should only require and need the information of that individual contact person. Further, the Department should provide assurances that this information will never be released publicly and only used for internal use.	
ED-2025-SCC-0548-0006	International Education Council	<p>IEC strongly supports the Department's commitment to deploy the new ISIR request feature in the FAFSA Partner Portal and urges swift implementation. We also recommend that the Department:</p> <ul style="list-style-type: none"><li>• Reinstate SAR access, at least as a transitional compliance measure.</li><li>• Upgrade EdConnect/EdExpress encryption requirements to meet global standards.</li><li>• Provide official compliance guidance for institutions forced to use "Applicant View" until the ISIR request function is operational.</li></ul> <p>Without these fixes, schools face serious obstacles to processing aid in a timely and compliant manner, and American students risk delays or denial of access to the loans they depend on.</p> <p>In sum: These problems demonstrate that while the Department collects significant information, it does not consistently ensure its timely or reliable use. Further, the review and approval of the information submitted for various purposes has historically not been processed in a timely fashion causing delays in the flow of Title IV aid for U.S. students studying abroad.</p>	<p>Thank you for your feedback on the Department's implementation of the ISIR request feature in the FAFSA Partner Portal. We appreciate IEC's support and share your commitment to ensuring timely, secure, and compliant access to student aid data.</p>
ED-2025-SCC-0548-0006	International Education Council	<p>IEC believes the Department underestimates the burdens foreign institutions face:</p> <ul style="list-style-type: none"><li>• Financial Audit Costs: Institutions report spending hundreds of thousands of dollars and additional</li></ul>	<p>The Department appreciates these recommendations. While audit requirements are</p>

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		<p>tens of hours annually on duplicative U.S. GAAP audits.</p> <ul style="list-style-type: none"> <li>Administrative Burdens: E-App errors, repeated data submissions, and privacy conflicts under GDPR add unanticipated compliance costs.</li> </ul> <p>FAFSA/ISIR Systems: Schools must devote extra staff time and IT resources to workarounds, often with no clear compliance assurance.</p> <p>□ Eligibility Rules: The medical “one-strike” standard and the categorical exclusion of nursing schools impose indirect burdens by deterring participation entirely, thereby eliminating opportunities for American students abroad.</p> <p>These costs are significant, ongoing, and not adequately reflected in the Department’s estimates.</p>	<p>necessary for consistent oversight, we continue to explore ways to reduce administrative burden.</p>
ED-2025-SCC-0548-0006	International Education Council	<p>IEC recommends the following enhancements:</p> <ul style="list-style-type: none"> <li>Recognize International Audits: Accept home-country auditing standards or IFRS as comparable to U.S. GAAP, reserving GAAP only for institutions with demonstrated risk.</li> <li>Clarify Distance Education Policy: Update regulations to reflect statutory intent, allowing limited online coursework within campus-based programs.</li> <li>Refine Medical and Nursing Standards: Apply USMLE pass rates on an aggregate, statistically significant basis; eliminate joint-degree requirements for foreign public and nonprofit nursing programs.</li> <li>Improve E-App Design: Revise forms to allow institutional contact details rather than personal information of senior officials, ensuring compliance with global privacy standards.</li> </ul> <p>These changes would make the information collected</p>	<p>The Department appreciates these suggestions and may consider them as part of ongoing system modernization and operational guidance efforts. The burden for the eApp falls under a different OMB number.</p> <p>The criteria detailed in 34 C.F.R. § 600.55(f)(1)(ii) specifies that the 75 percent requirement applies to each step/test; therefore, the school may not combine the scores from Step 1 and Step 2-CK</p>

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		more accurate, relevant, and useful for oversight. In addition, it would reduce the burden and complexity associated with the current application while maintaining the current level of quality.	to achieve a better “overall” score. Failure to maintain an acceptable pass rate of either USMLE Step 1 or USMLE Step 2-CK results in a loss of graduate medical program eligibility. The only exception is if there are fewer than 8 students for any one step/test. If there are fewer than 8 students, than a combined rate is calculated by the methodology detailed at 34 C.F.R. § 600.55(f)(4)(i) and (ii).
ED-2025-SCC-0548-0006	International Education Council	<p>IEC encourages the Department to:</p> <ul style="list-style-type: none"><li>• Develop Redundant Submission Channels: Ensure a paper or email-based backup when the E-App system fails.</li><li>• Modernize ISIR Delivery: Reinstate SAR access, upgrade EdConnect encryption, and accelerate the rollout of the ISIR request feature in the FAFSA Partner Portal.</li><li>• Provide Compliance Guidance: Issue written assurances that institutions will not be penalized for system failures or for using temporary workarounds such as “Applicant View.”</li><li>• Reduce Audit Duplication: Eliminate unnecessary U.S.-specific supplemental schedules when comparable audits are already available.</li></ul> <p>These steps would reduce cost and risk for foreign institutions while improving efficiency for the</p>	The Department appreciates these suggestions and may consider them as part of ongoing system modernization and operational guidance efforts.

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		Department itself.	