

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
SUBPART Q of PART 668 – GAINFUL EMPLOYMENT PROGRAMS**

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 section¹. 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.

The Student Assistance General Provisions regulations were amended by adding Subpart Q to Part 668, to establish measures for determining whether certain postsecondary educational programs lead to gainful employment in recognized occupations, and the conditions under which these educational programs remain eligible for student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended (HEA).

On June 16, 2017, the Department of Education (the Department) published a notice in the Federal Register announcing the intention to establish a negotiated rulemaking committee to revise the gainful employment regulations published on October 31, 2014. The Department anticipates scheduling the negotiated rulemaking sessions beginning in November or December 2017. There have been no changes to the regulations since the October 31, 2014 regulatory approval.

This clearance package includes §§668.405, 668.410, 668.411, 668.413, and 668.414. The burden related to §668.412 was removed from this collection and applied to information collection 1845-0107 in February 2017 to more accurately associate the requirements of the regulations with the correct collection package.

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 regulations establish various metrics such as debt to earnings rates, as well as reporting, correcting and certification requirements used by the Department to determine whether a gainful employment (GE) program may continue to participate in the title IV, HEA programs. Institutions have the opportunity to correct the data, challenge the data, and appeal the data, as well as, submit alternatives to some of the data under these regulations. Institutions with GE programs must report information about all students in GE programs. As a result of the metrics, institutions may be required to provide enrolled

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

students and prospective students with disclosures and/or warnings regarding the metrics of completers and about students who withdrew from the GE program.

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.

Institutions use a combination of their institutional systems and Department of Education systems to report data to the Department, receive data from the Department, and use their own Web sites to disclose information to enrolled students.

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.

The current requirements avoid duplication. There is no similar information available that can be used or modified for this purpose at this time.

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.

No small businesses are affected by this information collection.

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.

Absent this data collection, institutions will not have a method to challenge or adjust the underlying data used to determine requirements, such as disclosures or warnings, or sanctions under which a gainful employment program could lose eligibility and a student could lose access to previously eligible title IV programs. Also, enrolled students and prospective students would not have sufficient information to make decisions about whether to start or continue in a particular GE program.

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.

The collection of this information will continue to be conducted in a manner that is consistent with the guidelines in 5 CFR 1320.6.

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.

The regulations were developed through the Negotiated Rulemaking process where the public provided its input and in consultation with schools, and other affected entities. The Department requested a 60 day public comment period be published in the Federal Register. Two comments were received for the information collection. One commenter expressed support for the current regulations for which this information collection calculates burden. The other was outside the scope of the information collection. This is the request for the 30 day public comment period to be published in the Federal Register.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees with meaningful justification.

No payments or gifts will be provided to the 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 confidentiality of the data.

The Department makes no pledge of confidentiality regarding the data.

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.

The Department is not requesting any sensitive data.

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 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)

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)

- 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.

The burden for §668.412 was approved and transferred to information collection 1845-0107 by OMB in January 2017, and removed from this information collection in February 2017. This creates the new starting burden for this information collection as shown below.

December 2016 burden for 1845-0123:

	<i># of Respondents</i>	<i># of Responses</i>	<i>Burden Hours</i>
	70,210,397	70,247,986	6,896,112
<i>OMB Approved transfer from 1845-0123 to 1845-0107</i>	-27,944,411	-27,994,411	-3,118,120
<i>Adjustment to correcting missing 40 hours that were requested to be transferred to 1845-0107</i>			-40
<i>New starting burden for 1845-0123</i>	42,303,575	42,303,575	3,777,952

Section 668.405(c) – Issuing and challenging D/E rates.

Under the regulations, the Secretary creates a list of students who completed a GE program during the applicable cohort period from data reported by the institution. The list indicates whether the list is of students who completed the program in the two-year cohort period or in the four-year cohort period, and it also indicates which of the students on the list would be excluded from the debt to earnings (D/E) rates calculations under §668.404(e), for one of the following reasons: a military deferment, a loan discharge for total and permanent disability, enrollment on at least a half-time basis, completing a higher undergraduate or graduate credentialed program, or death.

The institutions then have the opportunity, within 45 days of receiving the student list from the Secretary, to propose corrections to the list. After receiving the institution’s proposed corrections, the Secretary notifies the institution whether a proposed correction is accepted and uses any corrected information to create the final list.

We continue to estimate that 89 percent of the 2010-2012 total enrollment in GE programs would be at for-profit institutions, 2 percent would be at private non-profit institutions, and 9 percent would be at public institutions. The 2010-2011 and the 2011-2012 total number of students enrolled in GE programs is projected to be 6,436,806 (the 2010-2011 total of 3,341,856 GE students plus the 2011-2012 total of 3,094,950 GE students). As indicated in connection with the 2011 Final Rules (75 FR 66933), we estimate that 16 percent of students enrolled in GE programs would complete their course of study.

We estimate that there would be 916,601 students who complete their programs at for-profit institutions (6,436,806 students times 0.89 at for-profit institutions times 16 percent

completers). On average, we continue to estimate that it would take institutional staff 0.17 hours (10 minutes) per student to review the list to determine whether a student should be included or excluded under §668.404(e) and, if included, whether the student's identity information requires correction, and then to obtain the evidence to substantiate any inclusion, exclusion, or correction. Burden will remain 155,822 hours (916,601 students times 0.17 hours) under OMB 1845-0123.

We estimate that there would be 20,598 students who complete their programs at private non-profit institutions (6,436,806 students times 0.02 at private non-profit institutions times 16 percent completers). On average, we continue to estimate that it would take institutional staff 0.17 hours (10 minutes) per student to review the list to determine whether a student should be included or excluded under §668.404(e) and, if included, whether the student's identity information requires correction, and then to obtain the evidence to substantiate any inclusion, exclusion, or correction. Burden will remain 3,502 hours (20,598 students times 0.17 hours) under OMB 1845-0123.

We estimate that there would be 92,690 students who complete their programs at public institutions (6,436,806 students times 0.09 at public institutions times 16 percent completers). On average, we estimate that it would take institutional staff 0.17 hours (10 minutes) per student to review the list to determine whether a student should be included or excluded under proposed §668.404(e) and, if included, whether the student's identity information requires correction, and then to obtain the evidence to substantiate any inclusion, exclusion, or correction. Burden will remain 15,757 hours (92,690 students times 0.17 hours) under OMB 1845-0123.

Collectively, the total number of students who complete their programs and who would be included on the lists that would be provided to institutions is a projected 1,029,889 students, multiplied by 0.17 hours. Burden will remain 175,081 hours under OMB Control Number 1845-0123.

Section 668.405(f) – Issuing and challenging D/E/ rates.

Under §668.405(d), after finalizing the list of students, the Secretary will obtain from SSA the mean and median earnings, in aggregate form, of those students on the list whom SSA has matched to its earnings data for the most recently completed calendar year for which SSA has validated earnings information. SSA will not provide to the Secretary individual data on these students; rather, SSA will advise the Secretary of the number of students it could not, for any reason, match against its records of earnings. In the D/E rates calculation, the Secretary will exclude from the loan debts of the students on the list the same number of loan debts as SSA non-matches, starting with the highest loan debt. The remaining debts will then be used to calculate the median debt for the program for the listed students. The Secretary will calculate draft D/E rates using the higher of the mean or median annual earnings reported by SSA under §668.405(e), notify the institution of the GE program's draft D/E rates, and provide the institution with the individual loan data on which the rates were calculated.

Under §668.405(f), the institutions have the opportunity, within 45 days of the Secretary's notice of the draft D/E rates, to challenge the accuracy of the rates, under procedures established by the Secretary. The Secretary notifies the institution whether a proposed challenge is accepted and use any corrected information from the challenge to recalculate the GE program's draft D/E rates.

There are 8,895 programs that will be evaluated under the regulations. Our analysis estimates that of those 8,895 programs, with respect to the D/E rates measure, 6,913 programs will be passing, 1,253 programs will be in the zone, and 729 programs will fail.

We estimate that the number of students at for-profit institutions who complete programs that are in the zone will be 77,693 (485,583 students enrolled in zone programs times 16 percent, the percentage of students who complete programs) and the number who complete failing programs at for-profit institutions will be 66,200 (413,747 students enrolled in failing programs times 16 percent, the percentage of students who complete programs), for a total of 143,893 students (77,693 students plus 66,200 students).

We estimate that it will take institutional staff an average of 0.25 hours (15 minutes) per student to examine the loan data and determine whether to select a record for challenge. Burden will remain 35,973 hours (143,893 students times .25 hours) in OMB Control Number 1845-0123.

We estimate that the number of students at private non-profit institutions who complete programs that are in the zone will be 760 (4,747 students enrolled in zone programs times 16 percent, the percentage of students who complete programs) and the number who complete failing programs at private non-profit institutions will be 272 (1,701 students enrolled in failing programs times 16 percent, the percentage of students who complete programs), for a total of 1,032 students (760 students plus 272 students).

We estimate that it will take institutional staff an average of 0.25 hours (15 minutes) per student to examine the loan data and determine whether to select a record for challenge. Burden will remain 258 hours (1,032 students times .25 hours) in OMB Control Number 1845-0123.

We estimate that the number of students at public institutions who complete programs that are in the zone will be 109 (684 students enrolled in zone programs times 16 percent, the percentage of students who complete programs) and the number who complete failing programs at public institutions will be 84 (523 students enrolled in failing programs times 16 percent, the percentage of students who complete programs), for a total of 193 students (109 students plus 84 students).

We estimate that it will take institutional staff an average of 0.25 hours (15 minutes) per student to examine the loan data and determine whether to select a record for challenge. Burden will remain 48 hours (193 students times .25 hours) in OMB Control Number 1845-0123.

Collectively, the burden for institutions to examine loan records and to determine whether to make a draft D/E rates challenge will remain 36,279 hours under OMB Control Number 1845-0123.

The total burden for §668.405 will be 211,360 hours under OMB Control Number 1845-0123.

§668.410 Consequences of the D/E Rates Measure

Under §668.410(a), we require institutions to provide warnings to students and prospective students in any year for which the Secretary notifies an institution that the program could become ineligible based on its final D/E rates measure for the next award year. Within 30 days after the date of the Secretary's notice of determination under §668.409, the institution must provide a written warning directly to each student enrolled in the program. To the extent practicable, an institution must provide this warning in other languages for enrolled students for whom English is not their first language.

In the warning, an institution must describe the options available to the student to continue his or her education in the event that the program loses its eligibility for title IV, HEA program funds. Specifically, the warning informs the student of academic and financial options available to continue his or her education at the institution; whether the institution allows the student to transfer to another program at the institution; continue to provide instruction in the program to allow the student to complete the program; whether the student's earned credits could be transferred to another institution; or refund the tuition, fees, and other required charges paid by, or on behalf of, the student to enroll in the program.

Under §668.410(a)(5), an affected institution must provide a written warning by hand-delivering it individually or as part of a group presentation, or via email.

We estimate that the written warnings will be hand-delivered to 10 percent of the affected students, delivered through a group presentation to another 10 percent of the affected students, and delivered through the student's primary email address used by the institution to the remaining 80 percent.

Based upon 2009-2010 reported data, 2,703,851 students were enrolled at for-profit institutions. Of that number, we estimate that 327,468 students were enrolled in zone programs and 844,488 students were enrolled in failing programs at for-profit institutions. Thus, the warnings have to be provided to 1,171,956 students (327,468 students plus 844,488 students) enrolled in GE programs at for-profit institutions.

Of the 1,171,956 projected number of warnings to be provided to enrolled students at for-profit institutions, we continue to estimate that 117,196 students (1,171,956 students times 10 percent) will receive the warning individually and that it will take on average 0.17 hours (10 minutes) per warning to print the warning, locate the student, and deliver

the warning to each affected student. Burden remains 19,923 hours (117,196 students times 0.17 hours) under OMB Control Number 1845-0123.

Of the 1,171,956 projected warnings to be provided to enrolled students at for-profit institutions, we continue to estimate that 117,196 students (1,171,956 students times 10 percent) will receive the warning at a group presentation and that it will take on average 0.33 hours (20 minutes) per warning to print the warning, conduct the presentation, and answer questions about the warning to each affected student. Burden remains 38,675 hours (117,196 times 0.33 hours) under OMB Control Number 1845-0123.

Of the 1,171,956 projected warnings to be provided to enrolled students at for-profit institutions, we continue to estimate that 937,564 students (1,171,956 students times 80 percent) will receive the warning via email and that it will take on average 0.017 hours (1 minute) per warning to send the warning to each affected student. Burden remains 15,939 hours (937,565 students times 0.017 hours) under OMB Control Number 1845-0123.

Based upon 2009-2010 reported data, 57,700 students were enrolled at private non-profit institutions. Of that number of students, we estimate that 2,308 students will be enrolled in zone programs and 5,423 students will be enrolled in failing programs at private non-profit institutions. Thus, the warnings have to be provided to 7,731 students (2,308 students plus 5,423 students) enrolled in GE programs at private non-profit institutions.

Of the 7,731 projected number of warnings to be provided to enrolled students at non-profit institutions, we continue to estimate that 773 students (7,731 students times 10 percent) will receive the warning individually and that it will take on average 0.17 hours (10 minutes) per warning to print the warning, locate the student, and deliver the warning to each affected student. Burden remains 131 hours (773 students times 0.17 hours) under OMB Control Number 1845-0123.

Of the 7,731 projected warnings to be provided to enrolled students at non-profit institutions, we continue to estimate that 773 students (7,731 students times 10 percent) will receive the warning at a group presentation and that it will take on average 0.33 hours (20 minutes) per warning to print the warning, conduct the presentation, and answer questions about the warning to each affected student. Burden remains 255 hours (773 times 0.33 hours) under OMB Control Number 1845-0123.

Of the 7,731 projected warnings to be provided to enrolled students at non-profit institutions, we continue to estimate that 6,185 students (7,731 students times 80 percent) will receive the warning via email and that it will take on average 0.017 hours (1 minute) per warning to send the warning to each affected student. Burden remains 105 hours (6,185 students times 0.017 hours) under OMB Control Number 1845-0123.

Based upon 2009-2010 reported data, 276,234 students were enrolled at public institutions. Of that number of students, we estimate that 628 students will be enrolled in zone programs and 13,178 students will be enrolled in failing programs at public

institutions. Thus, the warnings have to be provided to 13,806 students (628 students plus 13,178 students) enrolled in GE programs at public institutions.

Of the 13,806 projected number of warnings to be provided to enrolled students at public institutions, we continue to estimate that 1,381 students (13,806 students times 10 percent) will receive the warning individually and that it will take on average 0.17 hours (10 minutes) per warning to print the warning, locate the student, and deliver the warning to each affected student. Burden remains 235 hours (1,381 students times 0.17 hours) under OMB Control Number 1845-0123.

Of the 13,806 projected warnings to be provided to enrolled students at public institutions, we continue to estimate that 1,381 students (13,806 students times 10 percent) will receive the warning at a group presentation and that it will take on average 0.33 hours (20 minutes) per warning to print the warning, conduct the presentation, and answer questions about the warning to each affected student. Burden remains 456 hours (1,381 times 0.33 hours) under OMB Control Number 1845-0123.

Of the 13,806 projected warnings to be provided to enrolled students at public institutions, we continue to estimate that 11,044 students (13,806 students times 80 percent) will receive the warning via email and that it will take on average 0.017 hours (1 minute) per warning to send the warning to each affected student. Burden remains 188 hours (11,044 students times 0.017 hours) under OMB Control Number 1845-0123.

Collectively, to providing the warnings burden remains 75,907 hours under OMB Control Number 1845-0123.

Students will also be affected by the warnings. On average, given the alternatives available to institutions, we continue to estimate that it will take each student 0.17 hours (10 minutes) to read the warning and ask any questions.

Burden remains 199,233 hours (1,171,956 students times 0.17 hours) for the students who will receive warnings from for-profit institutions under one of the three delivery options, under OMB Control Number 1845-0123.

Burden remains 1,314 hours (7,731 students times 0.17 hours) for the students who will receive warnings from private non-profit institutions under one of the three delivery options, under OMB Control Number 1845-0123.

Burden remains 2,347 hours (13,806 students times 0.17 hours) for the students who will receive warnings from public institutions under one of the three delivery options, under OMB Control Number 1845-0123.

Collectively, for students reading the warning burden remains 202,894 hours under OMB Control Number 1845-0123.

Under §668.410(a)(6)(ii), institutions must provide a warning about a possible loss of eligibility for title IV, HEA program funds directly to prospective students prior to their signing an enrollment agreement, registering, or making any financial commitment to the institution. The warning may be hand-delivered as a separate warning, or as part of a group presentation, or sent via email to the primary email address used by the institution for communicating with prospective students. To the extent practicable, an institution will have to provide this warning in other languages for those students and prospective students for whom English is not their first language.

Most institutions will have to contact, or be contacted by, a larger number of prospective students to yield institutions' desired net enrollments. The magnitude of this activity will be different depending on the type and control of the institution, as detailed below.

We continue to 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 enrollments. As noted above, we estimate that 1,171,956 students (327,468 students enrolled in zone programs plus 844,488 students enrolled in failing programs) will be enrolled in programs at for-profit institutions that require a warning to students and prospective students. Therefore, for-profit institutions will be required to provide 7,031,736 warnings (1,171,956 times 6), with an estimated per student time of 0.10 hours (6 minutes) to deliver, and burden remains 703,174 hours (7,031,736 prospective students times 0.10 hours) under OMB Control Number 1845-0123.

We continue to 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 enrollments. As noted above, we estimate that 7,731 students (2,308 students enrolled in zone programs plus 5,423 students enrolled in failing programs) will be enrolled in programs at private non-profit institutions that require a warning to students and prospective students. Therefore, private non-profit institutions will be required to provide 13,916 warnings (7,731 students times 1.8), with an estimated per student time of 0.10 hours (6 minutes) to deliver, and burden remains 1,392 hours (13,916 prospective students times 0.10 hours) under OMB Control Number 1845-0123.

We continue to 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 enrollments. As noted above, we estimate that 13,806 students (628 students enrolled in zone programs plus 13,178 students enrolled in failing programs) will be enrolled in programs at public institutions that require a warning to students and prospective students. Therefore, public institutions will be required to provide 20,709 warnings (13,806 students times 1.5), with an estimated per student time of 0.10 hours (6 minutes) to deliver, and burden remains 2,071 hours (20,709 prospective students times 0.10 hours) under OMB Control Number 1845-0123.

Collectively, burden remains 706,637 hours under OMB Control Number 1845-0123.

The prospective students will also be affected by the warnings. On average, given the alternatives available to institutions, we continue to estimate that it will take each student 0.08 hours (5 minutes) to read the warning and ask any questions.

Burden remains 562,539 hours (7,031,736 times 0.08 hours) for the prospective students who will receive warnings from for-profit institutions, under OMB Control Number 1845-0123.

Burden remains 1,113 hours (13,916 times 0.08 hours) for the prospective students who will receive warnings from private non-profit institutions, under OMB Control Number 1845-0123.

Burden remains 1,657 hours (20,709 times 0.08 hours) for the prospective students who will receive warnings from public institutions, under OMB Control Number 1845-0123.

Collectively, for prospective students reading the warning burden remains 565,309 hours under OMB Control Number 1845-0123.

Under §668.410(a)(6)(ii)(B)(2), if more than 30 days have passed from the date the initial warning is provided, the prospective student must be provided an additional written warning and may not enroll until three business days later.

We continue to estimate that 50 percent of students enrolling in a failing program will do so more than 30 days after receiving the initial prospective student warning. Burden for institutions remains 281,269 hours for the 3,515,868 students (7,031,736 prospective students times 50 percent times .08 hours) for whom for-profit institutions must provide subsequent warnings.

Burden remains 557 hours for the 6,958 students (13,916 prospective students times 50 percent times .08 hours) for whom private non-profit institutions will provide subsequent warnings.

Burden remains 828 hours for the 10,355 students (20,709 prospective students times 50 percent times .08 hours) for whom public institutions will provide subsequent warnings.

Collectively, for providing subsequent warning notices burden remains 282,654 hours under OMB Control Number 1845-0123.

Similarly, it will take the recipients of subsequent warnings time to read the second warning. Burden for students remains 281,269 hours for the 3,515,868 students (7,031,736 prospective students times 50 percent times .08 hours) to read the subsequent warnings from for-profit institutions, OMB Control Number 1845-0123.

Burden remains 557 hours for the 6,958 students (13,916 prospective students times 50 percent times .08 hours) to read the subsequent warnings from private non-profit institutions.

Burden remains 828 hours for the 10,355 students (20,709 prospective students times 50 percent times .08 hours) to read the subsequent warnings from public institutions.

Collectively, burden to students to read the subsequent warnings remains 282,654 hours under OMB Control Number 1845-0123.

The total increase in burden for §668.410 will be 2,116,055 hours under OMB Control Number 1845-0123.

§668.411 Reporting Requirements for GE Programs

Under §668.411, institutions report, for each student enrolled in a GE program during an award year who received title IV, HEA program funds for enrolling in that program: (1) Information needed to identify the student and the institution the student attended; (2) the name, CIP code, credential level, and length of the GE program; (3) whether the GE program is a medical or dental program whose students are required to complete an internship or residency; (4) the date the student initially enrolled in the GE program; (5) the student's attendance dates and attendance status in the GE program during the award year; and (6) the student's enrollment status as of the first day of the student's enrollment in the GE program.

Further, if the student completed or withdrew from the GE program during the award year, the institution reports: (1) The date the student completed or withdrew; (2) the total amount the student received from private education loans for enrollment in the GE program that the institution is, or should reasonably be, aware of; (3) the total amount of institutional debt the student owes any party after completing or withdrawing from the GE program; (4) the total amount for tuition and fees assessed the student for the student's entire enrollment in the program; and (5) the total amount of allowances for books, supplies, and equipment included in the student's title IV, cost of attendance for each award year in which the student was enrolled in the program, or a higher amount if assessed by the institution to the student.

Institutions will report not later than October 1, following the end of the award year, unless the Secretary establishes a different date in a notice published in the Federal Register. The regulations give the Secretary the flexibility to identify additional reporting items, or to specify a reporting deadline different than October 1, in a notice published in the Federal Register.

Finally, the regulations require institutions to provide the Secretary with an explanation of why any missing information is not available.

There are 2,526 for-profit institutions that offer one or more GE programs. We continue to estimate that, on average, it will take 6 hours for each of those institutions to modify or develop manual or automated systems for reporting under §668.411. Burden for these institutions remains 15,156 hours (2,526 institutions times 6 hours).

There are 318 private non-profit institutions that offer one or more GE programs. We continue to estimate that, on average, it will take 6 hours for each of those institutions to modify or develop manual or automated systems for reporting under §668.411. Burden for these institutions remain 1,908 hours (318 institutions times 6 hours).

There are 1,117 public institutions that offer one or more GE programs. We continue to estimate that, on average, it will take 6 hours for each of those institutions to modify or develop manual or automated systems for reporting under §668.411. Burden for these institutions remain 6,702 hours (1,117 institutions times 6 hours).

Collectively, burden to develop systems for reporting remains 23,766 hours (under OMB Control Number 1845-0123).

Under §668.411(a)(3), if an institution is required by its accrediting agency or State to calculate a placement rate for either the institution or the program, or both, the institution is required to report to the Department the required placement rate, using the required methodology, and to report the name of the accrediting agency or State.

The Department will develop a database to collect this data. Therefore, under the Paperwork Reduction Act, the Department will construct an information collection (IC) closer to the time of system development which the public will have an opportunity to provide comment prior to the IC's submission to OMB for approval.

Section 668.411(b) requires that, no later than July 31 of the year the regulations take effect, institutions report the information required by §668.411(a) for the second through seventh award years prior to that date. For medical and dental programs that require an internship or residency, institutions will need to include the eighth completed award year prior to July 31.

According to our analysis of previously reported GE program enrollment data, there were 2,703,851 students enrolled in GE programs offered by for-profit institutions during the 2009-2010 award year. Based on budget baseline estimates as provided in the general background information, we estimate that enrollment in GE programs at for-profit institutions for 2008-2009 was 2,219,280. Going forward, we estimate that enrollment in GE programs at for-profit institutions for 2010-2011 was 2,951,154, for 2011-2012 enrollment was 2,669,084, for 2012-2013 enrollment was 2,426,249, and for 2013-2014 enrollment will be 2,227,230. This results in a total of 15,196,848 enrollments.

We continue to estimate that, on average, the reporting of GE program information by for-profit institutions will take 0.03 hours (2 minutes) per student as we anticipate that, for most for-profit institutions, reporting will be an automated process. Therefore, the GE reporting burden by for-profit institutions remains 455,906 hours (15,196,848 students times .03 hours) in OMB Control Number 1845-0123.

According to our analysis of previously reported GE program enrollment data, there were 57,700 students enrolled in GE programs offered by private non-profit institutions during the 2009-2010 award year. Based on budget baseline estimates as provided in the general background information, we estimate that enrollment in GE programs at private non-profit institutions for 2008-2009 was 49,316. Going forward, we estimate that enrollment in GE programs at private non-profit institutions for 2010-2011 was 67,509, for 2011-2012 enrollment was 73,585, for 2012-2013 enrollment was 70,641, and for 2013-2014 enrollment will be 65,697. This results in a total of 384,448 enrollments.

We continue to estimate that, on average, the reporting of GE program information by private non-profit institutions will take 0.03 hours (2 minutes) per student as we anticipate that, for most private non-profit institutions, reporting will be an automated process. Therefore, the GE reporting burden by private non-profit institutions remains 11,533 hours (384,448 students times .03 hours) in OMB Control Number 1845-0123.

According to our analysis of previously reported GE program enrollment data, there were 276,234 students enrolled in GE programs offered by public institutions during the 2009-2010 award year. Based on budget baseline estimates as provided in the general background information, we estimate that enrollment in GE programs at public institutions for 2008-2009 was 236,097. Going forward, we estimate that enrollment in GE programs at public institutions for 2010-2011 was 323,194, for 2011-2012 enrollment was 352,281, for 2012-2013 enrollment was 338,190, and for 2013-2014 enrollment will be 314,517. This results in a total of 1,840,513 enrollments.

We continue to estimate that, on average, the reporting of GE program information by public institutions will take 0.03 hours (2 minutes) per student as we anticipate that, for most public institutions, reporting will be an automated process. Therefore, the GE reporting burden by public institutions remains 55,215 hours (1,840,513 students times .03 hours) in OMB Control Number 1845-0123.

Collectively, we continue to estimate that burden upon institutions to meet the initial reporting requirements under §668.411 remains 522,653 hours in OMB Control Number 1845-0123.

The total burden for §668.411 remains 546,420 hours under OMB Control Number 1845-0123.

§668.413 Calculating, Issuing, and Challenging Completion Rates, Withdrawal Rates, Repayment Rates, Median Loan Debt, Median Earnings, and Program Cohort Default Rate

Using the procedures in §668.413 and based partially on the information that an institution will report under §668.411, the Secretary calculates and make available to the institution for disclosure: completion rates, withdrawal rates, repayment rates, median loan debt, and median earnings for a GE program.

An institution has an opportunity to correct the list of students who withdrew from a GE program and the list of students who completed or withdrew from a GE program prior to the Secretary sending the lists to SSA for earnings information.

For the median earnings calculation under §§668.413(b)(9) and (b)(10), after the Secretary provides a list of the relevant students to the institution, the institution may provide evidence showing that a student should be included on the list or removed from the list as a result of meeting the definitions of an exclusion under §668.413(b)(11). The institution may also correct or update a student's identity information or attendance information on the listing.

For the 12,250 GE programs at for-profit institutions, we continue to estimate, on average, that it will take institutional staff 2 hours to review each of the two lists to determine whether a student should be included or excluded under §668.413(b)(11) and, if included, whether the student's identity information or attendance information requires correction, and then to obtain the evidence to substantiate any inclusion, exclusion, or correction. Burden remains 49,000 hours (12,250 programs times 2 lists times 2 hours) under OMB Control Number 1845-0123.

For the 2,343 GE programs at private non-profit institutions, we continue to estimate, on average, that it will take institutional staff 2 hours to review each of the two lists to determine whether a student should be included or excluded and, if included, whether the student's identity information or attendance information requires correction, and then to obtain the evidence to substantiate any inclusion, exclusion, or correction. Burden remains 9,372 hours (2,343 programs times 2 lists times 2 hours) under OMB Control Number 1845-0123.

For the 22,996 GE programs at public institutions, we continue to estimate, on average, that it will take institutional staff 2 hours to review each of the two lists to determine whether a student should be included or excluded and, if included, whether the student's identity information or attendance information requires correction, and then to obtain the evidence to substantiate any inclusion, exclusion, or correction. Burden remains 91,984 hours (22,996 programs times 2 lists times 2 hours) under OMB Control Number 1845-0123.

Collectively, burden remains 150,356 hours under OMB Control Number 1845-0123.

Under §668.413(d)(1), an institution may challenge the Secretary's calculation of the draft completion rates, withdrawal rates, repayment rates, and median loan debt.

The Secretary develops the completion rates, withdrawal rates, repayment rates, and median loan debt calculations for each of the estimated 12,250 GE programs at for-profit institutions. For the purpose of challenging the completion, withdrawal, and repayment rates and median loan debt we continue to estimate that, on average, it will take institutional staff 20 hours per program to review the calculations, compare the data to

institutional records, and determine whether challenges need to be made to the calculations. Therefore, burden remains 245,000 hours (12,250 programs times 20 hours) under OMB Control Number 1845-0123.

The Secretary will develop the completion rates, withdrawal rates, repayment rates, and median loan debt calculations for each of the estimated 2,343 GE programs at private non-profit institutions. For the purpose of challenging the completion, withdrawal, and repayment rates and median loan debt we continue to estimate that, on average, it will take institutional staff 20 hours per program to review the calculations, compare the data to institutional records, and determine whether challenges need to be made to the calculations. Therefore, burden remains 46,860 hours (2,343 programs times 20 hours) under OMB Control Number 1845-0123.

The Secretary will develop the completion rates, withdrawal rates, repayment rates, and median loan debt calculations for each of the estimated 22,996 GE programs at public institutions. For the purpose of challenging the completion, withdrawal, and repayment rates and median loan debt we continue to estimate that, on average, it will take institutional staff 20 hours per program to review the calculations, compare the data to institutional records, and determine whether challenges need to be made to the calculations. Therefore, burden remains 459,920 hours (22,996 times 20 hours) under OMB Control Number 1845-0123.

Collectively, burden remains 751,780 under OMB Control Number 1845-0123.

The total burden for §668.413 remains 902,136 under OMB Control Number 1845-0123.

§668.414 Certification Requirements for GE Programs

Under §668.414(a) each institution participating in the title IV, HEA programs will be required to provide a "transitional certification" to supplement its current program participation agreement (PPA). The transitional certification will be submitted no later than December 31 of the year in which the regulations take effect. The transitional certification will be signed by the institution's most senior executive officer that each of its currently eligible GE programs included on its Eligibility and Certification Approval Report meets the GE program eligibility certification requirements of this section and will update within 10 days if there are any changes in the approvals for a program, or other changes that make an existing certification inaccurate. Under §668.414(d), the certification will provide that each GE program meets certain requirements (PPA certification requirements), specifically that each GE program is:

Approved by a recognized accrediting agency, is included in the institution's accreditation, or is approved by a recognized State agency for the approval of public postsecondary vocational education in lieu of accreditation;

Programmatically accredited, if required by a Federal governmental entity or required by a governmental entity in the State in which the institution is located or in which the institution is otherwise required to obtain State approval under 34 CFR 600.9; and

Satisfies licensure or certification requirements in the State where the institution is located or in which the institution is otherwise required to obtain State approval, each eligible program it offers satisfies the applicable educational prerequisites for professional licensure or certification requirements in that State so that the student who completes the program and seeks employment in that State qualifies to take any licensure or certification exam that is needed for the student to practice or find employment in an occupation that the program prepares students to enter.

A program is substantially similar to another program if the two programs share the same four-digit CIP code. The Secretary presumes a program is not substantially similar to another program if the two programs have different four-digit CIP codes, but the institution must provide an explanation of how the new program is not substantially similar to an ineligible or voluntarily discontinued program with its certification under §668.414.

We continue to estimate that it will take the 2,526 for-profit institutions that offer GE programs 0.5 hours to draft a certification statement and obtain the signature of the institution's senior executive for submission to the Department and, when applicable, provide an explanation of how a new program is not substantially similar to an ineligible or voluntarily discontinued program. This burden remains 1,263 hours (2,526 institutions times 0.5 hours) under OMB Control Number 1845-0123.

We continue to estimate that it will take the 318 private non-profit institutions that offer GE programs 0.5 hours to draft a certification statement and obtain the signature of the institution's senior executive for submission to the Department and, when applicable, provide an explanation of how a new program is not substantially similar to an ineligible or voluntarily discontinued program. This burden remains 159 hours (318 institutions times 0.5 hours) under OMB Control Number 1845-0123.

We continue to estimate that it will take the 1,117 public institutions that offer GE programs 0.5 hours to draft a certification statement and obtain the signature of the institution's senior executive for submission to the Department and, when applicable, provide an explanation of how a new program is not substantially similar to an ineligible or voluntarily discontinued program. This burden remains 559 hours (1,117 institutions times 0.5 hours) under OMB Control Number 1845-0123.

The total burden for §668.414 remains 1,981 hours under OMB Control Number 1845-0123.

Currently Approved Numbers:

<i># of Respondents</i>	<i># of Responses</i>	<i>Burden Hours</i>
42,303,575	42,303,575	3,777,952

Section 688.405 - Burden:

<i># of Respondents</i>	<i># of Responses</i>	<i>Burden Hours</i>
1,175,007	1,175,007	211,360

Section 688.410 - Burden:

<i># of Respondents</i>	<i># of Responses</i>	<i>Burden Hours</i>
23,586,071	23,586,071	2,116,055

Section 688.411 - Burden:

<i># of Respondents</i>	<i># of Responses</i>	<i>Burden Hours</i>
17,425,770	17,425,770	546,420

Section 688.413 - Burden:

<i># of Respondents</i>	<i># of Responses</i>	<i>Burden Hours</i>
112,767	112,767	902,136

Section 688.414 - Burden:

<i># of Respondents</i>	<i># of Responses</i>	<i>Burden Hours</i>
3,961	3,961	1,981

Requested Burden Continuation:

<i># of Respondents</i>	<i># of Responses</i>	<i>Burden Hours</i>
42,303,576	42,303,576	3,777,952

Staff costs at \$36.55 per hour calculate to an estimated \$99,675,322 to research, record and report various regulatory requirements. Student costs at \$16.30 per hour calculate to an estimated \$17,128,969 for reviewing and responding as needed to documents and requests.

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 :

There are no capital/startup costs to respondents. The institutional staffing costs are identified 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 cost to Federal Student Aid for the contractor support for all of the Gainful Employment regulatory implementation is \$23,099,946 for fiscal year 2015.

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).

The Department anticipates scheduling the negotiated rulemaking sessions beginning in November or December 2017. As any new regulations will not be available before the expiration of this current package, the Department is requesting a revision to the current information collection to accurately reflect the current burden of 3,777,952 burden hours, illustrating that the burden related to §668.412 was removed from this collection

and applied to information collection 1845-0107 in February 2017. There have been no changes to the regulations since the initial approval of the information collection.

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.

The results of this collection of information will not be published.

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 requesting any exceptions to the "Certification for Paperwork Reduction Act Submissions" of OMB Form 83-1.