

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 § 668.407 establishes that prospective students must acknowledge having seen the information on the program information website maintained by the Secretary if an eligible non-Gainful Employment (non-GE) program has failed the debt-to-earnings (D/E) measure, and requires that students must provide the acknowledgment before the institution may disburse any title IV, HEA funds. The change to the regulations since the NPRM has changed the estimated burden for this collection as identified in the NPRM. The required acknowledgements now exclude undergraduate degree programs from the acknowledgment requirements at § 668.407(a).

This is a request for a change to the collection designated 1845-0174 by OMB during the NPRM stage of this information collection filing.

The final regulatory language in § 668.407 will add burden to institutions. The changes in § 668.407 will require institutions to develop and provide notices to prospective students that they are required to review information on the Secretary's website and complete acknowledge that they have viewed this information if the program to which they are applying has unacceptable D/E rates. The institution would also be obligated to check whether an individual has completed the acknowledgment before entering into an agreement to enroll the student.

However, to reduce burden for institutions and students, such an acknowledgment will only be required when a student will attend a program that does not lead to an undergraduate degree and leads to high debt burden, or when a student will attend a GE program at risk of losing title IV, HEA eligibility.

We believe that most institutions will develop the notice directing impacted students to the Department's program information website 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 private institutions 670 hours (670 programs x 1 hour = 670) to develop and deliver the required notice based on the information provided by the Department.

#### TOTALS

Responses – 670  
Respondents – 134  
Burden Hours – 670

### 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-NEW2. Public reporting burden for this collection of information is estimated to average 1 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 668.407). 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](mailto:beth.grebeldinger@ed.gov) directly.