

PART 600--INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF
1965, AS AMENDED

§600.2 Definitions.

* * * * *

Recognized occupation: An occupation that is--

(1) Identified by a Standard Occupational Classification (SOC) code established by the Office of Management and Budget (OMB) or an Occupational Information Network O*Net-SOC code established by the Department of Labor, which is available at www.onetonline.org or its successor site; or

(2) Determined by the Secretary in consultation with the Secretary of Labor to be a recognized occupation.

* * * * *

(Authority: 20 U.S.C. 1001, 1002, 1071, et seq., 1078-2, 1088, 1091, 1094, 1099b, 1099c, 1141;
26 U.S.C. 501(c))

§600.10 Date, extent, duration, and consequence of eligibility.

* * * * *

(c) Educational programs. (1) An eligible institution that seeks to establish the eligibility of an educational program must--

(i) Pursuant to a requirement regarding additional programs included in the institution's program participation agreement under 34 CFR 668.14, obtain the Secretary's approval;

(ii) For a direct assessment program under 34 CFR 668.10, and for a comprehensive transition and postsecondary program under 34 CFR 668.232, obtain the Secretary's approval;

and

(iii) For an undergraduate program that is at least 300 clock hours but less than 600 clock hours and does not admit as regular students only persons who have completed the equivalent of an associate degree under 34 CFR 668.8(d)(3), obtain the Secretary's approval.

(2) Except as provided under §600.20(c), an eligible institution does not have to obtain the Secretary's approval to establish the eligibility of any program that is not described in paragraph (c)(1) of this section.

(3) * * *

(i) Fails to comply with the requirements in paragraph (c)(1) of this section; or

* * * * *

(Authority: 20 U.S.C. 1001, 1002, 1088, 1094, and 1141)

§600.20 Notice and application procedures for establishing, reestablishing, maintaining, or expanding institutional eligibility and certification.

* * * * *

(c) * * *

(1) Add an educational program or a location at which the institution offers or will offer 50 percent or more of an educational program if one of the following conditions applies, otherwise it must report to the Secretary under §600.21:

* * * * *

(Authority: 20 U.S.C. 1001, 1002, 1088, 1094, and 1099c)

§600.21 Updating application information.

(a) * * *

(11) Changing a program's name, CIP code, as defined in 34 CFR 668.402, or credential level; or

(12) Updating a certification pursuant to §668.414(b).

§668.41 Reporting and disclosure of information.

* * * * *

(i) *Financial protection disclosures*—(1) *General*. An institution must deliver a disclosure to enrolled and prospective students in the form and manner described in paragraph (i)(3), (4), and (5) of this section, and post that disclosure to its website as described in paragraph (i)(6) of this section, within 30 days of notifying the Secretary under §668.171(h) of the occurrence of a triggering event or events identified pursuant to paragraph (i)(2) of this section. The requirements in this paragraph (i) apply for the 12-month period following the date the institution notifies the Secretary under §668.171(h) of a triggering event or events identified under paragraph (i)(2).

(2) *Triggering events*. The Secretary will conduct consumer testing to inform the identification of events for which a disclosure is required. The Secretary will consumer test each of the events identified in §668.171(c) through (g), as well as other events that result in an institution being required to provide financial protection to the Department, to determine which of these events are most meaningful to students in their educational decision-making. The Secretary will identify the triggering events for which a disclosure is required under paragraph (i)(1) in a document published in the Federal Register.

(3) *Form of disclosure*. The Secretary will conduct consumer testing to ensure the form of the disclosure is meaningful and helpful to students. The Secretary will specify the form and placement of the disclosure in a notice published in the Federal Register following the consumer testing.

(4) *Delivery to enrolled students.* An institution must deliver the disclosure required under this paragraph (i) to each enrolled student in writing by—

(i) Hand-delivering the disclosure as a separate document to the student individually or as part of a group presentation; or

(ii)(A) Sending the disclosure to the student's primary email address or delivering the disclosure through the electronic method used by the institution for communicating with the student about institutional matters; and

(B) Ensuring that the disclosure is the only content in the message sent to the student under this paragraph unless the Secretary specifies additional, contextual language to be included in the message.

(5) *Delivery to prospective students.* An institution must deliver the disclosure required under this paragraph (i) to a prospective student before that student enrolls, registers, or enters into a financial obligation with the institution by—

(i) Hand-delivering the disclosure as a separate document to the student individually or as part of a group presentation; or

(ii)(A) Sending the disclosure to the student's primary email address or delivering the disclosure through the electronic method used by the institution for communicating with prospective students about institutional matters; and

(B) Ensuring that the disclosure is the only content in the message sent to the student under this paragraph unless the Secretary specifies additional, contextual language to be included in the message.

(6) *Institutional website.* An institution must prominently provide the disclosure required under this paragraph (i) in a simple and meaningful manner on the home page of the institution's website.

* * * * *

(Authority: 20 U.S.C. 1094, 1099b)

PART 668--STUDENT ASSISTANCE GENERAL PROVISIONS

§668.6 [Removed and Reserved].

* * * * *

§668.8 Eligible program.

* * * * *

(d) * * *

(2) * * *

(iii) Provide training that prepares a student for gainful employment in a recognized occupation; and

* * * * *

(3) * * *

(iii) Provide undergraduate training that prepares a student for gainful employment in a recognized occupation;

§668.14 Program participation agreement.

(a) * * *

(26) For any educational program offered by the institution that prepares students for employment in a recognized occupation, if the State in which the institution is located or a

Federal agency has established the minimum quantity of training required for students in that occupation, the institution must--

(i) Demonstrate a reasonable relationship between the length of the program and requirements for the recognized occupation for which the program prepares the student. The Secretary considers the relationship to be reasonable if the number of clock hours or equivalent instruction provided in the program does not exceed by more than 50 percent the minimum number of clock hours or equivalent instruction required for training in the recognized occupation for which the program prepares the student, as established by the State in which the institution is located, if the State has established such a requirement, or as established by a Federal agency; and

(ii) Provide any certification required under §668.414.

Subpart Q—Educational Programs Disclosures and Certifications

668.401 Scope and purpose.

668.402 Definitions.

668.403 Debt-to-earnings rate framework.

668.404 Calculating D/E rates.

668.405 Issuing and challenging D/E rates.

668.406 [Reserved].

668.407 [Reserved].

668.408 [Reserved].

668.409 Final determination of the D/E rates.

668.410 Consequences of the D/E rates measure.

668.411 [Reserved].

668.412 Disclosure requirements.

668.413 [Reserved].

668.414 Certification requirements for educational programs.

668.415 Severability.

Subpart Q—Educational Programs Disclosures and Certifications.

§668.401 Scope and purpose.

This subpart applies to an educational program offered by an eligible institution and establishes -

(a)

Procedures by which the Secretary calculates the program's debt-to-earnings rates; and

(b) Program-level disclosure and certification requirements.

(Authority: 20 U.S.C. 1001, 1002, 1088, 1231a)

§668.402 Definitions.

The following definitions apply to this subpart.

Annual earnings rate. The percentage of an educational program's annual loan payment compared to the annual earnings of the students who completed the program, as calculated under §668.404.

Classification of instructional program (CIP) code. A taxonomy of instructional program classifications and descriptions developed by the U.S. Department of Education's National Center for Education Statistics (NCES). The CIP code for a program is six digits.

Cohort period. The two-year cohort period during which those students who complete an educational program are identified in order to assess their loan debt and earnings. The cohort period covers two consecutive award years that are--

(1) The third and fourth award years prior to the award year for which the D/E rates are calculated pursuant to §668.404. For example, if D/E rates are calculated for award year 2016-2017, the two-year cohort period is award years 2012-2013 and 2013-2014; or

(2) For an educational program whose students are required to complete a medical or dental internship or residency, the sixth and seventh award years prior to the award year for which the D/E rates are calculated. For example, if D/E rates are calculated for award year 2016-2017 the two-year cohort period is award years 2011-2012 and 2012-2013. For this purpose, a required medical or dental internship or residency is a supervised training program that--

(i) Requires the student to hold a degree as a doctor of medicine or osteopathy, or as a doctor of dental science;

(ii) Leads to a degree or certificate awarded by an institution of higher education, a hospital, or a health care facility that offers post-graduate training; and

(iii) Must be completed before the student may be licensed by a State and board certified for professional practice or service.

Credential level. The level of the academic credential awarded by an institution to students who complete the educational program. For the purposes of this subpart, the undergraduate credential levels are: undergraduate certificate or diploma, associate degree, bachelor's degree, and post-baccalaureate certificate; and the graduate credential levels are graduate certificate (including a postgraduate certificate), master's degree, doctoral degree, and first-professional degree (e.g., MD, DDS, JD).

Debt-to-earnings rates (D/E rates). The discretionary income rate and annual earnings rate as calculated under §668.404.

Discretionary income rate. The percentage of an educational program's annual loan payment compared to the discretionary income of the students who completed the program, as calculated under §668.404.

Educational program. An educational program (as defined in §600.2) offered by an institution under §668.8(c)(3) or (d) and identified by a combination of the institution's six-digit Office of Postsecondary Education ID (OPEID) number, the program's six-digit CIP code as assigned by the institution or determined by the Secretary, the program's credential level, and other identifiers as determined by the Secretary.

Length of the program. The amount of time in weeks, months, or years that is specified in the institution's catalog, marketing materials, or other official publications for a student to complete the requirements needed to obtain the degree or credential offered by the program.

Metropolitan Statistical Area (MSA). The Metropolitan Statistical Area as published by the U.S. Office of Management and Budget and available at www.census.gov/programs-surveys/metro-micro.html or its successor site. For an educational program offered by a foreign medical school, the applicable MSAs are the MSAs of the program's clinical sites. For an educational program offered by any other type of foreign school, the MSA is the MSA for Washington, DC.

Poverty Guideline. The Poverty Guideline for a single person in the continental United States as published by the U.S. Department of Health and Human Services and available at <https://aspe.hhs.gov/poverty-guidelines> or its successor site.

Prospective student. An individual who has contacted an eligible institution for the purpose of requesting information about enrolling in an educational program or who has been

contacted directly by the institution or by a third party on behalf of the institution about enrolling in a program.

Student. An individual who received title IV, HEA program Direct Loan or Pell Grant funds for enrolling in an educational program.

(Authority: 20 U.S.C. 1001, 1002, 1088)

§668.403 Debt-to-earnings rate framework.

(a) Debt-to-earnings rates (D/E rates). For each award year and for each eligible educational program offered by an institution, the Secretary calculates two D/E rates, the discretionary income rate and the annual earnings rate, using the procedures in §§668.404 and 668.405.

(b) Comparison threshold for the D/E rates measure. (1) An educational program is considered to have an acceptable D/E rates measure if--

- (i) Its discretionary income rate is less than or equal to 20 percent; or
- (ii) Its annual earnings rate is less than or equal to eight percent.

(2) An educational program is deemed to be a low-performing program under the D/E rates measure if--

(i) Its discretionary income rate is greater than 20 percent or the income for the denominator of the rate (discretionary earnings) is negative or zero; and

(ii) Its annual earnings rate is greater than 8 percent or the denominator of the rate (annual earnings) is zero.

(3) For any award year that the Secretary does not calculate or issue D/E rates for an educational program for an award year pursuant to §668.404(f), the institution discloses the program's D/E rates for the previous award year, if available.

(Authority: 20 U.S.C. 1001, 1002, 1088)

§668.404 Calculating D/E rates.

(a) General. Except as provided in paragraph (f) of this section, for each award year, the Secretary calculates D/E rates for an educational program as follows:

(1) Discretionary income rate = annual loan payment / (the higher of the mean or median annual earnings – (1.5 x Poverty Guideline)). For the purposes of this paragraph, the Secretary applies the Poverty Guideline for the calendar year immediately following the calendar year for which annual earnings are obtained under paragraph (c) of this section.

(2) Annual earnings rate = annual loan payment / the higher of the mean or median annual earnings.

(b) Annual loan payment. The Secretary calculates the annual loan payment for an educational program by--

(1)(i) Determining the median loan debt of the students who completed the program during the cohort period, based on the lesser of the loan debt incurred by each student as determined under paragraph (d)(1) of this section and the total amount for tuition and fees and books, equipment, and supplies for each student as determined under paragraph (d)(3) of this section;

(ii) Removing, if applicable, the appropriate number of highest loan debts as described in §668.405(e)(2); and

(iii) Calculating the median of the remaining amounts.

(2)(i) Amortizing the median loan debt over a 15-year repayment period.

(ii) Using the annual statutory interest rates on Federal Direct Unsubsidized Loans that were in effect during the last award year of the cohort period. In determining the rate, the Secretary will use--

(A) The Federal Direct Unsubsidized Loan interest rate applicable to undergraduate students for undergraduate certificate programs, post-baccalaureate certificate programs, bachelor's degree programs, and associate degree programs; or

(B) The Federal Direct Unsubsidized Loan interest rate applicable to graduate students for graduate certificate programs, master's degree programs, doctoral programs, and first professional degree programs.

(c) Annual earnings. (1) The Secretary obtains from the Social Security Administration (SSA), under §668.405, the most currently available mean and median annual earnings of the students who completed the educational program during the cohort period and who are not excluded under paragraph (e) of this section; and

(2) The Secretary uses the higher of the mean or median annual earnings to calculate the D/E rates.

(d) Loan debt and assessed charges. (1) The Secretary will determine the loan debt for a student using the amount of title IV loans that the student borrowed (total amount disbursed less any cancellations or adjustments) for enrollment in the program (Federal PLUS Loans made to parents of dependent students, Direct PLUS Loans made to parents of dependent students, and Direct Unsubsidized Loans that were converted from TEACH Grants are not included).

(2) The Secretary may elect to include in the calculation institutional loan debt, private loan debt, tuition and fees and books and supplies by publishing notice of such election, and the manner in which institutions must report such information, in the *Federal Register*.

(3) The Secretary attributes all of the loan debt incurred by the student, and attributes the amount for enrollment in any--

(i) Undergraduate educational program at the institution to the highest credentialed undergraduate program subsequently completed by the student at the institution as of the end of the most recently completed award year prior to the calculation of the draft D/E rates under this section; and

(ii) Graduate educational program at the institution to the highest credentialed graduate program completed by the student at the institution as of the end of the most recently completed award year prior to the calculation of the draft D/E rates under this section; and

(4) The Secretary excludes any loan debt incurred by the student for enrollment in educational programs at other institutions. However, the Secretary may include loan debt incurred by the student for enrollment in educational programs at any other institutions if the institution and the other institutions are under common ownership or control, as determined by the Secretary in accordance with 34 CFR 600.31.

(e) Exclusions. The Secretary excludes a student from both the numerator and the denominator of the D/E rates calculation if the Secretary determines that--

(1) One or more of the student's title IV loans are under consideration by the Secretary, or have been approved, for a discharge on the basis of the student's total and permanent disability, under 34 CFR 674.61, 682.402, or 685.212;

(2) The student was enrolled for at least 60 days in any other eligible program at the institution or at another institution during the calendar year for which the Secretary obtains earnings information under paragraph (c) of this section;

(3) For undergraduate programs, the student completed a higher credentialed undergraduate program at the institution subsequent to completing the program as of the end of

the most recently completed award year prior to the calculation of the draft D/E rates under this section;

(4) For graduate programs, the student completed a higher credentialed graduate GE program at the institution subsequent to completing the program as of the end of the most recently completed award year prior to the calculation of the draft D/E rates under this section; or

(5) The student died.

(f) D/E rates not issued. The Secretary does not issue draft or final D/E rates for an educational program under §668.405 if--

(1) After applying the exclusions in paragraph (e) of this section, fewer than 10 students completed the program during the two-year cohort period; or

(2) SSA does not provide the mean and median earnings for the program as provided under paragraph (c) of this section.

(Authority: 20 U.S.C. 1001, 1002, 1088, 1094)

§668.405 Issuing and challenging D/E rates.

(a) Overview. For each award year, the Secretary determines the D/E rates for an educational program at an institution by--

(1) Creating a list of the students who completed the program during the cohort period and providing the list to the institution, as provided in paragraph (b) of this section;

(2) Allowing the institution to correct the information about the students on the list, as provided in paragraph (c) of this section;

(3) Obtaining from SSA the mean and median annual earnings of the students on the list, as provided in paragraph (d) of this section;

(4) Calculating draft D/E rates and providing them to the institution, as provided in paragraph (e) of this section;

(5) Allowing the institution to challenge the median loan debt used to calculate the draft D/E rates, as provided in paragraph (f) of this section; and

(6) Calculating final D/E rates and providing them to the institution, as provided in paragraph (g) of this section.

(b) Creating the list of students. (1) The Secretary selects the students to be included on the list by--

(i) Identifying the students who completed the program during the cohort period from the enrollment data reported by the institution; and

(ii) Indicating which students would be removed from the list under §668.404(e) and the specific reason for the exclusion.

(2) The Secretary provides the list to the institution and states which cohort period was used to select the students.

(c) Institutional corrections to the list. (1) The Secretary presumes that the list of students and the identity information for those students are correct unless, as set forth in procedures established by the Secretary, the institution provides evidence to the contrary satisfactory to the Secretary. The institution bears the burden of proof that the list is incorrect.

(2) No later than 45 days after the date the Secretary provides the list to the institution, the institution may--

(i) Provide evidence showing that a student should be included on or removed from the list pursuant to §668.404(e); or

(ii) Correct or update a student's identity information and the student's program attendance information.

(3) After the 45-day period expires, the institution may no longer seek to correct the list of students or revise the identity or program information of those students included on the list.

(4) The Secretary considers the evidence provided by the institution and either accepts the correction or notifies the institution of the reasons for not accepting the correction. If the Secretary accepts the correction, the Secretary uses the corrected information to create the final list. The Secretary provides the institution with the final list.

(d) Obtaining earnings data. The Secretary submits the final list to SSA. For the purposes of this section, SSA returns to the Secretary--

(1) The mean and median annual earnings of the students on the list whom SSA has matched to SSA earnings data, in aggregate and not in individual form; and

(2) The number, but not the identities, of students on the list that SSA could not match.

(e) Calculating draft D/E rates. (1) If the SSA earnings data includes reports from records of earnings on at least 10 students, the Secretary uses the higher of the mean or median annual earnings provided by SSA to calculate draft D/E rates for an educational program, as provided in §668.404.

(2) If SSA reports that it was unable to match one or more of the students on the final list, the Secretary does not include in the calculation of the median loan debt the same number of students with the highest loan debts as the number of students whose earnings SSA did not match. For example, if SSA is unable to match three students out of 100 students, the Secretary orders by amount the debts of the 100 listed students and excludes from the D/E rates calculation the three largest loan debts.

(3)(i) The Secretary notifies the institution of the draft D/E rates for the program and provides the mean and median annual earnings obtained from SSA and the individual student

loan information used to calculate the rates, including the loan debt that was used in the calculation for each student.

(ii) The draft D/E rates and the data described in paragraphs (b) through (e) of this section are not considered public information.

(f) Institutional challenges to draft D/E rates. (1) The Secretary presumes that the loan debt information used to calculate the median loan debt for the program under §668.404 is correct unless the institution provides evidence satisfactory to the Secretary, as provided in paragraph (f)(2) of this section, that the information is incorrect. The institution bears the burden of proof to show that the loan debt information is incorrect and to show how it should be corrected.

(2) No later than 45 days after the Secretary notifies an institution of the draft D/E rates for a program, the institution may challenge the accuracy of the loan debt information that the Secretary used to calculate the median loan debt for the program under §668.404 by submitting evidence, in a format and through a process determined by the Secretary, that demonstrates that the median loan debt calculated by the Secretary is incorrect.

(3) In a challenge under this section, the Secretary does not consider--

(i) Any objection to the mean or median annual earnings that SSA provided to the Secretary based on the program information provided to SSA;

(ii) More than one challenge to the student-specific data on which draft D/E rates are based for a program for an award year; or

(iii) Any challenge that is not timely submitted.

(4) The Secretary considers the evidence provided by an institution challenging the median loan debt and notifies the institution of whether the challenge is accepted or the reasons why the challenge is not accepted.

(5) If the information from an accepted challenge changes the median loan debt of the program, the Secretary recalculates the program's draft D/E rates.

(6) An institution that does not timely challenge the draft D/E rates for a program waives any objection to those rates.

(g) Final D/E rates. (1) After expiration of the 45-day period and subject to resolution of any challenge under paragraph (f) of this section, a program's draft D/E rates constitute its final D/E rates.

(2) The Secretary informs the institution of the final D/E rates for each of its GE programs by issuing the notice of determination described in §668.409(a).

(3) After the Secretary provides the notice of determination to the institution, the Secretary may publish the final D/E rates for the program.

(h) Conditions for corrections and challenges. An institution must ensure that any material that it submits to make any correction or challenge under this section is complete, timely, accurate, and in a format acceptable to the Secretary and consistent with any instructions provided to the institution with the notice of its draft D/E rates and the notice of determination.

(Authority: 20 U.S.C. 1001, 1002, 1088, 1094)

§668.406 [Reserved]

668.407 [Reserved].

668.408 [Reserved].

§668.409 Final determination of the D/E rates.

(a) Notice of determination. For each award year for which the Secretary calculates D/E rates for an educational program, the Secretary issues a notice of determination informing the institution of the following:

(1) The final D/E rates for the program as determined under §§668.404 and 668.405.

(2) The final determination by the Secretary of whether the program is acceptable or low-performing under the D/E rates measure, as described in §668.403, and the consequences of that determination.

(3) Whether the institution is required to provide a notification under §668.410(a).

(b) Effective date of Secretary's final determination. The Secretary's determination as to the D/E rates is effective on the date that is specified in the notice of determination. The determination constitutes the final decision of the Secretary with respect to D/E rates and the Secretary provides for no further appeal of that determination.

(Authority: 20 U.S.C. 1001, 1002, 1088, 1094)

§668.410 Notification for low-performing programs.

(a) General. For any year in which an educational program is determined by the Secretary to be low performing under the D/E rates measure, the institution must provide a notification to students and prospective students.

(b) Content of notification. Unless otherwise specified by the Secretary in a notice published in the *Federal Register*, the notification must--

(1) State that: "This program has not met standards established by the U.S. Department of Education. The Department based these standards on the amounts students borrow for enrollment in this program and the reported earnings that were reported to the Internal Revenue Service. Similar programs offered at other institutions may have better outcomes under this

measure. Please note, however, that this program measure could be affected if a significant number of students who completed our program graduates did not report all of their income, such as tip income, or were self-employed and had business expenses that reduced the earnings being reported.”;

(2) Refer students and prospective students to (and include a link for) College Navigator, its successor site, or another similar Federal resource, for information about other similar programs; and

(3) For a notification provided to enrolled students--

(i) Describe the academic and financial options available to students to continue their education in another program at the institution, including whether the students could transfer credits earned in the program to another program at the institution and which course credits would transfer; and

(ii) Indicate whether the institution has made, or is making, changes to the educational program that are designed to improve its outcomes, and provide details about those changes.

(c) Alternative languages. To the extent practicable, the institution must provide alternatives to the English-language student notification for those students and prospective students for whom English is not their first language.

(d) Delivery to students. (1) An institution must provide the notification required under this section in writing to each student enrolled in the program no later than 30 days after the date of the Secretary's notice of determination under §668.409 by--

(i) Hand-delivering the notification as a separate document to the student individually or as part of a group presentation; or

(ii) Sending the notification to the primary email address used by the institution for communicating with the student about the program.

(2) If the institution sends the notification by email, the institution must—

(i) Ensure that the notification is the only content in the email;

(ii) Send the notification using a different address or method of delivery if the institution receives a response that the email could not be delivered; and

(iii) Maintain records of its efforts to provide the notification required by this section.

(e) Delivery to prospective students — (1) General. An institution must provide any notification required under this section to each prospective student or to each third party acting on behalf of the prospective student at the first contact about the program between the institution and the student or the third party acting on behalf of the student by--

(i) Hand-delivering the notification as a separate document to the prospective student or third party individually or as part of a group presentation;

(ii) Sending the notification to the primary email address used by the institution for communicating with the prospective student or third party about the program;

(iii) Providing the prospective student or third party a copy of the disclosure template that includes the notification required by this section; or

(iv) Providing the notification orally to the student or third party if the contact is by telephone.

(2) Email delivery and acknowledgement. If the institution provides the notification to the prospective student or the third party by email, including by providing the prospective student or third party an electronic copy of the disclosure template, the institution must--

(i) Ensure that the notification is the only content in the email;

(ii) Send the notification using a different address or method of delivery if the institution receives a response that the email could not be delivered; and

(iii) Maintain records of its efforts to provide the notification.

(f) Disclosure template. Within 30 days of receiving notice from the Secretary that the institution must provide a notification under this section, the institution must update the educational program's disclosure template described in §668.412 to include the notification in paragraph (b) of this section or such other notification specified by the Secretary in a notice published in the *Federal Register*.

(Authority: 20 U.S.C. 1001, 1002, 1088, 1094, 1099c)

§668.411 [Reserved]

§668.412 Disclosure requirements.

(a) Disclosure template. An institution must use the disclosure template provided by the Secretary to disclose information about each of its programs to enrolled and prospective students. The Secretary identifies the information that must be included in the template in a notice published in the *Federal Register*. That information may include, but is not limited to:

(1) The primary occupations (by name and SOC code) that the program prepares students to enter, along with links to occupational profiles on O*NET (www.onetonline.org) or its successor site.

(2) The program's completion rates for full-time and less-than-full-time students and the program's withdrawal rates.

(3) The length of the program in calendar time (i.e., weeks, months, years).

(4) The number of clock or credit hours or equivalent, as applicable, in the program.

(5) The total number of individuals enrolled in the program during the most recently completed award year.

(6) The loan repayment rate for any one or all of the following groups of students who entered repayment on title IV loans during the two-year cohort period, to be calculated using a method specified by the Secretary in a notice published in the *Federal Register*:

(i) All students who enrolled in the program.

(ii) Students who completed the program.

(iii) Students who withdrew from the program.

(7) The total cost of tuition and fees, and the total cost of books, supplies, and equipment, that a student would incur for completing the program within the length of the program.

(8) The placement rate for the program, if the institution is required by its accrediting agency or State to calculate a placement rate either for the program or the institution, or both, using the required methodology of that accrediting agency or State.

(9) Of the individuals enrolled in the program during the most recently completed award year, the percentage who received a title IV loan or a private loan for enrollment in the program.

(10) The median loan debt for any one or all of the following groups:

(i) Those students who completed the program during the most recently completed award year.

(ii) Those students who withdrew from the program during the most recently completed award year.

(iii) All of the students described in paragraphs (a)(10)(i) and (ii) of this section.

(11) The mean or median earnings of students to be calculated using a method specified by the Secretary in a notice published in the *Federal Register*

(12) As calculated by the Secretary under §668.404, the most recent annual earnings rate.

(13)(i) Whether the program does or does not satisfy--

(A) The applicable educational prerequisites for professional licensure or certification in each State within the institution's MSA; and

(B) The applicable educational prerequisites for professional licensure or certification in any other State for which the institution has made a determination regarding such requirements.

(ii) For any States not described in paragraph (a)(13)(i) of this section, a statement that the institution has not made a determination with respect to the licensure or certification requirements of those States.

(14) Whether the program is programmatically accredited and the name of the accrediting agency.

(15) A link to the U.S. Department of Education's College Navigator website or its successor site, or other similar Federal resource.

(16) For programs preparing students for fields requiring licensure, a URL linking to any web page containing the State's mandatory qualifications for licensure.

(17) A link to the institution's page on the U.S. Department of Education's *College Scorecard* or its successor site, or other similar Federal resource.

(b) Disclosure updates. (1) In accordance with procedures and timelines established by the Secretary, the institution must update at least annually the information contained in the disclosure template with the most recent data available for each of its educational programs.

(2) The institution must update the disclosure template to include any notification as required under §668.410(f).

(c) Program web pages. (1) On any web page containing academic, cost, financial aid, or admissions information about an educational program maintained by or on behalf of an institution, the institution must provide the disclosure template for that program or a prominent, readily accessible, clear, conspicuous, and direct link to the disclosure template for that program.

(2) The Secretary may require the institution to modify a web page if it provides a link to the disclosure template and the link is not prominent, readily accessible, clear, conspicuous, and direct.

(d) Promotional materials. (1) All promotional materials made available by or on behalf of an institution to prospective students that identify an educational program by name or otherwise promote the program must include--

(i) The disclosure template in a prominent manner; or

(ii) Where space or airtime constraints would preclude the inclusion of the disclosure template, the web address (URL) of, or the direct link to, the disclosure template, provided that the URL or link is prominent, readily accessible, clear, conspicuous, and direct and the institution identifies the URL or link as “Important Information about the educational debt, earnings, and completion rates of students who attended this program” or as otherwise specified by the Secretary in a notice published in the *Federal Register*.

(2) Promotional materials include, but are not limited to, an institution's catalogs, invitations, flyers, billboards, and advertising on or through radio, television, print media, the internet, and social media.

(3) The institution must ensure that all promotional materials, including printed materials, about a program are accurate and current at the time they are published, approved by a State agency, or broadcast.

(e) [Reserved]

(f) Disclosure templates by program length or location. (1) An institution that offers a program in more than one program length must publish a separate disclosure template for each length of the program. The institution must ensure that each disclosure template clearly identifies the applicable length of the program.

(2) An institution that offers a program in more than one location may publish a separate disclosure template for each location if doing so would result in clearer disclosures under paragraph (a) of this section. An institution that chooses to publish separate disclosure templates for each location must ensure that each disclosure template clearly identifies the applicable location.

(3) If an institution publishes a separate disclosure template for each length or for each location of the program, the institution must disaggregate, by length of the program or location, those disclosures set forth in paragraphs (a)(4) and (5), (a)(7) through (9), and (a)(13) and as otherwise provided by the Secretary in a notice published in the *Federal Register*.

(g) Privacy considerations. An institution may not include on the disclosure template any of the disclosures described in paragraphs (a)(2), (a)(5), and (a)(6) or paragraphs (a)(8) through (12) of this section if they are based on fewer than 10 students.

(Authority: 20 U.S.C. 1001, 1002, 1088)

§668.413 [Reserved]

§668.414 Certification requirements for educational programs.

(a) Program participation agreement certification. If an institution offers a title IV-eligible educational program that prepares students for employment in an occupation for which the State in which the institution is located or the Federal Government has requirements for certification or licensure in that State, as a condition of the educational program's continued participation in the title IV, HEA programs, an institution must—

(1) Certify in its program participation agreement with the Secretary under §668.14 that it meets the requirements of paragraph (b) of this section; and

(2) Update the certification within 10 days if there are any changes in the approvals for a program, or other changes for a program that make an existing certification no longer accurate.

(b) Program eligibility certifications. For each educational program described in paragraph (a) of this section, an institution submits to the Secretary a certification signed by the institution's chief executive officer, at the time and in the form specified by the Secretary, that--

(1) The program is approved by a recognized accrediting agency or is otherwise included in the institution's accreditation by its recognized accrediting agency, or, if the institution is a public postsecondary vocational institution, the program is approved by a recognized State agency for the approval of public postsecondary vocational education in lieu of accreditation;

(2) The program is programmatically accredited, if such accreditation is required by a Federal governmental entity or 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

(3) For 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, the program satisfies any applicable

educational prerequisites for professional licensure or certification requirements in that State so that a 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.

(Authority: 20 U.S.C. 1001, 1002, 1088, 1094, 1099c)