

Issue Paper 6
Session 3: March 12-15, 2018

Issue: Program Information Disclosures

Statutory cites: 20 U.S.C. § 1221e-3; 20 U.S.C. § 3474; 20 U.S.C. § 1231a; 20 U.S.C. §§ 1001(b)(1), 1002(b)(1)(A)(i), (c)(1)(A); 20 U.S.C. § 1088(b); 20 U.S.C. § 1082; 20 U.S.C. § 1092; 20 U.S.C. § 1094

Regulatory cites: 34 CFR §668.412 [*parts delayed*] and 668.413

Summary of Changes: Summary of Changes Since Session 2: We propose to narrow the related disclosure items.

Summary of Changes Provided Before Session 2: We propose to remove §668.413 and instead allow for the method for calculating loan repayment rates and students' mean and median earnings to be specified through a notice in the *Federal Register*. We propose to eliminate program cohort default rate as a specified disclosure, as well as subpart R, which described the methodology for calculating program cohort default rate. We propose to add a disclosure item for a link to any web page containing the State's mandatory qualifications for licensure, if the program prepares students for fields requiring licensure, and a link to the institution's page on the *College Scorecard*. Again, we propose to delete language related to direct distribution to prospective students.

§668.412 Disclosure requirements ~~for GE programs.~~

(a) Disclosure template. An institution must use the disclosure template provided by the Secretary to disclose information about each of its **GE undergraduate educational** programs to enrolled and prospective students. ~~The Secretary will conduct consumer testing to determine how to make the disclosure template as meaningful as possible.~~ 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) ~~As calculated by the Secretary under §668.413, the program's~~ 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) As calculated by the Secretary under §668.413, the~~ (6) As calculated by the Secretary under §668.406 ~~the~~ loan repayment rate for any one or all of the institution's programs, 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 or whose parents took a Parent PLUS loan.

(10) ~~As calculated by the Secretary, the~~ The median loan debt ~~as determined under §668.413 of~~ 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) ~~As provided by the Secretary, the~~ The mean or median earnings of ~~any one or all of the following groups of~~ students:

~~(i) Students who completed the program during the cohort period used by the Secretary to calculate the most recent D/E rates for the program under this subpart.~~

~~(ii) Students who were~~ be calculated using a method specified by the Secretary in withdrawn status at the end of the cohort period used by the Secretary to calculate the most recent D/E rates for the program under this subpart.

~~(iii) All of the students described a notice published in paragraph (a)(11)(i) and (ii) of this section.~~ the Federal Register

(12) (i) ~~As calculated by the Secretary under §668.413, the most recent program cohort default rate.~~

~~(13)~~ As calculated by the Secretary under §668.404, the most recent annual earnings rate.

(ii) If appropriate, a disclaimer that states: “Please note, however, that the institution believes that the earnings may be affected by a significant number of students who completed our program and did not report all of their income, such as tip income, or who were self-employed and had business expenses that reduced the earnings being reported, or who selected to work part-time or take time out of the workforce, including to care for dependents or other family members.”; and

(iii) If appropriate, a disclaimer that states: “The institution believes that the data used here may not reflect the earnings potential in your geographic location because the institution enrolls students nationally and earnings can vary significantly from one part of the country to another.”

~~(14)~~(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)~~(14)~~(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.

~~(15)~~14 Whether the program is programmatically accredited and the name of the accrediting agency.

~~(16)~~15 A link to the U.S. Department of Education's College Navigator ~~Web site,~~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 GE undergraduate educational programs.

(2) The institution must update the disclosure template to include any student warning notification as required under §668.410(a)(7f).

(c) Program Webweb pages. (1) On any Webweb page containing academic, cost, financial aid, or admissions information about a-GEan undergraduate educational program and on the program page (and not under a separate web page dedicated to institutional research or other purposes) 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 Webweb 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 a-GEan undergraduate 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 [Webweb](#) 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 [Internetinternet](#), and social media.

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

~~(e) Direct distribution to prospective students. (1) Before a prospective student signs an enrollment agreement, completes registration, or makes a financial commitment to the institution, the institution must provide the prospective student or a third party acting on behalf of the prospective student, as a separate document, a copy of the disclosure template.~~

~~(2) The disclosure template may be provided to the prospective student or third party by—~~

~~(i) Hand-delivering the disclosure template to the prospective student or third party individually or as part of a group presentation; or~~

~~(ii) Sending the disclosure template to the primary email address used by the institution for communicating with the prospective student or third party about the program.~~

~~(3) If the institution hand-delivers the disclosure template to the prospective student or third party, it must obtain written confirmation from the prospective student or third party that the prospective student or third party received a copy of the disclosure template.~~

~~(4) If the institution sends the disclosure template to the prospective student or third party by email, the institution must —~~

~~(i) Ensure that the disclosure template is the only substantive content in the email;~~

~~(ii) Receive electronic or other written acknowledgement from the prospective student or third party that the prospective student or third party received the email;~~

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

~~(iv) Maintain records of its efforts to provide the disclosure template required under this section.~~

(e) [Reserved]

~~(f) Disclosure templates by program length, or location, or format. (1) An institution that offers a GE 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 GE program in more than one location or format (e.g., full-time, part-time, accelerated) may publish a separate disclosure template for each location or~~

~~format~~ 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 ~~or format~~ must ensure that each disclosure template clearly identifies the applicable location ~~or format~~.

(3) If an institution publishes a separate disclosure template for each length, or for each location ~~or format~~, of the program, the institution must disaggregate, by length of the program, ~~or location, or format~~, those disclosures set forth in paragraphs (a)(4) and (5), (a)(7) through (9), and (a)(~~1413~~) 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 (~~1312~~) of this section if they are based on fewer than 10 students or if the disclosure would otherwise reveal identifiable information in violation of the Family Educational Rights and Privacy Act.

~~(h) Implementation date. Institutions must comply with the requirements of this section beginning January 1, 2017.~~

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

~~§668.413—Calculating and, issuing, and challenging completion rates, withdrawal rates, loan repayment rates, median loan debt, mean and median earnings, and program cohort default rate.~~

~~(a)(1)(1) General. Under the procedures in this section, the Secretary determines the completion rates, withdrawal rates, loan repayment rates, median loan debt, mean and median earnings, and program cohort default rate an institution must disclose under §668.412 for rate for each of its undergraduate educational programs GE programs, notifies and notifies the institution~~

of that information the rate associated with each of its programs, and provides the institution an opportunity to challenge the calculations.

~~(2) Repayment rate cohort. Repayment rates are based on the set of Federal loan borrowers who enter repayment in a given fiscal year. For example, the 2012 repayment cohort is based on students entering repayment from October 1, 2011 to September 30, 2012. In terms of measurement, repayment rates are measured at the end of the third respective fiscal year for which rates are calculated. For example, the three-year repayment rate for the fiscal year 2012 cohort is measured at the end of fiscal year 2015 (September 30, 2015).~~

~~(2) Enrollment cohort. (i) Subject to paragraph (a)(2)(ii) of this section, for the purpose of calculating the completion and withdrawal rates under paragraph (b) of this section, the enrollment cohort is comprised of all the students who began enrollment in a GE program during an award year. For example, the students who began enrollment in a GE program during the 2014-2015 award year constitute the enrollment cohort for that award year.~~

~~(ii) A student is excluded from the enrollment cohort for the purpose of calculating the completion and withdrawal rates under paragraph (b) of this section if, while enrolled in the program, the student died or became totally and permanently disabled and was unable to continue enrollment on at least a half-time basis, as determined under the standards in 34 CFR 685.213.~~

~~(b) Calculating completion rates, withdrawal rates, loan repayment rates, median loan debt, mean and median earnings, and program cohort default rate—(1) Completion rates. For each enrollment cohort, the Secretary calculates the completion rates of a GE program as follows:~~

~~(i) For students whose enrollment status is full-time on the first day of the student's enrollment in the program:~~

Number of full-time students in the enrollment cohort who
completed the program within 100% of the length of the
program

Number of full-time students in the enrollment cohort

and

Number of full-time students in the enrollment cohort who
completed the program within 150% of the length of the
program

Number of full-time students in the enrollment cohort

~~(ii) For students whose enrollment status is less than full-time on the first day of the student's enrollment in the program:~~

Number of less-than-full-time students in the enrollment cohort
who completed the program within 200% of the length of the
program

Number of less-than-full-time students in the enrollment cohort

and

Number of less-than-full-time students in the enrollment cohort
who completed the program within 300% of the length of the
program

Number of less-than-full-time students in the enrollment cohort.

~~(2) *Withdrawal rate.* For each enrollment cohort, the Secretary calculates two withdrawal rates for a GE program as follows:~~

~~(i) The percentage of students in the enrollment cohort who withdrew from the program within 100 percent of the length of the program;~~

~~(ii) The percentage of students in the enrollment cohort who withdrew from the program within 150 percent of the length of the program.~~

~~(3) *Loan repayment rate.* For an award year, the Secretary calculates a loan repayment rate for borrowers not excluded under paragraph (b)(63)(vi) of this section who enrolled in an undergraduate educational program GE program as follows:~~

$$\frac{\text{Number of borrowers paid in full plus number of borrowers in active repayment}}{\text{Number of borrowers entering repayment}}$$

~~(1) Number of borrowers entering repayment. The total number of borrowers who entered repayment during the two-year cohort period on FFEL or Direct Loans received for enrollment in the program.~~

~~(2) Number of borrowers paid in full at the time of measurement. Of the number of borrowers entering repayment, the number who have fully repaid all FFEL or Direct Loans received for enrollment in the program.~~

~~(3) Number of borrowers in active repayment. Of the number of borrowers entering repayment, the number who have, during the most recently completed award year, made loan payments sufficient to reduce by at least one dollar the outstanding balance of each of the aggregate borrower's FFEL or Direct Loans received for enrollment in the program, including consolidation loans that include a FFEL or Direct Loan received for enrollment in the program, by comparing the aggregate outstanding balance of applicable each loans at the time of entering repayment beginning and end of the award year.~~

~~(4iv) Loan defaults. A borrower who is in default defaulted on an applicable FFEL or Direct Loan at the time of measurement is not included in the numerator of the loan repayment rate formula even if the borrower's loan balance at loan has been paid in full or meets the definition of being in active repayment.~~

~~(5v) Repayment rates for borrowers who completed or withdrew. For the purposes of §668.412(a)(6) only, tThe Secretary may modify the formula in this paragraph to calculate repayment rates for only those borrowers who completed the program or for only those borrowers who withdrew from the program.~~

~~(6vi) Exclusions. For the award year the Secretary calculates the loan repayment rate for a program, the Secretary excludes a borrower from the repayment rate calculation if the Secretary determines that —~~

~~(iA) One or more of the borrower's FFEL or Direct loans were in a military-related deferment status at any time during the time of measurement most recently completed award year;~~

~~(iiB) One or more of the borrower's FFEL or Direct loans are either under consideration by the Secretary, or have been approved, for a discharge on the basis of the borrower's total and permanent disability, under 34 CFR 682.402 or 685.212;~~

~~(iiiC) The borrower was enrolled in any other eligible program at the institution or at another institution during the time of measurement most recently completed award year; or~~

~~(ivD) The borrower died.~~

~~(evii) Notification. The Secretary informs the institution of the repayment rate for each of its undergraduate educational programs by issuing a notice of determination.~~

~~Repayment rates are based on the set of federal loan borrowers who enter repayment in a given fiscal year. For example, so the 2012 repayment cohort is based on students entering repayment from October 1, 2011 to September 30, 2012. In terms of measurement, repayment rates are measured at the end of the third respective fiscal year for which rates are calculated. For example, the three year repayment rate for fiscal year 2012 cohort is measured at the end of fiscal year 2015 (September 30, 2015).~~

~~(4) Median loan debt for students who completed the GE program. For the most recently completed award year, the Secretary calculates a median loan debt for the students described in §668.412(a)(10)(i) who completed the GE program during the award year. The median is calculated on debt described in §668.404(d)(1).~~

~~(5) Median loan debt for students who withdrew from the GE program. For the most recently completed award year, the Secretary calculates a median loan debt for the students described in §668.412(a)(10)(ii) who withdrew from the program during the award year. The median is calculated on debt described in §668.404(d)(1).~~

~~(6) Median loan debt for students who completed and withdrew from the GE program. For the most recently completed award year, the Secretary calculates a median loan debt for the students described in §668.412(a)(10)(iii) who completed the GE program during the award year and those students who withdrew from the GE program during the award year. The median is calculated on debt described in §668.404(d)(1).~~

~~(7) Mean and median earnings. The Secretary calculates the mean and median earnings of a GE program as described in paragraphs (b)(8) through (b)(12) of this section.~~

~~(8) Mean and median earnings for students who completed the GE program. (i) The Secretary determines the mean and median earnings for the students who completed the GE program during the cohort period by—~~

~~(A) Creating a list of the students who completed the program during the cohort period and providing it to the institution, as provided in paragraph (b)(8)(ii) of this section;~~

~~(B) Allowing the institution to correct the information about the students on the list, as provided in paragraph (b)(8)(iii) of this section;~~

~~(C) Obtaining from SSA the median annual earnings of the students on the list, as provided in paragraph (b)(8)(iv) of this section; and~~

~~(D) Notifying the institution of the median annual earnings for the students on the list.~~

~~(ii) Creating the list of students. (A) The Secretary selects the students to be included on the list by—~~

~~(1) Identifying the students who were enrolled in the program and completed the program during the cohort period from the data provided by the institution under §668.411; and~~

~~(2) Indicating which students would be removed from the list under paragraph (b)(11) of this section and the specific reason for the exclusion.~~

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

~~(iii) Institutional corrections to the list. (A) The Secretary presumes that the list of students and the identity information for those students are correct unless the institution provides evidence to the contrary that is satisfactory to the Secretary. The institution bears the burden of proof that the list is incorrect.~~

~~(B) No later than 45 days after the date the Secretary provides the list to the institution, the institution may—~~

~~(1) Provide evidence showing that a student should be included on or removed from the list pursuant to paragraph (b)(11) of this section or otherwise; or~~

~~(2) Correct or update a student's identity information and the student's program attendance information.~~

~~(C) 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.~~

~~(D) 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 notifies the institution which students are included on the final list and the cohort period used to create the list.~~

~~(iv) Obtaining earnings data. If the final list includes 10 or more students, the Secretary submits the final list to SSA. For the purposes of this section, SSA returns to the Secretary—~~

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

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

~~(9) Mean and median earnings for students who withdrew from the program. (i) The Secretary determines the mean and median earnings for the students who withdrew from the program during the cohort period by—~~

~~(A) Creating a list of the students who were enrolled in the program but withdrew from the program during the cohort period and providing it to the institution, as provided in paragraph (b)(9)(ii) of this section;~~

~~(B) Allowing the institution to correct the information about the students on the list, as provided in paragraph (b)(9)(iii) of this section;~~

~~(C) Obtaining from SSA the median annual earnings of the students on the list, as provided in paragraph (b)(9)(iv) of this section; and~~

~~(D) Notifying the institution of the median annual earnings for the students on the list.~~

~~(ii) Creating the list of students. (A) The Secretary selects the students to be included on the list by—~~

~~(1) Identifying the students who were enrolled in the program but withdrew from the program during the cohort period from the data provided by the institution under §668.411; and~~

~~(2) Indicating which students would be removed from the list under paragraph (b)(11) of this section and the specific reason for the exclusion.~~

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

~~(iii) Institutional corrections to the list. (A) The Secretary presumes that the list of students and the identity information for those students are correct unless the institution provides evidence to the contrary that is satisfactory to the Secretary, in a format and process determined by the Secretary. The institution bears the burden of proof that the list is incorrect.~~

~~(B) No later than 45 days after the date the Secretary provides the list to the institution, the institution may—~~

~~(1) Provide evidence showing that a student should be included on or removed from the list pursuant to paragraph (b)(11) of this section or otherwise; or~~

~~(2) Correct or update a student's identity information and the student's program attendance information.~~

~~(C) 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.~~

~~(D) 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 notifies the institution which students are included on the final list and the cohort period used to create the list.~~

~~(iv) Obtaining earnings data. If the final list includes 10 or more students, the Secretary submits the final list to SSA. For the purposes of this section SSA returns to the Secretary—~~

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

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

~~(10) Mean and median earnings for students who completed and withdrew from the program. The Secretary calculates the mean and median earnings for both the students who completed the program during the cohort period and students who withdrew from the program during the cohort period in accordance with paragraphs (b)(8) and (9) of this section.~~

~~(11) Exclusions from calculations. The Secretary excludes a student from the calculation of the mean and median earnings of a GE program if the Secretary determines that—~~

~~(i) One or more of the student's title IV loans were in a military-related deferment status at any time during the calendar year for which the Secretary obtains earnings information under this section;~~

~~(ii) 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;~~

~~(iii) The student was enrolled in any other eligible program at the institution or at another institution during the calendar year for which the Secretary obtains earnings information under this section; or~~

~~(iv) The student died.~~

~~(12) Mean and median earnings not calculated. The Secretary does not calculate the mean and median earnings for a GE program if SSA does not provide the mean and median earnings for the program.~~

~~(13) Program cohort default rate. The Secretary calculates the program cohort default rate using the methodology and procedures set forth in subpart R of this part.~~

~~(c) Notification to institutions. The Secretary notifies the institution of the—~~

~~(1) Draft completion, withdrawal, and repayment rates calculated under paragraph (b)(1) through (3) of this section and the information the Secretary used to calculate those rates.~~

~~(2) Median loan debt of the students who completed the program, as described in paragraph (b)(4) of this section, the students who withdrew from the program, as described in paragraph (b)(5) of this section, and both the students who completed and withdrew from the program, as described in paragraph (b)(6) of this section.~~

~~(3) Mean and median earnings of the students who completed the program, as described in paragraph (b)(8) of this section, the students who withdrew from the program, as described in paragraph (b)(9) of this section, or both the students who completed the program and the students~~

~~who withdrew from the program, as described in paragraph (b)(10) of this section, in each case during the cohort period.~~

~~(4) Draft program cohort default rate, as described in paragraph (b)(13) of this section.~~

~~(d) Challenges to completion rates, withdrawal rates, repayment rates, median loan debt, mean and median earnings, and program cohort default rate—(1) Completion rates, withdrawal rates, repayment rates, and median loan debt. (i) No later than 45 days after the Secretary notifies an institution of a GE program's draft completion rate, withdrawal rate, repayment rate, and median loan debt, the institution may challenge the accuracy of the information that the Secretary used to calculate the draft rates and the draft median loan debt by submitting, in a form prescribed by the Secretary, evidence satisfactory to the Secretary demonstrating that the information was incorrect.~~

~~(ii) The Secretary considers any evidence provided by the institution challenging the accuracy of the information the Secretary used to calculate the rates and the median loan debt and notifies the institution whether the challenge is accepted or the reasons the challenge is not accepted. If the Secretary accepts the challenge, the Secretary uses the corrected data to calculate the rates or median loan debt.~~

~~(iii) An institution may challenge the Secretary's calculation of the completion rates, withdrawal rates, repayment rates, and median loan debt only once for an award year. An institution that does not timely challenge the rates or median loan debt waives any objection to the rates or median loan debt as stated in the notice.~~

~~(2) Mean and median earnings. The Secretary does not consider any challenges to the mean and median earnings calculated under this section.~~

~~(3) Program cohort default rate. The Secretary considers any challenges to the program cohort default rate under the procedures for challenges set forth in subpart R of this part.~~

~~(e) Final calculations—(1) Completion rates, withdrawal rates, repayment rates, and median loan debt. (i) After expiration of the 45-day period, and subject to resolution of any challenge under paragraph (d)(1) of this section, a program's draft completion rate, withdrawal rate, repayment rate, and median loan debt constitute the final rates and median loan debt for that program.~~

~~(ii) The Secretary informs the institution of the final completion rate, withdrawal rate, repayment rate, and median loan debt for each of its GE programs by issuing a notice of determination.~~

~~(iii) Unless paragraph (g) of this section applies, after the Secretary provides the notice of determination, the Secretary may publish the final completion rate, withdrawal rate, repayment rate, and median loan debt.~~

~~(2) Mean and median earnings. The mean and median earnings of a program calculated by the Secretary under this section constitute the final mean and median earnings for that program. After the Secretary provides the institution with the notice in paragraph (c) of this section, the Secretary may publish the final mean and median earnings for the program.~~

~~(3) Program cohort default rate. Subject to resolution of any challenge under subpart R of this part, a program's program cohort default rate calculated by the Secretary under subpart R constitutes the official program cohort default rate for that program. After the Secretary provides the notice of determination, the Secretary may publish the official program cohort default rate.~~

~~(f) Conditions for challenges. An institution must ensure that any material that it submits to make any corrections or challenge under this section is—~~

~~(1) Complete, timely, accurate, and in a format acceptable to the Secretary as described in this subpart and, with respect to program cohort default rate, in subpart R of this part; and~~

~~(2) Consistent with any instructions provided to the institution with the notice of its draft completion, withdrawal, and repayment rates, median loan debt, or program cohort default rate.~~

~~(g) Privacy considerations. The Secretary does not publish a determination described in paragraphs (b)(1) through (6), (b)(8) through (b)(10), and (b)(13) of this section, and an institution may not disclose a determination made by the Secretary or make any disclosures under those paragraphs, if the determination is based on fewer than 10 students.~~

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

~~[79 FR 65007, Oct. 31, 2014, as amended at 79 FR 71958, 71959, Dec. 4, 2014]~~

§668.413 [Reserved]