Federal Regulations 2023/2024: 
Preparation your campus

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Private colleges, public purpose
# Federal Higher Education Regulation Updates for 2024

## Overview

### What does this mean on campus?

This regulation will impose a heavy reporting burden on institutions. The reporting burden will be greatest in 2024 with the first report due by October 1, 2024 and all reports due on October 1st moving forward.

Institutional research, enrollment management, registrars, human resources, IT, and others will need to work together to report this information. Depending on each institution’s student information systems, fulfilling these reporting requirements may be complex.

Reporting is required each year for both programs (degrees, student costs) and Title IV students in these programs (including completers and withdrawals). While all programs must be reported, only gainful employment programs will have Title IV implications (as of now).

*Note: any completed comparison that is not a degree level is out of scope.*

### Who on campus will be impacted?

- **Institution research**
- **Enrollment management**
- **Registrars**
- **Financial aid**
- **IT services**
- **Legal and general counsel**

### What we don’t know

- Reporting mechanisms for留学 data
- Methods for reporting for the NERUS connection
- ED’s website for this information
- How to address dual-degree programs that align appropriately with financial aid
- Potential additional metrics related to other federal regulations
- Final metrics - currently under review

### Where to get more info

February 1 and March 1, 2024 webinars from NERUS for reporting staff.

Checks the updated guidance.

### Additional notes

- The NERUS guidance is updated regularly. Updates will be published on the Federal Student Aid website. Contact NERUS directly for further details.
### Overview

All programs that lead to licensure, including distance education, must meet all applicable programmatic and accreditation requirements and educational requirements. If educational programs lead to licensure that requires professional licensure or certification and must comply with state laws related to those states where they are located. Distance education students are not eligible to seek employment in a state where the program is not licensed. For all programs, each institution must document that professional licensure or certification is required and students are not eligible for employment in a state where it has determined the program does not meet the requirements. For all programs, each institution must document that professional licensure or certification is required and students are not eligible for employment in a state where it has determined the program does not meet the requirements.

### What does this mean on campus?

Each institution will need to evaluate programs leading to licensure and ensure that programs – particularly distance education on programs – meet the requirements for states where students are located at the time of initial enrollment. If the program does not meet the requirements, the institution must stop enrolling students from that state.

This new requirement will be a heavy lift for each institution to evaluate state requirements and make the information available to all students.

### Who on campus will be impacted?

- Distance education
- Faculty and staff
- Enrollment management
- Marketing
- Financial aid
- Admissions
- IT/Telecommunications

### What we don’t know

- How ED will evaluate license or certification on a state-by-state basis, if at all
- How ED will evaluate distance education in a state
- At what point does a program need a new version of the program?

### Where to get more info

- NAICU Analysis
- NAICU Analysis
- NAICU Analysis
- NAICU Analysis
- ED Fact Sheet
- NAICU Analysis
- NAICU Analysis
- NAICU Analysis
Similar to the prior GE requirements (which previously impacted only certificate programs at nonprofit and public institutions and all programs offered at for-profit institutions)

- Requires program data and student-level data for federally aided students on completions, withdrawals, debt, costs, and institutional aid by program to be submitted to ED for matching with post-graduate incomes.

- Matching the student-level data provided with income data from other federal sources, ED will publish information on each program with two metrics (earnings premium and debt/earnings ratio).

- Each institution will receive its program-specific metrics from ED that will be made available to students on a new agency website. Graduate programs that fail to meet the debt/earnings ratio for 2 out of 3 years will require students to sign an acknowledgment before taking Title IV aid.

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**GE programs could lose access to Title IV funds.**
Race and ethnicity Reporting updates - not in effect YET

- Must be offered the option of selecting 1+ racial and ethnic designations.
- No longer a 2-part question
- 2+ races issue with time-series data tracking
- 9 categories:
  - American Indian/Alaskan Native
  - Black or African American
  - Asian
  - Hispanic or Latino
  - Middle Eastern or North African
  - Native Hawaiian or Pacific Islander
  - White
  - Race/ethnicity unknown category
  - Report them to IPEDS in U.S. nonresident category
  - 2 or more races
Transcript Withholding

- Upon request by a student, institutions must provide an official transcript that includes all the credits for payment periods in which the student received Title IV funds and for which all institutional charges were paid (or included in an agreement to pay) at the time the request was made.

- Review your current practices for transcript withholding. Ensure that none of the transcripts withheld are due to errors in Title IV aid administration or fraud.

- Evaluate whether your transcript software will permit partial transcripts and update your policies. This will likely require registrars to work with student financial services and the CFO/business office to ensure compliance.
Licensure: Program Length

- Most in-person/hybrid GE programs that lead to licensure, must not be longer than the hours required* for licensure by the state in which the institution is located. Note, this is a change from the previous 150% of time length requirement.

- **Degree and distance programs are exempt from this requirement.**

- Each institution will need to evaluate programs leading to licensure and ensure that the programs are not longer than minimum training length required by its state for licensure. If it is, the program must be adjusted immediately (starting July 1, 2024) for all incoming students. This change does not impact currently enrolled students.

- If a program is less than 600 hours it may qualify for Direct Loans but will no longer be eligible for other Title IV aid. This may impact enrollment and financial aid.

Licensure: State Law Compliance

- All programs that lead to licensure, including distance education, must meet all applicable programmatic accreditation & educational requirements for professional licensure or certification and must comply with all state laws related to closure in the states where:
  - They are located, enroll distance education students, or where distance education students attest they will seek employment after graduation.

For all licensure programs, each institution must disclose to all prospective and enrolled students a list of all states where it has determined the program does or does not meet the state’s educational requirements for licensure.

Each institution will need to evaluate programs leading to licensure and ensure that programs – particularly distance education programs – meet the requirements for the states where students are located at the time of initial enrollment. If the program does not meet the requirements, the institution must stop enrolling students from that state.
Career Services and Clinical Placements

During the recertification process, ED will review information on the number and distributions of career services staff, services promised to students, and partnerships with recruiters and employers. ED also requires that programs for occupations that require an externship or clinical placement provide those to students.

Each institution will need to demonstrate compliance to ED and thus should have a mechanism for easily updating and sharing information on employee counts, lists of partnerships and employers, along with service utilization rates. Verification of externship and clinical placements will also be required.
Financial Aid Counseling and Communications

● An institution must demonstrate that its financial aid communications advise students to accept the most beneficial types of financial assistance available to them, and its advice to students/families includes robust information on costs and sources and types of aid, along with how aid is disbursed and, if a student adjusts their enrollment status, and how aid is returned.

● Each institution will need to review financial aid award letters and communications with students to ensure that the information required is provided, including:
  ○ cost of attendance, including each cost category;
  ○ each type of aid offered and whether or not the aid is gift aid, must be earned, or must be repaid;
  ○ the student's individual net price (subtracting grant/scholarship aid from the cost of attendance); and
  ○ instructions on how these funds are disbursed, applied for, and adjusted, as well as instances in which funds may have to be returned.
Financial Responsibility and Other Metrics

ED has increased the number of mandatory and discretionary triggers and metrics that give them broad authority to address high-risk events that impact an institution's ability to operate. The metrics include meeting payroll obligations, making debt payments, and borrowing from retirement funds without authorization.

The list of additional mandatory and discretionary triggers is extensive. These include declaring a state of financial exigency, being sued, a composite score of less than 1 after considering the cost of Borrower Defense claims, etc. Each institution will have to review the complete list and evaluate its situation prior to July 1, 2024.

If an institution is selected/flagged for further information during the recertification process, they may be required to provide data on licensure pass rates, withdrawal rates, and recruitment spending vs. educational expenses. Licensure pass rates are now included in the FVT/GE reporting framework.
Building your reporting team

- Team Lead - responsible for keeping reporting plan on track, project management
- IR/IE staff - data reporters on campus, familiar and comfortable with student info systems (SIS)
- Financial aid staff - ideally those reporting to NSLDS (national student loan data system)
Building your reporting team

- Registrar - might be relevant for student enrollment details (program, withdrawals, etc.)
- IT - align SIS system coding for data links and downloads (contractor?)
- Student financial services - details on debt and financial metrics
Basics of reporting: what we know

- Student level information only required for those with Title IV aid (for each year they receive Title IV aid)

- Data required to be reported for each student
  - All loan information (Federal and non-Federal)
  - Student costs (COA and Budget) broken down by categories
  - Institutional aid
  - State/local/tribal/private/other aid

Data is required for EACH year the student is enrolled AND in aggregate for the student once they complete (or withdraw)
Implications

- Undergrad programs – no “punishment” just potential bad PR
  - Foresee think-tanks and reporters looking up metrics and having a heyday with “poorly” performing programs

- Grad programs – student must sign acknowledgement of enrollment in failing programs prior to taking Federal aid
  - Also foresee similar issues to undergrad, grad programs have already gotten a bad rap for being expensive and resulting in low wages

- GE programs – can lose Title IV eligibility
  - HUGE implications in health care

***Simulations show that programs at greatest risk of failing include those in law, ministry, and health care, also foresee issues in arts programs***

****Worth a conversation with policymakers about workforce implications…***
What to do NOW to prepare:

- **Set-up your reporting team**
  - Provide reporting team with all training materials available to-date
  - COLLABORATE!
  - Give your team the time and space needed to get up-to-speed and start collecting information

- **Start aligning internal data systems: SIS and Financial aid**
  - Locate old data records (if possible)
  - Create a plan to keep student data safe and in the right format moving forward

- **Start simulating data for your institution’s programs**
  - ID the income thresholds that students would need to have for the program to “pass”. Do these seem reasonable?
  - What programs might be on the rocks at your institution? How can you address this?
Thank you!

Questions?

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