Federal Regulations
2023/2024:
Preparing your campus

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

**Overview**

This document provides an overview of major changes and additions to federal higher education regulations beginning in 2024. Most reporting requirements begin in July 2024. We still have many outstanding questions that have yet to be addressed by the Department of Education (ED) but will update this document and provide information as we learn more. In the meantime, please share the information with your staff. Our strategies or implemented starting dates by regulation are included below.

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**Note:** This is the change from the previous 150% of time length requirement. **Degree and distance programs are exempt from this requirement.**

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**February 1 and March 1, 2024 webinar from AR for reporting staff.**

**Where to find here.**

**ED guidance is updated regularly. Updates will be published on the Federal Student Aid, Enrollment Certification, Underwriting and Validation (UCV) website.**
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<td>All Programs, Licensure &amp; State Regulatory Actions</td>
<td>All programs that lead to licensure, including distance education, must meet all applicable programmatic accreditation &amp; educational requirements for professional licensure or certification and must comply with state laws related to closure of the states where they are located. Distance education programs must meet all 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.</td>
<td>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.</td>
<td>- Distance education faculty and staff &lt;br&gt; - Enrollment management &lt;br&gt; - Marketing &lt;br&gt; - Financial aid &lt;br&gt; - Admissions &lt;br&gt; - IT/web services</td>
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<td>during the recertification process, ED will review information on the number of graduates and career services staff, services provided to students, and partnerships with employers and employers</td>
<td>Each institution will need to demonstrate compliance to ED and must have processes and systems in place for easily updating and sharing information on employee counts, lists of partnerships and employers, along with service utilization rates. Verification of partnerships and clinical placements will also be required.</td>
<td>- Career Services Staff &lt;br&gt; - Human Resources &lt;br&gt; - Alumni offices &lt;br&gt; - Business partnerships</td>
<td>- Target ratios or “acceptable” number for benchmarking &lt;br&gt; - How ED wants to receive the information</td>
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<td>Financial Aid Counseling</td>
<td>An institution must demonstrate that its financial aid communications advise students to accept: the most beneficial forms of financial assistance available to them, and its advice to students/taxpayers includes robust information on costs, sources and types of aid, along with how aid is disbursed and, if a student adjusts their enrollment status, how aid is resumed.</td>
<td>Each institution will need to review financial aid award letters and communications with students to ensure that the information provided, including: • Cost of attendance: including each cost category; • Each type of aid offered and whether or not the aid is gifted, if earned, or must be repaid; • The student's individual cost price (subtracting grant/scholarship aid from the cost of attendance); and • Instructions on how funds are disbursed, applied to, and adjusted, as well as instances in which funds may be returned.</td>
<td>- Financial aid &lt;br&gt; - Enrollment management &lt;br&gt; - Student recruitment &lt;br&gt; - Student financial services</td>
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<td>ED has increased the number of mandatory and discretionary triggers and measures that give ED broad authority to address high-risk events that impact institutions' ability to operate. The metrics include consideration of loan delinquency, delinquency rate, default rate, and servicer performance.</td>
<td>The list of additional mandatory and discretionary triggers is extensive. The institution must develop a state of financial exigency, being used, a composite score of less than 0.7, where the score is calculated considering the cost of labor, defense, and financial exigency. If the score is above 0.7, ED will review the compliance list and evaluate its situation prior to July 1, 2024.</td>
<td>- Leadership &lt;br&gt; - Board &lt;br&gt; - CFO &lt;br&gt; - Legal/General counsel &lt;br&gt; - Financial consultants</td>
<td>- How ED wants to receive the information</td>
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<td>Other Areas of Madcation</td>
<td>If an institution is selected/flagged for further information during the recertification process, they may be required to provide additional information on revenue and expenditures, and other measures.</td>
<td>IED views any of the information provided during the Title VI recertification process to be worthy of more depth. They may request additional information and explanations. Anticipating this somewhat problematic given that most of the measures (noted above), do not have benchmarks for evaluation.</td>
<td>- Leadership &lt;br&gt; - Board &lt;br&gt; - CFO &lt;br&gt; - Legal/General counsel &lt;br&gt; - Other staff</td>
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<td>Most institutions are not meeting the requirements of the Title VI recertification process to be worthy of more depth. They may request additional information and explanations. Anticipating this somewhat problematic given that most of the measures (noted above), do not have benchmarks for evaluation.</td>
<td>- Lack of benchmarks for revenue, expenses, or debt to total assets.</td>
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**Notes:**
- MD means the institution meets the requirements of the Title VI recertification process to be worthy of more depth.
- MD criteria are not yet finalized.
- The Title VI recertification process is expected to be implemented by July 1, 2024.
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 information.

- 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.

***GE programs could lose access to Title IV funds.***
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.


***FVT/GE reporting includes licensure reporting buy ONLY for the institution’s state OR the states within the institution’s MSA.***
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. This means that even distance students must be provided with a placement within a reasonable distance. Students may find their own placements but the responsibility is with the institution.

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. *** if your accreditation does NOT require licensure pass rates, then this can be left blank!!
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 may be larger than before...

Categories:
- American Indian/Alaskan Native
- Black or African American
- Asian
- Hispanic or Latino
- 2 or more races

Middle Eastern or North African
- Native Hawaiian or Pacific Islander
- White
- Race/ethnicity unknown category
- Report them to IPEDS in U.S. nonresident category
Building your Response Teams - Title IV recertification, Financial Responsibility, and more
What to do NOW to prepare:

● Set-up your reporting/response teams
  ○ Provide teams with all training materials available to-date
  
  COLLABORATE across your institution!
  ▪ Give your team the time and space needed to get up-to-speed and start collecting information

Start simulating data for your institution’s programs for as many metrics as you can
  ○ 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?
  ○ FRS check-in, are you at risk for additional verification?
Thank you!

Questions?

Documents (matrix and leadership checklist) can also be found here: micolleges.org in the Federal Reporting section

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