



March 14, 2024

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

Dear Secretary Cardona,

On behalf of the undersigned higher education associations, I write to share the concerns institutions of higher education have regarding implementation of the rules on institutional and programmatic accountability finalized by the Department of Education (Department) last fall.

In 2022, the Department embarked on a negotiated rulemaking process focused on institutional and programmatic accountability.¹ The negotiated rulemaking committee covered the following topics: Financial Value Transparency (FVT) and Gainful Employment (GE); 90/10; Financial Responsibility; Certification Procedures; Administrative Capability; Ability to Benefit; and Change of Ownership and Change in Control. We offered comments on the issues in the Notice of Proposed Rulemaking that did not receive consensus and that had a direct, negative impact on students and institutions of higher education.²

While we await further clarification from the Department on how institutions can implement these rules, it is of the utmost importance that you delay all reporting requirements related to the FVT and GE portion of the rules beyond the July 31, 2024, deadline. Given the delays with the Free Application for Federal Student Aid (FAFSA) process, and the need for institutions to package student aid properly, we believe that the primary focus at this time should be ensuring the smoothest FAFSA process possible to help students best decide where to pursue their postsecondary education.

With this said, we would also like to provide direct feedback from impacted institutions to aid in the Department's development of sub-regulatory guidance around the institutional and programmatic accountability final rules. In collaboration with the National Association of College and University Business Officers (NACUBO) and the American Association of Collegiate Registrars and Admissions Officers (AACRAO), we sent a survey to our members requesting their feedback on the final regulations. This survey asked key questions regarding the ability of our members to comply with these regulations. It was sent to college and university presidents, business officers, chief admissions officers, chief enrollment officers,

¹ Negotiated Rulemaking Committee; Negotiator Nominations and Schedule of Committee Meetings, 86 F.R. 69607 (proposed December 8, 2021). <https://www.federalregister.gov/documents/2021/12/08/2021-26571/negotiated-rulemaking-committee-negotiator-nominations-and-schedule-of-committee-meetings>

² American Council on Education. (2023, June 20). *Comments on the education department's May 2023 NPRM*. <https://www.acenet.edu/Documents/Comments-ED-May-2023-NPRM-062023.pdf>

chief executive officers, and registrars. The survey yielded a total of 461 respondents with 268 individuals providing complete responses. The majority of responses came from registrars (165 responses) and business officers (52 responses).

The survey found that many institutions foresee significant challenges to the ability of institutions to implement the final regulations covering FVT and GE programs. These challenges, as well as the rush to collect this information, may lead to missing or incomplete data which will not achieve the Department's goal of providing clearer information to students, prospective students, or families.

The following key concerns were identified:

- **Varied impact on different types of institutions** – From the responses, we learned that the impact of the reporting and overall compliance burden varied based on institutional types including size, level of resources, control of the institution, and the types of students the institution served.
- **Clarity and definitions** – There is a common theme of the need to provide greater clarity around compliance with all of the regulations; provide clear definitions to remove subjectivity; and provide additional sub-regulatory guidance on oversight and specific reporting requirements.
- **Impact to Institutional Work Processes** – Included in the regulations are changes to the manner in which institutions manage student transcripts, the one institutional document that tracks and measures a student's education attainment. Additional clarity around these new requirements is required.
- **Insufficient resources and financial impact** – Respondents shared a primary concern around the lack of resources to fully implement the regulations. Respondents shared that reporting requirements are being imposed without providing the necessary support to ensure that institutions can successfully meet their obligations.
- **Financial Responsibility** – Survey findings indicate significant concern among institutions regarding the financial responsibility requirements introduced by the new accountability regulations. Institutions are seeking clear guidance and support to navigate these requirements, which impose substantial financial and compliance burdens. These concerns emphasize the potential risk to operational budgets, potentially compromising the quality of education and student services.
- **Administrative burden** – Respondents expressed serious concerns with additional workload and staffing requirements to implement the regulations, and respondents highlighted a lack of clarity in guidelines and parameters.
- **Time constraints for implementation and compliance** – There were concerns about institutions' ability to implement the new regulations and their reporting requirements, such as those in FVT and GE, given the July 1, 2024, implementation date and the July 31, 2024, reporting deadline.

The attached document highlights the themes identified above and provides more information on how participants responded to each question that was asked.

We thank you for your attention to this letter. It is our hope that you will take these institutional responses into consideration, delay the July 31st GE and FVT reporting deadline, and address the concerns identified in this letter through sub-regulatory guidance.

Sincerely,



Ted Mitchell
President

Attachment

On behalf of:

American Association of Colleges and Universities
American Association of Colleges of Osteopathic Medicine
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of State Colleges and Universities
American Council on Education
Association of American Medical Colleges
Association of American Universities
Association of Catholic Colleges and Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
Career Education Colleges and Universities
Council for Christian Colleges & Universities
Council for Higher Education Accreditation
Council of Graduate Schools
EDUCAUSE
National Association of Colleges and Employers
National Association of Independent Colleges and Universities
National Association of Student Financial Aid Administrators
UPCEA

Final Regulations Survey Analysis – updated 1.16.24

Population

Survey distribution yielded a total of 461 respondents. Among respondents, 268 individuals provided their position. Most respondents who provided their position were registrars.

	Frequency	%
<i>Business Officer</i>	52	19.4%
<i>Chief Admissions Officer</i>	5	1.9%
<i>Chief Enrollment Management Officer</i>	11	4.1%
<i>Chief Executive Officer</i>	1	0.4%
<i>President</i>	1	0.4%
<i>Registrar</i>	165	61.6%
<i>Other</i>	33	12.3%
<i>Total (Title Provided)</i>	268	100.0%

Overview of Broad Concerns That Span Whole of New Regulations

Administrative Burden

- Additional workload and staffing requirements to implement and monitor compliance were a primary concern across all respondents.
- There is a lack of clarity in guidelines and parameters, requiring time-consuming interpretation and decision-making.

Insufficient Resources and Financial Impact

- There is a consistent theme of respondents expressing a lack of additional resources, both in terms of fiscal resources, staffing, and technological support, to meet the demands of the new reporting requirements.
- Respondents emphasized the concern that reporting requirements are being imposed without providing the necessary financial support for institutions to comply.

Time Constraints for Implementation and Compliance

- Given the need for compliance by July 1, 2024, respondents indicate concerns with making changes to align with new regulations in the timeframe specified.

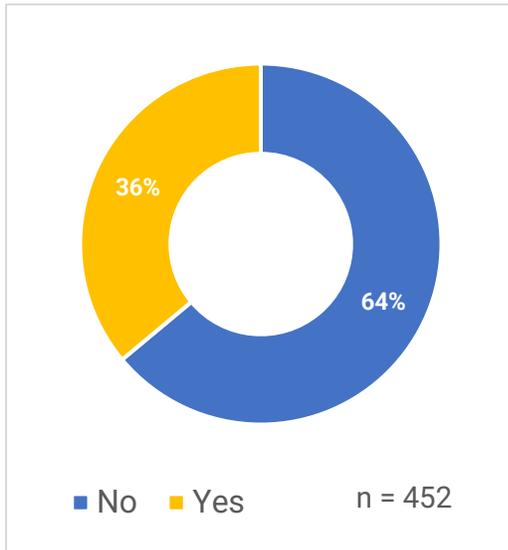
Varied Impact on Institution Types

- Overall sentiments of concern include varied impact depending on institution type, particularly for smaller institutions, private institutions, and institutions serving certain populations (e.g., graduate schools, rural institutions).

Clarity and Definitions

- Respondents consistently report the need for clarity in criteria, clear definitions to remove subjectivity, and additional guidance on oversight and specific reporting requirements.

Q1 – Financial Value Transparency + Gainful Employment



Among respondents, **over one-third (36 percent)** foresee challenges or concerns with their institution's ability to comply with final regulations related to FVT and GE programs.

This includes institutions' requirement to provide acknowledgement to prospective graduate students for FVT programs and warnings for all students attending GE programs that are at risk of losing access to aid due to failing GE metrics.

Key themes among those who foresee challenges or concerns are summarized below.

Technical Challenges and System Limitations

- Concerns about current Student Information System (SIS) capability to comply with new regulations.
- Need for system updates to accommodate new protocols and processes.

Transcript Withholding

- Inability to withhold partial transcripts and challenges in determining balances related to Title IV charges.
- Concerns about losing leverage for collecting past due tuition and fees.

Financial Concerns

- Increased administrative costs and potential impact on tuition.

Data Collection and Reporting

- Challenges in gathering and developing consistent data sets across all programs.
- Concerns about the volume of reporting and the short timeline for compliance.
- Lack of clarity on how to submit data and uncertainty about interpretation.

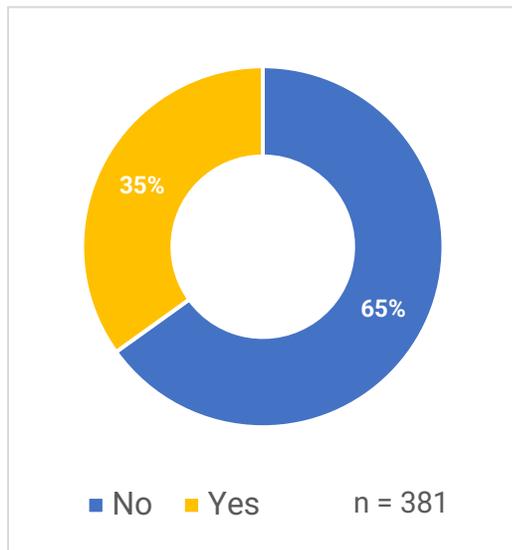
Communication and Training

- Challenges in communicating changes to students, particularly those entering at different points in the academic year.
- Need for comprehensive training for staff, including front-facing staff working with students.

Compliance and Policy Changes

- Difficulty in understanding and implementing new regulations.
- Challenges in changing policies and procedures, including concerns about the interpretation of "holds" varying across departments.

Q2 – Financial Value Transparency Website



Among respondents, **more than one in three (35 percent)** foresee challenges or concerns with their institution's ability to comply with final regulations related to the newly created FVT program information website hosted by ED.

Institutions would be required to provide a link to the website and have students acknowledge they have seen this information prior to Federal financial aid being disbursed if they are enrolled in or are planning to enroll in a program that consistently leaves students with unaffordable debt.

Key themes among those who foresee challenges or concerns are summarized below.

Student Access, Engagement, and Compliance

- Concern about students' willingness to engage with and acknowledge the information presented.
- Worries that students may not fully read or comprehend the required content, leading to potential delays in financial aid disbursement.
- The acknowledgment process is seen by some respondents as an additional barrier for students seeking financial aid. There are worries that failure to acknowledge may result in late payment penalties or difficulties in accessing aid.

Data Collection, Accuracy, and Transparency

- Concerns about the accuracy of data collection, particularly regarding program-specific information, earnings data, and debt-to-earnings ratios. They highlight potential challenges in gathering, verifying, and updating this information.
- Emphasis on transparency in data collection and sharing.

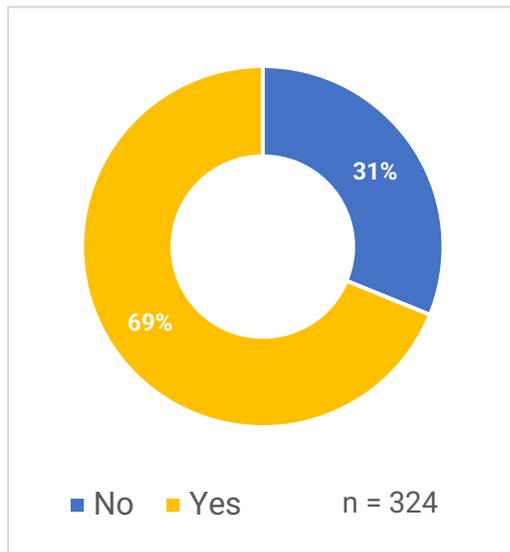
Value Determination

- Questions were raised about the subjective nature of determining the financial value of graduate programs and concerns about the correlation between program choice and future earnings.
- Clarity is needed on how algorithms will determine financial value.

Effectiveness and Impact Assessment

- Questions about the effectiveness of these regulations and whether data-sharing websites have a positive impact on students' decisions.
- There is a call for resources to be directed towards providing meaningful and engaging information to students.

Q3 – Program Metrics



Among respondents, **greater than two-thirds (69 percent)** foresee challenges or concerns with their institution's ability to comply with final regulations related to GE and non-GE program metrics.

Institutions would be required to report on at least 23 metrics for substantially similar programs that are both GE and non-GE programs.

Key themes among those who foresee challenges or concerns are summarized below.

Technical Challenges

- Respondents raised technical challenges, such as the need for system updates, development, and testing, as well as concerns about the readiness of information technology systems.

Data Collection and Complexity

- The complexity of data collection, including concerns about accuracy, completeness, and consistency across programs was indicated by several respondents.
- Respondents expressed concern about the ability to manage and validate large volumes of data.

Impact on Student Support

- There are concerns that the increased administrative burden may divert resources and attention away from direct student support services.
- The focus on compliance is seen as potentially detracting from student-centered activities.

Timeliness and Communication

- Respondents expressed concerns about the timeline for implementation, the need for timely communication, and the challenge of coordinating data exchange across different departments.

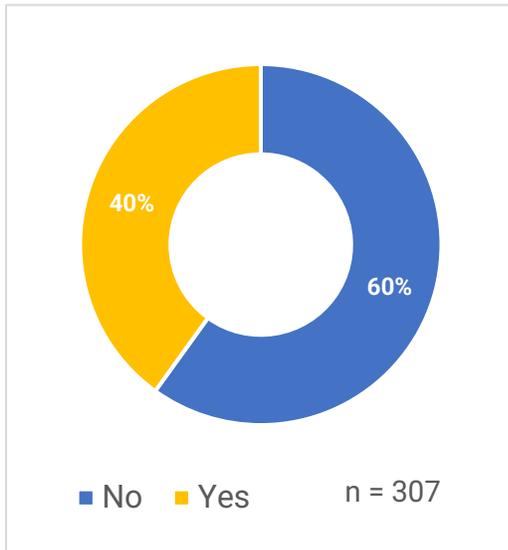
Potential for Errors

- Due to the complexity of reporting on numerous metrics, there is concern for increased risk of errors, and respondents emphasized the importance of implementing rigorous quality control measures.

Training and Skill Development

- There is a need for training and skill development, especially in data analysis, query development, and compliance reporting.

Q4 – Discretionary Triggering Events



Among respondents, **four in ten (40 percent)** foresee challenges or concerns with their institution’s ability to comply with final regulations related to discretionary triggering events.

If an institution is subject to a discretionary triggering event, it could be required to post a letter of credit for each triggering event depending on whether ED considers the event to be significantly adverse.

Key themes among those who foresee challenges or concerns are summarized below.

Financial Impact

- Respondents raised the financial burden of compliance, including the cost and time associated with obtaining letters of credit.
- Worries about the potential negative consequences for institutions, especially those with financial struggles. There are concerns about the potential closure of institutions due jeopardized funding.

Borrower Defense Claims

- Respondents expressed concerns about borrower defense claims, including the potential for groundless claims and the difficulty of providing evidence.
- The challenge of responding to claims and the need for an appeals process.

Oversight and Logistics

- Respondents question the inclusion of program discontinuation as a triggering event, considering it a matter to be governed by individual institutions.
- Leadership changes and program reviews are mentioned as potential triggers, raising concerns about the consequences.

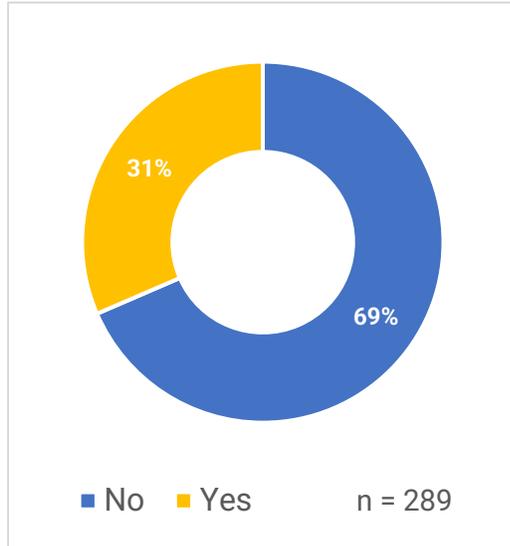
Impact on Students

- There are concerns about the impact on students, particularly those lacking financial literacy, and the need for funding to support them.
- There are concerns about the unpredictability of student behavior and the challenge of institutions being held responsible for factors beyond their control.
- Issues related to students changing colleges without penalties and potential consequences for institutions were also raised.

Challenges with State Mandates

- Questions about potential penalties when following state mandates that conflict with federal regulations.

Q5 – Triggering Event Letter of Credit



Among respondents, **three in ten (31 percent)** foresee challenges or concerns with their institution's ability to comply with final regulations related to mandatory and triggering events.

If an institution is subject to a mandatory triggering event, they are required to initially post a letter of credit for each event. Another mandatory triggering event uses results from the final GE rule that requires the institution to post a letter of credit if at least 50 percent of Title IV funding was received in its most recently completed fiscal year from failing GE programs.

Key themes among those who foresee challenges or concerns are summarized below.

Financial Impact and Cost

- Concerns about the costs associated with letters of credit and the time, effort, and expense required to establish them.
- Worries about the potential impact on an institution's credit rating and financial challenges beyond Title IV funding.

Private Actions and Legal Concerns

- The burden of dealing with legal and administrative actions, including lawsuits by students.
- There is apprehension about private actions being related to mandatory triggering events, potentially leading to frivolous claims.

Impact on Institutions

- Concerns about potential false narratives created about an institution, its programs, and financial stability.
- Worries about institutions being opened to private actions and the impact on day-to-day work for financial aid offices.

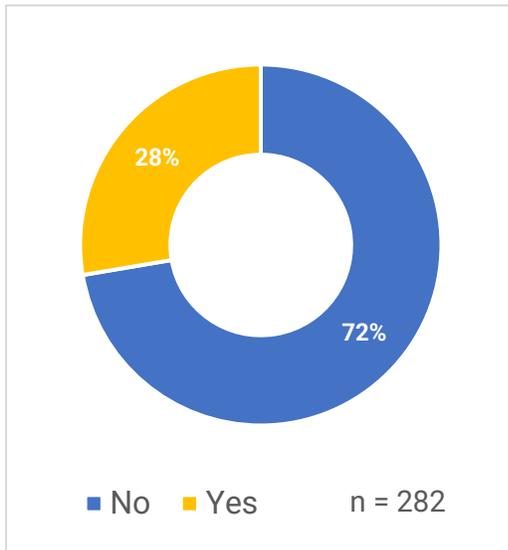
Consistency and Political Influence.

- Questions about the consistency of regulations across different political administrations and the administrative burden those changes might have on institutions.

Student Behavior and Consequences

- Worries about an increase in student movement between colleges due to a lack of consequences for choices.
- There are concerns about the potential for higher dropout rates across all institutions.

Q6 – Audited Financial Statement Notes



Among respondents, **more than one-quarter (28 percent)** foresee challenges or concerns with their institution's ability to comply with final regulations related to notes in audited financial statements.

Institutions must also provide a note in their audited financial statements that provides detailed information on related entities, including names, locations, descriptions, and amounts of transactions. (Transactions supporting operating functions such as meals for board members would be exempt.)

Key themes among those who foresee challenges or concerns are summarized below.

Impact on Financial Reporting Standards

- Concerns about the potential conflict with existing standards set by the Governmental Accounting Standards Board (GASB).
- Potential consequences include uncertainty for financial report users, conflicting guidance for preparers, and challenges for external auditors in assessing financial statements.
- Consideration of existing processes for disclosing related party information and alignment with current accounting principles.
- Evaluating whether the disclosure requirements align with Generally Accepted Accounting Principles (GAAP).

Concerns About Confidentiality

- Concerns about legal responsibilities and protections, such as FERPA, for certain types of information and disclosing personal information of donors and potential negative impacts on donations.

Complexity of Transactions

- Challenges related to the complexity of financial transactions with related entities.
- Questions about the level of detail required and the potential complications in reporting.

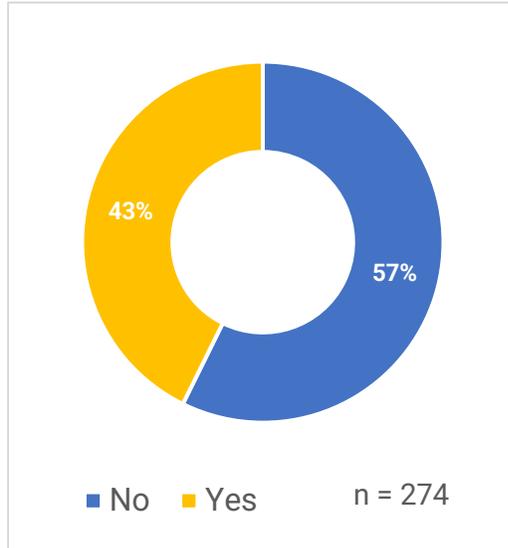
Specific Implementation Challenges

- Challenges related to identifying all related entities, determining exemptions, coordinating data across departments, and ensuring timely and accurate reporting.
- The need for periodic reviews and updates to keep information current.
- Questions about the form and nature of note disclosures, including whether they would be considered Required Supplementary Information (RSI).

Concerns About Net Gain for Students

- Expressions of concern that the regulatory changes may not provide a discernible net gain for students.

Q7 – Adequate Career Services



Among respondents, **more than two-fifths (43 percent)** foresee challenges or concerns with their institution's ability to comply with final regulations related to providing adequate career services.

ED defines adequate career services as (1) the share of students enrolled in programs designed to prepare students for gainful employment in a recognized occupation; (2) the number and distribution of career services staff; (3) the career services the institution has promised to its students; and (4) the presence of institutional partnerships with recruiters and employers who regularly hire graduates of the institution.

Key themes among those who foresee challenges or concerns are summarized below.

Discretion and Autonomy of Institutions

- Desire for institutions to define adequate career services based on their unique circumstances, emphasizing the importance of institutional discretion.

Data Collection and Reporting Challenges

- Challenges associated with gathering and reporting accurate data on student enrollment in relevant programs.
- Difficulty in tracking and maintaining compliance, especially when dealing with data beyond the institution's control.
- Considerations about data privacy and security in the collection and storage of information related to career services.

Institutional Partnerships and Employer Relationships

- Anticipation of challenges in maintaining relationships with employers if additional steps are imposed as part of institutional partnerships.

Adaptability to Changing Job Markets

- Recognition of the need for career services to remain adaptable to changes in the job market and industry demands.

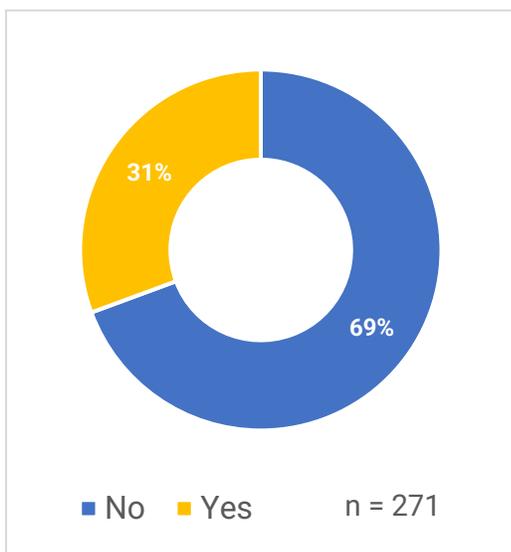
Communication with Students

- Importance of establishing clear and effective communication channels with students regarding available career services and relevant information.

Impact on Donations and Funding

- Concerns that disclosure requirements may impact donations and student fees, leading to increased costs or loss of other vital services.

Q8 – Geographically Accessibly Clinical or Externship Opportunities



Among respondents, **three in ten (31 percent)** foresee challenges or concerns with their institution’s ability to comply with final regulations related to providing geographically accessible clinical or externship opportunities.

The final regulations require an institution to provide students geographically accessible clinical or externship opportunities related to and required for completion of the credential or licensure in a recognized occupation within 45 days of successful completion of other required coursework.

Key themes among those who foresee challenges or concerns are summarized below.

Logistical Challenges

- Challenges related to identifying, securing, and coordinating geographically accessible clinical or externship opportunities within the 45-day timeframe.
- Challenges such as scheduling, transportation, and housing for students participating in these experiences.

Quality and Range of Opportunities

- Ensuring that the clinical or externship opportunities provided are of high quality and meet the educational standards required for credential or licensure completion.
- The importance of ensuring a diverse range of clinical or externship opportunities to meet the needs of students pursuing various fields of study.

Competition for Sites

- Concerns about competition for clinical or externship sites, particularly in areas with limited viable employers or high demand for opportunities.

Institutional Responsibility vs. Learner Responsibility

- Questions about the responsibility of learners in securing opportunities and the role institutions play in facilitating geographically accessible experiences.

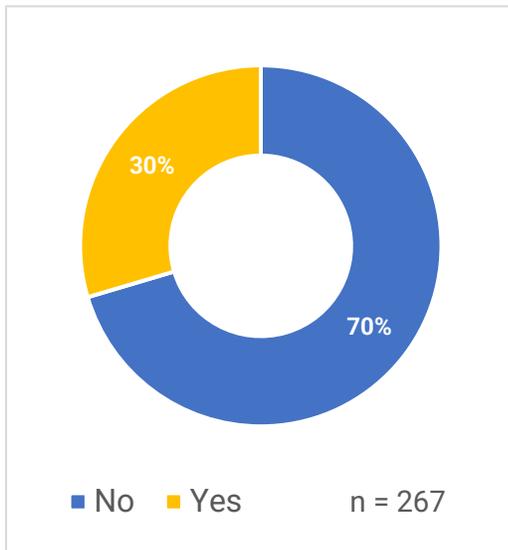
Coordination with External Partners

- Challenges associated with coordinating and communicating effectively with external partners, including healthcare facilities or organizations relevant to the credential or licensure.

Impact on Online Programs

- Logistical challenges for online programs, including limitations on the scope of offerings and potential difficulties in coordinating geographically accessible experiences.

Q9 – License or Certification Requirements



Among respondents, **three in ten (31 percent)** foresee challenges or concerns with their institution's ability to comply with final regulations related to professional license or certification requirements required for employment.

Institutions must decide whether each academic program fulfills such requirements. Programs must meet professional licensure requirements in the state that the institution is located in and in the state where the student initially enrolled in the program or intends to seek employment using an attestation form.

Key themes among those who foresee challenges or concerns are summarized below.

Program-Specific Challenges

- Recognition that not all programs, especially traditional academic programs, lead to licensure. Concerns about the broad application of regulations to various program types, including liberal arts programs.
- Challenges associated with tracking student locations not only at the time of initial enrollment but throughout their enrollment, especially when students change majors or move to different states.
- Challenges highlighted for online programs in ensuring compliance with licensure requirements in all states where students may be located.

Communication Challenges

- Challenges in modifying communication protocols to provide accurate and up-to-date information to prospective students about program compliance with licensure requirements in different states, including maintaining consistent information across websites and advertising materials.

Responsibility of Students

- There is some responsibility for understanding licensure requirements that should lie with students

Concerns About Program Funding and Closure

- Concerns about potential funding losses for programs that currently receive funding but may not meet the new requirements.
- Fears that institutions may be forced to close certain programs to potential students in certain states if compliance cannot be determined in time, risking Title IV funding.

Role of Accrediting Bodies

- Questions raised about the role of accrediting bodies in determining compliance with licensure requirements and whether their processes will align with the new regulations.

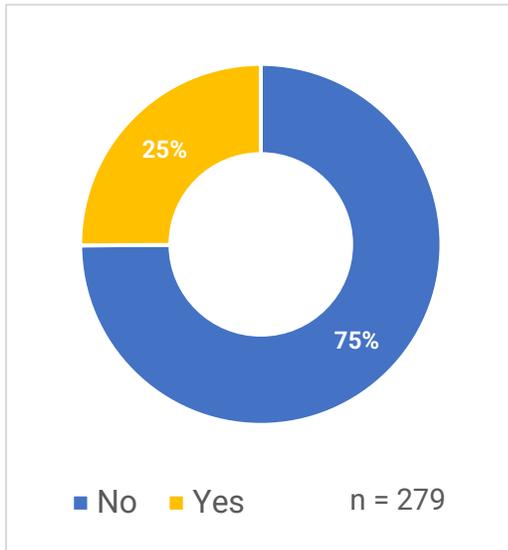
State-Specific Challenges

- Recognition that each state has potentially different regulations, making it challenging to comply with specific licensure requirements for each state.
- Calls for states to streamline and make uniform licensure requirements, highlighting the burden placed on institutions due to the lack of agreed-upon standards and processes.

Role of Attestation Forms

- Questions about the necessity and effectiveness of attestation forms, especially those related to the state where the student plans to seek licensure or employment.

Q10 – Transcript Withholding



Among respondents, **one-fourth (25 percent)** foresee challenges or concerns with their institution's ability to comply with final regulations related to transcript withholding.

The final regulations stipulate that institutions will not withhold transcripts or take other negative actions against a Title IV student due to an error or misconduct on the school's part.

Key themes among those who foresee challenges or concerns are summarized below.

Accuracy in Extracting Information

- Challenges related to accurately pulling information, especially from billing statements and transcripts, to identify errors or misconduct. Difficulty in term-by-term parsing and automation.

Identifying Errors and Burden of Proof

- Questions regarding how errors or misconduct are identified and proven. Concerns about the burden of proof for institutional errors and the potential difficulty in validating such errors, especially over an extended period.
- Concerns about the challenges in determining when an institution made a mistake and bringing it to light.
- Questions about who adjudicates and determines whether something is an error or misconduct on the school's part.

Transcript Release Challenges

- Issues raised regarding limitations in SIS, transcript vendors, and the lack of cross-training or cross-module access in financial aid and registrar offices.
- Challenges associated with the inability to release partial transcripts, making the withholding of transcripts impossible.
- Doubts were expressed about whether transcript service partners could release partial transcripts based on federal aid pay periods.
- Concerns about the administrative burden and feasibility of printing partial transcripts.

Disciplinary Actions and Student Conduct

- Noting that the regulation doesn't touch on areas related to student conduct, disciplinary actions, or students already in collections with the institution.

Financial Implications

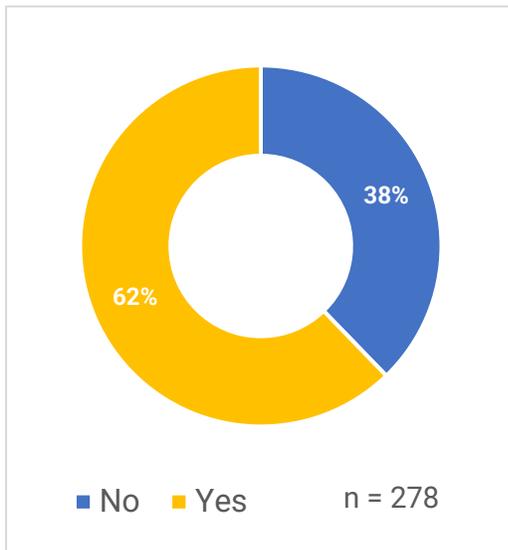
- Concerns about financial implications, including conflicting state laws, potentially leading to non-compliance, and impacting retention and loan debt for students.

- Anticipation of decreased ability to recoup debt from students and concerns about more students being sent to collections due to the inability to work with them on lower-level concerns like transcripts.
- Concerns about the impact on tuition-driven institutions and potential challenges in collecting funds for such institutions.

Consistency Across Campuses

- Concerns about consistency across campuses and the potential for differences in opinions on fair implementation, urging national organizations to provide recommended practices.
- Emphasizing the need for coordination between the office placing the transcript hold and the Registrar's Office.

Q11 – Official Transcript Paid in Full



Among respondents, **six in ten (62 percent)** foresee challenges or concerns with their institution’s ability to comply with final regulations related to official transcripts that includes all credits or clock hours for payment periods in which the student received any Title IV, HEA funds and were paid in full.

An institution may withhold sections of the transcript associated with specific payment periods with a balance under certain conditions, resulting in a partial transcript. The payment periods not associated with the debt must be released.

Key themes among those who foresee challenges or concerns are summarized below.

Partial Transcripts

- Several respondents note that their institutions currently do not release partial transcripts. Implementing the proposed regulation would require a significant shift in policies and practices.
- There are concerns about the accuracy and integrity of institutional record-keeping, especially when it comes to degree completion and cumulative totals.
- Respondents raised technological limitations, stating that their current systems (e.g., Banner, Colleague, Peoplesoft, and Workday) cannot easily identify and separate paid and unpaid semesters on transcripts. There is additional concern about separating credits paid for by Title-IV funding. Several mention the need for software modifications or upgrades.

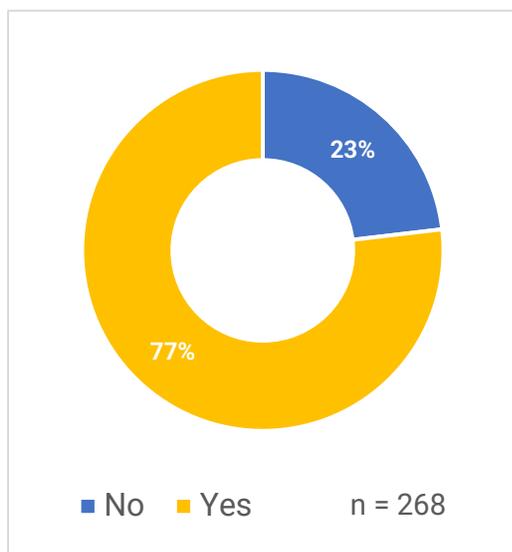
Financial and Disclosure Implications

- Concerns that the inability to withhold transcripts for unpaid balances might result in an increase in outstanding debts. They see transcript holds as a tool for encouraging payment.
- Concerns about disclosing financial or financial aid information through the release of partial transcripts, potentially violating privacy regulations.

Impact on Students and Student Behaviors

- Concerns about consequences for students, including credit score impacts and the risk of being sent to collections.
- Concerns about the ability to work with transfer students who have partial transcripts from transferring institutions.
- Potential demotivation for students to clear outstanding balances, leading to delayed payments.

Q12 – Additional Questions that Need Clarification



Among respondents, **more than three-quarters (77 percent)** expressed concern that the regulations do not address other institutional operating practices, which could create confusion on college campuses. Examples of questions provided to respondents include:

- When there is a state regulation mandating institutions to report and/or collect outstanding debts from students, will the federal regulations take precedence over state regulations?
- The regulations do not specify which Title IV programs would fall within the scope of the rule (Federal Work-Study, for example, would not be captured on a student’s account with an institution) and what it means to “receive” the aid.
- If a payment plan is in place at the time of the transcript request, but the student misses future payments, can transcripts be withheld until payments start or when the agreement is finalized? What should the protocol be if the payment plan/loan does not cover the entire balance?
- If the use of a transcript hold is not related to the existence of a debt, does the institution still have the ability to use a transcript hold?
- If the new regulations are scheduled to go into effect July 1, 2024, what about debt from previous sessions/years from this date? Is this regulation retroactive to any specific date?

Key themes among outstanding questions on additional guidance are summarized below.

Lack of Clarity and Guidance

- Numerous questions and concerns regarding the practical implementation of the regulations.
- Requests for further guidance on specific terms, definitions, and scenarios.

Technical and Operational Challenges

- Concerns about the integration of financial aid requirements into academic processes and the need for training personnel.
- Questions about the capability of vendors to support the required changes.
- Potential challenges in implementing changes, especially for institutions that may be short-staffed or face financial constraints.

Financial Implications and Fees

- Questions about rules and fees associated with transcript releases, including concerns about unpaid charges and balances.
- Concerns about the financial burden and expenses related to upcoming changes.

Compliance and Interaction with Other Regulations

- Questions about the interaction of these regulations with existing state laws, accreditation requirements, and other federal laws.
- Seeking clarification on whether ED rules override accreditation requirements.

Impact on Students

- Concerns about the potential impact on students, especially those in programs with lower earning potential.
- Questions about the accountability of students in financial decisions and whether institutions will be held responsible for students' choices.
- Questions about whether the regulations apply to Tribal colleges and how federal, state, and Tribal differences might affect compliance.
- Questions about the effectiveness of posting notice letters and whether it is an adequate method of communication with students.

Grace Period and Support for Institutions

- Queries about whether there will be a grace period for SIS implementation and whether institutions facing hardships will receive assistance.
- Requests for support in pressuring student information system providers to meet the new requirements.

Other Holds and Actions

- Questions about the ability to use other holds (e.g., registration/enrollment holds) for unpaid balances and whether those are considered negative actions.
- Questions about the use of collection agencies for missed payments and how payment plans with collection agencies interact with the legislation.

Data Collection and Reporting

- Concerns about the purpose and effectiveness of the large data collection, as well as concerns about the administrative burden versus the benefits.