

## **AHEAD Committee | Request Regarding Misrepresentations**

*Submitted by (David Kafafian) Employers / Business*

### **Context & Statement of Support:**

This requested to change is to permit institutions to be able to change the tuition and fees charged to students to account for permissible increases in the rate of tuition charged on account notice from the Secretary under 34 CFR 690.95 permitting such an increase. Given various state laws or other financial concerns that may necessitate an institution to raise tuition for eligible workforce programs if permitted under § 690.95, there is the potential that a student may rely on previously printed information or on a website that has not been revised, or even a school employee that is unaware of the change. To the extent a student signs an enrollment agreement setting the tuition, or if the student has started the program, the tuition for that student cannot be changed. Otherwise, however, an institution should be free to raise the tuition without fear of having committed a violation of the misrepresentation regulations. We believe this is necessary to effectively implement the (very valuable) VAE restriction in a way that doesn't stifle institutional participation in the program.

### **Textual Revisions**

We would propose amending 668.73 to read:

668.73 Nature of financial charges or financial assistance.

Misrepresentation concerning the nature of an eligible institution's financial charges, or the financial assistance provided includes, but is not limited to, false, erroneous, or misleading statements concerning—

[...]

(g) The amount, method, or timing of payment of tuition and fees that the student would be charged for the program, *except that in the case of an eligible Workforce Program, an eligible institution may change the amount of tuition and fees charged in response to a notice from the Secretary under 34 CFR 690.95, notwithstanding any previous communication to a student or prospective student about tuition and fees, so long as such change is communicated to the student prior to the student signing an enrollment agreement and starting the program.*