

Memorandum

From: Michale McComis, Ed.D., Accreditation Constituency Representative

To: U.S. Department of Education Regulatory Negotiation Team

Date: January 6, 2026

Re: Suggested Revision to 668.2 and 668.406

Under 668.2, the current proposal from the Department allows the Secretary to determine whether the data are unreliable in which case the Secretary may increase the cohort size. While the rationale to allow the Secretary to make such a change appears sound, in an abundance of transparency and fairness it may be a good practice for notice to be made to institutions should the Secretary choose to in fact increase the cohort size particularly since the regulation specifically cites 30 students as the intended cohort size.

Under proposed 668.406, there is a required data element for schools to report relative to programs that have licensure requirements or that prepare students for licensure examinations. In consultation with the negotiators representing tax payers (Preston Cooper), Veterans (Matthew Freehan), and Legal Aid (Zoe Kemmerling and Tamar Hoffman), we are suggesting to make more clear that the data elements capture for reporting purposes any program in any state in which a school enrolls students in these programs as well as federal licensure examinations (e.g., flight school certifications).

§ 668.2 General definitions.

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(b) * * *

(2) For the ~~four-year~~expanded cohort period, the Secretary will sequentially add prior award year data to the single-year cohort in the following order until the cohort equals or exceeds 30 students (unless the Secretary determines the data are unreliable, in which case the cohort size may be increased until the Secretary determines the data are statistically reliable; such a determination will be shared with eligible institutions participating in affected title IV programs) –

§ 668.406 Reporting requirements.

(a) Data elements. ***

(iii) Whether the program meets licensure requirements (state or federal) or prepares/establishes eligibility for students to sit for a licensure examination in ~~a particular occupation for each State in the institution's metropolitan statistical area~~ ~~a each State~~ in which the school enrolls students in that program or any federal licensure examination; and