

AHEAD Negotiated Rulemaking | Eligible Institution Exclusion
Submitted by: Employer/Business Proposal (David Kafafian)

Concern

As discussed in committee, Congress was clear that a student should be excluded from the earnings test calculation if they “are not enrolled in any institution of higher education.” For practical reasons we understand that the Department believes it must limit this to any eligible institution, as otherwise the Department would not have data to ascertain whether the student was enrolled in a subsequent program. Nonetheless, it is important to avoid accidentally including a student in these calculations who is enrolled in an ineligible program at an eligible institution. Thus, the below fix is needed.

Proposed Change to 90.CFR. ~~224~~1069(c)(8)

(2) The student was enrolled ~~in any other eligible program~~ at the institution or at another eligible institution during the calendar year for which the Secretary obtains earnings information under paragraph (b)(1) of this section;