

## Proposed Updated Language on Substantially Similar Programs

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In this document we propose changes to the Department’s latest version of 34 CFR 668.604, which governs the certification requirements for programs that fail the earnings premium standards. We are concerned that the Department’s proposed language would serve as a significant loophole to the provision designed to prevent colleges from standing up “new” programs in place of failing programs, but where that new program is effectively a replica of the failing program.

The Department specifically says that colleges would be able to stand up a new program within the same field of study, as long as it can report a new “SOC” (occupational) code for the program. CIP codes often correspond to multiple SOC codes, however.

Take Communications programs, for example (CIP4 = 09.01). That single four-digit CIP code corresponds to 9, similar SOC codes.

CIP Code	CIP Name	SOC Code	SOC Name
09.0100	Communication, General.	11-2032	Public Relations Managers
09.0100	Communication, General.	11-2033	Fundraising Managers
09.0100	Communication, General.	13-1131	Fundraisers
09.0100	Communication, General.	25-1122	Communications Teachers, Postsecondary
09.0100	Communication, General.	27-3011	Broadcast Announcers and Radio Disc Jockeys
09.0100	Communication, General.	27-3023	News Analysts, Reporters, and Journalists
09.0100	Communication, General.	27-3031	Public Relations Specialists
09.0100	Communication, General.	27-3041	Editors

09.0100	Communication, General.	27-3043	Writers and Authors
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As another example, consider culinary programs (CIP4 = 12.05). Within that four-digit CIP code are more than 30 SOC codes.

<b>CIP Code</b>	<b>CIP Name</b>	<b>SOC Code</b>	<b>SOC Name</b>
12.0500	Cooking and Related Culinary Arts, General.	35-1011	Chefs and Head Cooks
12.0500	Cooking and Related Culinary Arts, General.	35-1012	First-Line Supervisors of Food Preparation and Serving Workers
12.0500	Cooking and Related Culinary Arts, General.	35-2012	Cooks, Institution and Cafeteria
12.0500	Cooking and Related Culinary Arts, General.	35-2014	Cooks, Restaurant
12.0500	Cooking and Related Culinary Arts, General.	35-2019	Cooks, All Other
12.0501	Baking and Pastry Arts/Baker/Pastry Chef.	35-1011	Chefs and Head Cooks
12.0501	Baking and Pastry Arts/Baker/Pastry Chef.	51-3011	Bakers
12.0502	Bartending/Bartender.	35-3011	Bartenders
12.0503	Culinary Arts/Chef Training.	35-1011	Chefs and Head Cooks
12.0503	Culinary Arts/Chef Training.	35-1012	First-Line Supervisors of Food Preparation and Serving Workers
12.0503	Culinary Arts/Chef Training.	35-2013	Cooks, Private Household
12.0503	Culinary Arts/Chef Training.	35-2014	Cooks, Restaurant

12.0503	Culinary Arts/Chef Training.	35-2019	Cooks, All Other
12.0504	Restaurant, Culinary, and Catering Management/Manager.	11-9051	Food Service Managers
12.0504	Restaurant, Culinary, and Catering Management/Manager.	35-1011	Chefs and Head Cooks
12.0504	Restaurant, Culinary, and Catering Management/Manager.	35-1012	First-Line Supervisors of Food Preparation and Serving Workers
12.0504	Restaurant, Culinary, and Catering Management/Manager.	35-2013	Cooks, Private Household
12.0505	Food Preparation/Professional Cooking/Kitchen Assistant.	35-2012	Cooks, Institution and Cafeteria
12.0505	Food Preparation/Professional Cooking/Kitchen Assistant.	35-2013	Cooks, Private Household
12.0505	Food Preparation/Professional Cooking/Kitchen Assistant.	35-2019	Cooks, All Other
12.0506	Meat Cutting/Meat Cutter.	51-3021	Butchers and Meat Cutters
12.0506	Meat Cutting/Meat Cutter.	51-3023	Slaughterers and Meat Packers
12.0507	Food Service, Waiter/Waitress, and Dining Room Management/Manager.	35-1012	First-Line Supervisors of Food Preparation and Serving Workers
12.0508	Institutional Food Workers.	35-2012	Cooks, Institution and Cafeteria
12.0509	Culinary Science/Culinology.	11-9051	Food Service Managers
12.0509	Culinary Science/Culinology.	19-1012	Food Scientists and Technologists
12.0509	Culinary Science/Culinology.	25-1199	Postsecondary Teachers, All Other
12.0509	Culinary Science/Culinology.	35-1011	Chefs and Head Cooks

12.0509	Culinary Science/Culinology.	35-2019	Cooks, All Other
12.0510	Wine Steward/Sommelier.	11-9051	Food Service Managers
12.0510	Wine Steward/Sommelier.	13-1022	Wholesale and Retail Buyers, Except Farm Products
12.0599	Culinary Arts and Related Services, Other.	99-9999	NO MATCH

**PROPOSED LANGUAGE:**

**§ 668.604 Certification requirements for GE programs and eligible non-GE programs.**

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(2) An institution may not update its list of Direct Loan-eligible programs to include a program sharing the same 4-digit CIP code ~~and an identical SOC code according to the CIP-SOC Crosswalk that is provided by a Federal agency with~~ as a failing program that the institution voluntarily discontinued or became ineligible as described in § 668.603(c), at the same credential level that was subject to the two-year loss of eligibility under § 668.603(c), until that period expires.

(3) An institution may not update its list of Direct Loan-eligible programs to include a program that was subject to the two-year loss of eligibility under 34 CFR 668.403(c) and is a failing program under 34 CFR 668.402 in either of the two most recent award years, or a program sharing the same 4-digit CIP code at the same credential level as a program that was both subject to the two-year loss of eligibility under 34 CFR 668.403(c) and is a failing program under 34 CFR ~~668.402~~ in either of the two most recent award years.

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