

ADDENDUM D			
Comment ID(s)	Section	Substance of Comment	Bureau's Response
25	74112(b)	Commenters stated that given the additional years for the 150% graduate chart, that section 74112(b) should be amended for disclosure of data availability.	The Bureau disagreed. There is no need for another mandate as 150% graduation rate is an optional reporting, not a requirement.
31, 32	74112(d)(3)(A)(ii)	Commenters objected to the removal of the restriction not allowing graduates who are employed by the institution or the owner of the institution. Commenters maintain without the language the proposal actively permits schools to provide misleading job placement disclosures.	The Bureau disagreed. As commenters have conceded, the goal is that job placement rates accurately represent the number of graduates who are able to obtain employment with one employer based on the benefits of the educational program. Not including these graduates as gainfully employed would be misleading. There is nothing wrong per se of employment by the institution. Per comments in Addendum C, numerous instances of steady, long-term employment have been provided by either an institution or its ownership. Furthermore, these positions remain subject to the various requirements of subsection 74112(d)(3)(A) including working in a field that matches one of the SOC codes for which the program is intended to lead.

31, 32	74112(d)(3)(A)(iii)	<p>Commenters objected to the removal of subsection 74112(d)(3)(A)(iii) regarding an expectation of continued employment. Commenters provided this is necessary to ensure that the employment is intended to continue indefinitely.</p>	<p>The Bureau disagreed. Commenters statement regarding indefinite employment is the exact source of the difficulty with the subsection and the reason it was deleted. California is an at-will employment state. Employers are highly unlikely to make such a statement because they would potentially risk not being able to remove the employee at a future date should circumstances warrant such an action. Alternatively, a statement from the graduate is meaningless as an employee may not be aware of an employer's future plans.</p>
27	74112(d)(3)(B)	<p>Commenter stated that while the SOC subsection was more clear, the proposal still includes so many caveats regarding prior employment and/or promotion or continued employment that it is extremely confusing and therefore the language should be stricken.</p>	<p>The Bureau disagreed. Subsection (B) allows students who are employed by the same employer after graduation as the students were employed by before enrolling to be counted as gainfully employed if the students meet one of three criteria: (i) graduate is employed in an occupation with a different SOC code than the occupation the graduate was in at the time of enrollment, or (ii) employer or graduate provides a statement that employment was a promotion with increased pay due at least in part to graduating from the program, or (iii) employer or graduate provides a statement that the program was required as a condition of continued employment. If this subsection were to be stricken, then students employed by the same employer would not be eligible to be counted as gainfully employed. This allows institutions to capture and count students under this particular circumstance.</p>

21	74112(d)(3)(B)(ii)	<p>Commenter suggested that additional language be included and provided alternatives so that "enrollment" or "substantial completion" would suffice for this specific subsection.</p>	<p>The Bureau disagreed. The common thread through Performance Fact Sheets is graduation. Simply enrolling or even substantially completing a program does not equate to graduation. This information is based on graduates from the programs.</p>
23, 27, 30	74112(h)	<p>Commenters questioned what a year was (calendar year or 12 months) and which four calendar years are being referred to by the additional reporting requirement.</p>	<p>The Bureau disagreed. First, reporting 150% is optional, not a requirement. Second, as to what a year is, the precise language "programs that are more than one year in length." Therefore, the measurement is that the program length be in excess of a year, more than 12 months, longer than 365 days. Regarding the "four calendar years of data," the Performance Fact Sheets are specific listing "calendar years." While other charts only require two calendar years of data, those choosing to report 150% completion rates whose programs are in excess of one year in length should report four calendar years of data instead of just the two calendar years.</p>
23, 24, 26, 27, 30	74112(h)	<p>Commenters suggested that the requirement for four years of data for the 150% completion rate is arbitrary, duplicative and unnecessary.</p>	<p>The Bureau disagreed. This requirement, which only effects programs that are over one year in length is to help provide a more accurate picture of 150% graduation rates. Reporting 150% completion rates is also optional for the institution, the Bureau only requires 100% or on-time completion rates. Not all students graduate on-time and it is reasonable that institutions might want to provide this data to show total graduates. The reason for the additional years for longer programs is so that all these graduates can be captured. (Continued Below)</p>

<p>23, 24, 26, 27, 30</p>	<p>74112(h)</p>	<p>(This is continued from above due to lack of space)</p>	<p>A four year degree program allows students to graduate in up to six years and be counted as that is 150% of the program length. However, when reporting a graduating class, all students/graduates are to be reported with the group that they started with. For example, students entering a four year program who will graduate in 2012 are always reported together. All the students who graduate in 2012 and later in 2013 are reported with their starting group under 2012. However, if the student graduates in 2014 (two years later) the student can't be tracked as the 2012 calendar year will no longer be one of the two years listed on the Performance Fact Sheet. In order for institutions to get the full credit for these graduates of longer programs, additional calendar years needed to be added to the 150% completion chart.</p>
<p>22</p>	<p>74112(i)</p>	<p>Commenter suggested adding another column for self-employment/freelance worker.</p>	<p>The Bureau agreed. However, the Bureau thinks that given the different forms of gainful employment, separate charts would provide more clear and detailed information as to the particular classification of gainful employment, including those hired by the institution or its owner, graduates working aggregated jobs as well as those who are self-employed/freelance workers.</p>

31, 32	74112(n)	<p>Commenters objected to the removal of subsection 74112(n). Commenters desired that all references under the student initials to "Initial only after you have had sufficient time to read and understand the information" be deleted from the Performance Fact Sheet and that subsection 74112(n) be retained and amended to require a 24 hour "cooling off period" prior to signing the enrollment agreement or other legally binding document.</p>	<p>The Bureau disagreed. First, students have a right of cancellation. They may cancel up to the 1st day of class or seven days after enrollment, whichever is later. Students have the opportunity to change their minds. Second, a program may be starting within the 24 hour period. If the student wishes to start a program that night, such a cooling off would preclude the student from starting at that time, forcing them to wait a month or more before starting the program, which remains illogical since the student has 7 days to cancel with a full refund. Students can cancel and be refunded beyond the proposed cooling off period. This provides students with the protection in line with that proposed by commenters.</p>
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34	general	<p>Commenter stated the six months for placement after graduation is not a reasonable period of time for retraining programs. Additionally, commenter suggested that placement rates from community and four year colleges should also be given to perspective students. Furthermore, training in a particular field is not the only aspect that helps a student find work, it also includes teaching and the school experience. In short, any employment should be counted as gainful employment. Commenter questioned the need for further legislation as commenter felt it was not business friendly to add more legislation simply because of bad actors. Additionally, focusing on statistics in disclosures is less helpful than teaching consumers how to evaluate institutions and programs. Public policy should promote U.S. business and growth. Gainful employment definition should be the same for both state and federal.</p>	<p>All comments were either general in nature or not to a specific modification.</p>
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