

(c) The institution obtains a record from a local educational agency that the student is or was eligible for special education and related services under the IDEA. If that record does not identify the student as having an intellectual disability, as described in paragraph (1) of the definition of a student with an intellectual disability in § 668.231, the institution must also obtain documentation establishing that the student has an intellectual disability, such as—

(1) A documented comprehensive and individualized psycho-educational evaluation and diagnosis of an intellectual disability by a psychologist or other qualified professional; or

(2) A record of the disability from a local or State educational agency, or government agency, such as the Social Security Administration or a vocational rehabilitation agency, that identifies the intellectual disability.

(Approved by the Office of Management and Budget under control number 1845–NEW4)

(Authority: 20 U.S.C. 1091)

**Subpart P [Reserved]**

**Subpart Q—Gainful Employment (GE) Programs**

SOURCE: 79 FR 65007, Oct. 31, 2014, unless otherwise noted.

**§ 668.401 Scope and purpose.**

This subpart applies to an educational program offered by an eligible institution that prepares students for gainful employment in a recognized occupation, and establishes the rules and procedures under which—

(a) The Secretary determines that the program is eligible for title IV, HEA program funds;

(b) An institution reports information about the program to the Secretary; and

(c) An institution discloses information about the program to students and prospective students.

(Authority: 20 U.S.C. 1001, 1002, 1088, 1231a)

**§ 668.402 Definitions.**

The following definitions apply to this subpart.

*Annual earnings rate.* The percentage of a GE program’s annual loan payment compared to the annual earnings of the students who completed the program, as calculated under § 668.404.

*Classification of instructional program (CIP) code.* A taxonomy of instructional program classifications and descriptions developed by the U.S. Department of Education’s National Center for Education Statistics (NCES). The CIP code for a program is six digits.

*Cohort period.* The two-year cohort period or the four-year cohort period, as applicable, during which those students who complete a program are identified in order to assess their loan debt and earnings. The Secretary uses the two-year cohort period when the number of students completing the program is 30 or more. The Secretary uses the four-year cohort period when the number of students completing the program in the two-year cohort period is less than 30 and when the number of students completing the program in the four-year cohort period is 30 or more.

*Credential level.* The level of the academic credential awarded by an institution to students who complete the program. For the purposes of this subpart, the undergraduate credential levels are: Undergraduate certificate or diploma, associate degree, bachelor’s degree, and post-baccalaureate certificate; and the graduate credential levels are graduate certificate (including a postgraduate certificate), master’s degree, doctoral degree, and first-professional degree (e.g., MD, DDS, JD).

*Debt-to-earnings rates (D/E rates).* The discretionary income rate and annual earnings rate as calculated under § 668.404.

*Discretionary income rate.* The percentage of a GE program’s annual loan payment compared to the discretionary income of the students who completed the program, as calculated under § 668.404.

*Four-year cohort period.* The cohort period covering four consecutive award years that are—

(1) The third, fourth, fifth, and sixth award years prior to the award year for which the D/E rates are calculated pursuant to § 668.404. For example, if D/E rates are calculated for award year