Comment Window Ending Soon: Proposal to Rescind the Gainful Employment Disclosure Rules - Amy C. Hatfield, M.A., M.BA., Dean of Workforce Development & Basic Studies, Olympic College

On August 14, 2018, via the Federal Register, the Department of Education announced the Secretary’s “proposal to rescind the gainful employment (GE) regulations, which added to the Student Assistance General Provisions requirements for programs that prepare students for gainful employment in a recognized occupation. The Department plans to update the College Scorecard, or a similar web-based tool, to provide program-level outcomes for all higher education programs, at all institutions that participate in the programs authorized by title IV of the Higher Education Act of 1965, which would improve transparency and inform student enrollment decisions through a market-based accountability system…”

Deadline: Stakeholders have until September 13, 2018 to submit comments.

Include: Docket ID ED-2018-OPE-0042 at the top of your comments.

Submit comments via the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery:

- “Federal eRulemaking Portal: Go to www.regulations.gov to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “Help.”
- Postal Mail, Commercial Delivery, or Hand Delivery: The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about the proposed regulations, address them to Ashley Higgins, U.S. Department of Education, 400 Maryland Ave. SW, Mail Stop 294-20, Washington, DC 20202.”

Further information about the purpose of this regulatory action, associated costs, negotiated rule-making processes, background information, etc. can be found at: https://www.federalregister.gov/documents/2018/08/14/2018-17531/program-integrity-gainful-employment#p-3

This announcement follows on the heels of a delay from July 1, 2018 to July 1, 2019 by the Department of Education regarding “Gainful Employment regulations in 34 CFR 668.412 (d) and (e)…”

“34 CFR 668.412 (d) and (e) requires institutions to:

1. Include the disclosure template, or a link thereto, in their GE program promotional materials; and
2. Directly distribute the disclosure template to prospective students.”
For those institutions or individuals who were under the impression that all Gainful Employment requirements had been delayed, that is incorrect. This is important: “Consistent with previous announcements, institutions must comply with the requirements in 34 CFR 668.412(a), (b), and (c) to post disclosures on their GE program web pages using the approved disclosure template provided by the Department…”

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