



Webinar

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The Financial Value Transparency Wake-Up Call

(Navigating a New Compliance and Business Landscape)

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Agenda

- Introduction
- Origins of the New Financial Value Transparency Framework
- Reporting Requirements
- Disclosures and Distribution
- How the Metrics Work
- The Consequences of Failure
- GE Program Certifications
- Implications for Academic Program Planning and Review
- Audience Q&A and Closing Remarks

Origins of the New Financial Value Transparency Framework

The “Gainful Employment” Rule

- Since 1965, the Higher Education Act has required all non-degree programs offered by public and private non-profit institutions and all programs offered by proprietary institutions to “prepare students for **gainful employment** in a recognized occupation...”

Type of Institution	GE Programs	Non-GE Programs
Public and Private Non-Profit	Title IV Non-Degree Programs (e.g., certificate program)	Title IV Degree Programs (e.g., bachelor’s degree)

The “Gainful Employment” Rule

- In 2010, the Obama administration decided to create a framework to measure whether programs satisfied this “gainful employment” standard.
- ED created a complex rule that, among other things, attempted to compare the typical debt a program’s graduates took on with their typical earnings after graduation. If a program’s debt-to-earnings (D/E) rate did not consistently meet certain thresholds established by ED, the program will lose its Title IV eligibility.

Prior GE Rulemaking Activity

DATE	EVENT
Oct. 2010	Obama administration publishes 2010 GE rule .
April 2011	2010 GE rule largely vacated by U.S. District Court D.C.; ED did not sufficiently justify thresholds.
Oct. 2014	Obama administration publishes final version of 2014 GE rule , revised to avoid prior pitfalls.
June 2017	U.S. District Court D.C. finds ED acted arbitrarily and capriciously with respect to overall methodology for determining average income, grants plaintiff's motion for summary judgment.
July 2019	Trump administration rescinds 2014 GE rule for multiple reasons, including that it relied on a D/E rate formula that is "fundamentally flawed."
Jan./Mar. 2022	Biden administration holds negotiated rulemaking covering multiple topics, including a new GE rule. During final vote on GE proposal, all six institutional representatives vote no.
May 2023	ED publishes NPRM proposing "Financial Value Transparency and Gainful Employment" rule.

The Final 2023 GE Rule

- On October 10, 2023, ED published its final Financial Value Transparency and Gainful Employment (GE) rule.
- The rule is set to take effective on **July 1, 2024.**

The screenshot displays the Federal Register page for the final 2023 GE Rule. At the top, the Federal Register logo and the text "The Daily Journal of the United States Government" are visible. The title "Financial Value Transparency and Gainful Employment" is prominently displayed, along with the date "A Rule by the Education Department on 10/10/2023". The page is divided into several sections: "PUBLISHED DOCUMENT" (with a "Start Printed Page 70004" indicator), "DOCUMENT DETAILS", "DOCUMENT STATISTICS", and "ENHANCED CONTENT". The "DOCUMENT DETAILS" section includes information such as the Agency (Office of Postsecondary Education, Department of Education), Action (Final regulations), Summary (The Secretary establishes and amends regulations related to gainful employment (GE) to address ongoing concerns about educational programs designed to prepare students for gainful employment in a recognized occupation, but that instead leave them with unaffordable amounts of student loan debt in relation to their earnings, or with no gain in earnings compared to others with no more than a high school education. The Secretary separately seeks to enhance transparency by providing information about financial costs and benefits to students at nearly all academic programs at postsecondary institutions that are eligible to participate in title IV of the Higher Education Act of 1965, as amended (HEA).), Dates (These regulations are effective July 1, 2024.), Effective Date (07/01/2024), Document Type (Rule), Document Citation (88 FR 70004), Page (70004-70193 (190 pages)), CFR (34 CFR 600, 34 CFR 668), Agency/Docket Number (Docket ID ED-2023-OPE-0089), RIN (1840-AD57), and Document Number (2023-20385). The "DOCUMENT STATISTICS" section shows 2,406 page views as of 10/21/2023 at 10:15 am EDT. The "ENHANCED CONTENT" section features the "regulations.gov" logo and the title "Financial Value Transparency and Gainful Employment (GE)".

An Extraordinary Expansion

- ED will calculate and disclose D/E rates and a new Earnings Premium metric for **every Title IV program** at every Title IV institution, meaning both non-GE and GE programs.
- These metrics, along with other data, will be made available to prospective and current students through a new ED website, and ED will label failing programs as “**low-earning**” or “**high-debt-burden**,” per the agency’s determination.
- It still will be the case that only GE programs can lose Title IV eligibility. But failing graduate-level, non-GE programs also will be sanctioned.
- The new rule also includes significant reporting and disclosure requirements for all institutions.

Impact Projections

- In connection with both the proposed and final rules, ED used a data set referred to as the “**2022 Program Performance Data (2022 PPD)**” to model the impact of the new rule.
- Metrics were projected for Title IV programs that were active in 2022.
- The debt and cost figures were calculated using NSLDS data for students who completed their program in award years 2015-2016 and 2016-2017.
- The earnings figures were calculated using data obtained from Treasury for students who completed in award years 2014-2015 and 2015-2016, using their earnings from calendar years 2018 and 2019.

Impact Projections (non-GE)

- ED projects over **820,000** students in nearly **1,500** failing non-GE programs.
 - ED indicates 842 public programs (555,000 students) and 640 private, non-profit degree programs (264,400 students) would fail at least one of the D/E rate or Earnings Premium tests.
 - “Rates of not passing at least one of the metrics are particularly high for professional programs in law (CIP 22, about 19 percent of law programs representing **29 percent** of enrollment in law programs), theology (CIP 39, about 7 percent, 25 percent) and health (CIP 51, about 10 percent, 19 percent).”
 - ED projects 390 graduate-level, non-GE programs would fail and be subject to sanctions (122,000 students).
- Note that ED excluded **82.7%** of non-GE programs from the data set because they had fewer than 30 students in the two-year completer cohorts.

Impact Projections (GE)

- ED projects nearly **700,000** students in **1,709** failing GE programs.
 - ED indicates 193 public GE programs (38,000 students), 73 private, non-profit degree programs (32,600 students), and 1,440 proprietary GE programs (620,800 students) would fail at least one of the D/E rate or Earnings Premium tests.
 - Of the 1,440 proprietary GE programs that fail one of the two tests, 939 (65%) are undergraduate certificate programs that fail only the Earnings Premium threshold test.
 - The highest rate of failure is in Personal and Culinary Services, where about 73% of enrolled students are in programs that would have failing metrics (primarily under the Earnings Premium).
- Note that ED excluded **87.7%** of GE programs from the data set because they had fewer than 30 students in the two-year completer cohorts.

What roadblocks might impede implementation of the new rule?

Roadblocks to Implementation

- The results of the 2024 presidential election will impact the rule's viability.
- We strongly anticipate that the rule will be challenged in court, like the prior versions.
 - Whether it is implemented July 1, 2024, will likely turn on whether an injunction is issued.
- ED also may struggle to timely implement the rule given current resource constraints.

Reporting Requirements

Reporting Requirements

- Institutions will be required to report to ED an extraordinary array of data.
- These reporting obligations generally fall into three categories: Title IV program data; all students data; and completed and withdrawn students' data.
- ED also retains the right to collect “any other information the Secretary requires the institution to report.”

Reporting Exemption

- An institution is not required to report if it has **not** offered any group of substantially similar programs with 30 or more completers in total over the four most recent award years.
 - “[F]or the purposes of qualifying for this exemption, we measure completers among all such programs at the four-digit CIP code level to avoid incentives for institutions to create new, smaller programs that are substantially similar in order to avoid being covered by these rules.”
- “Approximately 700 institutions will benefit from this exemption, including about 85 percent of participating foreign institutions...”

Title IV Programs

For each GE program and eligible non-GE program, for the most recently completed award year

- Name, CIP code, credential level, and length.
- Whether program is programmatically accredited and, if so, name of accreditor.
- Whether program meets licensure requirements or prepares students to sit for licensure exams in a particular occupation for each state in the institution's metropolitan statistical area.
- Total number of students enrolled during most recently completed award year, including both recipients and non-recipients of Title IV funds.
- Whether program is a qualifying graduate program whose students are required to complete postgraduate training programs.

All Students (1/2)

For each student

- Information needed to identify student and institution.
- Date student initially enrolled.
- Attendance dates and attendance status (e.g., enrolled, withdrawn, or completed) during the award year.
- Enrollment status (e.g., full time, half time) as of first day of student's enrollment;
- Total annual cost of attendance (COA).
- Total tuition and fees assessed to the student for most recent award year.
- Residency tuition status by state or district.

All Students (2/2)

For each student

- Total annual allowance for books, supplies, and equipment from student's COA.
- Total annual allowance for housing and food from student's COA.
- Amount of institutional grants and scholarships disbursed to student.
- Amount of state, tribal, or private grants disbursed to student.
- Amount of any private education loans disbursed to student for enrollment in the program that institution is, or should reasonably be, aware of, including private education loans made by institution.

Completed/Withdrawn Students

For students who completed or withdrew during the applicable award year

- Date student completed or withdrew.
- Total amount student received from private education loans for program that institution is, or should reasonably be, aware of.
- Total amount of institutional debt student owes any party after completing or withdrawing from program.
- Total amount of tuition and fees assessed student for student's entire enrollment in program.
- Total amount of the allowances for books, supplies, and equipment included in student's COA for each award year in which student was enrolled in program, or a higher amount if assessed student by institution; and
- Total amount of institutional grants and scholarships provided for student's entire enrollment in program.

Challenges for Reporting Requirements

Items Not Currently Reported:

- Total # students enrolled by program in most recently completed award year including both Title IV and non-Title IV. (Possible award year alignment issues with AY or FY versus July 1 –June 30.)
- Total tuition and fees by award year. (Same issue.)
- Residency tuition status. (Not a challenge for privates.)
- Total cost of books, supplies and equipment. (High challenge, very difficult to calculate.)
- Total grants, scholarships, private grants, State/Tribal grants, and private loans. (Disaggregating by award year.)

Standard Reporting

- For **qualifying graduate programs**, institutions will be required to report all required data for “the second through eighth award years prior to July 1, 2024” by July 31, 2024.
- For **all other programs**, institutions will be required to report all required data for “the second through seventh award years prior to July 1, 2024” by July 31, 2024.

Standard Reporting

- Institutions electing to participate in **standard reporting** will be required to report by July 31, 2024, data for award years 2017-2018 through 2022-2023.
- Data for 2023-2024 would be due by October 1, 2024.
- In subsequent years, October 1 is the deadline for reporting data for the prior award year.

2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
8 th Prior AY	7 th Prior AY	6 th Prior AY	5 th Prior AY	4 th Prior AY	3 rd Prior AY	2 nd Prior AY	1 st Prior AY

July 1,
2024

Transitional Reporting

- For the first six years for which D/E rates and Earnings Premiums are calculated, institutions may opt for **transitional reporting**, which only requires reporting for the two most recently completed award years (2022-2023 and 2023-2024).
- It is unclear whether data for both award years would be due by July 31, 2024 (or if 2023-2024 would be due by October 1).

								July 1, 2024
2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	
8 th Prior AY	7 th Prior AY	6 th Prior AY	5 th Prior AY	4 th Prior AY	3 rd Prior AY	2 nd Prior AY	1 st Prior AY	

How might institutions go about deciding between the standard and transitional reporting options?

Weighing the Options

Standard

- Higher reporting burden.
- Unable to impact cost/debt data for years.
- Once you go standard, you can't go back.
- Programs may have been significantly less expensive in prior years.

Transitional

- Lower reporting burden.
- Opportunity to impact cost/debt data in near term.
- May be opportunity to switch to standard in future years.
- Decreased likelihood of reaching cohort of 30 over 2 years.
- Programs may be more expensive in more recent years.

Disclosures and Distribution

Program Information Website

- **Beginning on July 1, 2026**, ED will establish and maintain a new “program information website” that will include extensive information about institutions and their educational programs.
- This new website will be the foundation for all institutional disclosure, acknowledgment, and warning requirements.
- It is unclear how this website and the data displayed will interface with College Navigator, College Scorecard, and IPEDS.
- ED indicates it will provide further information and announcements regarding the specific contents of the website. This also may impact reporting obligations.

ED's Program Information Website

Data that will
be included
for every
Title IV
program

- Published length (i.e., weeks, months).
- Total enrollments in most recent AY.
- Total for tuition and fees and for books, supplies, and equipment if completing in normal time.
- Of enrollments during most recent AY, percent who received a Direct Loan, private loan, or both (for the program).
- Median Loan Debt and Median Earnings for most recent AY (for just completers or for completers and withdrawals).
- Any programmatic accreditation and name of accreditor.
- D/E rates and Earnings Premium measure.

ED's Program Information Website

Data that might be included for every Title IV program

- Primary occupations (by name, SOC code, or both) program prepares students to enter, with links to occupational profiles on O*NET.
- Program or institution's completion and withdrawal rates for full-time and less-than-full-time students.
- For completers, median total (1) cost of tuition/fees; (2) cost of books, supplies, and equipment; and (3) net cost.
- Loan repayment rate for students or graduates who entered repayment on Direct Loan Program loans.
- Whether program graduates must complete postgraduation training and obtain licensure to be eligible for independent practice.

Links in Institutional Materials

- Institutions must provide a “prominent link” to ED’s program information website “on any webpage containing academic, cost, financial aid, or admissions information about the program or institution.”
- ED “may require the institution to modify a webpage if the information is not sufficiently prominent, readily accessible, clear, conspicuous, or direct.”

Prospective Student Distribution

- Institutions “must provide the relevant information to access” ED’s program information website “to any prospective student, or a **third party** acting on behalf of the prospective student, before the prospective student signs an enrollment agreement, completes registration, or makes a financial commitment to the institution.”

Current Student Distribution

- Institutions “must provide the relevant information to access” ED’s program information website to “any enrolled title IV, HEA recipient prior to the start date of the first payment period associated with each subsequent award year in which the student continues enrollment at the institution.”

If ED launches its new website before July 1, 2026, should institutions start making their disclosures?

Timing of Implementation

- In the commentary to the final rule, ED states that it has “specified that the requirements under § 668.43(d) and the acknowledgment requirements under §§ 668.407 and 668.605 are not applicable until July 1, 2026.”
- However, there is no clear exemption from the standard disclosure requirements located in the regulatory text at 668.43(d).
- Further, institutions may run the risk of AG claims, class actions, or other challenges if they do not make the disclosures, particularly if they have received notice that a program is failing.

How the Metrics Work

Annual Process

ED compiles for each program a list of all students who completed during the applicable cohort period (Completer List), removing any student satisfying certain exclusion criteria (e.g., total and permanent disability, deceased).

ED provides the draft Completer List to the institution and affords it 60 days to “correct the information reported by the institution on which the list was based.”

The final Completer List is sent to a yet-to-be-named federal agency (Earnings Agency) to obtain the median annual earnings of the students on the list and the “number, but not the identities” of students it could not match.

Once the earnings information is received, ED makes any needed adjustments and calculates the D/E rates and Earnings Premium for the program.

D/E Rates: Formulas

- With limited exceptions, each year ED will calculate the following two D/E rates for all Title IV eligible programs.

Annual D/E Rate

$$\frac{\text{Annual Loan Payment}}{\text{Median Annual Earnings}}$$

Discretionary D/E Rate

$$\frac{\text{Annual Loan Payment}}{\text{Discretionary Earnings}}$$

D/E Rates: Standards

- ED will determine whether a program “fails” the D/E rates test in any given year in accordance with the standards set out below:

Fail

Annual D/E Rate is greater than 8%

(or Annual Loan Payment is positive and Median Annual Earnings is zero)

AND

Discretionary D/E Rate is greater than 20%

(or Annual Loan Payment is positive and Discretionary Earnings is negative or zero)

D/E Rates: The Completers List

- To calculate the Annual Loan Payment for each Title IV program, ED will begin by identifying the Completers List for the program.
- The Completers List is comprised of a 2-year or 4-year **cohort** of qualifying completers.
- Qualifying completers are students who completed the program, received some form of Title IV aid, and do not otherwise fall into an excluded category (e.g., deceased students).

D/E Rates: Completer Cohorts

- In the commentary to the proposed rule, ED indicates that “given current data production schedules” the initial D/E rates and Earnings Premium “would be calculated in late 2024 or early in 2025.”
- For most programs, the two-year cohort period would be comprised of qualified completers who completed in “award years 2017–2018 and 2018–2019” using their earnings data measured in calendar years 2021 and 2022, as applicable.
- ED confirms these projections in the final rule, observing “[t]he first official rates published under these regulations will, for most programs, be based on students who completed a program in award years 2018 and 2019, measuring their earnings outcomes in 2021 and 2022.”

D/E Rates: Completer Cohorts

	Periods for First Year Calculations Standard Cohorts		Periods for First Year Calculations Transitional Cohorts	
Award Year of Calculation	2024-2025		2024-2025	
	Award Years (AY) of Completion used for Cost/Debt	Calendar Years (CY) used for Earnings	Award Years (AY) of Completion used for Cost/Debt	Calendar Years (CY) used for Earnings
Standard 2-Year Cohort	2018-2019 2017-2018	2022 2021	2023-2024 2022-2023	2022 2021 2020 2019
Standard 4-Year Cohort	2018-2019 2017-2018 2016-2017 2015-2016	2022 2021 2020 2019		

D/E Rates: Qualifying Graduate Programs

- The final rule includes a new definition of “qualifying graduate program,” which has one meaning for the first three award years and another afterward.
 - Fundamentally, these are programs with students who must complete required postgraduation training programs to obtain licensure in fields like medicine, osteopathy, dentistry, clinical psychology.
- For qualifying graduate programs only, the two-year cohort period will be award years 2014–2015 and 2015–2016, and the four-year cohort period would be award years 2012–2013 through 2015–2016.

D/E Rates: Calculating Median Loan Debt

- For each student on the Completers List, ED will determine the lesser of the total loan debt or net direct costs
- ED then will calculate the Median Loan Debt for the program.

Program Cohort			
Student Number	Actual Debt	Net Direct Costs	Lesser of Debt/Cost
Student 12	\$0	\$60,000	\$0
Student 10	\$0	\$80,000	\$0
Student 2	\$5,000	\$80,000	\$5,000
Student 13	\$30,000	\$25,000	\$25,000
Student 7	\$50,000	\$45,000	\$45,000
Student 6	\$50,000	\$45,000	\$45,000
Student 11	\$50,000	\$80,000	\$50,000

D/E Rates: Amortizing Median Loan Debt

- Finally, ED will amortize that Median Loan Debt over the applicable repayment period using the prescribed interest rate, which will yield the Annual Loan Payment for the program.
- This is the **numerator** for your program's D/E rate calculations.

D/E Rates: Median Annual Earnings

- ED will calculate the Median Annual Earnings for a program by obtaining the most currently available median annual earnings of the students on the Completers List from the Earnings Agency. This is the **denominator** for your program's Annual D/E rate calculation.
- ED will calculate Discretionary Earnings by subtracting from the Median Annual Earnings the HHS Poverty Guideline multiplied by 1.5. This is the **denominator** for your program's Discretionary D/E rate calculation.

Earnings Premium: Formula

- ED also will calculate an Earnings Premium for all Title IV eligible programs at all Title IV-participating institutions using the following formula:

Earnings Premium

Median Annual Earnings – Earnings Threshold

- A program's Median Annual Earnings is the same as for the D/E rates.

Earnings Premium: Standard

- Each year, ED will determine whether a program “fails” the Earnings Premium in accordance with the following standard:

Fail

Earnings Premium is zero or negative

Where does ED get the “Earnings Threshold” it is using in the formula?

Earnings Premium: Calculation

- The Earnings Threshold is defined as “[b]ased on data from the Census Bureau, the median earnings for working adults aged 25-34, who either worked during the year or indicated they were unemployed (i.e., not employed but looking for and available to work) when interviewed, with only a high school diploma (or recognized equivalent) (1) In the State in which the institution is located; or (2) Nationally, if fewer than 50 percent of the students in the program are from the State where the institution is located, or if the institution is a foreign institution.”

The Consequences of Failure

Notice of Determination

- Each year, upon finalizing the D/E rates and Earnings Premium for each program, ED will issue a notice of determination to the institution informing it of the D/E rates and Earnings Premium measure for each program, as well as whether each program is passing or failing, and the consequences of that determination.

Consequences of Failing

Title IV GE Programs	Title IV Non-GE Programs	
Non-Degree Programs	Undergraduate Degree Programs	Graduate Degree Programs
Student Warnings	None	Student Acknowledgements
Loss of Title IV Eligibility		
Period of Ineligibility for New Substantially Similar GE Programs		

GE: Student Warnings

- **Beginning on July 1, 2026**, an institution will be required to provide a warning to current **and** prospective students if its GE program could become ineligible in the next award year for which D/E rates or the Earnings Premium are calculated.
- As a practical matter, this means institutions will be required to provide the required warnings if a GE program fails a single year, because under the rule, after a single failure a GE program will be one year from potentially losing eligibility.

GE: Student Warnings

- An institution may not sign an enrollment agreement, complete registration, enter a financial commitment with, or disburse Title IV funds to a **prospective student** earlier than three business days after the institution delivers the warning **and** until the prospective student completes the acknowledgment on ED's website.
- An institution may not disburse Title IV funds to a **current student** until the student completes the acknowledgment on ED's website.
- Specific content and distribution requirements for student warnings are located at 34 C.F.R. § 668.605.

GE: Loss of Title IV Eligibility

A GE program becomes ineligible for federal financial aid if the program:

Fails the D/E rates test in two out of any three consecutive award years for which the program's D/E rates are calculated

Fails the Earnings Premium test in two out of any three consecutive award years for which the program's Earnings Premium is calculated

GE: Period of Ineligibility

- An institution “may not seek to reestablish the eligibility of a failing GE program that it **discontinued voluntarily** either before or after D/E rates or the earnings premium measure are issued for that program, or reestablish the eligibility of a program that is ineligible under the D/E rates or the earnings premium measure, until **three years** following the earlier of the date the program loses eligibility... or the date the institution voluntarily discontinued the failing program.”

GE: Period of Ineligibility

- An institution may not add a GE program that is “substantially similar” to a program that the institution voluntarily discontinued or became ineligible until the three-year period expires.
- A program is “substantially similar” to another program if the two programs share the same **four-digit** CIP code.

Non-GE: Student Acknowledgements

- Beginning on July 1, 2026, if a non-GE graduate degree program has failing D/E rates, prospective students must acknowledge that they have reviewed ED's website before the institution may enter into an agreement to enroll the student.
- Note that the acknowledgement requirement is limited to prospective students.
- There also is no consequence for non-GE programs that fail the Earnings Premium test (apart from disclosure on ED's website). The student acknowledgement requirements for non-GE graduate degree programs are based solely on D/E rate performance.

Non-GE: Student Acknowledgements

- ED will “administer and collect the acknowledgment from students through the program information website.”
- Prospective students will be required to complete the acknowledgements until (i) the program has achieved passing D/E rates or (ii) three years have passed since ED notified the institution that the program had failing D/E rates, whichever is earlier.

Non-GE: Student Acknowledgements

- It is unclear how and to what extent institutions that do not utilize **enrollment agreements** will be required to comply with the acknowledgement requirement for non-GE graduate degree programs.
- We speculate, however, that ED will expect prospective students to complete the acknowledgement prior to beginning their program.
- ED indicates that it will enforce this rule through “audits, program reviews, or other investigations.”

Is it possible to appeal ED's rate determinations?

A Very Limited Appeal

If a GE program is rendered ineligible, its “participation” in the Title IV programs ends upon the earliest of:

The issuance of a new ECAR omitting the program

The completion of a termination action of program eligibility, if an action is initiated under subpart G by ED

A revocation of program eligibility if the institution is provisionally certified

A Very Limited Appeal

- In the commentary, ED observes “institutions with programs that are not eligible... as the result of failing GE rates can appeal under subpart G of part 668 if they believe the Secretary erred in the calculation of the program’s D/E rates... or the earnings premium...”
- But an institution may only initiate an appeal under subpart G if ED **first initiates** a termination action of program eligibility under subpart G. If ED simply updates the ECAR, or revokes eligibility for a provisionally certified school, the appeal right does not appear to exist.
- Further, the institution may only appeal “if it believes the Secretary erred in the calculation of” the program’s D/E rates or the Earnings Premium.

No other Challenges or Appeals

- The final rule omits any other opportunity to challenge the accuracy of the D/E rate and Earnings Premium calculations.
- ED also declined to include any form of alternate earnings appeal.
- “With the benefit of experience, other developments since 2014, and the inclusion in these rules of various safeguards against significantly inaccurate or underestimated complete earnings, we have concluded that alternate earnings appeals of the kind the commenters suggested would be unreasonable if not arbitrary.”

GE Program Certifications

GE Program Certifications

- As a condition of continued participation in the Title IV programs, an institution must certify that each GE program it offers is “approved by a recognized accrediting agency or is otherwise included in the institution’s accreditation by its recognized accrediting agency, or, if the institution is a public postsecondary vocational institution, the program is approved by a recognized State agency for the approval of public postsecondary vocational education in lieu of accreditation.”

GE Program Certifications

- For existing GE programs, institutions will be required to submit the required certification by December 31, 2024.
- On a go-forward basis, institutions will be required to update the certification within 10 days “if there are any changes in the approvals for a program, or other changes for a program that render an existing certification no longer accurate.”

Implications for Academic Program Planning and Review

Implementation Timeline

July 1
2024

- Effective date of the new GE Rule

July 31
2024

- Deadline to report first tranche of data

October 1
2024

- Deadline to report most recent award year data

December 31
2024

- Deadline for initial certification of GE programs

January - June
2025

- ED issues first round of determinations to schools

October 1
2025

- Deadline to report most recent award year data

July 1
2026

- Disclosure, distribution, acknowledgement, and warning requirements begin

Institutional Action Plans

- Initiate conversations among institutional leadership, legal counsel, academics and others to determine who will be responsible for compliance with this rule.
- Determine whether to elect standard or transitional reporting and begin developing a reporting plan.
- Work to model program performance to determine whether action may be taken to improve outcomes, retire existing programming, or develop new programs.

An aerial, high-angle photograph of a large crowd of people at an outdoor event. The people are scattered across a light-colored ground, and many are wearing colorful clothing. The image is slightly blurred, giving a sense of movement and a large gathering. Overlaid on the left side of the image is the word "Questions?" in a large, bold, white sans-serif font.

Questions?

Presenter Profile

- Practice and Experience
 - SVP & General Counsel @ Southern New Hampshire University
 - Manages all Legal and Compliance oversight for complex residential and online institution, with both domestic and international programs.
 - Previously GC at both State and Private Institutions.
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Presenter Profile

- Practice and Experience
 - Assists institutions of higher education to navigate challenging legal and regulatory matters.
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