

New Program Approval

ED has requested proposals relating to the approval of new Gainful Employment programs. It has requested that such proposals assist it in narrowing the scope of new programs to be subject to such approval.

As has been discussed in our in-person sessions and at our telephonic session, most institutions offering GE programs are subject to multiple sources of program approval and oversight – by their accrediting bodies, state licensing agencies and, in many cases, by the Department itself, through the means of Provisional Program Participation Agreements (“PPPA”). Many of these accrediting bodies and many of the state licensing agencies apply a rigorous standard of review to programs, evaluating their academic quality, the resources allocated to support students, and the demand for such programs. To be sure, some states are less rigorous than others, providing little to no oversight of new programs offered within their jurisdictions. However, for multistate and online institutions, new programs must be developed to satisfy the requirements of the most rigorous oversight entity, notwithstanding the more permissive requirements of others.

Any GE program approval regimen to be developed by ED should take into account that dynamic matrix of program approval for many institutions, requiring Departmental approval only in circumstances where an institution is unable to demonstrate that its programs are subject to a rigorous approval process prior to implementation. Such an approach would have the advantage of 1) ensuring rigorous review of all new GE programs, 2) minimizing duplicative or conflicting requirements for institutions, 3) minimizing the substantial burden on the Department of reviewing large numbers of proposed GE programs, and 4) minimizing the Department’s involvement in the program of instruction of educational institutions and preserving the integrity of each sector’s role in the so-called “triad” of higher education oversight.

Proposal:

- 1) If an institution can demonstrate that a new program has already been substantively reviewed and approved by any state or any of the institution’s accreditors, then the new program would not be required to be separately approved by the Department;
- 2) If an institution’s programs are required to be reviewed and approved by ED pursuant to a PPPA, then the approval procedures employed by ED in that process would be sufficient for GE program approval purposes, and no further or additional ED review process would apply;
- 3) In the event that all of an institution’s programs pass the GE metric(s) (however defined) for two consecutive years, the institution’s new programs shall be exempt from any ED program approval process, notwithstanding 1) and 2) above.