# U.S. Department of Education

## Gainful Employment Negotiated Rulemaking

# 2017-2018

# Session Two Meeting Summary

# February 5-8, 2018

**Welcome**

Gregory Martin welcomed the members of the Gainful Employment Negotiated Rulemaking Committee (“Committee”).

**Introductions**

The Committee members and facilitators introduced themselves.

**Review and Acceptance of the Session One Summary and Session Two Agenda**

The Committee reviewed and accepted the Session One Meeting Summary and the Session Two Agenda.

**Discussion of Issues**

The Committee discussed and reviewed draft regulatory language prepared by the Department of Education (“Department”) for the following issues:

* Issue Paper #1: Scope and Purpose
* Issue Paper #2: Gainful Employment Metrics
* Issue Paper #3: Debt Calculations
* Issue Paper #4: Sanctions
* Issue Paper #5: Alternate Earnings Appeals
* Issue Paper #6: Program Disclosures
* Issue Paper #7: Reporting Requirements
* Issue Paper #8: Certification Requirements
* Technical and Conforming Changes
* GE Regulatory Language Combined

Throughout the discussion, the Committee discussed the Department’s language for each issue, presenting, considering, and negotiating alternative proposals.

The Committee provided favorable temperature checks, *in concept*, for the following areas related to Issue Papers 2-4:

* Defining the metrics trigger that identifies low-performing programs as a combination of debt to earnings (“D/E”) and the repayment rates. A program would not be subject to additional review or corrective actions if a program performs favorably in *either* D/E or repayment rates.
* Calculating the debt to earnings based on the total debt/total earnings with no amortization at the institutional level.
* Imposing a two-tier process for disclosures for D/E non-performing programs; requiring advanced notification for *certificate* programs vs. a simpler notification for *degree* programs.
* Imposing a requirement that the Department will exact *some type* of corrective action for programs that do not meet the metrics standards. Corrective action may include Departmental authority such as limitation, suspension, and termination, program reviews, letters of credit requirements, heightened cash monitoring, provisional certification, etc. which could lead up to and including the loss of Title IV funding.
* Eliminating graduate degree programs from the application of any sanctions under this regulation.

The committee approved the creation of a subcommittee to recommend regulatory language related to licensure under Issue Paper 6.

The Department will review the comments made during the discussion and prepare revised regulatory language.

# Additional Participants

Steve Finley, Cynthia Hammond, Sarah Hay, Brian Siegel, and Annmarie Weisman, from the Department of Education, provided additional information to the Committee.

# Public Comment

# The Committee heard comments from the public each day of the session.

# Next Meeting

**March 12-15**

**Potomac Center Plaza**

**550 12th Street SW**

**Washington, DC**

**Next Steps**

The facilitators will distribute a draft summary of the second meeting and a draft agenda for the next meeting. In addition, the Department will revise and distribute draft regulatory text related to the issues negotiated and proposals submitted prior to the next negotiation. Information and proposals that Committee members want to share with the Department should be sent to the facilitators for distribution to the entire Committee. Committee members will continue to communicate with others within their communities of interest to inform and get feedback from them. Any questions may be directed to the facilitators.

**Members Present**

Ahmad Shawwal

Andrew Hammontree

Anthony Mirando

C. Todd James

Chad Muntz

Christina Whitfield

Christopher Gannon

Christopher Madaio

Daniel Elkins

David Silverman

Gregory Martin

Jeff Arthur

Jennifer Blum

Jennifer Diamond

Jessica Barry

John Kamin

Johnson M. Tyler

Jordan Matsudaira

Kelly Morrissey

Kirsten Keefe

Laura Metune

Marc Jerome

Mark McKenzie

Matthew Moore

Neal Heller

Pamela Fowler

Roberts Jones

Ryan Fisher

Sandy Sarge

Stephen Chema

Thelma Ross

Tim Powers

Whitney Barkley-Denney