



Timeline for First Set of Gainful Employment Rates Slips Further

February 10, 2016

The US Department of Education has announced another delay in the distribution of the Completer Lists for Gainful Employment programs until Spring 2016, which is bound to push back the date for ED to issue the first set of Draft GE Rates and, ultimately, Final GE Rates. This is one of several changes in ED's schedule to release the Completer Lists that were originally expected in November 2015. As a result, the date when institutions could be subject to the impact of the first set of rates – the requirement to issue student warnings based on a single year of failing rates – could be pushed out three to four months to the Spring of 2017.

The Completer Lists are significant since they represent the first concrete step in ED's process to calculate GE Rates. These lists are intended to identify every Title IV student who graduated from every GE program in the relevant time periods, so that ED can be sure it uses the right population to calculate rates for those programs. Once ED circulates these lists, institutions have 45 days to offer corrections and challenges, and then ED must proceed to attach the correct debt amount as well as the relevant earnings information from the Social Security Administration for each completer.

While ED has provided little information on the cause of the delays in preparing the Completer Lists, these difficulties are quite notable since the data processing challenges can only get more complex as ED attempts to integrate the debt and earnings data to calculate GE Rates. There were reports in Fall 2015 that ED was having trouble setting up its GE database system and it seems evident that those problems are persisting. The severe criticism of ED's data management systems at a House hearing last week could also contribute to the delays, since we understand that ED is now reviewing many of its data systems and procedures.

There is no official timeline for ED to take all of the steps to issue the GE Rates, but ED has previously provided guidance suggesting that it expected to issue Draft GE Rates in Summer 2016 and Final GE Rates in late 2016 or early 2017. With the further postponement of the Completer Lists, it is possible that those dates could slip another three to four months so that we might not see the first set of Draft GE Rates until late 2016 and the first set of Final GE Rates, which could trigger the student warnings, until Spring 2017. The time period when programs might lose eligibility based on failing rates for two years in a row could slip until early 2018. We will be monitoring to see if ED clarifies this timing.

Institutions will have several opportunities to challenge the data used to calculate the GE Rates, once the Completer Lists are issued. If you want more information on the timelines and procedures for challenges, please let us know.

View ED's [latest announcement on the timing of the Completers List](#).

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or entity (collectively referred to as "Cooley"). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty to keep any information you provide to us confidential. This content may be considered **Attorney Advertising** and is subject to our [legal](#)

Key Contacts

Katherine Lee Carey San Diego	kleecarey@cooley.com +1 858 550 6089
----------------------------------	---

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

Copyright © 2023 Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304; Cooley (UK) LLP, 22 Bishopsgate, London, UK EC2N 4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.