



Department of Education to Distribute Earnings Data for GE Programs

October 12, 2016

Institutions with gainful employment (GE) programs will receive the first set of earnings data for those programs' graduates in the coming days according to a [new announcement](#) from the Department of Education. This is a prelude to the first set of draft GE rates, which ED intends to distribute later in October.

The earnings data is based on earnings information derived from the Social Security Administration (SSA) for the 2014 calendar year. The data report will include a list of your institution's GE programs with the aggregated mean and median earnings for the graduates of each program. Institutions will not receive individualized earnings data for graduates.

While institutions cannot respond to ED regarding this data, the information will provide them with an advance look at SSA's earnings data to better predict their actual draft GE rates. We strongly encourage institutions to examine the earnings data to assess its accuracy (based on the very limited information institutions might have), and to compare the data with institutional in-house information on student debt to develop a more accurate expectation of the draft rates for GE programs. Institutions will have limited appeal rights after the draft rates are issued and should use this opportunity to prepare for such appeals.

ED also intends to publicly post the 2014 calendar year earnings data for all GE programs with ten or more graduates on the [FSA Data Center](#) in the near future. Thus, institutions can expect a wave of media reports on this earnings information.

ED did not provide any further information on the timing of the first set of final and enforceable GE rates, but ED made clear in earlier announcements that it is aiming for January 2017. That date would allow ED very little time to receive and resolve all appeals of draft GE rates, and observers will be closely watching to see if ED can meet that deadline.

Note also that the Department [is currently seeking comments](#) on its disclosure template for GE programs, which is also expected to go into use in January 2017. The underlying documents, including the draft template, are available at <https://www.regulations.gov/docket?D=ED-2016-ICCD-0100>. Comments will be accepted through November 14, 2016, and we would be pleased to assist you in such comments.

Please let us know if you need more information on these issues as ED prepares to issue the first set of draft and final GE rates.

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 notices](#).

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.