



July 24, 2015

Dr. Ted Mitchell
Under Secretary
U.S. Department of Education

Ms. Lynn Mahaffie
Deputy Assistant Secretary for Policy, Planning, and Innovation
Office of Postsecondary Education
U.S. Department of Education

Mr. Jim Runcie
Chief Operating Officer
Federal Student Aid
U.S. Department of Education

Under Secretary Mitchell, Deputy Assistant Secretary Mahaffie, and COO Runcie:

On behalf of the National Association of Student Financial Aid Administrators (NASFAA), I write to urge the Department to extend the impending July 31 Gainful Employment (GE) reporting deadline to allow more institutions to submit accurate reports. NASFAA represents nearly 20,000 financial aid professionals at approximately 3,000 institutions across the country who work with financial aid and enrollment data on a daily basis. Even after great effort, our members - particularly from the community college and proprietary sectors - have voiced grave concerns about their ability to accurately report the extensive GE data due next week.

Gainful employment (GE) regulations have had a tortured history, and piecemeal implementation. The latest phase, which includes reporting requirements, was finalized October 31, 2014, with an effective date of July 1, 2015. Reporting of required data must begin no later than July 31, encompassing years back to 2008-09 for most programs. This first set of

data is proving difficult for institutions to amass, given the number of years that must be reported, how far back the data goes, and the recency of final rules and guidance.

In response to concerns raised by institutions about the short implementation window, the Department of Education (ED) has pointed out that schools have had nine months to learn the final rules, develop an institution-wide implementation plan, and execute that plan. However, during those nine months between October 31, 2014 and July 31, 2015, ED has continued to issue implementation guidance on a rolling and unpublicized schedule, requiring that schools continually review their plans and make adjustments as appropriate. Below is a list of key GE reporting guidance and their release dates:

Guidance	Release Date
GE Reporting FAQs	February, April, May, and July 2015
NSLDS GE User Guide	February, updated on June 30
GE reporting file record layout	January 9
Summary of GE Requirements DCL	June 30

As recently as the NASFAA conference this past week, members asked clarifying questions about whether they needed to report on specific programs no longer in existence, and were told that additional guidance was forthcoming. Given the continual release of ED guidance, schools have understandably been scrambling to meet the July 31 reporting deadline, despite their best efforts.

ED also indicates that schools could have started working on the reporting requirements when the Notice of Proposed Rulemaking (NPRM) was released earlier in 2014. We have always cautioned against taking action on proposed rules, especially such contentious rules as these, as they are generally subject to change. Indeed, an element was added to reporting requirements in this final rule: job placement rates, if the institution is otherwise required to calculate them. We appreciate the Department's delayed implementation date for this particular element.

However, since no rule is certain until it is finalized, and no authority exists to require early implementation of a proposed rule, the same reasoning should be applied to the rest of the reporting requirements: schools need more time to comply. Once the first batch of multiple years has been satisfied, future reporting of individual years should be easier.

This request should in no way indicate any intention by schools to not be in compliance with the reporting requirements. But our members are also concerned that, without additional time, reported data is more likely to be inaccurate. We therefore request that ED delay the reporting deadline, preferably by six months to January 31, 2016. We encourage the Department to further assure institutions that a reasonable time period for penalty-free data corrections will be allowed, following any deadline for reporting.

We support ED's goal of ensuring that Title IV funding is preserved for certificate and non-degree programs that lead to gainful employment. Thank you for your consideration of the deadline extension.

Regards,



Justin Draeger
NASFAA President

Cc: Jeff Baker, Director Policy Liaison and Implementation, Federal Student Aid