

# Q & A from NASFAA's Webinar

## Gainful Employment Issues

February 22, 2017



The following is a compilation of the unanswered questions remaining after the Q&A segment of the February 22, 2017, Gainful Employment Issues Webinar. Many of the questions were similar in nature and have been combined to avoid duplication of answers. All regulatory references may be found in [NASFAA's Compiled Title IV Regulations](#) or in the [Electronic Code of Federal Regulations \(e-CFR\)](#).

This document has been updated to reflect new guidance from the Department of Education released in [Gainful Employment Electronic Announcement #105–Additional Time for Submission of an Alternate Earnings Appeal and to Comply with Gainful Employment \(GE\) Disclosure Requirements](#), posted on March 6, 2017.

Question	Answer
<b>General Questions</b>	
1. How does the Department of Education (ED) define a prospective student? Would it include international students? What about students who will not receive Title IV aid?	The definition of prospective student is found in 34 CFR 668.402: "Prospective student. An individual who has contacted an eligible institution for the purpose of requesting information about enrolling in a GE program or who has been contacted directly by the institution or by a third party on behalf of the institution about enrolling in a GE program." International students are not excluded from this definition. Likewise, non-Title IV aid recipients are not excluded. It would be likely you would not have information regarding a student's eligibility for Title IV aid at the time they make an inquiry about a program.
2. Who is responsible for maintaining gainful employment (GE) records?	See 34 CFR 668.24 Record retention and examinations. The institution is responsible for retention of all Title IV, HEA program records.
3. Do we know when the list of students for next year will be released for our review?	If you are referring to the completers list, we do not have the exact date for the release of the next draft completers list. The most recent draft completers list was released June 1, 2016.
4. Is there a good primer/overview document that you recommend reading regarding GE?	There are several GE resources provided on the <a href="#">IFAP Gainful Employment Information Webpage</a> which include the <a href="#">Gainful Employment Operations Manual</a> , <a href="#">NSLDS Gainful Employment User Guide</a> , as well as links to relevant Dear Colleague Letters, Electronic Announcements, and ED training information. NASFAA will offer the <a href="#">NASFAA U Gainful Employment Online Course</a> beginning March 27, 2017. Additionally, NASFAA offers the <a href="#">Gainful Employment Self-Study Guide</a> . Regional and state financial aid associations also offer NASFAA Authorized Events which may include Gainful Employment training.
5. Can you provide guidance as to how to complete the new 2017 GE disclosure template? Will ED be providing a new 2017 GE disclosure template worksheet?	There were multiple questions submitted regarding the completion of the 2017 GE disclosure template. This falls outside the scope of this webinar's topics; however, you can find guidance related to completion of the 2017 GE disclosure template at <a href="https://ifap.ed.gov/GainfulEmploymentInfo/indexV2.html">https://ifap.ed.gov/GainfulEmploymentInfo/indexV2.html</a> which includes the <a href="#">Gainful Employment Quick Start Guide</a> . You may also refer to the <a href="#">Gainful Employment Operations Manual</a> and the <a href="#">NSLDS Gainful Employment User Guide</a> .

Question	Answer
6. How will ED evaluate compliance with these requirements? Will this be evaluated on a program review? It seems it will be very challenging to gather proof of these things?	Schools should maintain documentation of Title IV programs and program funds. We do not have information regarding when and how ED will make evaluations regarding GE compliance.
7. We end up writing off most of the balances remaining when a student drops out. Do we still submit this as student debt even though they don't pay it?	<p>34 CFR 668.404(d)(1)(iii) defines institutional debt as “The amount outstanding, as of the date the student completes the program, on any other credit (including any unpaid charges) extended by or on behalf of the institution for enrollment in any GE program attended at the institution that the student is obligated to repay after completing the GE program, including extensions of credit described in clauses (1) and (2) of the definition of, and excluded from, the term ‘private education loan’ in 34 CFR 601.2.”</p> <p>Regardless of whether your institution eventually writes the debt off, any outstanding balance on the student’s account at the time the student completes, or withdraws from, a program is considered institutional debt for GE reporting purposes.</p>
8. Is there a GE listserv available through NASFAA or ED?	NASFAA does not have a GE listserv. We are not aware of an ED GE listserv. However, you may email ED at <a href="mailto:ge-questions@ed.gov">ge-questions@ed.gov</a> .
9. Does an application fee count as a financial commitment?	<p>While ED does not define “financial commitment”, the Gainful Employment NPRM published in the March 25, 2014 <i>Federal Register</i>, states on page 16480, “Second, to address concerns about high-pressure enrollment tactics, we are proposing that an institution must make these disclosures to a prospective student before the student makes a financial commitment to the institution, for example, by signing an enrollment agreement or otherwise completing registration.”</p> <p>The determining factor in whether the application fee is considered a financial commitment would be whether it serves as an obligation from the student to your institution that the student has agreed to enter into an enrollment agreement or register, e.g. a deposit, or whether it is only a fee assessed to cover the administrative costs associated with processing a student's application, e.g. a \$10 processing fee, etc. In many cases, an application fee does not bind an applicant to a larger financial commitment to the institution. Since policies on admission fees and the commitments associated with applying may vary across institutions, each institution will have to make its own determination.</p>
10. Is an application fee or housing deposit considered a financial obligation?	Similar to the previous answer, any fee or deposit that obligates a student to enroll or register in a program and commit financially to the institution for that enrollment or registration would be considered a “financial commitment”.

Question	Answer
<p>11. How and where does ED notify the institution of the D/E rates for both failing and zone programs?</p>	<p>See <a href="#">Gainful Employment Electronic Announcement #100–Upcoming Release of Final Gainful Employment Debt-to-Earnings (D/E) Rates</a> (subject line later corrected in <a href="#">Gainful Employment Electronic Announcement #102 - Corrected Subject Line for Final GE Debt-to-Earnings (D/E) Rate Letters</a>):</p> <p><b><u>Release of Final Debt Measure Year 2015 GE Debt-to-Earnings (D/E) Rates</u></b></p> <p><b><i>Institutional Access:</i></b></p> <p>Institutions may receive their final GE D/E rates and backup data through the following methods:</p> <ul style="list-style-type: none"> <li>• A letter to the institution’s chief executive officer that includes the institution’s final GE D/E rates will be placed in the institutionally-designated Student Aid Internet Gateway (SAIG) mailbox under SAIG message class GELFLEOP.</li> <li>• A GE Debt Measures Backup Data detail file for an institution’s GE programs for which GE D/E rates were calculated will be placed in the institution’s SAIG mailbox under SAIG message class GEBFLEOP.</li> <li>• If an institution has not yet designated a GE SAIG mailbox and thus, will not receive its GE files, the institution can request the GE Debt Measures Backup Data detail files using the “GE Debt Measures Backup by Calc Year” or “GE Debt Measures Backup by Program” options on the Reports tab of the NSLDS Professional Access website. The requested reports will be sent in SAIG message class GEBFLEOP. Note that the letter to the institution’s chief executive officer, described above, is not available upon request on the NSLDS Professional Access website. An institution must have a designated GE SAIG mailbox in order to receive the letter.</li> <li>• An institution may also view its final GE D/E rates on the Org tab of the NSLDS Professional Access website, on the GE Debt Measures page.</li> </ul> <p>As a reminder, the GE Debt-to-Earnings Backup Data Viewer Tool is available to import, view, and sort the GE Debt Measures Backup Data detail files. For more information about this tool, refer to <a href="#">Gainful Employment Electronic Announcement #93</a>.</p>
<p>12. How does GE work with regard to minors, not the major?</p>	<p>If the program is offered at a for-profit proprietary institution, except in limited situations (see the webinar handout), typically all programs are GE programs. In this case, the program would be subject to all GE reporting and disclosure requirements. If the institution is a public or private nonprofit and a student who is enrolled in a bachelor’s degree program has declared a minor (i.e. not enrolled in a certificate), that would not trigger any of the GE rules.</p>

Question	Answer
<p>13. I've been under the impression that due diligence was overturned by a court order. Our regional office has ceased asking us for supporting information.</p>	<p>This was added back into regulation effective July 1, 2015. We have requested additional clarification on this topic from ED.</p> <p>34 CFR <a href="#">600.20(d)(2)</a> currently reads:</p> <p>(2) Notice format. An institution that notifies the Secretary of its intent to offer an additional educational program under paragraph I(3) of this section must at a minimum—</p> <p>(i) Describe in the notice how the institution determined the need for the program and how the program was designed to meet local market needs, or for an online program, regional or national market needs. This description must contain any wage analysis the institution may have performed, including any consideration of Bureau of Labor Statistics data related to the program;</p> <p>(ii) Describe in the notice how the program was reviewed or approved by, or developed in conjunction with, business advisory committees, program integrity boards, public or private oversight or regulatory agencies, and businesses that would likely employ graduates of the program;</p> <p>(iii) Submit documentation that the program has been approved by its accrediting agency or is otherwise included in the institution's accreditation by its accrediting agency, or comparable documentation if the institution is a public postsecondary vocational institution approved by a recognized State agency for the approval of public postsecondary vocational education in lieu of accreditation; and</p> <p>(iv) Provide the date of the first day of class of the new program.</p>
<p>14. Gainful Employment Electronic Announcement #39 indicated that the enforcement of the 90-day notice of intent to offer a new gainful enforcement program and approvals for new programs was suspended and regulations exist as they were prior to 7/1/2011. Our institution has successfully added new GE programs within the last two years without providing market studies and other similar information. Can you provide information as to when these requirements might have been reinstated?</p>	<p>As indicated in the previous question, the regulatory language was added back effective July 1, 2015. We have requested additional clarification on this topic from ED.</p> <p>34 CFR 600.20(d)(1)(ii) currently reads:</p> <p>An institution that notifies the Secretary of its intent to offer an educational program under paragraph I(3) of this section must ensure that the Secretary receives the notice described in paragraph (d)(2) of this section at least 90 days before the first day of class of the educational program.</p>
<p>15. Can you please define a completer? If a student's plan of study on record is a GE program, but the student does not apply to graduate from that program, but has completed all coursework required, is that student a completer for GE reporting purposes?</p>	<p>In the <a href="#">Gainful Employment Disclosure Quick Start Guide</a>, ED defines a completer as: "A student who receives a degree diploma, certificate, or other formal award. For GE reporting and disclosure purposes: a student is considered to have completed an educational program when the student has satisfied all of the academic requirements of the program, regardless of whether the degree, certificate, or other institutional credential has been awarded to the student."</p>

Question	Answer
<b>Embedded Programs</b>	
<p>16. We have been told that if the student can earn the certificate independently of the larger degree we have to provide the disclosure. Can you confirm?</p>	<p>At a public or private nonprofit institution, if the student is separately enrolled in both a degree program and a certificate program, i.e. he or she is concurrently enrolled in two separate programs, then the certificate program is subject to GE reporting requirements. If the student is enrolled in a degree program which includes coursework that satisfies the requirements for a certificate; however, the student is <i>only</i> enrolled in the degree program this is considered embedded coursework and the student, in this case, is not included in GE reporting. Keep in mind that a significant number of students enrolled in the degree program must complete the degree rather than withdrawing after the certificate coursework has been completed. See <a href="#">Gainful Employment Electronic Announcement #12: Certificates Awarded as Part of a Degree Program</a> for more information.</p>
<p>17. As a community college, we have many associate degrees with embedded certificates. If our students enroll only in the associate degree program, but we automatically award certificates once the coursework is completed, would they be included in GE reporting?</p>	<p>If, at a public or private nonprofit institution, a significant number of students enrolled only in the degree program complete the degree rather than withdrawing after the certificate coursework has been completed, this is considered embedded coursework and the student(s) would not be included in GE reporting. See <a href="#">Gainful Employment Electronic Announcement #12: Certificates Awarded as Part of a Degree Program</a> for more information.</p>
<p>18. We have students who are enrolled in a teacher credential program in which the credential is awarded by the state (California). To better prepare the student to be employed in the state, the student can enroll in a bilingual certificate and sometimes enroll only in non-teaching credential programs. Does this bilingual certificate require reporting?</p>	<p>If your institution is a public or private nonprofit institution and the teaching credential is conferred by the state, not the institution, the teacher credential program is not subject to GE reporting. However, if the students in the teaching credential program are concurrently enrolled in the bilingual certificate program, and your school confers the certificate to these students, then the students enrolled in the program would be included in GE reporting since the students are separately enrolled in a GE certificate program.</p>
<p>19. If a new certificate is embedded in an associate degree program at a nonprofit public institution, does the new certificate need to be approved by ED?</p>	<p>The answer depends upon whether students can separately enroll in the certificate program from the degree program. If they cannot, and the certificate is awarded to students as they complete requirements on their way to completing degree requirements, it is not subject to GE. All of the certificate coursework must be a part of the associate degree program requirements in this situation; otherwise, any courses that were not a part of the associate degree program would not be counted in the student's Title IV enrollment status.</p> <p>If students can enroll separately and the certificate is conferred for students who complete the certificate coursework without completing the degree program, then it would be subject to GE, requiring ED approval if the institution wants it to be Title IV eligible.</p>



Question	Answer
<p>20. As a public institution, we have students who must be enrolled in a degree program in order to complete a certificate and all certificate courses count toward the degree; however, students are concurrently enrolled in both the certificate and the degree. Is this still exempt? It is not technically a standalone program. A student cannot enroll in the certificate without also being enrolled in a degree, but they are separate enrollment plans.</p>	<p>In order to meet the exemptions for certificates awarded as part of a degree program, a student must only be enrolled in the degree program. In other words, they must not be separately enrolled in both a degree program and a Title-IV eligible certificate program. In your scenario, the students in the certificate program must be included in GE reporting. See <a href="#">Gainful Employment Electronic Announcement #12: Certificates Awarded as Part of a Degree Program</a> for more information.</p>
<p>21. What if a student decides upon applying for graduation that they are eligible to earn a certificate in a program of which they were previously unaware? Is it acceptable or required to give the disclosure to the student at that time?</p>	<p>The answer will depend on whether your institution requires the student to enroll in the certificate program as a standalone program. If so, then you must comply with all GE reporting and disclosure requirements for that student and program. However, if the coursework required for the certificate is included in the student's degree program, and the student is awarded a certificate based on that embedded coursework, and a significant number of students enrolled in the degree program complete the degree program and do not withdraw after receiving the certificate, the student would not be included in GE reporting and would not be subject to disclosure requirements. This answer assumes your institution is a public or private nonprofit institution.</p>
<p>22. To clarify, embedded coursework vs concurrent enrollment, if the courses can be used as part of a larger bachelor's degree program but are not required for the bachelor's, are they considered concurrent enrollment?</p>	<p>If a student is taking coursework at a public or private nonprofit institution, coursework that is not required for the bachelor's degree program cannot be included in determining the student's enrollment status for Title IV purposes.</p> <p>In your scenario, if a student wants to complete certificate coursework that does not fulfill degree program requirements, the only way those courses would be eligible for Title IV funds would be if the student were enrolled in the Title IV-eligible certificate program. Meaning, the student would be enrolled in both a degree program and a certificate program and, therefore, the student would be included in GE reporting for the certificate program.</p>
<p>23. To clarify the disclosure process for concurrently enrolled students, we have to present the GE disclosure template if the student enrolls in a certificate program later than he enrolled in a corresponding degree program even if the coursework can be applied to the degree and the student is not incurring any additional tuition for that certificate?</p>	<p>The key point in your question is "the student enrolls in a certificate program later than he enrolled in a corresponding degree program". In this case, the student is enrolled in two separate programs, a degree program and a certificate program. Therefore, the student would be included in GE reporting for that certificate program, and disclosure requirement would apply to that student. See <a href="#">Gainful Employment Electronic Announcement #12: Certificates Awarded as Part of a Degree Program</a> for more information.</p>

Question	Answer
<p>24. We have a master's degree program that, when the coursework is completed, the student has the choice of 1) completing the master's thesis for the degree or 2) choosing not to complete the master's thesis and earn a graduate certificate. Do we report the students who choose the certificate as GE students? What about the disclosure requirements?</p>	<p>Similar to the answer to the previous question, the key to this answer will lie in whether or not your institution, assuming you are a public or private nonprofit institution, considers the certificate coursework to be part of the degree requirements and does not require the student to enroll separately in the certificate program. If that is the case, the student would not be included in GE reporting for this certificate program. If you require the student to enroll separately in the certificate program, then it is subject to GE reporting and disclosure requirements.</p>

### 2017 GE Disclosure Template and Program Warnings

**NOTE:** Subsequent to the original broadcast of this webinar, ED has provided updated guidance on the 2017 GE disclosure template. See [Gainful Employment Electronic Announcement #105–Additional Time for Submission of an Alternate Earnings Appeal and to Comply with Gainful Employment \(GE\) Disclosure Requirements](#).

ED has indicated that institutions now have until July 1, 2017 to begin complying with these new disclosure distribution requirements. Before that time, ED does not expect institutions to comply with the “enhanced dissemination” requirements. (Previous guidance provided for an April 3, 2017 deadline for posting the new template.)

Regarding warnings, institutions must, in addition to posting and disseminating student warnings, update a GE program's disclosure template to include student warnings. ED is not requiring institutions to update existing 2016 disclosure templates for this information. However, 2017 GE Disclosure Templates will be required to contain applicable student warnings by the July 1, 2017 implementation deadline. If an institution is informed through the Notice of Determination of the need to provide student warnings for a GE program after that program's 2017 Disclosure Template is posted, the template must be updated to contain the warning language.

<p>25. Are we required to provide the GE disclosure template on an annual basis to current students?</p>	<p>No, you are required to update the GE disclosure template for each of your GE programs at least annually; however, you are not required to provide the updated template to each enrolled student. The program web pages must provide the disclosure template for that program in a prominent, readily accessible, clear, conspicuous, and direct link to the disclosure template for that program. See 34 CFR 668.412 for disclosure requirements for GE programs.</p>
<p>26. Can a student be denied financial aid if the student does not provide the required acknowledgement after the second attempt has been made?</p>	<p>Your question does not indicate whether you are referring to the GE disclosure template or a GE program warning. In the case of a GE disclosure template for a prospective student, you must make two attempts at delivery. If the student subsequently enrolls in the GE program and you have not previously received acknowledgement of delivery of either of your two attempts to deliver the disclosure template, you should obtain confirmation at that time.</p> <p>If the prospective student has been provided a GE warning, you must not enroll, register, or enter into a financial commitment with the student if he or she has not confirmed receipt of the GE program warning.</p> <p>In either case, the acknowledgement would happen before the student enrolled so there would be no grounds for withholding Title IV aid from an otherwise eligible student.</p>

Question	Answer
<p>27. Is the 2017 GE disclosure template effective starting with summer 2017 enrolled students? Do we need to go back and send the disclosure to spring 2017 GE students?</p> <p>Regarding the April 3, 2017, deadline for delivering the 2017 GE disclosure templates, does this start for fall 2017 prospective students? The spring 2017 term started in January and students are already in attendance.</p>	<p><b>Recent ED guidance has changed the date by which schools must begin using the 2017 GE disclosure template.</b> Schools are required to begin using the 2017 GE disclosure template no later than July 1, 2017, for all its GE programs. Until your institution implements the new disclosure template, you should continue to provide students with the 2016 GE disclosure template. You are not required to provide enrolled students with the new disclosure template unless they change programs.</p> <p>Refer to <a href="#">Gainful Employment Electronic Announcement #99–Delay in Releasing the 2017 GE Disclosure Template and Applicable Deadlines</a>, <a href="#">Gainful Employment Electronic Announcement #103–Release of the 2017 GE Disclosure Template</a>, and <a href="#">Gainful Employment Electronic Announcement #105–Additional Time for Submission of an Alternate Earnings Appeal and to Comply with Gainful Employment (GE) Disclosure Requirements</a> for additional information.</p>
<p>28. Can we provide prospective students with a list of GE program disclosures? Is it acceptable to provide the disclosures for all GE programs offered by our institution; therefore, if they change programs we are covered?</p>	<p>You are required to provide prospective students with the GE disclosure template for the program about which they have inquired or about which your institution or a third-party acting on your behalf have contacted the student. If you provide the 2017 GE disclosure template by hand delivery, you could certainly provide each disclosure and have them sign a separate acknowledgement of receipt for each. However, if you are delivering the disclosure template via email, it can be the only substantive content in the email. You would have to provide a separate email for each GE disclosure template for each GE program.</p>
<p>29. Can a school choose an electronic method to provide the GE disclosure template information to prospective students? We would like to add this step to our confirmation process. Would it be acceptable to present the data to the student, either a PDF of the data, or link to our GE web page, that would pull up the corresponding program template? We would require a student to acknowledge they have read the document before we would allow them to continue and pay their deposit. We would be able to retain this acknowledgement in our system</p>	<p>Regulations stipulate only two methods for initial delivery of GE disclosure templates to prospective students: hand-delivery (individually or as part of a group) and email.</p> <p>See 34 CFR 668.412I(2) (2) The disclosure template may be provided to the prospective student or third party by—</p> <ul style="list-style-type: none"> <li>(i) Hand-delivering the disclosure template to the prospective student or third party individually or as part of a group presentation; or</li> <li>(ii) Sending the disclosure template to the primary email address used by the institution for communicating with the prospective student or third party about the program.</li> </ul> <p>(3) If the institution hand-delivers the disclosure template to the prospective student or third party, it must obtain written confirmation from the prospective student or third party that the prospective student or third party received a copy of the disclosure template.</p> <p>(4) If the institution sends the disclosure template to the prospective student or third party by email, the institution must—</p> <ul style="list-style-type: none"> <li>(i) Ensure that the disclosure template is the only substantive content in the email;</li> </ul>



Question	Answer
29. (continued)	<p>(ii) Receive electronic or other written acknowledgement from the prospective student or third party that the prospective student or third party received the email;</p> <p>(iii) Send the disclosure template using a different address or method of delivery if the institution receives a response that the email could not be delivered; and</p> <p>(iv) Maintain records of its efforts to provide the disclosure template required under this section.</p> <p>See also <a href="#">ED's Gainful Employment – Frequently Asked Questions, D-Q22</a>.</p>
30. If we have our 2016 disclosures done, we do not have to do anything else and we forego the 2017 disclosure template, right?	<p>No. Institutions must begin using the 2017 GE disclosure template for all of its GE programs no later than July 1, 2017.</p> <p>Refer to <a href="#">Gainful Employment Electronic Announcement #99–Delay in Releasing the 2017 GE Disclosure Template and Applicable Deadlines</a>, <a href="#">Gainful Employment Electronic Announcement #103–Release of the 2017 GE Disclosure Template</a>, <a href="#">Gainful Employment Electronic Announcement #105–Additional Time for Submission of Alternate Earnings Appeals and to Comply with Gainful Employment (GE) Disclosure Requirements</a>, and <a href="#">Gainful Employment Electronic Announcement #105–Additional Time for Submission of an Alternate Earnings Appeal and to Comply with Gainful Employment (GE) Disclosure Requirements</a> for additional information.</p>
31. Does a student have to sign for a warning when you deliver it in person? If so, couldn't you just keep that signature and date on file as proof?	<p>Yes, if a student signs an acknowledgment of hand-delivery of a GE program warning, that is your documentation of delivery.</p>
32. For failing programs, the warning statement on the GE disclosure template is in red. If the institution is using the template to provide prospective students with the warning statement, are they required to print the warning statement in red or can it be printed in black and white?	<p>There is no requirement that the template be printed in color.</p>
33. Does the delivery of disclosure information to current and prospective students apply only to those programs in a warning, or does it apply to all GE programs?	<p>The 2017 GE disclosure template must be provided to all prospective students. A GE disclosure template would be provided to an enrolled student if he or she changed programs requiring you provide the template for the new program in which the student is enrolling.</p> <p>GE program warnings must be provided to all prospective and enrolled students.</p>
34. Is DOCU-Sign a valid option to have a student complete the acknowledgment for the warning and GE disclosure template?	<p>You are required to obtain written or electronic acknowledgement that a prospective or enrolled student has received a GE program warning. While we are not familiar with the DOCU-Sign process, if it provides you with such an acknowledgement, then that would serve as your documentation of delivery.</p>

Question	Answer
<p>35. What is considered acceptable documentation that the student received the disclosure and/or warning?</p>	<p>We received a number of very similar questions regarding what constitutes acknowledgement of delivery when the GE disclosure template or GE program warning is emailed to enrolled and/or prospective students.</p> <p>Please see the previously referenced <a href="#">ED's Gainful Employment – Frequently Asked Questions, D-Q22</a>.</p> <p>“D-Q22: The regulations state that if I choose to fulfill my institution's direct distribution requirements by emailing a disclosure template to prospective students or third parties, the disclosure template must be the only substantive content in the email and I must receive electronic or other written acknowledgment from the prospective student or third party that they have received the email. How do I fulfill this requirement?”</p> <p>“D-A22: Institutions should use a method that verifies the student or third party has read the message, whether it is passive or whether they must click to confirm receipt. An email read receipt would be acceptable, or the institution could have the prospective student or third party physically or electronically sign a statement that they have received their disclosure template, include a link at the bottom of the email for the prospective student or third party to click to indicate receipt (using a custom URL for each student, directing them to a webpage where they can enter in their information, etc.), or use a similar method. Regardless of whether the disclosure was hand-delivered or emailed, the institution should verify documentation of the prospective student's receipt of the disclosure template before allowing the prospective student to sign an enrollment agreement, complete registration, or otherwise make a financial commitment to the school.”</p> <p>Requirements for warnings are similar but with some key differences.</p> <p>The requirements for providing a GE program warning to a prospective student are stricter. Regardless of the method of delivery, you must provide the warning at least 3 business days before you enroll, register, or enter into a financial commitment with the student. If more than 30 days have passed since the first delivery of the warning, you must provide an additional warning and allow another three business days to pass before you enroll, register, or enter into a financial commitment with the student. In all cases, you must have a signed confirmation that the student received the warning before you can enroll, register, or enter into a financial commitment with the prospective student.</p> <p>Keep in mind, for an enrolled student, you must make two attempts to deliver the GE program warning. If, after two documented delivery attempts, you have not received delivery confirmation from the student, no further action is required.</p>

Question	Answer
<p>36. Why would you not be permitted to direct mail the GE disclosure to a prospective student along with the acknowledgement form for them to sign and return?</p>	<p>Regulations stipulate only two methods for initial delivery of GE disclosure templates to prospective students: hand-delivery (individually or as part of a group) and email.</p> <p>See 34 CFR 668.412I(2) (2) The disclosure template may be provided to the prospective student or third party by—</p> <ul style="list-style-type: none"> <li>(i) Hand-delivering the disclosure template to the prospective student or third party individually or as part of a group presentation; or</li> <li>(ii) Sending the disclosure template to the primary email address used by the institution for communicating with the prospective student or third party about the program.</li> </ul> <p>(3) If the institution hand-delivers the disclosure template to the prospective student or third party, it must obtain written confirmation from the prospective student or third party that the prospective student or third party received a copy of the disclosure template.</p> <p>(4) If the institution sends the disclosure template to the prospective student or third party by email, the institution must—</p> <ul style="list-style-type: none"> <li>(i) Ensure that the disclosure template is the only substantive content in the email;</li> <li>(ii) Receive electronic or other written acknowledgement from the prospective student or third party that the prospective student or third party received the email;</li> <li>(iii) Send the disclosure template using a different address or method of delivery if the institution receives a response that the email could not be delivered; and</li> <li>(iv) Maintain records of its efforts to provide the disclosure template required under this section.</li> </ul>
<p>37. Can an institution elect to mail the new 2017 GE disclosure templates to the students via postal mail instead of email or hand delivery?</p>	<p>No. Please see previous response.</p>
<p>38. If we are unable to email the template, and we will not be seeing the student in person, is our next step to mail it or is that not an option?</p>	<p>Hand-delivery and email are the only options for initial delivery of the GE disclosure template to a prospective student. See Question 38 above.</p>
<p>39. If the disclosure is embedded in the admission application process, where the disclosure opens separately and records a student's electronic confirmation of receipt, would that meet distribution requirements?</p>	<p>No. If using email delivery, the GE disclosure template must be the only substantive content in the email.</p>

Question	Answer
40. Does a web link to the disclosure template have to be provided in a document or webpage if just the name of the program is on the document or webpage? Or, is a web link only needed if substantive information about the program is displayed?	On any web page containing academic, cost, financial aid, or admissions information about a GE program, you must provide either the disclosure template for that program, or a prominent, readily accessible, clear, conspicuous, and direct link to the disclosure template for that program. See 34 CFR 668.412 for disclosure requirements for GE programs.
41. Would mailing a GE disclosure as a certified mail (we would receive confirmation that the letter was delivered) be considered “hand delivery?”	34 CFR 668.412I(2) defines hand delivery as occurring individually or as part of a group presentation. Mail, even with a certified mail receipt, does not constitute hand delivery.
42. Does the template itself need to be in the email content or can we provide a link to the template on the program webpage?	If delivering the 2017 GE disclosure template via email, it must be the only substantive content in the email. It may be in the body of the email text or can be an attached PDF document. It cannot be provided as a link.
43. Can you clarify when an institution must send the disclosure template? I wanted to do so at the time of application, is that okay?	The 2017 GE disclosure template must be provided to any prospective student, which is defined in regulation as an individual who has contacted an eligible institution for the purpose of requesting information about enrolling in a GE program or who has been contacted directly by the institution or by a third party on behalf of the institution about enrolling in a GE program. Based on that definition, you should not wait until a prospective student has made application before providing him with the disclosure template, unless submitting the application is the first contact the student has had with the institution.
44. Is the disclosure required only for students pursuing the GE program, or do all prospective students need to be notified of all GE programs?	The GE disclosure template must be provided to prospective students who are individuals who have contacted an eligible institution for the purpose of requesting information about enrolling in a GE program or who have been contacted directly by the institution or by a third party on behalf of the institution about enrolling in a GE program.
45. Should we be providing disclosure information to prospective students now, prior to April 3, 2017? For schools with rolling admissions how should they handle students who enroll prior to April 3, 2017?  Disclosure template delivery is required beginning April 3, 2017, which is the middle of our spring semester.  Do we need to deliver these to students who are currently enrolled in the programs? We would for next year, but would we need to for this semester?	<b>Recent ED guidance has changed the date by which schools must begin using the 2017 GE disclosure template.</b> The enhanced dissemination requirements are effective with the implementation of the 2017 GE disclosure template no later than July 1, 2017. Schools are not required to use these delivery options until they begin using the 2017 GE disclosure template.  While not required, there is nothing that prohibits a school from using these same delivery options for the 2016 GE disclosure template. Institutions must begin using the 2017 GE disclosure template for all its GE programs no later than July 1, 2017. Before that time, ED does not expect institutions to comply with the “enhanced dissemination” requirements.  Regarding warnings, institutions must, in addition to posting and disseminating student warnings, update a GE program’s disclosure template to include student warnings. ED is not requiring

Question	Answer
45. (continued)	institutions to update existing 2016 disclosure templates for this information. However, 2017 GE Disclosure Templates will be required to contain applicable student warnings by the July 1, 2017 implementation deadline. If an institution is informed through the Notice of Determination of the need to provide student warnings for a GE program after that program's 2017 Disclosure Template is distributed, the template must be updated to contain the warning language.
46. Could we use an internal system which provides the disclosure template to a student prior to registering for their classes which requires the student to read and acknowledge the student has read the disclosure that is provided, and then store the acknowledgement of that in our student system?	This system could be used in addition to the required delivery methods. You must deliver the GE disclosure template to all prospective students, not just those who eventually apply for admission and register for courses. While there is nothing to prohibit you from using this system to ensure you have confirmations from all students who do enroll in a GE program, you must still comply with the delivery and confirmation requirements for all prospective students.
47. How often should a school send disclosure information to prospective students, since students enroll or inquire about enrollment throughout the academic year (i.e. monthly or semester)?	ED has not specified a timeframe for delivery of the GE disclosure template to a prospective student. It would seem reasonable to set up a schedule to email the applicable GE disclosure template to prospective students on a such a basis that ensures all students who are required to receive delivery of the template actually receive it prior to signing an enrollment agreement, completing registration, or otherwise make a financial commitment to the school. In some situations, that may require a school to set up a daily schedule.
48. If we do not have any prospective students because the current GE program will be discontinued next year, can we only post the disclosures on a website? The program still exists, we're just not admitting any new students.	<p>You should continue to keep the information posted on the website. There is no guidance that makes allowance for omitting the GE disclosure template from program websites when the program is being discontinued.</p> <p>While there are no prospective students to whom the disclosure template must be delivered, any required warnings, if applicable, must still be delivered to currently enrolled students.</p>
49. We do not need to provide the updated disclosure template to students currently enrolled in a GE program for the current year, do we? It's just prospective students, correct?	Correct. You would only provide a new disclosure template to a currently enrolled student if that student is switching to another GE program.
50. If we submitted an intent to file an alternate earnings appeal for a program, when would we have to provide the warning and update the disclosure template?	<p>If your institution met the applicable deadlines for filing an appeal, the requirement to provide student warnings for the program in question is temporarily suspended pending a decision by ED.</p> <p>See the following from the <a href="#">Gainful Employment Electronic Announcement #103 – Release of the 2017 GE Disclosure Template</a></p>



Question	Answer
50. (continued)	<p><b>Student Warnings</b></p> <p>“If an institution has submitted an intent to file an alternate earnings appeal, it is not required to provide student warnings for a failing program while the Secretary considers the appeal. The Department’s Debt-to-Earnings (D/E) rates spreadsheet will be annotated to indicate that the program’s D/E rates are under appeal.”</p>
51. None of our GE programs have passed or failed the GE ratings because there are insufficient numbers of students in these programs. Are we still required to provide GE disclosures to prospective students since there is no information to give them?	<p>Yes, you must provide GE disclosure templates as required. A great deal of program information beyond a program’s D/E rate is provided in the disclosure template. Refer to 34 CFR 668.412 as well as the <a href="#">Gainful Employment Quick Start Guide</a> for more about information that must be provided in the GE disclosure template.</p>
52. We are ending a certificate program. The last group of students started in August, 2016 and will earn their certificates in August, 2017. Are we required to complete a disclosure template? We wouldn’t distribute it to students, but does it need to be posted on our website? Also, are we required to report anything to ED and by when?	<p>Yes. As long as the program is still being offered and/or has currently enrolled students, you must continue to complete the GE disclosure template. As for reporting the program close, you must report to ED within 10 days when a program will cease to be offered for at least 12 consecutive months.</p>
53. We provided all information to ED for our certificate programs. We received a response indicating we do not have enough enrolled students. All 11 programs are listed as N/A. Does that mean we are not required to send or use the GE disclosure template?	<p>You must complete a GE disclosure template for each of your GE programs regardless of the number of students enrolled. The disclosure template must be provided to prospective students, enrolled students (when required), and posted to the program’s web page.</p> <p>Please see <a href="#">ED’s Gainful Employment – Frequently Asked Questions, D-Q20</a>.</p> <p>If fewer than 10 students completed a GE Programs during the award year, for privacy reasons, the school should not disclose to the public:</p> <ul style="list-style-type: none"> <li>• Median debt amounts (Title IV debt, private educational loan debt, and debt from institutional financing)</li> <li>• On-time completion rate</li> <li>• Placement rates, if aligned with the requirements of the accreditor or State</li> </ul> <p>Schools must disclose all of the following, regardless of the number of students who were enrolled in or completed the program:</p> <ul style="list-style-type: none"> <li>• The occupations (by names and SOC codes) that the program prepares completers to enter</li> <li>• Tuition/fees charged to complete the program in normal time; typical costs for books and supplies (unless those costs are included as part of tuition and fees); and costs of room and board, if applicable</li> <li>• Program Length (in weeks, months or years)</li> </ul>

Question	Answer
<b>New GE Programs/Changes to Existing GE Programs</b>	
54. When a new GE program is approved between semesters, can you award from the beginning of the academic year, i.e. fall and spring semesters?	When initial eligibility is established, whether for a school, a location, or an educational program, the eligibility extends back to the beginning of the payment period, so the approval date is really the key.
55. What is required if a school would like to create a graduate-level certificate program that is identical to an existing GE-approved undergraduate certificate program?	When adding a new GE program that does not require ED approval, you must update the institution's PPA within 10 days.
56. At what point would we remove a GE program from our PPA? Would that be after we are no longer admitting new students, or after all students have completed the program?	You must notify ED within 10 days of ceasing to provide the GE program for at least 12 consecutive months. If you know the date when you will cease to offer the program for at least 12 months, then you may report to ED within 10 days of that date. For questions specific to individual programs, schools may contact their <a href="#">School Participation Division</a> .
57. Are GE employment certifications a one-time requirement per program?	You are only required to add the GE program to your PPA with the certification once, unless the institution makes substantive changes to the format of the program, in which case the updates must be submitted on the PPA.
58. Are we required to notify ED on the PPA/ECAR if we are discontinuing a program (not due to failure to meet D/E rates)?	Yes. You are required to notify ED within 10 days if you are ceasing to provide a GE program for at least 12 consecutive months.
59. We have a discontinued GE program that will be taught-out at the end of Spring, 2017. When does the 10-day clock start? Is it 12 months after the last student is enrolled, or 12 months after the last date of the teach-out semester? Can we report early?	You must notify ED within 10 days of ceasing to provide the GE program for at least 12 consecutive months. If you know the date when you will cease to offer the program for at least 12 months, then you may report to ED within 10 days of that date. For questions specific to individual programs, schools may contact their <a href="#">School Participation Division</a> .