



November 12, 2024

The Honorable Miguel Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Ave. SW  
Washington, DC 20202

Dear Secretary Cardona,

On behalf of the undersigned higher education associations, I write seeking clarification on the reporting requirements in the financial value transparency (FVT) and gainful employment (GE) regulations. Last month, the Department of Education (Department) announced a further delay in the reporting requirement deadline from Oct. 1 to Jan. 15, 2025.<sup>1</sup> While our members are thankful for the additional time, we continue to hear from institutions of higher education that they are struggling to meet the new deadline.

Institutions understand that they must comply with the regulations. However, the numerous updates and unaccountable delays in providing sub-regulatory guidance, render compliance by Jan. 15 a major challenge. Given this, we encourage the Department to consider the key points below.

**Key point #1:** The Department's guidance prior to the FVT and GE Supplemental Training Resource<sup>2</sup> has been unclear and left many unanswered questions. Furthermore, institutions continue to fail to receive timely responses from the Department, or any responses whatsoever to questions about the completers lists, and related topics. This is reminiscent of the 2024-2025 FASFA debacle and, as a matter of administrative effectiveness, is simply unacceptable.

**Key point #2:** Due to lack of clear guidance, institutions continue to be confused about the relationship between completers lists and program- and student-level reporting requirements. While the Supplemental Training Resource clarifies this, institutions need a thorough explanation, and we recommend the Department ensure consistent guidance across all platforms to include the National Student Loan Data System FVT and GE User Guide<sup>3</sup> and the

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<sup>1</sup> Federal Student Aid. (2024, September 13). *Updated timeline for financial value transparency and gainful employment reporting and completers lists*. <https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2024-09-13/updated-timeline-financial-value-transparency-and-gainful-employment-reporting-and-completers-lists>

<sup>2</sup> Federal Student Aid. (2024, November 6). *NSLDS financial value transparency and gainful employment (FVT/GE) supplemental training resource*. <https://fsapartners.ed.gov/knowledge-center/library/nslds-user-resources/2024-11-06/nslds-financial-value-transparency-and-gainful-employment-fvt-ge-supplemental-training-resource>

<sup>3</sup> Federal Student Aid. (2024, April 30). *Financial value transparency and gainful employment (FVT/GE) user guide (October 2024 update)*. <https://fsapartners.ed.gov/knowledge-center/library/nslds-user-resources/2024-04-30/nslds-financial-value-transparency-and-gainful-employment-fvt-ge-user-guide-october-2024-update>

frequently asked questions.<sup>4</sup> We also ask that the Department hold a webinar, with adequate time for a live question and answer period, as soon as possible to ensure this message is clear.

**Key point #3:** Although the Department has reserved the authority to add reporting requirements through a *Federal Register* notice in Section 668.408(a)(4), we encourage the Department to not utilize this authority. We fear that doing so will only cause further confusion and create additional hurdles for institutions. Should the Department add any new reporting requirements, we encourage the Department to provide a clear mechanism for public input to proposed additions as well as a timeline for final publication of any new requirements that allow institutions a reasonable amount of time to comply.

**Key point #4:** Section 668.406 of the regulations share that institutions will receive their debt to earnings (D/E) rates; earnings premium measures; determination of whether a program is passing or failing these metrics; whether an institution needs to provide an acknowledgement to students for FVT programs or a warning to students for a GE program; and whether the program could become ineligible for Title IV funding from the Department.<sup>5</sup> It seems likely that this process would need to take several months (at a minimum) to conclude and could not be turned around in a matter of days such that the current administration could use this data for its intended purpose. Further clarification on the Department's anticipated process and timing is needed, especially given the change to a new administration.

**Key point #5:** As stated, the massive size and administrative complexity of the new reporting requirements poses challenges across higher education, particularly given that they primarily fall on staff most directly impacted by problems with the 2024-2025 FAFSA, the delay in the 2025-2026 FAFSA, and issues with the completers lists, though this multi-faceted regulation requires engagement by a wide range of campus offices. But the challenges are most pronounced at under-resourced institutions where administrators commonly are responsible for multiple areas of operations and compliance. Given the complexity and scale of these requirements, we urge the Department to provide resources to all institutions that lack the capacity to complete this work on time to ensure effective compliance, which many campus leaders have appropriately termed a substantial "unfunded mandate."

## Conclusion

As previously stated, many institutions will struggle to finalize their completers lists and accurately report all of the required FVT/GE data by Jan. 15. For most institutions, meeting this deadline would result in errors simply due to the time constraints placed on them by the Department. Students, institutions, and other stakeholders will only be served if the regulation generated accurate, reliable data. It is critical that the Department recognizes the limitations on institutional resources and the impacts of regulatory implementation delays on institutions.

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<sup>4</sup> Federal Student Aid. (2024, July 23). *New and updated financial value transparency and gainful employment FAQs now available*. <https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2024-07-23/new-and-updated-financial-value-transparency-and-gainful-employment-faqs-now-available>

<sup>5</sup> Financial Value Transparency and Gainful Employment, 88 F.R. 70190 (proposed October 10, 2023) (to be codified at 34 C.F.R. § 600 and § 668). <https://www.govinfo.gov/content/pkg/FR-2023-10-10/pdf/2023-20385.pdf>

Thank you for your attention to this letter. We remain ready to work with you and our campuses to ensure effective implementation.

Sincerely,

Ted Mitchell  
President

On behalf of:

Achieving the Dream  
ACPA-College Student Educators International  
American Association of Colleges and Universities  
American Association of Colleges of Osteopathic Medicine  
American Association of Collegiate Registrars and Admissions Officers  
American Association of Community Colleges  
American Association of State Colleges and Universities  
American Association of Veterinary Medical Colleges  
American Council on Education  
Association for Institutional Research  
Association of American Medical Colleges  
Association of American Universities  
Association of Catholic Colleges and Universities  
Association of Community College Trustees  
Association of Governing Boards of Universities and Colleges  
Association of Independent California Colleges and Universities  
Association of Independent Colleges and Universities in Massachusetts  
Association of Independent Colleges and Universities of Pennsylvania  
Association of Independent Colleges and Universities of Rhode Island  
Association of Public and Land-grant Universities  
Career Education Colleges and Universities  
Connecticut Conference of Independent Colleges  
Council for Christian Colleges & Universities  
Council for Higher Education Accreditation  
Council of Graduate Schools  
EDUCAUSE  
Great Lakes Colleges Association  
Higher Education Loan Coalition  
Hispanic Association of Colleges and Universities  
Independent Colleges of Indiana  
Independent Colleges of Washington  
Maryland Independent College and University Association  
Middle States Commission on Higher Education  
NASH (National Association of Higher Education Systems)

NASPA-Student Affairs Administrators in Higher Education  
National Association of College and University Business Officers  
National Association of Colleges and Employers  
National Association of Independent Colleges and Universities  
National Association of Student Financial Aid Administrators  
New England Commission of Higher Education  
North Carolina Independent Colleges and Universities  
Northwest Commission on Colleges and Universities  
Southern Association of Colleges and Schools Commission on Colleges  
State Higher Education Executive Officers Association  
TMCF  
WASC Senior College and University Commission  
Wisconsin Association of Independent Colleges and Universities