

THOUGHT LEADERSHIP

LEGAL UPDATES

PUBLISHED: JANUARY 27, 2014

Professionals

ANNE D. CARTWRIGHT

KANSAS CITY:

816.983.8000

ANNE.CARTWRIGHT@

HUSCHBLACKWELL.COM

LISA J. PARKER

CHICAGO:

312.526.1539

LISA.PARKER@

HUSCHBLACKWELL.COM

New Gainful Employment Disclosure Template Requirements

The U.S. Department of Education recently announced that institutions of higher education must update their 2012-2013 Gainful Employment (GE) program disclosures by January 31, 2014. Colleges and universities must do this via the online GE disclosure template released in November 2013, available at <http://ope.ed.gov/GainfulEmployment>.

What Programs Are Subject to the Gainful Employment Disclosure Requirements?

Generally, schools must provide GE disclosures for the following types of programs:

At for-profit institutions: All Title IV-eligible instructional programs (degree and non-degree)

At public and private not-for-profit institutions: Only Title IV eligible non-degree programs, e.g., certificate and diploma programs.

Where Must Schools Disclose Their Gainful Employment Information?

Institutions must provide the GE disclosures in two main areas: on school websites and on promotional materials, including social media.

Website:

For each GE program, provide a direct link from the home page for the specific GE program to the disclosure webpage created using the GE template. Also, any other webpage containing information about the GE program (general, academic or admissions) must include a prominent and direct link to the disclosure webpage.

Promotional Materials:

All promotional materials, including postcards, invitations, flyers, billboards, transit advertising, radio, television and web advertising, must comply with the GE disclosure requirements. If more than one GE program is referenced in promotional material, the material must either 1) provide a link to a list of the links for all relevant disclosure webpages; or 2) provide a direct link for each GE program disclosure webpage.

Disclosure requirements also pertain to social networks and microblogs, e.g., Facebook, LinkedIn, Twitter. For social media messaging, a school may use a shortened URL instead of a full link to the relevant disclosure webpages, provided that the shortened URL leads directly to the disclosure information. For promotional materials, the Department provided the following example of compliant disclosure language: “For more information about our graduation rates, the median debt of students who completed the program, and other important information, please visit our website at, www.XYZcollege.edu/ABCprogram/disclosure.”

For more information on GE disclosure requirements, including details on which programs are impacted see our previous alert on Clarifying the Requirements of Gainful Employment Disclosures for Higher Education.

What This Means to You

Most institutions of higher education offer at least one GE program. In order to comply with GE disclosure requirements, you should do the following by January 31, 2014:

Determine which, if any, of your programs qualify as GE programs;

For each GE program, complete the new GE template; and

Ensure that appropriate GE disclosure links appear on the website and promotional materials for each of your GE programs.

The Department of Education is proceeding with rulemaking processes on other gainful employment issues. We will continue to monitor the status of this evolving area of law.

Contact Information

If you have questions about this issue or other education issues, contact your Husch Blackwell attorney or any attorney in our Higher Education group.