

Additional gainful employment program disclosure requirements take effect July 1, 2019

June 27, 2019

After granting institutions [several extensions](#) to comply with certain disclosure requirements of the U.S. Department of Education's (ED) "gainful employment" (GE) regulations, ED [announced](#) that beginning on July 1, 2019, institutions that offer GE programs will be required to comply with the requirements in 34 C.F.R. 668.412 (d) and (e), which require the GE Disclosure Template, described below, to be distributed through additional channels.

Background: GE Disclosure Template

Under the GE regulations, an institution must use a disclosure template provided by ED (GE Disclosure Template) to disclose on its website information about each of its GE programs to enrolled and prospective students. Generally, GE programs include non-degree educational programs at public and private nonprofit institutions, and, with limited exceptions, all educational programs offered by proprietary institutions. Each year, ED identifies the information that must be included in the GE Disclosure Template, and the institution must update at least annually the information contained in the GE Disclosure Template with the most recent data available for each of its GE program. On May 9, ED [announced](#) the release of the 2019 GE Disclosure Template and explained that institutions would have until July 1, 2019 to update their disclosures and post them to their websites. On June 7, ED [issued additional guidance](#) on use of the 2019 GE Disclosure Template.

Additional disclosure requirements

On May 23, ED [reminded](#) institutions that beginning July 1, 2019, they will be required to comply with the disclosure requirements in [668.412\(d\) and \(e\)](#), in addition to the requirement to post the GE Disclosure Template on the relevant program's webpage. The additional disclosure requirements entail inclusion of the GE Disclosure Template in promotional materials and direct distribution of the GE Disclosure Template to prospective students.

- **Promotional materials:** Under 34 C.F.R. 668.412(d), all promotional materials made available by or on behalf of an institution to prospective students that identify a GE program by name or otherwise promote the GE program must include (1) the GE Disclosure Template in a prominent manner or, (2) where space or airtime constrains inclusion of the GE Disclosure Template, the web address (URL) or direct link to the GE Disclosure Template. In the latter case, the URL or link must be prominent, readily accessible, clear, and conspicuous. ED's

regulations define "promotional materials" to include the institution's catalogs, invitations, flyers, billboards, and advertising through radio, television, print media, the internet, and social media. An institution also must ensure that all promotional materials regarding a GE program are accurate and current at the time they are published, approved by a state agency, or broadcasted.

- Direct distribution to prospective students: Under 34 C.F.R. 668.412(e), an institution must provide a prospective student or a third party acting on behalf of a prospective student a copy of the GE Disclosure Template as a separate document before the prospective student signs an enrollment agreement, completes registration, or makes a financial commitment to the institution in connection with a GE program. The GE Disclosure Template may be provided either by hand-delivery during a group presentation or by sending a copy to the primary email address used to communicate with the prospective student. If delivered by hand, the institution must obtain written confirmation that the GE Disclosure Template was received. If delivered electronically, the institution must ensure the GE Disclosure Template is the only substantive content in the email and receive electronic or other written acknowledgment that the email was received. The institution must send the GE Disclosure Template using a different address or delivery method if the institution receives a response that the email could not be delivered and it must maintain records of its efforts to provide the GE Disclosure Template.

We are available to respond to questions.

Contacts



Stephanie J. Gold
Partner, Washington, D.C.
T +1 202 637 5496
stephanie.gold@hoganlovells.com



Greg Ferenbach
Counsel, Washington, D.C.
T +1 202 637 6457
greg.ferenbach@hoganlovells.com



Michelle Tellock
Senior Associate, Washington, D.C.
T +1 202 637 6561
michelle.tellock@hoganlovells.com

www.hoganlovells.com

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