

United States Senate
Washington, DC 20510-1304

December 19, 2017

The Honorable Betsy DeVos
Secretary
Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Secretary DeVos:

I write today to seek an update from the Department of Education (the Department) on its development and future public release of the second round of debt-to-earnings rates under the Gainful Employment Rule.

Under the Higher Education Act, career education programs are required to “prepare students for gainful employment in a recognized occupation.” The Gainful Employment Rule, which has been in effect since July 1, 2015, uses debt-to-earnings rates to determine which career education programs are meeting that requirement. Programs that consistently saddle students with too much debt compared to the earnings they can expect after completing the program lose eligibility to receive Title IV federal financial aid.

On January 9, 2017, the Department published the first round of program debt-to-earnings rates under the Gainful Employment Rule. More than 800 programs – 98 percent of which are at for-profit colleges – had failing debt-to-earnings rates. Another 1,239 programs were on the brink of failing. Collectively, these programs enroll hundreds of thousands of students – putting them and millions of taxpayer dollars at risk.

Despite your decisions — currently being challenged in court by state Attorneys General — to delay the processes by which schools appeal the first round of data and make disclosures to students about failing programs and to rewrite the rule, the Department is obligated under the current rule, which remains in effect, to develop and publish the second round of debt-to-earnings rates.

Earlier this year, I asked you in writing about the Department’s progress in developing these new debt-to-earnings rates. In August you responded that the Department had made no progress toward generating the new rates and had “no timetable to do so.” Just weeks ago, during a meeting of the panel tasked with rewriting the Gainful Employment Rule, a Department official announced that the Department will, in fact, fulfill its obligation to release the second round of debt-to-earnings rates under the current rule.

Given this announcement and the rapidly approaching one year anniversary of the first debt-to-earnings release, I request an update on the Department's progress. Specifically, has the Department compiled draft completer's lists and provided those to schools? When does the Department expect to release the second round of debt-to-earnings rates?

I look forward to your prompt response. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Dick Durbin". The signature is written in a cursive, flowing style.

Richard J. Durbin
United States Senator