

Gainful Employment

Preparing a Public Comment – Part II



Public Comment is Easy as 1, 2, 3

1

Download the Instructions & Template

Follow [this link](#) to download **School Owners & Staff Instructions**

Other instructions and information can be found [here](#)

2

Draft Your Response to the Rule

Using the instructions and outline provided, create your personalized comments opposing the rule as drafted.

3

Submit Your Comments

[Click here to upload your comments](#)

For more information on the NPRM which includes the gainful employment language, please visit our [Gainful Employment webpage at www.aacs.news/gainful](http://www.aacs.news/gainful).

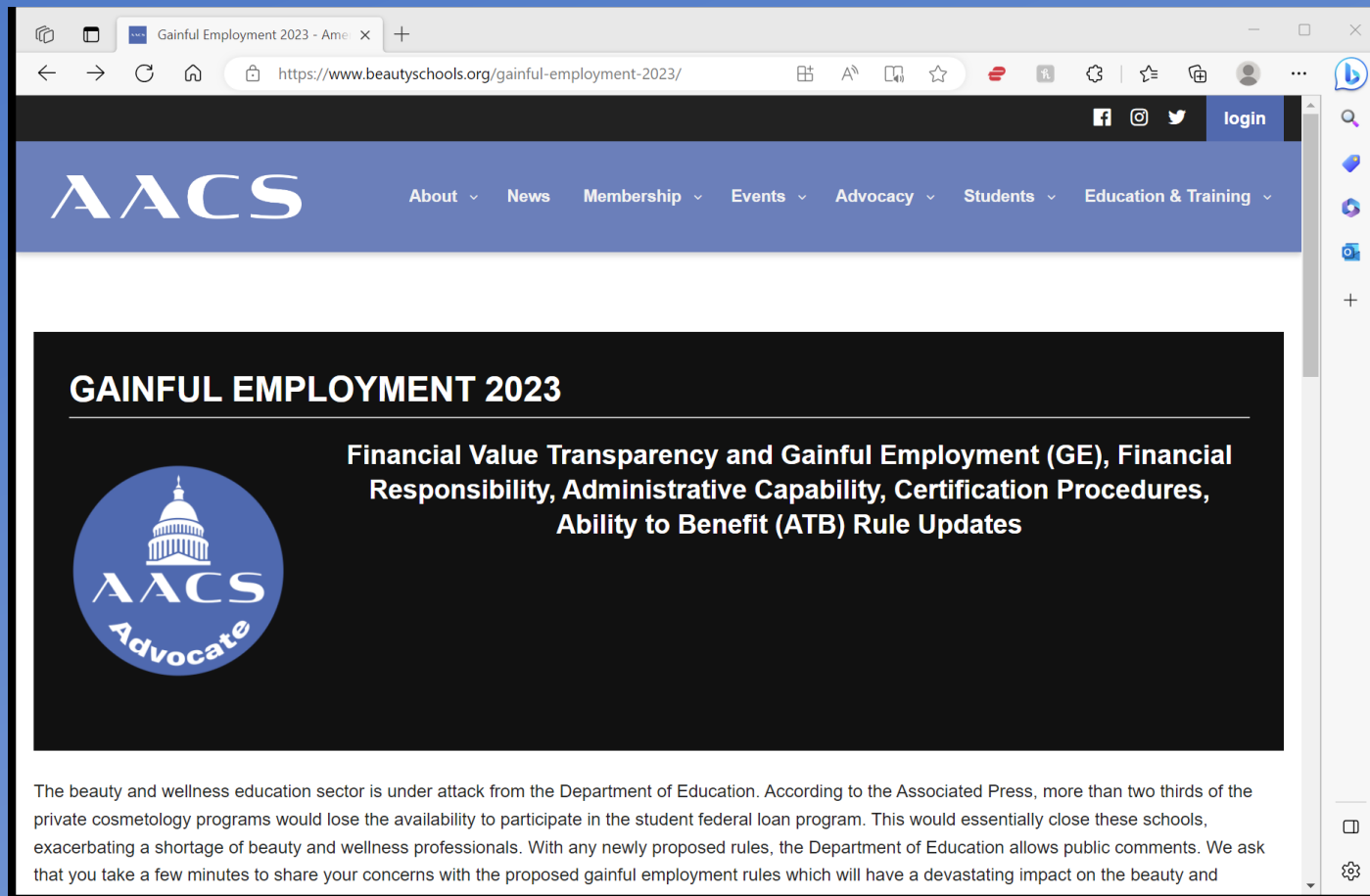


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Resource Page – www.AACS.News/Gainful



The screenshot shows a web browser window with the URL <https://www.beautyschools.org/gainful-employment-2023/>. The page features the AACS logo and a navigation menu with links for About, News, Membership, Events, Advocacy, Students, and Education & Training. The main content area is titled "GAINFUL EMPLOYMENT 2023" and includes a circular logo with the text "AACS Advocate" and a white silhouette of the U.S. Capitol dome. The text below the logo reads: "Financial Value Transparency and Gainful Employment (GE), Financial Responsibility, Administrative Capability, Certification Procedures, Ability to Benefit (ATB) Rule Updates". At the bottom of the page, there is a paragraph of text: "The beauty and wellness education sector is under attack from the Department of Education. According to the Associated Press, more than two thirds of the private cosmetology programs would lose the availability to participate in the student federal loan program. This would essentially close these schools, exacerbating a shortage of beauty and wellness professionals. With any newly proposed rules, the Department of Education allows public comments. We ask that you take a few minutes to share your concerns with the proposed gainful employment rules which will have a devastating impact on the beauty and



Instructions / Templates & Other Resources

Gainful Employment 2023 - Ame x +

https://www.beautyschools.org/gainful-employment-2023/

wellness sector. Don't let the government take away federal student aid from future beauty and wellness professionals.

We need you to let the Department of Education know that their proposed rules on gainful employment will essentially put the private beauty and wellness schools out of business. This will cause a dire crisis for the beauty and wellness industry causing irreversible damage. We have made it easy for you to share your comments.

Keep abreast of this fast moving issue by visiting this page or signing up for our newsletter at www.aacs_news/list.

Gainful Employment Public Comment Instructions / Templates

Beauty & Wellness Sectors

(Please choose the instructions based on your involvement in the industry)

- **School Owners**
- **Beauty & Wellness Professionals (Graduates)**
- **Vendors & Allied Partners**
- **Employers**

Click here to upload your comments to the Regulations.gov website

Gainful Employment Webinar Schedule

Do you need assistance with your comments? Do have more questions regarding the proposed rule? Join us at our Wednesday Webinars where we will providing you assistance and answering your questions regarding the NPRM which includes gainful employment and other issues directly affecting the beauty and wellness schools.

- **June 7, 2023, 4:00 PM, ET**
- **June 14, 2023, 4:00 PM, ET**

Register at www.aacs.events/GE23

Gainful Employment Supporting Materials

AACS GE Materials

- AACS Public Comment Instructions
- AACS Gainful Employment Talking Points
- NPRM Summary and Alert
- AACS GE Webinar Slide Deck 5-24-23
- AACS GE Webinar Slide Deck 5-31-23

Department of Education

- Notice of Proposed Rulemaking
- Data used to model effects of GE
- ED Press Release
- GE and Transparency Fact Sheet



Overview of NPRM

(1) Certification Procedures

(2) Ability to Benefit

(3) Gainful Employment and Financial Value Transparency

- Gainful Employment (Title IV consequences)
- Financial Value Transparency (no Title IV consequences)

(4) Administrative Capability

(5) Financial Responsibility



GE D/E Rates – AACCS Opposition

- Underreporting of Income + Elimination of Alternate Earnings Appeal
 - AACCS Opposition: Without mechanisms in place to account for flawed earnings data, the D/E Rate fails to accurately serve its purpose of ensuring programs lead to gainful employment
 - *AACS v. DeVos*: Department violated APA by failing to address issue of unreported income
 - Entrepreneurs and underreporting
 - Flexible work hours to supplement family income
 - *AACS v. DeVos*: Ordered removal of barriers to appeal to uphold legality of rule
 - NPRM removal of Appeal is illegal



GE Earnings Premium – AACCS Opposition

- AACCS Opposition: Metric Based Solely on Earnings is Flawed, Undeveloped and Arbitrary
 - Up to 66% of cosmetology programs will fail measure, lose Title IV eligibility and likely shut down (not accounting for programs that do not have EP data)
 - Basing comparison of program graduate v. high school graduate for age purposes is flawed mechanism
 - Cosmetology graduate measured three years after completion fails to capture average earnings in profession and earning trajectories
 - AACCS Member default rates are low to average
 - Comparative options have higher default rates



What Can You Do?

- Draft and Submit your comment opposing the proposed Gainful Employment Rule.
- Encourage all your staff and/or faculty to submit comments.
- Connect with employers and allied companies to submit comments and for them to encourage their contacts to do likewise.
- Contact your graduates and other beauty and wellness professionals to submit comments.



GE Comments – Overall Goals

- 1. Quality of Comments** – Fact and data based; tailored to your unique situation; not “form” comments.
- 2. Quantity of Comments** – We need to make noise. Put effort into quality, but don’t let perfection be the enemy - file by **June 20!**
- 3. Diversity of Comments** – All categories of impacted stakeholders should comment.



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Suggested Comments – School Owners & Staff

Introduction

- Introduce and provide the following information about your school:
 - Name and location
 - Please indicate that the school is a member or active with the American Association of Cosmetology Schools
- Provide reason for submitting comment.
- Provide a short summary statement on impact of Gainful Employment Rule on the school: the Rule will result in loss of Title IV eligibility, which will lead to school closure.



Suggested Comments – School Owners & Staff

Comments on Rule

- Provide additional information about your school:
 - Small business (if applicable), number of students, number of employees, program offerings, years in business
 - Provide internal data on relevant statistics, such as:
 - Default rates, graduation rates, licensure rates, and other relevant statistics
- Describe impact that Gainful Employment Rule will have on the students
 - Diversity of student population (including information on ethnicity, low-income students, and gender);
 - Emphasize the skills and value that the school offers its graduates
 - Emphasize that school provides higher education opportunities to non-traditional students.



Suggested Comments – School Owners & Staff

- Describe impact that Gainful Employment Rule will have on employees.
 - Provide relevant workforce statistics
- Describe impact that Gainful Employment Rule will have on Beauty and Wellness industry.
 - Provide statistics on industry growth, and cite the need for workers;
 - Provide information on local Community Colleges and their cosmetology offerings;
 - Provide analysis on next steps of industry if the schools are forced into closure.



Suggested Comments – School Owners & Staff

Conclusion

- Provide strong statement on impact of Gainful Employment Rule: The Gainful Employment Rule will result in loss of Title IV eligibility, which will eventually lead to school closures.
- Emphasize impact on students, employees and industry as a whole
- Thank the Department for consideration of the comment.



Suggested Comments – Beauty & Wellness Professionals

Introduction

- State your name and your profession.
- As a graduate of a beauty and wellness school, I am opposed to the proposed gainful employment rule because of the negative impact on the beauty and wellness industry.
- Insert Bio (Tell a little about yourself, how long you have been in the profession, family, work for someone or own your own business other attempts at education.)



Suggested Comments – Beauty & Wellness Professionals

Comments on Rule

- Explain in your own words why you enjoy your profession (Income, flexible hours, opportunity for growth, how it helps your family, dream career, etc.)
- Share how your education prepared you to pass your state exam and provided important skills for your career. Describe impact that Gainful Employment Rule will have on the students
- Receiving financial aid was important and helped you attend a beauty and wellness school. Without it you may not have been able to attend.
- The intent of financial aid programs is to provide financial aid for students to attend school of their choice.



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Suggested Comments – Beauty & Wellness Professionals

Comments on Rule

- Your education provided you with career opportunities that didn't exist without it.
- You chose your profession because of demand and knew you would always have a job.
- The Department of Education is using flawed data: you earn more than \$12.50 an hour, which is what some government databases indicate cosmetology school graduates earn.



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Suggested Comments – Beauty & Wellness Professionals

Closing

- Thank the Department for consideration of the comment.
- Repeat your opposition to the Gainful Employment rules
- Beauty and wellness careers are in high demand and Dept of Ed should be helping not hurting the schools. You would choose this training and career again as it was the right choice for you.



Suggested Comments – Allied Businesses / Employers

Introduction

- Introduce and provide the following information about your company:
- Name and location
- Statement about the company's involvement in beauty & wellness industry and relations with schools that are members of the American Association of Cosmetology Schools
- Provide reason for submitting comment.



Suggested Comments – Allied Businesses & Employers

Comments on Rule

- Provide additional information about your company:
 - Small business (if applicable), number of employees, years in business, description of services, etc.
- Describe impact that gainful employment rule will have on employees. (Allied Businesses)
 - Provide relevant workforce statistics
 - Forecast impact to current employees
- Describe impact that gainful employment rule will have on the company and graduates of cosmetology schools. (Employers)
 - Impact on increasing demand for skilled, licenses employees;
 - Statement on hiring process and relationship with cosmetology schools; and
 - Provide relevant workforce statistics



Suggested Comments – Allied Businesses & Employers

Conclusion

- Provide strong statement on impact of Gainful Employment Rule: The Gainful Employment Rule will result in loss of Title IV eligibility, which will eventually lead to school closures that will have a devastating impact on the industry.
- Thank the Department for consideration of the comment.



How to Submit – (www.rebrand.ly/GEResponse)



Regulations.gov
Your Voice in Federal Decision Making

SUPPORT

Docket (ED-2023-OPE-0089) / Document

Comment Period Ends: 13 Days

PR PROPOSED RULE

Financial Value Transparency and Gainful Employment, Financial Responsibility, Administrative Capability, Certification Procedures, Ability to Benefit

Posted by the Department of Education on May 19, 2023

Comment View More Documents (4) View Related Comments (150) Share

Document Details Browse Posted Comments (150)



How to Submit – (www.rebrand.ly/GEResponse)

Regulations.gov
Your Voice in Federal Decision Making

SUPPORT

You are commenting on a Proposed Rule by the **Department of Education**
Financial Value Transparency and Gainful Employment, Financial Responsibility, Administrative Capability, Certification Procedures, Ability to Benefit
Comment Period Ends: **13 Days**

Write a Comment

Commenter's Checklist

Comment*

Start typing comment here...

X You can't leave this field blank 5000

What is your comment about?
Select a Comment Category


Attach Files
You can attach up to 20 files, but each file cannot exceed 10MB. Valid file types include: bmp, docx, gif, jpg, jpeg, pdf, png, pptx, rtf, sgm1, tiff, txt, wpd, xlsx, xml


Drop files here or [Browse...](#)


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If you or another single person is the author


An Organization
A company, organization, or government agency


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Questions

