



Association for Institutional Research

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Executive Director & CEO

Christine M. Keller, Ph.D.

May 20, 2026

Mr. Joe Massman
Office of Postsecondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

Re: Docket ID ED-2026-OPE-0100

Dear Mr. Massman:

On behalf of the Association for Institutional Research (AIR), thank you for the opportunity to provide comments regarding the Department of Education's Notice of Proposed Rulemaking on Accountability in Higher Education and Access Through Demand-Driven Workforce Pell: Student Tuition and Transparency System (STATS) and Earnings Accountability.

AIR is a nonprofit professional association representing institutional research, institutional effectiveness, assessment, and data professionals across higher education. Our members are the practitioners who design and manage institutional data systems, coordinate federal reporting, ensure compliance with regulatory requirements, and translate complex data into actionable information for institutional leaders, students, and the public. They will be directly responsible for implementing the reporting and accountability requirements that this rulemaking establishes — and their professional judgment, capacity, and ethical obligations are central to the concerns we raise here.

AIR supports efforts to improve transparency and provide students and families with clearer information regarding postsecondary programs and outcomes. The public, especially students and their families, deserve access to accurate, understandable, and meaningful information as they make important educational decisions. AIR also recognizes the federal interest in ensuring accountability for Title IV programs and promoting confidence in the value of postsecondary education. As an organization whose members are directly responsible for institutional data collection, reporting, and compliance, AIR brings a distinctive operational and data-systems perspective to this rulemaking. We therefore urge the Department to carefully consider the validity, comparability, and implementation implications of the proposed framework — particularly as they affect institutional capacity to improve and the integrity of federal postsecondary data.

First, AIR is concerned that earnings alone may not fully capture the value or mission of many academic programs and institutions. Earnings are an important indicator, but they are not the only measure of educational value. Many programs prepare students for careers in public service, education, behavioral health, community-based professions, and other fields that provide substantial societal benefit but

may not produce comparatively high early-career wages. In addition, institutions serve different student populations and regional workforce needs, which can significantly influence post-completion earnings outcomes.

AIR recognizes that the proposed framework is intended to measure federal return on investment rather than educational value in the broadest sense. Even within that narrower frame, however, a single earnings threshold is insufficient as the sole accountability mechanism. Return on federal investment is itself a multidimensional concept that encompasses program completion, workforce participation, loan repayment, and longer-term economic mobility — none of which are fully captured by median earnings measured at a single point in time.

AIR is also concerned about the potential chilling effect of an earnings-only accountability framework on program offerings. If institutions anticipate that programs serving lower-wage career pathways — regardless of their quality, regional importance, or social value — will systematically fail earnings thresholds, they may preemptively discontinue those programs. This outcome could harm the very students the rule aims to protect, particularly students pursuing careers in teaching, public service, healthcare support, and other fields critical to regional and community workforce needs. An accountability framework that inadvertently narrows program availability for these students would be contrary to the Department's stated goals. AIR recognizes that improved earnings transparency is intended to support better-informed student choices. However, there is an important distinction between informing a student's decision and foreclosing it. When programs are discontinued in response to earnings thresholds, students who would have chosen those pathways deliberately and with awareness no longer have that option.

Because earnings outcomes reflect factors well beyond institutional control — including regional labor markets, field-specific wage structures, and the demographics of students served — a framework that relies solely on median earnings without contextual interpretation risks producing misleading accountability signals. AIR therefore encourages the Department to incorporate limited contextual review mechanisms into the implementation framework to better account for regional labor market conditions, institutional mission, and student populations served. Such review may be particularly important for institutions serving large proportions of low-income, rural, first-generation, and historically underserved students, including many minority-serving institutions and community colleges.

Second, AIR encourages the Department to carefully evaluate whether the proposed retrospective earnings framework provides institutions with a meaningful opportunity for improvement before sanctions occur. Under the proposed regulations, earnings outcomes are measured several years after student completion. As a result, institutions may not know that a program is at risk until years after the relevant student cohort enrolled in and completed the program.

In practice, this means that although programs lose eligibility after failing in two of three years, institutions may have limited ability to materially influence subsequent outcomes within that

timeframe. Program redesign, curricular revision, employer partnership development, student support interventions, and accreditation approvals often require multiple years to implement and produce measurable impact. Labor market conditions and regional economic shifts may also affect earnings outcomes in ways institutions cannot rapidly control. Put plainly: the two-of-three-years structure, while appearing to provide an opportunity for correction, may in practice offer institutions little meaningful ability to respond before sanctions become final. An effective accountability framework should create realistic pathways for improvement — not solely mechanisms for retrospective sanctioning.

AIR therefore recommends that the Department establish a structured improvement and review process for programs identified as at risk of failing the earnings threshold. Specifically, AIR recommends the Department consider: a preliminary warning year during which programs identified as at risk are notified but not penalized; a formal improvement plan period that allows institutions to document corrective actions, program redesign efforts, employer partnerships, and student support interventions; and a suspension period before loss of eligibility becomes final, to allow time for improvement efforts to take effect. Institutions should not face irreversible sanctions before documented improvement actions can reasonably be reflected in reported outcomes.

Finally, AIR urges the Department to prioritize methodological transparency, technical assistance, and implementation support. The proposed regulations introduce substantial program-level reporting and disclosure requirements that will require significant institutional coordination, data integration, and staffing capacity. When institutions lack sufficient lead time, clear technical specifications, or meaningful opportunities to review and correct underlying data, the quality and comparability of the resulting measures are compromised — undermining the very transparency goals the rule seeks to advance. These implementation challenges may be especially acute for smaller institutions, community colleges, and minority-serving institutions with limited institutional research and information technology resources.

To support data quality and comparability across institutions, AIR encourages the Department to provide clear technical specifications and sufficient lead time before reporting requirements take effect. Critically, institutions should have a meaningful opportunity to review, validate, and correct underlying program-level data before it is published or used in eligibility determinations. Errors in federal data systems that are not correctable before sanctions attach represent a serious data quality and due process concern. AIR therefore strongly recommends robust preview periods, clear correction windows, and transparent calculation methodologies as core elements of implementation. AIR also encourages phased implementation, sustained training, and dedicated technical assistance, particularly for smaller institutions and minority-serving institutions with limited data infrastructure capacity.

AIR also wishes to note a broader concern about federal postsecondary data system integrity. Overly rapid implementation timelines, shifting methodological guidance, or inadequate institutional support can erode trust in federal data systems in ways that extend well beyond this rulemaking. When institutions lack confidence in the accuracy, stability, or fairness of federal data measures, the quality

of the data they report — and the decisions they make in response to it — are both compromised. AIR and its members are committed to supporting strong federal data infrastructure, and we believe that commitment is best served by implementation approaches that prioritize accuracy, transparency, and institutional capacity alongside accountability.

AIR appreciates the Department's efforts to improve transparency and strengthen public understanding of postsecondary outcomes. We encourage the Department to continue working collaboratively with institutions, researchers, and data professionals to ensure that accountability systems are valid, interpretable, operationally sustainable, and supportive of student success. AIR will continue to engage actively on these issues — through technical guidance, professional development, and policy engagement — as our members work to implement whatever framework the Department ultimately adopts.

We respectfully request that the Department provide meaningful opportunities for ongoing stakeholder input as implementation methodologies, technical specifications, and guidance documents are developed. We remain committed to supporting the highest standards of data quality and professional practice in service of students and the public interest.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Christine M. Keller". The signature is written in a cursive, flowing style.

Christine M. Keller, PhD
Executive Director & CEO
Association for Institutional Research