

Internal Memorandum

July 1, 2019

On July 1, 2019, the U.S. Department of Education (“Department”) published final regulations in the Federal Register rescinding the 2014 gainful employment regulations at 34 CFR part 668 subpart Q and subpart R. *Final Regulations*; 84 Fed. Reg. 31,392 (July 1, 2019).¹

Although the effective date of the final regulations is July 1, 2020, the Secretary of Education is exercising her authority under the Higher Education Act of 1965, as amended, permitting institutions affected by the 2014 gainful employment regulations to early implement the rescission of subpart Q and subpart R as soon as July 1, 2019. *Implementation Date of These Regulations*; 84 Fed. Reg. 31,395 (July 1, 2019).

On June 28, 2019, the Department also published subregulatory guidance describing how affected institutions can, at their discretion, early implement the rescission of subpart Q and subpart R. *Gainful Employment Electronic Announcement #122 – Early Implementation of the Rescission of the Gainful Employment Rule* (June 28, 2019). The guidance states, in part, that “[a]n institution that early implements the rescission must document its early implementation internally. It does not have to publish its decision to do so; however, it must make such documentation available upon request by the Department.”

Pursuant to the final regulations published on July 1, 2019 (84 Fed. Reg. 31,392) and the subregulatory guidance published on June 28, 2019 (Electronic Announcement #122), Southwest University at El Paso (04131700), chooses to early implement the final regulations, including the rescission of the regulations at 34 CFR part 668 subpart Q and subpart R, effective on July 1, 2019.

Ben Arriola/President

**NAME OF PRESIDENT/CEO
OFFICIAL TITLE**

¹ The unofficial version of the final regulations was made available for public inspection on June 28, 2019. The official version of the final regulations was published in the Federal Register on July 1, 2019. See: <https://www.federalregister.gov/documents/2019/07/01/2019-13703/program-integrity-gainful-employment>.