

June 3, 2026

Docket ID: ED-2026-OPE-0100

RIN: 1840-AE06

Submitted via: regulations.gov

Re: Accountability in Higher Education and Access Through Demand-Driven Workforce Pell: Student Tuition and Transparency System (STATS) and Earnings Accountability (91 FR 21088)

To the Department of Education, Office of Postsecondary Education:

ArtistsZone.net licenses its 'Beyond The Portfolio Course' — a 6-part reusable marketing framework for artists — to leading art colleges and university programs across the United States. We work directly with the creative professional community through these institutional partnerships, serving graphic designers, illustrators, visual artists, art school graduates, and art & design educators, and we submit these comments in strong opposition to the proposed STATS and Earnings Accountability framework as applied to art and design programs.

I. The Earnings Threshold Is Fundamentally Misaligned With Creative Careers

The proposed framework measures graduate earnings four years after program completion against the median salary of bachelor's degree holders aged 25 to 35, which current Bureau of Labor Statistics data places at approximately \$70,000 annually. This comparison is structurally unfair to art and design graduates for reasons that have nothing to do with program quality.

The BLS reports the following about fine and performing arts degree holders (2023 data):

- **Median wage: \$50,000** — \$20,000 below the proposed benchmark
- **Early career salary (BFA, 0-4 years out): approximately \$28,540-\$36,248**
- **22% work part-time**, compared to 15% across all degree fields
- **Underemployment rate in early career: as high as 58.4%**, the highest of any arts and humanities field (Federal Reserve Bank of New York)

These figures reflect the nature of creative careers — not the failure of the programs that produce them. Art and design professionals frequently build their incomes through freelance work, licensing, residencies, and portfolio-based employment that develops over time. Early career earnings in these fields are structurally lower than in fields with standardized entry-level hiring pipelines.

The four-year snapshot required by this rule captures art graduates at the exact moment when their incomes are most likely to underrepresent their trajectory. Judging a BFA program by a four-year post-graduation salary — and comparing it to the median for all bachelor's degree holders — is not accountability. It is structural bias against a recognized and economically productive sector of American creative work.

II. The Rule Threatens the Survival of Art and Design Schools

The Department's own cost analysis acknowledges that "certain degree programs are expected to lose eligibility for title IV, HEA funds." It further notes that "public and private non-profit institutions will incur costs when programs they offer lose access." **Art and design schools are almost entirely private non-**

profit institutions. They are the institutions most exposed to harm under this rule.

Schools like the College for Creative Studies (CCS) in Detroit and the School of Visual Arts (SVA) in New York City draw students who depend heavily on federal Direct Loans and Pell Grants to attend. These schools offer specialized programs in graphic design, illustration, industrial design, photography, and film. By the four-year earnings measure proposed here, many of those programs will fail the benchmark — not because they produce low-quality graduates, but because creative careers earn less on the four-year timeline this rule requires.

The consequences flow directly from the rule's institutional accountability provision (§ 668.16(t)): if more than half of a school's programs or enrolled students are in failing programs, the school itself is placed on provisional status. For a school like CCS or SVA, where the majority of programs are in the arts, this is not a hypothetical risk — it is a near-certainty under the proposed framework. Provisional status accelerates toward loss of all federal aid eligibility. Loss of federal aid eligibility means closure.

III. The Rule Does Not Account for the Actual Economic Contribution of Creative Graduates

The Department frames this rule as protecting taxpayers and students from "low-earning programs." We submit that this framing misrepresents the economic reality of creative careers.

Graphic designers, illustrators, and visual artists contribute to the U.S. economy as entrepreneurs, brand builders, visual communicators, and cultural producers. The U.S. Bureau of Economic Analysis attributes hundreds of billions of dollars annually to arts and cultural production. The creative economy depends on a

trained professional workforce — a workforce that is produced by the very programs this rule would dismantle.

The proposed earnings metric also relies exclusively on IRS W-2 and Form 1040 wage data. Creative professionals frequently earn through 1099 contract income, licensing royalties, print-on-demand sales, and platform-based income that does not flow through traditional employment channels. This income is legally reported but may not be fully captured in the earnings methodology the Department proposes. The Department itself acknowledges this limitation in its request for comments on the earnings definition (§ 668.2(b)).

IV. Specific Regulatory Concerns

§ 668.402 — Earnings Premium Measure

The comparison population (working adults aged 25-35 with bachelor's degrees) includes graduates of high-earning fields such as engineering, finance, computer science, and nursing. Comparing art and design graduates against this population does not measure the value of an arts education — it measures the earnings gap between creative fields and technical fields, a gap that exists for reasons unrelated to program quality or student outcomes.

We urge the Department to establish field-specific earnings thresholds using Classification of Instructional Programs (CIP) code peer groups at the 4-digit level. A BFA program in Illustration should be compared to what Illustration graduates nationally earn — not to what business and nursing graduates earn.

§ 668.403(b) — Four-Year Earnings Measurement

Measuring earnings at the fourth tax year following program completion captures creative professionals at the earliest and lowest point of career earnings. We urge the Department to either extend the measurement window to 8-10 years, or allow an averaging of earnings across years 4-10 post-completion, to better capture the actual earnings arc of creative careers.

§ 668.603(a) — Low-Earning Outcome Designation

The two-strikes-in-three-years threshold does not allow programs sufficient time to respond to economic disruptions, labor market shifts, or pandemic-related earnings disruptions. We urge the Department to adopt a rolling 5-year window with a minimum of 3 failures before a program is designated as a low-earning outcome program.

§ 668.16(t) — Institutional Administrative Capability

The provision that places schools on provisional status when more than half their programs or students are in failing programs creates an existential risk for any school whose entire curriculum is arts-focused. We urge the Department to exempt single-discipline institutions from this provision, or to calculate the 50% threshold using a peer-group comparison rather than a cross-sector average.

V. Requested Actions

ArtistsZone.net respectfully requests that the Department:

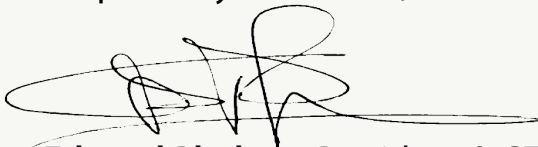
- Adopt field-specific earnings thresholds at the 4-digit CIP code level so that art and design programs are compared to field peers, not cross-sector averages

- Extend or broaden the earnings measurement window beyond the four-year snapshot to better reflect creative career trajectories
- Exempt single-discipline arts institutions from the § 668.16(t) institutional provisional status provision
- Expand the earnings definition under § 668.2(b) to better capture freelance, contract, and platform-based income common in creative careers
- Conduct additional analysis specific to fine and performing arts programs before finalizing any rule that would restrict Direct Loan eligibility in this sector

Creative education is not a luxury. It is a pipeline for the designers, illustrators, visual communicators, and artists who shape how America looks, communicates, and builds culture. The proposed framework would cut that pipeline off at the root — not because creative programs fail students, but because the framework was not designed with creative careers in mind.

We urge the Department to revise the proposed rule to account for the realities of the creative economy before it takes effect.

Respectfully submitted,



Edward Phelps – President & CEO

ArtistsZone.net

A Marketing Platform for Graphic Designers, Illustrators, and Visual Artists

edward@artistszone.net