



An Explainer for the “Do No Harm” Provision

In the Summer of 2025, Congress passed H.R. 1 (or “the One Big Beautiful Bill” or the Reconciliation legislation) which included [a number of changes](#) to Title IV of the Higher Education Act. One of these changes with the greatest implications for the preparation of the early childhood education workforce was the establishment of the “Do No Harm” provision which goes into effect July 1, 2026.

What is the “Do No Harm” provision?

Essentially, it requires that every program in institutions that participate in the (federal) Direct Loan Program demonstrate that its graduates make more than those who hold solely a high school diploma (for undergraduate programs) or who hold solely a baccalaureate degree (for graduate programs). If a program fails to demonstrate this two out of three consecutive years, it will be deemed a “low-earning outcome” program and students will not be able to access federal student loans in the program. For a more detailed description of the provision, please see this [NAEYC resource](#) (p.3).

For programs preparing students to enter high-skill, high-demand, but low-wage professions, like early childhood education, this provision could have a detrimental impact on the availability of higher education pathways that advance their professional growth and competencies and support the recognition and compensation of the profession.

The Department of Education is in the process of drafting regulations to inform the implementation of the “Do No Harm” provision in institutions across the country, following the release of [consensus recommendations](#) from a negotiated rulemaking committee. The information shared below reflects the consensus recommendations, but the field will still have an opportunity to offer public comment and feedback on regulations governing the “Do No Harm” provision before they are finalized.

How will programs be evaluated?

The U.S. Department of Education (ED) is proposing to evaluate every program using the *earnings premium metric*. The following table outlines the components of the *earnings premium metric*.

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- Programs will be defined at the 6-digit CIP Code Level and credential level (e.g. certificate, associate degree, baccalaureate degree). If an institution has multiple certificates and/or degrees that have the same CIP code, they will be considered one program for each credential level (e.g., all associate degrees assigned the same CIP code will be considered one program).
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- For each program, ED will calculate the earnings premium metric based on a cohort of at least 30 program completers who receive Title IV funding (federal financial aid) in a given year. If a cohort has less than 30 people, ED will aggregate completers from previous years (and/or the related four-digit or two-digit CIP codes if needed) until 30 is reached.
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- ED will use IRS data to attain the cohort’s median wages. (*Note: ED will exclude individuals who are unemployed and/or enrolled in a postsecondary education program.*)
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- To set the annual earnings threshold, by which wages will be compared, ED will use wage data drawn from the American Community Survey (ACS) to determine the national and state-by-state median
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earnings of adults age 25-34 that hold solely a high school diploma (or equivalent) or baccalaureate degree.¹

- The earnings premium metric will then compare the cohort’s median earnings to the relevant earnings threshold. The state earnings threshold will be used for institutions where more than 50% of enrolled students are from the state in which the institution is located. The national earnings threshold will be used for institutions where less than 50% of enrolled students are from the state where the institution is located.
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What is the timeline for this provision?

Effective Date of the Earnings Premium Metric Results	Program Cohort Evaluated	Year of Wage Data for the cohort and earnings threshold
Year 1 – July 1, 2027	2021 Financial aid year	2025
Year 2 – July 1, 2028	2022 Financial aid year	2026
Year 3 – July 1, 2029 ²	2023 Financial aid year	2027

What happens if a program fails the *earning premium metric*?

If a program fails the metric the first time (within a consecutive three-year period):

- It must notify students in the program that it failed the metric and the program is at-risk of losing access to participation in the Direct Loan Program if it fails a second time.
- Failing the metric (in any year) does not require the program to close; however, if the program fails for the first time, the regulations do provide a Teach Out an option. Thus, if the institution decides to close the program currently enrolled students can continue to access federal student loans while they complete the program. However, the program will not be able to enroll any new students.

If a program fails the metric the second time (within a consecutive three-year period):

- It receives a “low earnings outcome” designation.
- It must notify students that the program is no longer eligible to participate in the federal Direct Loan Program.
- The institution must wait at least two years before it can apply to reinstate the program’s eligibility to participate in the Direct Loan Program.

What can ECE higher education programs do to get ready?

- Identify the CIP codes for all of your ECE programs. Your program chair/dean will have this information.
- Connect with your institutional research and/or financial aid offices to find out:
 - how many ECE program completers in the 2021, 2022, and 2023 financial aid award years used federal financial aid (i.e. federal student loans and/or Pell Grants)
 - if the institution has wage data available on ECE program completers for those financial aid award years.

¹ The American Community Survey (ACS) is an annual, nationally-representative dataset maintained by the U.S. Census Bureau. The median wage will exclude individuals who are unemployed and/or enrolled in a postsecondary education program.). The U.S. Department of Education currently uses ACS 5-year data to set the earnings threshold used in Gainful Employment and the College Scorecard.

² Subsequent years will follow the same year pattern of program cohorts and wage data.

- Familiarize yourself with the earnings thresholds in your state and the national earnings thresholds. NAEYC has compiled [a resource](#) that includes state-by-state median earnings drawn from the most recent American Community Survey 5-year data.
- Look at your institution's profile on the [College Scorecard](#). In some cases, in the "field of study" tab you can select "Education" and "Family and Consumer Sciences, Human Sciences" to see median earnings of graduates.³
- Connect with your institution's government relations, institutional research and financial aid offices to share your concerns about the potential impact of the DNH provision on the early childhood education programs.
- Reach out to graduates from your program to collect stories and information on the impact of your program on their professional practice, and be prepared to share that impact with decision-makers at the institutional level who will ultimately make a determination on whether to continue supporting degree programs that risk a low earning designation.
- Submit a public comment on proposed regulations related to the DNH provision when the notice of proposed rulemaking is released (NAEYC will have resources to support faculty in commenting)

While, collectively, the data you gather from these action steps can approximate how your ECE program might perform on the earnings premium metric, please keep in mind they ARE NOT the exact data ED will use.

What can advocates do to support accessible, affordable early childhood higher education pathways?

- Advocate for increased compensation for early childhood educators, reflective of the value, complexity and skill required in their work. States and communities that invest in educator compensation are more likely to retain and attract a qualified ECE workforce and less likely to see professional preparation pathways impacted by the "Do No Harm" provision.
- Push for state and federal-level investments that support affordable, accessible higher education pathways for early childhood educators that limit the need for educators to take on debt to prepare for or advance in their profession. Programs like TEACH and WAGE\$ offer scholarships and wage stipends for educators to access higher education. Some states and communities are increasing access to free or low-cost community college and working to align course times with the schedules of working educators. Many programs are supporting credit for prior learning to recognize and align educators' existing knowledge, experiences and credentials with course hours towards degree programs.
- Submit a public comment on proposed regulations related to the DNH provision when the notice of proposed rulemaking is released (NAEYC will have resources to support advocates in commenting)

³ Earnings data is from 2020 and the program cohorts are from the 2014 and 2015 financial aid award years.

“Do No Harm” Case Scenarios

The following examples are used for illustrative purposes only. Actual 2025 wage data is not yet available for program graduates and not yet published in the American Community Survey.

	Institution A in North Carolina	Institution B in Oregon
Degrees/Certificates offered by the Institution⁴	<ul style="list-style-type: none"> • A.A. in Child Development with a 19.0706 CIP Code. • A.A.S. in Child Development and Family Studies associate degree programs with a 19.0706 CIP Code • Child Development certificate program with a 19.0706 CIP Code 	<ul style="list-style-type: none"> • B.A. in Early Childhood Education with a 13.1210 CIP Code
How will “program” be defined for the earnings premium metric?	The two associate degrees will be calculated as one program for purposes of the metric. The certificate program will be evaluated separately	The baccalaureate degree will be calculated as one program for purposes of the metric.
Year 1 of Implementation of the Do No Harm Provision		
# of Graduates who were Title IV recipients in the 2021 financial aid award year	A.A. and A.S. had a combined total of 35 graduates that were Title IV recipients <hr/> Certificate program had 20 completers that were Title IV recipients	B.A. degree had 41 graduates that were Title IV recipients.
Does the program have sufficient number of graduates (at least 30) to calculate the earnings premium metric?	Yes – Associate Degree <hr/> No – Certificate program. In this case, the institution will also include the cohort of completers (15 individuals) from the 2020 financial aid year to reach the required minimum of 30 for the calculations.	Yes
Median Wage of the Cohort in 2025⁵	\$34,000 – Associate Degree <hr/> \$26,500 – Certificate Program	\$39,100
Median Wage in 2025 of individuals (age 25-34) who hold solely a high school diploma⁶	\$32,645	\$36,136
Does the program pass the earnings premium metric?	Yes – Associate Degree <hr/> No – Certificate Program	Yes

⁴ In these examples the institutions have no other programs coded to the CIP codes.

⁵ The wage calculation will not include individuals in the cohort who were unemployed in 2025 or enrolled in a postsecondary education program.

⁶ Wage data will come from the American Community Survey, U.S. Census Bureau. The wages will not include individuals who were unemployed in 2025 or enrolled in postsecondary education. The median earnings from this chart come from the 2024 American Community Survey 5-year data.

If a program fails, what are the consequences?	N/A for the Associate Degree program	N/A
	<p>The institution must notify students in the program that the certificate failed the earnings premium metric, and that if the program fails a second time in the next two years, students can no longer use federal student loans in the program.</p> <p>The institution has an option to close the certificate program and offer a Teach Out so that enrolled students can complete the program. No new students can enroll in the program.</p>	
Year 2 of Implementation of the Do No Harm Provision		
# of Graduates who were Title IV recipients in the 2022 financial aid award year	A.A. and A.S. had a total of 24 graduates.	B.A. degree had 33 graduates.
	<p>Certificate program had 19 completers</p>	
Does the program have sufficient number of graduates (at least 30) to calculate the earnings premium metric?	No – Associate Degree. In this case, the institution will also include the cohort of graduates (35 individuals) from the 2021 financial aid year to reach the required minimum of 30 for the calculations.	Yes
	<p>No – Certificate program. In this case, the institution will also include the cohort of graduates (15 individuals) from the 2021 financial aid year to reach the required minimum of 30 for the calculations.</p>	
Median Wage of the Cohort in 2026	\$34,200 – Associate Degree	\$39,300
	<p>\$26,900 – Certificate Program</p>	
Median Wage in 2026 of individuals (age 25-34) who hold solely a high school diploma⁷	\$33,500	\$38,500
Does the program pass the earnings premium metric?	Yes – Associate Degree	Yes
	<p>No – Certificate Program</p>	
If a program fails, what are the consequences?	N/A for the Associate Degree program	N/A

⁷ Data comes from the American Community Survey, U.S. Census Bureau

The institution must notify students in the program that the certificate program failed the earnings premium metric, and that they will no longer be eligible to use federal student loans to pursue the program.

The institution must publish on its website that the ECE certificate program is a low-earning outcome program.

The institution must wait 2 years before it can apply to re-establish Direct Loan eligibility for the program.
