

Date: May 20, 2026

On behalf of multiple national and state organizations committed to supporting and strengthening the early childhood education (ECE) profession and increasing families' access to high quality early childhood education, we are writing to share concerns about and recommendations for the proposed regulations for the *do no harm* provision. **As members of a high-skill, high demand, predominately low-wage profession, we urge the Department to ensure that the regulations minimize the impact of the *do no harm* provision on professions, like early childhood education, which are providing essential services to the public. We are deeply concerned that enactment of this provision will reduce preparation pathways into early childhood education and reduce the supply and quality of childcare in communities across the country.**

Early childhood educators support the care and education of young children, birth through age 8, in a variety of public and private settings, including family childcare homes, community-based programs, elementary schools, faith-based and military programs, for-profit and non-profit programs, and comprehensive services programs like Head Start. Like other professions, the complex skills and knowledge needed by early childhood educators are articulated in a set of core competencies. The ECE profession relies on early childhood preparation programs within higher education institutions to prepare individuals in those core competencies for high-quality practice.

The wages in early childhood education do not yet reflect the complex skills and knowledge required for effective practice. This is not because child care programs are choosing not to pay their employees a fair wage. This is because in a predominantly private system, families cannot finance the true cost of quality early childhood education absent sufficient public funding support.

Given the profession's low wages, higher education costs are often a barrier to accessing the ECE degrees educators seek and need in order to access career advancement and the potential to earn higher wages. Debt-free pathways for college continue to be a priority for our profession. Many states offer scholarships or other grants to current and prospective early childhood educators to help minimize or fully defray the cost of an ECE degree. However, these programs are not available in every state or to all that may be eligible due to funding constraints.¹ Educators will often rely on federal financial aid, including federal student loans to access higher

¹ [TEACH Early Childhood National Center](#) has partnerships in 23 states through which comprehensive scholarships are offered to ECE students to complete ECE degrees. Additionally, as students progress through their degree, they receive bonuses or raises through their ECE employer. Other states, such as Delaware and Washington have scholarship programs for ECE higher education students to help defray or fully cover the costs of obtaining an ECE degree.

education. A 2023 RAPID survey found that over 20% of early childhood educators working in birth through five settings have student loans.² If access to federal student loans is eliminated in ECE higher education programs, this might disincentivize students from pursuing early childhood education studies or, if they continue, they may be forced to use private loans which often do not have favorable loan terms.

We are similarly concerned that anticipated or actual failures on the “earnings premium metric” could lead to the closure of high-quality early childhood higher education degree programs, even where alternative funding is available for educators pursuing a degree. If this occurs, educators will lose access to key pathways to advance in their profession, exacerbating shortages of qualified educators.

Following are three recommendations for changes in the proposed regulations:

Exempt early childhood education degree programs and other public service professions from being subject to the “earnings premium metric.”

Early childhood education is a high-skill, high-demand, low-wage profession. Through the Public Service Loan Forgiveness (PSLF) Program, Congress has already recognized that higher education plays an important role in preparing individuals for public service professions, including early childhood education, and that students should have access to federal student loans to pursue these professions, with a mechanism in place to defray the cost of student loans. While H.R. 1 made many changes to provisions in Title IV of the Higher Education Act, it is important to note that it did not eliminate PSLF. Therefore, we recommend that programs preparing individuals for professions named in the PSLF statute be exempted from the “earnings premium metric”. These professions include early childhood education, military service, law enforcement, public education, public services for the elderly and adults with disabilities, public health, and several other fields. Exempting programs in this category from the provision would allow these individuals access to federal student loans, as intended through PSLF, and address workforce shortages in critical areas of national need. The Department can easily identify, via CIP code, the programs that specifically prepare individuals for these professions. In the case of early childhood education, this includes programs with the following CIP codes: 13.1015, 13.1209, 13.1210, 19.0706, 19.0707, 19.0708, and 19.0709.

ECE, like many other professions providing essential services to the public, is experiencing a workforce shortage in every state. If the Department does not want to name specific program exemptions in the regulations, we recommend that it include a process for institutions to submit requests for program exemptions that are accompanied by evidence that shows the program is preparing individuals for professions experiencing workforce shortages in the state (or nationally, if the majority of students in the institution live outside the state). This process could be

² <https://rapidsurveyproject.com/wp-content/uploads/2024/10/STUPN0432-Factsheet-Provider-student-loan-debt-240924.pdf>

incorporated into when institutions review and verify the program cohort data the U.S. Department of Education plans to use to calculate the annual “earnings premium metric” or by expanding the allowable reasons for appealing a “low earning outcome” designation.

Use a more nuanced “earnings threshold” for higher education programs

The current proposed “earnings threshold” will disadvantage students in higher education programs preparing individuals for professions that are predominately female, like early childhood education. Currently, the ECE profession is 98% female. The “earnings threshold” will be using the median wages of all adults in a given state, or at the national level. According to [the wage data](#) in the American Community Survey, the source the U.S. Department of Education will be using to determine the “earnings threshold”, there are significant gender wage gaps. In almost every state, the wage gap is \$8,000 or more, with a majority of states showing a \$10,000-\$14,000 gap. Only in Vermont and Washington, D.C. is the wage gap less than \$5,000. Given these gaps, it significantly skews the median earnings figure that will be used for the earnings threshold. We recommend that the Department use the median earnings of women with a high school or with a baccalaureate degree as the earnings threshold for ECE programs and other programs preparing individuals for professions that are predominately female. This would include all programs that fall within the 13 CIP code (education) and all programs that fall within the 19.07 CIP code (human development, family studies and related services). We also want to highlight that the American Community Survey wage data shows significant wage differences based on race, and this data and Bureau of Labor Statistics data show significant wage differences based on geographic regions in a state.

Delay implementation of the *do no harm* provision for at least a year.

The proposed regulations include the Department’s rationale for disregarding the agency’s Master Calendar requirement that regulations finalized after November 1 must not be implemented until at least the second award year after that date. We believe the Department should respect the Master Calendar timeline and delay implementation of this provision until at least July 1, 2027. The *do no harm* provision carries high stakes for institutions and individuals as program eligibility to participate in the federal student loan program rests on this one measure. It is important that the higher education community have time to prepare for its enactment, including putting notification policies and processes in place for how it will handle programs that fail the “earnings premium metric”, preparing for the potential impact of the provision on programs, and identifying other potential financial aid resources for students in programs that fail the metric.

Conclusion

Exempting ECE higher education programs from the *do no harm* provision or delaying implementation of the provision will not impede current or prospective ECE students’ ability to

make informed decisions about financing their ECE higher education degree based on the profession's wages. There is already significant transparency in place about wages in the ECE field. Both current federal provisions and accreditors (institutional and programmatic) require institutions to publicly post wage data for many programs.

We appreciate the opportunity to provide perspectives on the potential negative impact of this provision on our field and workforce and to provide some recommendations for changes in the proposed regulations. Should you like additional information, please reach out to Daniel Hains, Chief Policy and Professional Advancement Officer at the National Association for the Education of Young Children at dhains@naeyc.org

Sincerely,

National Organizations

Abriendo Puertas/Opening Doors
Associate Degree Early Childhood Educators (ACCESS)
American Association of Colleges for Teacher Education
American Montessori Consulting Agency
Bridgecare
Center for Law and Social Policy (CLASP)
Child Care Aware of America
Council for Professional Recognition
Division for Early Childhood of the Council for Exceptional Children
Early Years
First Focus on Children
McCormick Institute for Early Childhood
Montessori Public Policy Initiative
National Association for the Education of Young Children
National Association of Early Childhood Teacher Educators
National Women's Law Center
OMEP USA National Committee
Public Advocacy For Kids
Service Employees International Union
Teacher Education Division of the Council for Exceptional Children
TOOTRiS
UnidosUS
Zero to Three

State/Local Organizations

Advance Illinois
Advance Early Learning Centers (Illinois)
Alaska Children's Trust
Arkansas Early Childhood Association
Aspen Inspirations - ECE Coaching
Association of California Community College Teacher Education Programs (ACCCTEP)

Bay College (Michigan)
Brighton Center (Texas)
California Association for the Education of Young Children (CAAEYC)
Campagna Center (Virginia)
Cape Cod Children's Place
Child Care Aware of Missouri
Child Care Resource Center (California)
Children's Advocacy Alliance of Nevada
Coaching Potentials
Colorado Early Childhood Education Partnership
Commonwealth Children's Fund (Massachusetts)
Connecticut Early Childhood Alliance
DC Association for the Education of Young Children
Early Care & Learning Council (New York)
Early Edge California
Early Matters San Antonio
Educare Springfield (Illinois)
Education and Early Childhood Program at San Antonio College
Family Child Care Association of Maine
Family Focus (Illinois)
Georgia Association for the Education of Young Children
Georgetown University Center for Children and Families
Golden Corridor Association for the Education of Young Children (Illinois)
Grove Hall Child Development Center (Massachusetts)
Great Basin College Early Childhood Program (Nevada)
Guilford County Partnership for Children (North Carolina)
Hawaii Association for the Education of Young Children
Hawai'i Children's Action Network Speaks!
Hopkins House - A Center for Children, Youth, and Families (Virginia)
Illinois Action for Children
Illinois Association for the Education of Young Children
Illinois Association of School Social Workers
Illinois Child Care in Crisis
Illinois Head Start Association
Infant Development Association of California
Inspire Learning Academy (Ohio)
Iowa Association for the Education of Young Children
Johnston Community College (North Carolina)
Kids' First Years (Virginia)
Kids Forward (Wisconsin)
Maine Association for the Education of Young Children
Malones Early learning Center Inc. (Illinois)
Maryland Association for the Education of Young Children
Michigan Association for the Education of Young Children
Montana Association for the Education of Young Children

Nashville Area Association for the Education of Young Children
New Jersey Association for the Education of Young Children
Nebraska Association for the Education of Young Children
New Mexico Association for the Education of Young Children
New York Association for the Education of Young Children
Nevada Association for the Education of Young Children
Ohio Association for the Education of Young Children
Oregon Association for the Education of Young Children
Partnership for Children (North Carolina)
Pennsylvania Association for the Education of Young Children
Prevent Child Abuse Illinois
San Mateo County Child Care Partnership Council (California)
Small Steps (Massachusetts)
Strategies for Children (Massachusetts)
South Carolina Association for the Education of Young Children
Southern Illinois Association for the Education of Young Children
Southwest Ohio Association for the Education of Young Children
South Carolina Association for the Education of Young Children
South Carolina Program for Infant/Toddler Care
Texas Association for the Education of Young Children
Thrive Allen County (Kansas)
UNITE-LA (California)
Vermont Association for the Education of Young Children
Voices for Utah Children
Washington Association for the Education of Young Children
We, the Village Coalition (Illinois)
West Virginia Association for Young Children