



Docket ID ED-2025-OPE-0151

August 25, 2025

Mr. James Bergeron
Deputy Under Secretary
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

Dear Mr. Bergeron,

On behalf of America Forward, I write to share our comments in response to the Department's intent to establish negotiated rulemaking committees (ED-2025-0151). Our comments relate to implementation of Workforce Pell.

America Forward leads [the America Forward Coalition](#), a network of more than 100 of the nation's most innovative, outcomes-focused non-governmental organizations. We work together to develop, advance, and implement more effective policies that increase opportunity for all. Relevant to Workforce Pell, the America Forward Coalition includes many of the nation's leading workforce development providers, such as sectoral employment providers and employment social enterprises, as well as intermediaries with deep experience developing, financing, and supporting high-impact workforce training programs.

America Forward Coalition organizations are excited by the opportunity that Workforce Pell presents to expand high-quality, short-term job training options, including programs aligned with apprenticeships, alongside significant outcomes protections. This opportunity is particularly urgent in light of the long underinvestment in many of the workforce programs that research demonstrates provide the largest benefits for participants' economic outcomes. Moreover, many America Forward Coalition members have long experience partnering with institutions of higher education or are pursuing opportunities to do so through Workforce Pell.

Below, we detail three specific recommendations:

- 1) Clarify the time requirements for eligibility
- 2) Enable and encourage college-workforce partnerships
- 3) Leverage high-quality administrative data to measure program outcomes

In general, we deeply encourage you to pursue implementation of Workforce Pell that leverages the incredible potential of non-governmental workforce organizations to partner with colleges and universities to quickly implement top-quality programs through Workforce Pell.

1) Clarify the Time Requirements for Eligibility

As a foundational matter, **we urge the Department to provide clarity regarding eligibility for programs that have been in existence for longer than a year, but with less than three years of post-exit earnings.** Addressing this question is critical to ensure institutions and their partners can implement new programs responsive to a rapidly changing labor market.

The One Big Beautiful Bill Act (OBBBA)'s Workforce Pell authorizing section includes multiple time requirements for eligibility that have raised questions in the field: 1) Eligible programs must have been offered by the eligible institution “for not less than 1 year” (emphasis added) as determined by the relevant State’s governor, prior to the Department of Education’s determination;¹ and 2) Programs must meet the value-added earnings test involving “the value-added earnings of students who received Federal financial aid under this title and who completed the program 3 years prior to the award year” (emphasis added).²

Congress clearly intended to provide a pathway for eligibility for programs that had been offered for a year but could not yet provide three years of post-exit earnings for students. In fact, the Bipartisan Workforce Pell Act, which served as the basis for OBBBA’s Workforce Pell provisions, included a pathway for initial eligibility for any program “seeking to establish initial eligibility under this paragraph that does not have data available for the Secretary to make the determinations required...”³ We understand that the limitations of the budget reconciliation process may have excluded such clarifying provisions in the statutory text.

We recommend that the Department allow programs to qualify temporarily on the basis of shorter-term earnings outcomes – specifically, the longest possible available for the relevant award year – until they can demonstrate three-year outcomes. This approach follows Congress’s clear intent while aligning with the evidence base. Rigorous research indicates that short-term programs’ earnings impacts tend not to quickly drop off: they either stay flat or continue to grow, and any fade out tends to occur past the 3-year mark.⁴

In addition, we recommend that the Department clarify that programs offered by institutions for at least 1 year are eligible even if the institution had not charged tuition for such programs (e.g., because the programs were part of an apprenticeship and were subsidized by an employer). Providing such clarity could help the field quickly implement Workforce Pell through an array of strong pre-existing, employer-connected models.

¹ Higher Education Act, Sec. 481(b)(3)(A)(iv)(I), as amended by OBBBA.

² Higher Education Act, Sec. 481(b)(3)(A)(iv)(IV), as amended by OBBBA.

³ H.R. 6865, Sec. 3 (118th Congress).

⁴ See Kim & Tamborini (2019), [“Are They Still Worth It? The Long-Run Earnings Benefits of an Associate Degree, Vocational Diploma or Certificate, and Some College,”](#) RSF: The Russell Sage Foundation Journal of the Social Sciences 5(3): 64-85; Minaya & Scott-Clayton (2022), [“Labor Market Trajectories for Community College Graduates: How Returns to Certificates and Associate’s Degrees Evolve Over Time,”](#) Education Finance and Policy 17(1): 53-80.

2) Enable and Encourage College-Workforce Partnerships

Non-institutional, non-governmental workforce providers and intermediaries will be critical to the successful, widespread implementation of Workforce Pell. These organizations have deep expertise in high-quality workforce training, extensive partnerships with employers, and boast an impressive evidence base in terms of impact.⁵ At the same time, the limitations of our present workforce system have historically constricted the amount of funding these organizations have received. Moreover, while many of these organizations worked closely with institutions of higher education in the past, many promising partnerships have been hampered by unclear or restrictive rules. We urge the Department to unlock innovative, high-quality partnerships by eliminating red tape to the extent possible.

First, we urge the Department to revisit, in the context of Workforce Pell, its rule governing partnerships between non-institutional providers and eligible institutions of higher education. At present, the Department's regulations prohibit a non-college provider (an "ineligible institution or organization") from offering 50 percent or more of an "educational program" when they partner with colleges to deliver a program eligible for federal student aid.⁶ In addition, another rule requires participating institutions to enter into a written arrangement with their accreditor if an ineligible provider will offer more than 25 percent of the program;⁷ accreditors must resolve such requests within 90 days, or 180 days if the accreditor determines "significant circumstances related to the substantive change require a review by the agency's decision-making body to occur within" that longer time frame.⁸

We recognize and appreciate the importance of ensuring that students have clarity around which organization is in fact providing their educational program and providing direct accountability for that program. However, we recommend that the Department slightly revise these rules' applicability for Workforce Pell, particularly as Workforce Pell already involves extensive review of programs by the relevant state's governor. Clearer, more responsive approval processes will enable high-impact non-institutional providers to partner with higher education institutions to scale high-quality programs nationally, while ensuring employer-informed training remains central to program design and placement. Specifically, we recommend that the Department amend the regulatory provision regarding written arrangement with accreditors if ineligible providers offer between 25 to 50 percent of a program: We suggest that you **require accreditors to provide an expedited review of any such requests for programs offered under Workforce Pell within a 30-day period.**

Second, we recommend that the Department provide for a clear, straightforward process by which governors will determine that programs meet the relevant workforce-aligned criteria for Workforce Pell. Our partners have often found that Workforce Innovation and Opportunity Act (WIOA) Eligible

⁵ See, e.g., J-PAL North America (2022), *Sectoral Employment Programs as a Path to Quality Jobs: Lessons from Randomized Evaluations*, https://www.povertyactionlab.org/sites/default/files/publication/Evidence-Review_Sectoral-Employment_222022_0.pdf.

⁶ 34 CFR 668.5(c)(3).

⁷ 34 CFR 600.22(a)(i)(ii)(J).

⁸ 34 CFR 602.22(a)(2)(ii).

Training Provider List (ETPL) review processes have stretched on interminably – which is why the bipartisan A Stronger Workforce for America Act WIOA reauthorization bill would require governors to act on ETPL determinations within 30 days. In addition, we are concerned that states around the country may implement widely varying interpretations of relevant criteria (e.g., defining a “stackable and portable” postsecondary credential), making it very difficult for national workforce providers to operate in multiple states, especially for online programs. Strong Workforce Pell outcomes are predicated on courses’ responsiveness to industry demand: any delays create gaps between hiring needs and timebound skills attainment.

We urge you to **require a similar 30-day timeline for state Workforce Pell program approvals, to provide a standard template by which states may review Workforce Pell programs in advance of the Secretary’s determination, and to provide clarity around key definitions.** In addition, we propose that you encourage or require states to align their Workforce Pell process, to the extent possible, with ETPL approvals to avoid duplication of effort; many Workforce Pell programs will likely be co-listed on ETPLs as well.

Third, we recommend the Department take a clear, accessible approach to determining pro-rating funds for Workforce Pell. We encourage the Department to revisit the regulations and guidance governing the calculation of Federal Pell Grants to recognize the distinctive structures that Workforce Pell programs may take. Many prospective Workforce Pell programs involve extensive on-the-job engagement with employers and will leverage the option to qualify on the basis of clock-hour instruction ranging from 150 up to less than 600 clock hours, as opposed to credit hours delivered from 8 to under 15 weeks.⁹ The Department’s updated regulations and guidance should recognize, for instance, that clock hours may vary across calendar week for many programs as students engage in complementary experiences working with employers alongside their academic program. Similarly, the Department should revise its calculation governing Pell Awards for clock-hour programs to allow students to receive the maximum award allowable based on their clock-hour enrollment, as opposed to the lesser of clock hours completed *or* instructional weeks.¹⁰

Fourth, we encourage you to provide clear guidance regarding packaging aid for Workforce Pell programs. Many participants may also benefit from complementary workforce development investments, such as support under WIOA or earnings from apprenticeships. We encourage you to provide straightforward guidance as to how those additional funds will affect the packaging of Workforce Pell dollars. For example, we suggest that the Department clarify that learners can dual enroll under WIOA and Workforce Pell, including for programs with costs exceeding the maximum available under either WIOA or Workforce Pell alone (provided the program meets the median value-added earnings requirement).

⁹ Higher Education Act, Sec. 481(b)(3)(A)(i), as amended by OBBBA.

¹⁰ See current 34 CFR 690.63(e) governing payments for programs using clock hours, as well as [Volume 7, Chapter 4, “Pell Formula 4: Clock-Hour and Non-Term Credit-Hour Programs,”](#) of the 2024-2025 Federal Student Aid Handbook.

Fifth, we encourage you to consider including non-institutional, non-governmental workforce providers and intermediaries as a distinct constituency group in the Accountability in Higher Education and Access through Demand-driven Workforce Pell (AHEAD) Committee for negotiated rulemaking.

While these organizations partner closely with institutions of higher education and employers, the Department should consider their unique and critical perspective as part of the rulemaking process.

3) Leverage high-quality administrative data to measure program outcomes

We strongly encourage the Department to leverage high-quality administrative data to measure and report on program outcomes, following the model of the Bipartisan Workforce Pell Act. Doing so will support strong outcomes; facilitate a transparent, effective market for short-term programs; reduce burden for institutions and their partners; and advance public trust.

First, the Department should leverage high-quality administrative data on earnings to perform value-added earnings comparisons. We encourage you to take a similar approach to the Bipartisan Workforce Pell Act: leverage administrative data from the National Student Loan Data System matched to federal earnings data, such as from data from the Internal Revenue Service (IRS), building on the existing model under the College Scorecard.¹¹

Second, we urge the Department to leverage administrative data to assess job placement rates as well.

Requiring providers to self-assess job placement rates, such as through surveys, adds unnecessary burden and will likely lead to less accurate measurements. However, IRS data, because it is reported annually, is not sufficient as Congress required the Department to assess programs' job placement rates at 180 days after students complete their program. Accordingly, we suggest the Department leverage another administrative data set that provides for quarterly data reporting which includes individuals' actual hire dates. The Department could, for example, build on the infrastructure developed by the Census Post-Secondary Employment Outcomes (PSEO) project that provides earnings and employment data for institutions by leveraging Longitudinal Employer-Household Dynamics (LEHD) data; while PSEO does not currently provide outcomes shorter than one year post-exit, LEHD's use of quarterly data should make it possible to calculate 180-day placement outcomes. The Department could, alternatively, encourage states to provide outcomes data for providers; in general, we strongly encourage the Departments of Education and Labor to support states in strengthening their workforce data infrastructure. Along those lines, we also encourage the Department, to the extent possible, to align the timing of job placement reporting with the second-quarter employment metric under WIOA to provide for consistent reporting across Eligible Training Provider Lists.¹²

Third, we recommend the Department to incorporate several other data procedures incorporated in the Bipartisan Workforce Pell Act but left unclarified in OBBBA. This includes an appeals process and temporary alternative earnings process, recognizing potential gaps in administrative data sources that

¹¹ H.R. 6865, Sec. 4 (118th Congress).

¹² See U.S. Department of Employment (2024), Training and Employment Guidance Letter No. 10-16, Change 3, at page 7, <https://www.dol.gov/agencies/eta/advisories/tegl-10-16-change-3>.

could disproportionately affect certain programs (e.g., programs that disproportionately lead to participants' gainful work while self-employed or as independent contractors).¹³ We also support provisions that would aggregate data for small programs across years, 4-digit CIP codes, or other similar credentials as necessary in order to provide transparency while providing access to programs with smaller enrollments.¹⁴

Fourth, the Department should provide for strong, timely data reporting in the College Scorecard as provided by the Bipartisan Workforce Pell Act, including program costs, earnings (for both completers and non-completers, including as early as 180 days post-exit), and placement (both at 180 days and 1 year).¹⁵ We also encourage the Department to disaggregate this data by demographics (e.g., income, age, race/ethnicity), aligned with the Bipartisan Workforce Pell Act's approach, and, as granularly as possible, by credential type. Providing this level of granular data – as administrative data will facilitate – is critical to support learners to make strong choices (e.g., for the many young adults entering the labor market for the first time), to facilitate program improvement, strengthen cross-sector partnerships, and ultimately bolster the market for these programs.

Fifth, ideally the Department would make outcomes reporting data accessible to potential Workforce Pell participants before they apply. Doing so would reduce burden on institutions, their partners, and states.

Conclusion

Thank you for the opportunity to provide input. We look forward to supporting the Department's successful implementation of Workforce Pell.

Sincerely,

Chase Sackett
Policy Director
America Forward

¹³ See H.R. 6865, Sec. 3 (118th Congress).

¹⁴ Id.

¹⁵ See H.R. 6865, Sec. 4 (118th Congress).