



Docket ID ED-2026-OPE-0133

April 8, 2026

Mr. Nicholas Kent  
Under Secretary of Education  
U.S. Department of Education  
400 Maryland Ave. SW  
Washington, DC 20202

Dear Under Secretary Kent,

On behalf of America Forward, I write to share our comments in response to the Department's Notice of Proposed Rulemaking following the AHEAD Committee (ED-2026-OPE-0133). Our comments focus on provisions related to Workforce Pell implementation.

America Forward leads [the America Forward Coalition](#), a network of more than 100 of the nation's most impactful and innovative 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.

Our comments address two proposed provisions related to Workforce Pell:

- 1) The 25% partnership limitation (§ 668.5).** We strongly recommend amending the proposed rule to instead incorporate the typical 49% limitation with accreditor approval and also ensure a timely approval process by accreditors.
- 2) Bilateral governor's agreements (§ 690.93).** We urge the Department to allow for regional agreements that involve more than two states given the interrelated labor markets in many regions of the nation.

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.

We are concerned, however, by the prospect of cumbersome, though well-intended, provisions that exclude high-performing non-institutional providers from supporting the development, implementation,

and scale-up of proven programs supported by Workforce Pell. As the Department considers its final implementing rule, 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) Amend the 25% partnership limitation (§ 668.5)**

America Forward Coalition members are deeply concerned that the proposed rule's restriction on non-eligible providers offering more than 25% of a program will exclude many high-impact programs or make financially-sustainable models infeasible, severely uncutting the promise of Workforce Pell. Instead, the Department should (i) allow non-institutional providers to offer up to 49% of a program with accreditor approval and (ii) ensure that accreditors provide timely approval of such arrangements.

Non-institutional, non-governmental workforce providers and intermediaries, including sectoral employment providers, 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.<sup>1</sup> 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.

To be clear, America Forward strongly supports outcomes-based metrics and quality in Workforce Pell. However, we are concerned that setting arbitrary implementation requirements like the 25% partnership limitation, in contrast to the typical 49% limit for other Pell-eligible programs with accreditor approval,<sup>2</sup> frustrates the purpose of a program that relies on both outcomes-based metrics as well as complementary state reviews (e.g., program alignment with high-skill, high-wage, or in-demand sectors or occupations).

*i. Allow non-institutional providers to offer up to 49% of a program with accreditor approval*

First, **the experience of America Forward Coalition members demonstrates the enormous challenges a 25% partnership limitation would impose.** We offer the following examples to illustrate these concerns:

*NPower and Apprenticeships.* NPower is an evidence-based national workforce development program serving young adults and military-connected individuals (veterans, spouses, active duty). NPower participants have an 81% graduation rate based on all-time national data with 80% of graduates securing employment or continuing their education, while participants experience an average 300% increase in salary and 82% earn at least one industry-recognized certification.

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<sup>1</sup> 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\\_2222022\\_0.pdf](https://www.povertyactionlab.org/sites/default/files/publication/Evidence-Review_Sectoral-Employment_2222022_0.pdf).

<sup>2</sup> 34 CFR 668.5(c)(3)(ii)(A); 34 CFR 600.22(a)(1)(ii)(J).

NPower has developed both a pre-apprenticeships program and a Registered Apprenticeships program with a community college. **NPower contributes well more than 25% of the specialized technical instruction, work-based learning alignment, employer engagement, and learner supports for this program**, while the community college ensures portability, compliance, and alignment to regional workforce goals. This arrangement boosts operational efficiency, strengthens workforce board alignment, enables rapid response to employer demand, and expands access to apprenticeships for underserved populations. Imposing a 25% restriction on NPower’s participation would, accordingly, severely limit NPower and its institutional partner’s ability to implement and scale this program under Workforce Pell.

*Per Scholas and Cost Structures.* Per Scholas is a national sectoral employment program whose participants have 85% graduation rate, 80% job attainment, and on average, earn three times their pre-training wage in their first job,<sup>3</sup> while multiple randomized controlled trials demonstrate their program’s outsized impact on students’ careers and earnings.<sup>4</sup> Their programs operate at the cutting edge of technology including AI, cybersecurity, and cloud computing, and Per Scholas currently collaborates with more than 850 employer partners to inform and co-design curricula that directly address critical industry skill shortages.

Per Scholas’ experience partnering with institutions of higher education demonstrate that the 25% limitation will pose significant barriers to programs in highly-technical fields. As the Department’s proposed rule notes, an AHEAD negotiator “mentioned that a written arrangement could help an eligible institution start an eligible workforce program without the need to purchase expensive capital equipment of its own, as necessary training on such equipment may be available from an ineligible institution or organization through a written arrangement.” Per Scholas provides specialized technical labs, industry-informed curriculum, and expert instructors that allow for the timely, cost-effective launch of training with close alignment to employer hiring needs, providing operational efficiencies that enable institutions to focus on student support and to reduce their own overhead. **A 25% partnership limitation, however, severely threatens the economics of these arrangements and the potential to sustain and scale such programs.**

*Propel America and Healthcare Talent.* Propel America is a national sectoral employment provider focused on addressing the healthcare talent shortage through an innovative, integrated model that helps young adults build upwardly mobile careers. Propel works with seven health systems across the nation and offers accelerated programs that lead to rewarding careers in two pathways so far: medical assistants and sterile processing technicians. Propel partners with institutions of higher education to offer training alongside robust supports, including externship placement and a stipend; application and interview support; and hire-ready and post-hire coaching. With public funding, they are in the process of launching a healthcare apprenticeship pilot cohort in California with four employers this year, as well as a new apprenticeship program in Pennsylvania in 2026. Their Fellows, who are primarily young adults from

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<sup>3</sup> See, e.g., <https://americaforward.medium.com/responding-to-a-rapidly-changing-economy-per-scholas-on-agile-workforce-development-approaches-4d4ab5a9b4b8>.

<sup>4</sup> [https://www.povertyactionlab.org/sites/default/files/publication/Evidence-Review\\_Sectoral-Employment\\_2222022\\_0.pdf](https://www.povertyactionlab.org/sites/default/files/publication/Evidence-Review_Sectoral-Employment_2222022_0.pdf)

lower-income backgrounds, experience a 30% wage increase on average, while their alumni persistence rate far outpaces the industry standard.

In Propel's experience, a 25% partnership cap would significantly limit the operations and impact of their model and similar providers. For leading workforce programs like Propel, completion alone is not the intended outcome -- employment is. For the populations that Propel serves, strong job placement and persistence outcomes depend heavily on non-institutional supports and employer integration, including learner recruitment, screening, readiness assessment, coaching, persistence support, employer engagement, placement, and early retention support. For low-income and first-generation learners, these high-touch supports are not ancillary: they constitute core program delivery. Many learners require sustained navigation and coaching from enrollment through job placement and early employment. **Propel finds that these supports often exceed 25% of total delivery costs in their programs and those of peer providers.**

Accordingly, **allowing a higher threshold for partnerships (e.g., up to 49%) would better reflect how high-performing workforce partnerships actually operate from Propel's experience.** It would preserve institutional oversight while allowing delivery models in which employers, workforce intermediaries, and coaching/navigation providers play a substantial role in producing the outcomes Workforce Pell is intended to support. A 25% cap would likely reduce quality, not just operational flexibility: in practice, it would likely force programs to reduce coaching, employer engagement, or placement support in order to remain compliant; thereby weakening completion, employment, and retention outcomes for the very learners Workforce Pell is meant to serve. In addition, the proposed 25% cap may unintentionally prioritize institutions that retain administrative control over those providers best-positioned to drive workforce outcomes. In many partnerships, intermediaries like Propel are the entities with the deepest employer relationships, strongest placement infrastructure, and clearest operational accountability for employment outcomes.

*ii. Reconsider reasoning for 25% limitation*

We also urge the Department to reconsider its reasoning for the 25% limitation. In the proposed rule, the Department writes, “Moreover, the Department is concerned that the provision of eligible workforce programs by ineligible institutions and organizations could rapidly expand far beyond the intent of the statute.” This interpretation is in direct contradiction to the legislative history and clear intent of Congress in authorizing Workforce Pell under the One Big Beautiful Bill Act (OBBBA): both the House and Senate leaders tried to make it *easier* for ineligible providers to participate and allow them to offer 100% of programs, not limit the scope of their involvement in Workforce Pell programs.

In May 2025, the House passed an OBBBA bill that allowed for non-accredited providers to *directly* qualify for Workforce Pell without an institutional partner so long as the provider met the other eligibility requirements, had not been subject to a qualifying adverse action in the past three years, and entered into a program participation agreement with the Department of Education.<sup>5</sup> In turn, in June, the Senate Health,

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<sup>5</sup> See H.R. 1 ([as engrossed in the House on May 22, 2025](#)), Sec. 30032(b)(2). “(i) The term ‘eligible institution’ means an institution of higher education (as defined in section 102), or any other entity that has entered into a program participation agreement with the Secretary under section 487(a) (without regard to whether that entity is

Education, Labor and Pensions (HELP) Committee published reconciliation text that included the same language allowing non-accredited providers to access Workforce Pell without an institutional partner;<sup>6</sup> the HELP Committee’s section-by-section summary states that Workforce Pell would “allow students enrolled in programs operating outside of the accreditation system to be eligible for Workforce Pell Grants.”<sup>7</sup>

While the final version of OBBBA did not ultimately provide direct eligibility for non-institutional providers, that was a result of the Senate Parliamentarian’s adverse ruling on the HELP Committee’s initial Workforce Pell language under the Byrd Rule.<sup>8</sup> **That is to say, legislators intended to provide non-institutional providers direct access to Workforce Pell without an institutional partnership (i.e., to offer 100% of a program) before a Byrd Rule determination stopped them from doing so. That history is in direct contrast to the idea that legislators sought to restrict non-institutional providers from offering Workforce Pell programs in partnership with institutions, distinct from the typical regulatory framework for partnerships.**

We recognize that the Department also outlines a concern that “there is not the same level of quality assurance given the broad lack of experience in the accreditation industry in evaluating agreements for short-term programs.” This concern, however, seems overstated given many Title IV-eligible programs already launch and operate without direct accreditor review – as opposed to simply whole-institution review, as by regional accreditors – and because Workforce Pell programs will undergo a much more intensive governor’s review process that other Pell-eligible programs do not.

**While we strongly recommend simply applying the typical framework for partnerships involving ineligible providers, if the Department is committed to identifying “specific conditions” under which partnerships involving more than 25% of program delivery would be allowable, the Department could require that accreditors confirm that such partnerships involve an active employer or industry partnership (e.g., sectoral program, apprenticeships) in the program’s development and/or implementation.**

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accredited by a national recognized accrediting agency or association), which has not been subject, during any of the preceding 3 years...”

<sup>6</sup> See Senate HELP text at <https://www.help.senate.gov/imo/media/doc/bom25426pdf1.pdf> at page 54; linked at U.S. Senate Committee on Health, Education, Labor & Pensions (June 10, 2025), “Chair Cassidy Releases Historic HELP Committee Reconciliation Bill Text, Fixing America’s Broken Higher Education System,” <https://www.help.senate.gov/rep/newsroom/press/chair-cassidy-releases-historic-help-committee-reconciliation-bill-text-fixing-americas-broken-higher-education-system>.

<sup>7</sup> See “HELP Committee Provisions of the Senate’s One Big Beautiful Bill Act Section by Section” at page 2, [https://www.help.senate.gov/imo/media/doc/25-06-10\\_help\\_section\\_by\\_section\\_finalpdf.pdf](https://www.help.senate.gov/imo/media/doc/25-06-10_help_section_by_section_finalpdf.pdf).

<sup>8</sup> See U.S. Senate Committee on the Budget (June 26, 2025), “Republicans’ “One Big, Beautiful Bill” Includes Additional Provisions That Violate the Byrd Rule,” <https://www.budget.senate.gov/ranking-member/newsroom/press/republicans-one-big-beautiful-bill-includes-additional-provisions-that-violate-the-byrd-rule>. See contemporary discussion at Sudow and Davis (June 30, 2025), “Byrd Bath: Workforce Pell on Ice; Other Provisions Still Under Review,” Whiteboard Advisors, <https://whiteboardadvisors.com/byrd-bath-workforce-pell-on-ice-other-provisions-still-under-review/>.

*iii. Ensure that accreditors provide timely approval of partnerships*

In addition, **we urge the Department to establish a timely review process for Workforce Pell programs in which non-eligible providers will offer more than 25% of a program.** Presently, the Department's rules provide that 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.<sup>9</sup> We are concerned that a 180-day approval process is unreasonable given the importance of Workforce Pell programs' responsiveness to labor market conditions, alongside the numerous other steps of the approval process. Accordingly, we recommend that the Department **require accreditors to review such partnership requests within 30 days** (in alignment, for example, with the Department of Labor's commitment to review apprenticeship registration applications within 30 days).<sup>10</sup>

**2) Expand the scope of bilateral governor's agreements**

We strongly encourage the Department to expand the scope of bilateral governor's agreements to accommodate more than two states and recognize the multistate nature of many labor markets in our nation.

Many providers in America Forward's network operate in markets that involve not just two, but at least three jurisdictions, such as the DMV (DC-Maryland-Virginia) and the New York-New Jersey-Connecticut tristate area. As the Executive Director of one leading sectoral program's site attested, "Limiting agreements to two states at a time is misaligned with how today's digital workforce ecosystems function. Providers must be able to operate across multi-jurisdictional regions without navigating redundant, inconsistent, and slow approval processes."

Accordingly, limiting agreements to two states will require states to engage in a confusing web of two-state approvals (e.g., DC and Maryland; DC and Virginia; Maryland and Virginia) when a multi-state compact would be much easier. We are concerned that a purely bilateral approach will lead to similar fragmentation and bureaucratic challenges as providers experience in today's Eligible Training Provider List environment under the Workforce Innovation and Opportunity Act (WIOA), posing barriers to efficient program approval, learner mobility, employer engagement, and scaling high-quality workforce programs.

Providing greater flexibility for state agreements is particularly important because leading providers increasingly offer hybrid and virtual models that expand access to underserved markets – including rural communities– and in close partnership with employers. Providers' innovative, modern approaches to delivery could, however, trigger limitations on distance learning between states and in turn create a web of red tape that limits effective program implementation.

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<sup>9</sup> 34 CFR 602.22(a)(2)(ii).

<sup>10</sup> See

<https://www.apprenticeship.gov/sites/default/files/bulletins/2026-35%20Announcement%20of%20Shot%20Clock.pdf>.

**We urge the Department to allow more than two states to form multilateral agreements regarding Workforce Pell programs.** We recognize the Department’s concern that “nationwide reciprocity, without constraints, would circumvent statutory intent that eligible workforce programs fulfill specific local, regional, and State workforce needs.” However, we believe the Department’s existing language requiring states to ensure that out-of-state programs are actually relevant to their own state would fulfill this need. If necessary, the Department could clarify that such agreements must be *regional* in nature, addressing the concern with nationwide reciprocity regimes.

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  
[chase.sackett@americaforward.org](mailto:chase.sackett@americaforward.org)