

34 CFR 690.5 - Ineligibility due to ~~grant or scholarship~~ assistance from non-Federal grants.

Commented [A1]: Tamar Hoffman

(a) A student shall not be eligible for a Federal Pell Grant for an award year during which the student receives grant ~~or scholarship assistance aid~~ from non-Federal sources including States, eligible institutions, or private sources, in an amount that equals or exceeds the student's cost of attendance for the award year;

(b) ~~Grant or scholarship assistance from non-Federal sources does not include sources that are excluded under Section 480(i) of the Higher Education Act of 1965, as amended.~~

Commented [A2]: Kristin Hultquist, Eric Atchison and Magnus Noble

34 CFR 690.80(d)

(d) Receipt of assistance from non-Federal grants. ~~If, prior to the final disbursement of a student's Pell Grant for an award year, the institution becomes aware that the at any time during the award year the~~ student ~~has received or will receive grant or scholarship assistance~~ from non-Federal sources that equals or exceeds the student's cost of attendance as described in 34 CFR 690.5, the institution must either—

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(1) ~~+~~ reduce the non-Federal ~~grant or scholarship~~ assistance until it does not equal or exceed the student's cost of attendance; or

(2) ~~Return all of the Federal Pell Grant funds that the student received for that award year and cancel any future disbursements of such funds for that award year.~~

34 CFR 690.91 - Definitions

Recognized postsecondary credential: A credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree, ~~that meets the requirements under 34 CFR 668.8.~~

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§ 690.92 Eligible workforce program

An educational program is an eligible workforce program if the Secretary determines that it is an undergraduate program that ~~meets the requirements under 34 CFR 668.8 and~~

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(a) Requires a minimum of 8 weeks, but less than 15 weeks of instruction;

(b) (i) Is at least 150 clock hours but less than 600 clock hours;

(ii) At least 4 but less than 16 semester or trimester hours; or

(iii) At least 6 but less than 24 quarter hours;

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34 CFR 690.93 - Components determined by Governor

(a) Prior to the Secretary's evaluation of ~~whether an eligible workforce program~~ **is an eligible workforce program**, the Governor, after consultation with the State board, approves the program by determining that the program-

- (1) Provides an education aligned with the requirements of high-skill, high-wage (as identified by the State pursuant to section 122 of the Carl D. Perkins Career and Technical Education Act (20 U.S.C. 2342)), or in-demand industry sectors or occupations;
- (2) Meets the hiring requirements of potential employers in the sectors or occupations described in paragraph (a)(1) of this section;

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(b) The Governor shall establish, after consultation with the state board, a process for an institution to request a determination that ~~an eligible workforce~~ program meets the requirements in paragraph (a) of this section that is made publicly available and includes-

(1) The criteria the Governor will use to determine if a program meets each of the requirements described under paragraph (a), which shall include-

(i) The State's methodology to determine and periodically review which occupations and industry sectors are high-skill, high-wage (as identified by the State pursuant to section 122 of the Carl D. Perkins Career and Technical Education Act (20 U.S.C.

Commented [A6]: ED - Technical changes were made throughout the proposed language to distinguish between a title IV eligible and ineligible program.

2342)), or in-demand, including the competencies needed in such industries and occupations, as identified by the State pursuant to section 102 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3112), and where the list of such occupations and sectors will be made publicly available;

(ii) A written policy for determining whether a program meets the hiring requirements of employers in the high-skill, high-wage, or in-demand sectors and occupations that the program prepares students for employment in, that—

(A) Considers ~~whether~~ the ~~expected~~ competencies for which the recognized postsecondary credential ~~intends to align with the program leads to denotes mastery and the~~ the competencies needed in such ~~industries~~ high-skill, high-wage, or in-demand sectors and occupations;

Commented [A7]: Michale McComis

(B) Incorporates direct input from employers, which may be secured from the state board and local workforce development boards, industry or sector partnerships, sponsors of Registered Apprenticeship programs, joint labor-management partnerships, or through other methodologies established by the State; and

~~(C) Considers any program that serves as related instruction for a Registered Apprenticeship program in a high-skill, high-wage, or in-demand occupation with active apprentices as meeting the hiring requirements of employers for such occupation;~~

Commented [A8]: Conforming change with Tamar Hoffman's edit in 690.93(g), later on in these edits. We added a reference to (a)(2) which make this paragraph unnecessary.

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(3) The process and timeline for the Governor's consultation with the state board and a determination that an eligible workforce program meets the requirements in paragraph (a), and the process for an institution to appeal that determination; and

(4) An attestation that the state board has been consulted.

(c) The Governor shall not approve an eligible workforce program until it meets all the requirements of paragraph (a) of this section, as determined through the process established under paragraph (b) of this section.

(d) The Secretary documents the Governor's approval and determination that an eligible workforce program meets the requirements in paragraph (a) of this section by accepting a certification by the Governor or their designee that includes the following-

(1) The name of the program;

(2) The Classification of Instructional Programs (CIP) Code of the program;

(3) A signed statement that the eligible workforce program was approved by the Governor and that the program meets the requirements described in paragraph (a);

(4) The date the eligible workforce program was approved;

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~~(g) A program that includes the required technical instruction component for a Registered Apprenticeship Program that meets the~~

~~requirements of 29 CFR Part 29 is considered to meet the requirements of paragraph (a)(1) of this section.~~

(g) A program that serves as the related instruction component of a Registered Apprenticeship Program meets the requirements of paragraph (a)(1) and (a)(2) of this section.

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34 CFR 690.94 - Components determined by the Secretary

(a) After the Governor determines that the program meets the requirements under 34 CFR § 690.93, the institution must submit to the Secretary documentation that-

(1) The program has been in existence for at least one year from the date that the Governor determines that the program met the regulatory requirements. The Secretary considers a program to have been in existence for at least one year if the ~~eligible workforce~~ program has met the conditions under 34 CFR § 690.92(a) and (b) and 34 CFR § 690.93(a) for at least one year.

(2) The program meets placement and completion rate requirements-

(i) For the 2026-27 and 2027-28 award years only, as determined through a certification from the Governor, based on the Governor's analysis using available administrative data, including wage records, that the ~~eligible workforce~~ program meets the following standards-

§ 690.97 Regaining eligibility

(a) If an eligible workforce program loses eligibility based on failure of completion or placement rates under 34 CFR § 690.94(b)(1)(i), or the institution voluntarily discontinues a failing eligible workforce program, the institution may not seek to reestablish the eligibility of the failing ~~eligible workforce~~ program, or to establish eligibility for a substantially similar ~~eligible workforce~~ program sharing the same four-digit CIP code, until two years following the earlier of the date the program loses eligibility under 34 CFR § 690.94(b)(1)(i) or the date the institution voluntarily discontinues the failing workforce program.