

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
NEGOTIATED RULEMAKING
ACCOUNTABILITY IN HIGHER EDUCATION AND ACCESS
THROUGH DEMAND-DRIVEN (AHEAD)
WORKFORCE PELL COMMITTEE
SESSION 1, DAY 5, MORNING
December 12, 2025

On the 12th day of December, 2025, the following meeting was held in-person, from 9:00 a.m. to 12:00 p.m.

P R O C E E D I N G S

MS. MACK: Good morning. My name is Kayla Mack, and I will be facilitating the fifth and final day of the Workforce Pell portion of the Department's Negotiated Rulemaking with the AHEAD Committee. My co-facilitator, Mike Franczak, and I, want to thank the Department and the committee members for all of the hard work, long hours, and meaningful engagement all week long. We're going to begin with our roll call. I'll call out the abbreviation for the constituency groups, call primary, and then alternate. And please read your names into the record and make sure that you speak into those microphones. For students, our primary?

MR. ATCHISON: Eric Atchison.

MS. MACK: Thank you, Eric. And our alternate?

MR. NOBLE: Magnus Noble.

MS. MACK: Thank you, Magnus. And for veterans, our primary?

MR. FEEHAN: Matthew Feehan, Primary.

MS. MACK: Thank you, Matthew. And our alternate?

MS. HOWELL: Julie Howell.

MS. MACK: Thank you, Julie. For employers, I will note, as was read into the record

yesterday, our primary will not be here. So we have our alternate joining us at the table, please?

MR. CARIELLO: Present, Dennis Cariello.

MS. MACK: Thank you, Dennis. For legal aid, our primary?

MS. HOFFMAN: Tamar Hoffman.

MS. MACK: Thank you, Tamar. And our alternate?

MS. KEMMERLING: Zoe Kemmerling.

MS. MACK: Thanks, Zoe. Also, with public, we have our primary not in attendance today as was shared yesterday, but our esteemed alternate has joined the table, please?

MS. WILLIAMS: Tonjua Williams.

MS. MACK: Thank you, Tonjua. For private nonprofit, our primary?

MR. ARTHUR: Aaron Lacey.

MS. MACK: Thank you, Aaron. And our alternate?

MS. ROUSH: Joanna Roush.

MS. MACK: And proprietary. I am not skipping you today. Our primary?

MR. ARTHUR: Jeff Arthur.

MS. MACK: Thank you. And our

alternate? Say that into a microphone for me, will ya?

MR. CLAYBAUGH: Ryan Claybaugh.

MS. MACK: Thank you, Ryan. All right.

And for state workforce, our primary?

MS. STEPHENS PARKER: Rachael Stephens Parker.

MS. MACK: Thank you. And our alternate?

MS. DESANTIS: Andrea DeSantis.

MS. MACK: Thank you, Andrea. And state grant, our primary?

MR. MORROW: Ritchie Morrow.

MS. MACK: Thank you, and our alternate?

MS. MCCLOUD: Elizabeth McCloud.

MS. MACK: Thank you, Elizabeth. For state higher ed, our primary?

MR. STAMPER: Randy Stamper.

MS. MACK: And our alternate?

MS. DELANGE: Heather DeLange.

MS. MACK: For accrediting agencies -- thank you, Heather. Accrediting agencies, our primary?

MR. MCCOMIS: Michale McComis.

MS. MACK: Thank you, Michale. And our alternate?

MR. LITKE: Gary Litke.

MS. MACK: Thank you, Gary. And finally, for taxpayers, our primary?

MR. COOPER: Preston Cooper.

MS. MACK: And our alternate?

MR. POLLACK: Ethan Pollack.

MS. MACK: Thank you, Preston and Ethan. Dave, I'll turn it over to you.

MR. MUSSER: All right. Thanks, Kayla. David Musser, present.

MS. MACK: I should have called on you, Dave. I guess I skipped the Department table, didn't I? And for our counsel, please, Jake.

MR. MUSSER: Jake Lallo, present.

MS. MACK: And last but not least.

MR. ANDRADE: Jeff Andrade, Deputy Assistant Secretary, OPE, and I am present.

MS. MACK: That will certainly be on my feedback paper. I'm so certain of that. Thank you. Back to regular programing, Dave, the floor is yours.

MR. MUSSER: I'm a stickler for protocol. Thank you, Kayla. Thanks, everybody. So I think you all saw this morning. The Department has made a number of additional changes last night in response to a number of comments and other changes. We haven't gotten

to you guys yet. Sorry about that. So you'll be getting them very shortly. Being passed around momentarily. And we'd like to go through the changes that the Department has made this evening. And then once we do that, we can take a few questions from you guys at the outset. But then we'd like to give some time to everybody to go over everything. And then we can come back and discuss in more detail, recognizing that everyone needs a little bit of time to digest what you have, and then come back to the table. So we'll start with sending around the printed copies. One thing I want to point out about the printed copies is that the Department did identify a couple of typos that we corrected this morning. I will identify them as we go through the text on the screen. They are narrow enough that we didn't reprint the copy. So you won't see them in the printed version. But I would just ask that maybe you strike them out with a pen or something to, to identify them so that you're aware that they're in the final version. Yeah. And we'll and we will also email the final version. So you'll have that to look at when, when you're reviewing. And with that, I will ask Aaron to project the regulations on the screen and we will begin running through them. So we did our best to make the changes in a color that is legible. So I hope everyone can read these. The changes from last night are

in gray. So the first one here is actually one of the technical corrections that we made. This is just a cross-reference. We discussed adding registered apprenticeship in the definition of recognized postsecondary credential yesterday. And we realized that it might be helpful to specifically identify what that -- where that term can be found and the conditions that apply to it. So we added under 29 CFR Part 29. So this is the one that won't appear in your printed copy, but will appear in the emailed version and will appear on the screen. All right, we can go on. Oh, there we go. So second change here. This is in 34 CFR 690.93, as posed. The -- here we've added a written -- under the written policy for determining if a credential is stackable and portable that establishes documented connections to additional credentials, considers now there's the phrase, if available, should also be in gray. So I apologize. But that is new. Oh, and it looks like Aaron is on the fly giving you that, but you'll see it in the emailed version. It is in redline, so you'll see that that's also added. If available, data showing whether students have additional credentials through Career Pathways. So this was taken in part from our student negotiators suggestion. The actual suggestion, the suggested language included references to percentages. And when we discussed

this with our Department of Labor colleagues, they indicated that those sorts of data are not always available. So that's why we have the language if available. And why we refer to -- a little bit more broadly to data about additional credentials, but the intent is the same that we expect that they would consider that information when -- in their policy. Okay. You can scroll down a little bit here. So here we still have the language for such as is struck, but we added through written agreements, including with all of the other items that were already in there. Just to be clear that we're talking about written agreements as part of the items that need to be considered when looking at the transfer and articulation of credit policy. We can -- yeah, we can pause for questions throughout.

MS. MACK: Appreciate that. Please, Dennis,

MR. CARIELLO: Just a quick question. So if there's a state that has a blanket transfer of credit policy, so there's not a written agreement between two institutions, does that count?

MR. MUSSER: Yeah. If that is written, that would be fine as long as it's clearly applicable to the institutions in question. Yeah.

MS. MACK: While we're paused, does

anyone else have a quick question?

MR. MUSSER: We can keep going. Here, so now we're in the section that details the items that the governor must include in their certification that they provide to the Department for approval of an eligible workforce program. We've added the six-digit classification of instructional programs code. This is just specificity. We want to be sure that that's clear, but we've also added the Standard Occupational Classification, the SOC codes, for which the program prepares individuals for employment. You'll see why that's important in just a few moments. It would be a good idea anyway, we realized. This is information that would be very valuable to the Secretary. But it will be important for other reasons, as we'll get to.

MS. MACK: We've got a couple questions, Dave. Eric, please.

MR. ATCHISON: Dave, I appreciate the addition of this language. But you do explicitly say six-digit for CIP, but you don't say six-digit for SOC. Does the Department have specific digit length for the SOC code or just the description?

MR. MUSSER: I think, I think the -- for now, we will leave the SOC code language a little bit ambiguous unless folks think we need more specificity.

But we think this is sufficient here. And it does refer to the six-digit SOC code. And you'll -- again, you'll see in a second why it will be necessary for it to be the six-digit SOC code when you get to the other part of the regulations.

MS. MACK: Thank you, Eric. Thank you, Dave. Tonjua, please.

MS. WILLIAMS: For the colleges, I just want to thank you for making those changes on the CIP and expanding it to the six. So I just want to say thank you for the colleges.

MR. MUSSER: Thank you. Okay, I think we if we don't have any other questions, we can keep moving. So just some renumbering here, and then we get down to a second addition to the certification that the governor needs to submit a certification that the governor takes into consideration the cost of the program and the anticipated wages of the industry and occupation prior to the initial determination of the program's value-added earnings under 34 CFR 690.95. So here we are accepted a proposal from our legal aid colleagues that would have the state consider the cost of the program in relation to the anticipated wages that, that individuals who go into that occupation are likely to receive. We recognize that this is something that is likely going to

be incorporated into their approval processes for other reasons, especially given that they have to look at high-wage information. But this is a -- this is clarifying that they need to consider this specifically in light of the credential. And I think we do have a question.

MS. MACK: Preston, please.

MR. COOPER: Was there any thought to having them consider the wages of the specific program rather than the wages of the industry or occupation?

MR. MUSSER: So my understanding with this is that we were trying to ensure that the data was always available, no matter what. And if you're talking about the specific program, it -- they would be -- they potentially could be looking at the wages that were associated with the data that they're getting in. But I think we wanted to keep this broad enough that it addressed all situations. There's, there's going to be wage data for the occupations at least.

MS. MACK: Thank you, Preston. Thank you, Dave. Go ahead, Rachael.

MS. STEPHENS PARKER: So on this piece, I essentially read this as sort of -- you don't quite say it has to go through the exact value-added earnings process. However, effectively you're asking states to certify that they have reviewed like a junior

value-added earnings metric. And to me -- so first, I'm not sure -- I recognize a good practice here and considering this before you put programs up that three years down the road could fail certainly. And I do think many states will want to be looking, you know, we're going to have defined high-wage, high-skill or in-demand occupations, right? That said, I don't see necessarily a statutory basis for requiring governors to certify this. And to us, I would say it seems as though this would be partially an obligation of institutions to not try to put up programs for consideration that could fail that metric. And then we then later have the actual metric being provided by the Department. So I'm kind of -- I think really I'm pushing back on the need for the governor to certify this, as opposed to institutions to take this into consideration as they're proposing programs for eligibility. And certainly I think it's up to states if they'd like to be reviewing some additional metrics on this piece. I'm pushing back on the addition of this to the requirements in the state process.

MR. MUSSER: So to be clear, we -- this was in addition responsive to a concern that's been brought up several times by various negotiators related to the period of time between the program's initial approval and the point at which the value-added earnings

will actually apply to it and limit the amount of tuition that's being charged. We've had a number of different proposals about how to address that period. And we've gone through pretty carefully to see if we could find statutory basis for that. Here, and I'll let Jake speak to the statutory basis for this item. We think this is the one that has the strongest support in statute of all of the proposals that we've seen so far, mostly because states are already considering many of these factors in the rest of the approval process already. So we're essentially asking them to connect the dots in one way. So unlike a new framework for evaluation of the, the essentially the comparison of costs to wage -- to likely wages, this one, at least in our view was the closest to essentially the things that they already needed to do. But let me let Jake speak more to it.

MR. LALLO: Yeah, I would agree with that. I think Dave gave a really good summary there. Our logic with the statutory basis, is that, you know, it's very clear that these have to be high-wage, high-need jobs, or -- right. All we're really asking states to do is basically say that they considered something related to the cost of the attendance relative to the wages. We don't really see this as prescribing any requirement. I know you called this a value-added earnings junior.

Certainly a state could, you know, take that into consideration. But, you know, I think this preserves our general outlook with all of this, that we're not imposing any real restrictions on the state. We're just asking them to document what they looked at. And we see this as something that states could either take very seriously and, you know, in depth or something that they could, you know, just acknowledge that they looked at. And so we don't really read this as imposing any great requirement on states, just an acknowledgment that they've considered it.

MS. MACK: Follow-up, Rachael?

MS. STEPHENS PARKER: I think just to drive the point home, I'm just confirming you don't anticipate in follow up or in future stages of implementation of this defining further requirements around this particular --?

MR. MUSSER: I can certainly say that part. You know, we -- the state has to have its process for doing this. Our position all along has been that we're not telling the state, the state how to do all of this. That's -- our intent is to give them flexibility to do it. But we added this because we believe that there is a valid concern about that gap. And the state can decide how it's going to address that given this framework.

MS. STEPHENS PARKER: Thank you.

MS. MACK: Jeff, did you have something to say?

MR. ANDRADE: Yeah. I just think the most important concept here is, again our expectation was that states were doing this. So this this -- as Dave pointed out, this is really connecting the dots.

MR. MUSSER: And sorry, actually, Jake just pointed out to me that we do have a typo here, so we'll fix it here. It should say 690.95 instead of 600.95. So we'll, we'll correct that.

MS. MACK: Okay. Thank you, Dave, Jake, Jeff, and Rachael. We've got a few more cards here. I'm going to get you in the order that I saw them go up. Preston, please.

MR. COOPER: Thank you very much. Yes, I just want to reiterate, you know, what Jake and Jeff said earlier that I do believe this is consistent with the requirements of the law, that the governor consider whether this leads to a high-skill or high-wage occupation. And I think the or in there, you know, shows that the governor has to consider it, at least consider the wages which this language establishes.

MS. MACK: Thank you, Preston. Please, Jeff.

MR. ARTHUR: I was just wondering, shouldn't that be restricted to a review based on an expectation of value-added earnings, at least have some kind of relationship to the value-added earnings calculation or expected.

MR. MUSSER: So partly -- and we actually talked a little bit about what that looks like and the kind of how prescriptive we could be. This goes back to what Rachael mentioned a moment ago. We think the requirement is important because of the gap. We don't believe we can be very prescriptive about exactly how they do this. And we want them to think about those two items. We think that is covered in the things that they already do, but we don't believe we can go much further in terms of telling them, consider this in light of or using the same framework as the value-added earnings.

MR. ARTHUR: But the value-added earnings is statutory, right? So maybe that would?

MR. LALLO: Value-added earnings is statutory that we look at it you know and that's a determination that's made after three years. You know, we're not -- certainly not imposing that on states or requiring them to do that. There's nothing in statute that would support that.

MR. ARTHUR: It kind of seems like it

goes to the intent of the congressional intent. I'm not going to argue this any further. I'm just pointing out that it could be a discrepancy or maybe something to address in the preamble, or.

MR. MUSSER: We totally agree. And actually, you know, proposals were brought up that essentially did exactly that and we just couldn't get there statutorily. So that's the only reason that it is not more specific there.

MS. MACK: Thank you. Randy, you have the floor.

MR. STAMPER: Thank you. Overnight, I got a lot of questions. Not surprisingly, I'm sure everybody did. Is it okay if we jump up just a little bit to some language that -- yeah, the clear, transparent and timely procedures clause. It's in green, I believe. It is 22. Thank you. Sorry.

MR. MUSSER: Scroll up just a little bit.

MR. STAMPER: There was a question, there was a question that came in that asked, would it be possible -- yeah, it's -- it -- current document, page 22, yeah. There you --

MR. MUSSER: That's it.

MR. STAMPER: There was some concern

about establishing some sort of oversight of estates, process and estates, current laws and practices. And the question was, is it possible to include a clause that would say something to the effect of consistent with a state's applicable laws, rules, etc.? And if we're going to go very deep into this, I may have to call in a lifeline.

MR. MUSSER: Well, I guess I would -- this language was added per Jeff, I believe, so I would guess I would look to you. Would that raise any concerns for you?

MR. STAMPER: The question, Jeff, is, would it be possible to include language somewhere in that clause in green probably at the end that would state consistent and compliant with any state's applicable policies, laws, or rules?

MS. MACK: Jeff, momentarily, it looks like Jake has something specific to say on that. Do you mind?

MR. LALLO: Yeah, I -- that would be a redundant change, because this is a process that's happening at the state level. The state would already have to act in compliance with their own laws, and I don't think we can tell the state that they have to comply with their own laws. I don't think we should have

to either, but it's effectively a redundant change. It's already captured.

MR. STAMPER: Understood.

MS. MACK: And Jeff, you were prompted. Was there anything you wanted to say?

MR. ARTHUR: No.

MS. MACK: Perfect. Randy. Follow up. Thought I'd ask.

MR. STAMPER: I appreciate the counsel's statement that a state would, would have to follow its own laws consistently in the application of any of these. Thank you.

MS. MACK: Thank you, Randy. Matthew.

MR. FEEHAN: Yeah. Jake took the words out of my mouth already. Speaking from the veteran's perspective and the student veterans and their family members, again, for the record, what I said before, I think it was like two days ago, three days ago, we've seen disproportionately from states disparate impact from certain sectors as to student veterans and service members. And what I don't want to have happen is or at least my constituency groups and we don't want to have happen is student service members and student veterans being targeted by, you know, specific policies or state legislation that would unfairly impact student veterans.

And I think the Department has this right. It's redundant if we go any deeper. It's merely guidance language. It doesn't mandate the states do anything specifically beyond just guidance. So I have nothing more to say on it beyond the fact that I think the Department has this right here.

MS. MACK: Thank you, Matthew. Tamar?

MS. HOFFMAN: Thank you. On that language, just two clarifying questions. My understanding here is that the -- and that such process it applies to the appeal part of the sentence. In terms of its construction, I think that that makes sense. And I just wanted to make sure that that's the Department's interpretation as well, is that this only applies to the appeal.

MR. MUSSER: Sorry. You were talking about the clear, transparent language?

MS. HOFFMAN: Correct.

MR. MUSSER: Yes. That's correct.

MS. HOFFMAN: Okay. Thank you for clarifying. And on the note of -- in accordance with state law, Jake, point taken about how it feels redundant to you for those of us who have concerns about it not being redundant, if it's no sweat to the Department, I mean, I think that it's helpful to include just to make

sure there's no kind of preemption issue in the future.

MS. MACK: They're racing to respond. Was there anything you wanted to say first?

MR. MUSSER: So I think the Department would be willing to explain that in preamble language. We don't -- we prefer not to put that into the reg text, given that we believe that it would be redundant. But we can explain it. And I'll ask my colleagues to take a note to be sure that we do that.

MS. HOFFMAN: Thanks for the consideration.

MS. MACK: That magically put down almost all cards, but I'll go to the corner. Jeff, please.

MR. ARTHUR: Is now a good time to ask a question about the transfer or the articulation language?

MR. MUSSER: Sure.

MR. ARTHUR: Okay. I would ask that in the preamble that we clarify that, that -- excuse me, that the -- or similar arrangements clause, that it be really clear that this can be at the same institution. I think we're listing -- let's see, we're listing and such credit will be accepted at one or more eligible institutions through written agreements, including

articulation, transfer credit, partnership consortium, or other similar. I agree that it's implied.

MR. MUSSER: We can mention that in the preamble as well. We're we have a long list of things that we're keeping in the preamble based on these discussions. But that one we can include as well.

MR. ARTHUR: It may be the most common scenario, but so --

MR. MUSSER: Understood. And it is a scenario. And as you've heard from us already we do believe that it is a statutory requirement that that be an option.

MS. MACK: There are no other cards raised, Dave. I'll turn it back to you.

MR. MUSSER: Okay. We'll keep moving through the document. Okay. So here, we had previously had language indicating the governors of two states may enter into a bilateral agreement. We talked about that at length yesterday. We here simply added that is published publicly. This is requiring the states to make available to the public these agreements so that everyone is aware of what they include. And there's transparency about the bilateral agreements.

MS. MACK: Randy, please.

MR. STAMPER: Thank you. Just want to

put on the record and hopefully confirmation from Department that the language is that the governors may do this, and that there is no expectation that governors must do this.

MR. MUSSER: That is correct. This is an entirely optional process.

MR. STAMPER: Thank you.

MS. MACK: Thank you Randy. Thank you, Dave. Tamar?

MS. HOFFMAN: Thank you. I just wanted to speak a little bit of clarity from the Department about how this does and doesn't apply in cases where approval in state A, where the institution is located has approval, in part because of a licensure program that is available in that state. What happens if that license is not comparable? Like, what if there isn't a comparable license in state B where there's a -- where they're seeking a bilateral agreement? I can try to rephrase the question if that's not clear.

MR. MUSSER: And we think that that is inherent in the rule where if the other state has a license that it's an area that -- if -- well, let me think about that for a second. You're asking under the conditions here. So both -- in both states it is a high-need field, but there's no license in the other state

because one of the conditions of the agreement is that it be -- it has been established by both states as a -- as an in-demand field.

MS. MACK: Tamar, can I ask you to speak a little closer to the mic so you're picked up for the live stream? Thank you.

MS. HOFFMAN: Yes, apologies. I understand the in-demand field part. What I'm puzzled about, and I just want to make sure I'm looking at the right citation is under -- is -- that is -- that's covered by B(1) romanette (i). But the requirements about licensure are actually in (A), I believe. And I just wanted to make sure that that checks out.

MR. MUSSER: I'll turn it to Jake.

MR. LALLO: Yeah. To the extent that, you know, one state offers licensure for something and another state doesn't, if they've still designated it as high-need, it still accomplishes the purposes of employment. Not every state licenses every profession the same way. So I don't think that we would want to include any language about that. To the extent that licensure pathways are -- exist in both states or both states have licensure. If these are programs offered by distance education that already has to go into their consumer disclosures that they make to students about whether or

not a program will lead to licensure in that state. So we believe that that's already covered and we believe the, you know, consideration of high-need and demand also addresses this.

MS. MACK: Any follow-up, Tamar?

MS. HOFFMAN: No, I'm going to think about these responses. I appreciate it and I'll sit with it for a minute.

MS. MACK: Thank you. Dave, back to you.

MR. MUSSER: Ok, I think we'll keep going through the document here. Let's scroll down. Okay. And then we've added a portion, a component here for requirement that the bilateral agreement include provisions for data sharing among the states for purposes of completion and placement rate calculations. Essentially just stipulating that the states need to explain to one another how the completion and later just the placement rate will be calculated and how the data will arrive at the institution -- at the state that will be calculating it.

MS. MACK: Preston?

MR. COOPER: I just want to say, I think this is a fantastic addition, and I think this will really address the issue we raised earlier about, you

know, states not being able to track students who go out of state if their bilateral agreements with nearby states to include data sharing provisions. I think this will go a long way towards fixing that issue. So thank you for including it.

MS. MACK: Thank you, Preston. Dave, back to you to move through the text.

MR. MUSSER: Keep moving down. And so this is -- we got a request to make this plural here related to the job placement, calculated as the percentage of students who are employed in the occupations for which the program prepares students identified through the process in 690.93(b). We heard that there could be more than one, so we added a plural here. Hearing no questions, we can continue down.

MS. MACK: Eric has snuck in there. Eric, please.

MR. ATCHISON: Dave, is this where you were referring to the SOC code earlier? Have we not gotten there yet?

MR. MUSSER: We haven't gotten there yet.

MR. ATCHISON: Thank you.

MS. MACK: Tonjua, please.

MS. WILLIAMS: Thank you so much for

this opportunity. I want to go back to 690.93 when it talks about comparable high-wage, high-skill. I just want to ask the Department if you believe that this also includes those who are employed in different high-demand, high-skill, high-wage programs, because we will have instances where a student may take a course or a program and get a different job that is high-wage, high-skill. For example, if they worked in construction and they want to be a manager and they need to come back and get a plumbing trade, but they're not going to be a plumber, but they're going to be a manager that leads them in an upskill opportunity. I just -- maybe it's kind of in here, sort of, but I would like to see that clearly stated that you may be in a different field, in the same field, but making more money. Or do you feel it's in there?

MR. MUSSER: Well, I want to be clear about which provision that you're talking about. Are you talking about the placement rate requirement in 690.4?

MS. WILLIAMS: Yes.

MR. MUSSER: Or are you talking about something in 690 --.

MS. WILLIAMS: Placement.

MR. MUSSER: Okay. So we can scroll down to the placement rate calculation in 690.94. So I

believe -- well, keep in mind that there are actually two placement rate calculations, one of which applies during the '26-'27, '27-'28 and '28-'29 award years under these rules. If you scroll down a little bit more, Aaron. That placement rate is simply individuals that are employed. So that's as broad as it gets. They're just employed. And that's a recognition of the fact that states often don't won't have the data available to get deeper than that. Now you go to the second one that applies after the '28-'29 award year. And in this one, it's -- we are talking about comparable occupations. So it does need to be something that is related to the field itself. And Marek, my colleague, can speak a little bit more clearly to what, what that has meant for WIOA purposes. But we believe it actually is very important that it be comparable here in order for this to be a sustainable placement rate that actually reflects whether the program is preparing the student to enter the occupation that they're training them for. We don't want it to be brought so broad that the individual could be employed in anything. Otherwise, we wouldn't be getting at the statutory intent that this is actually a placement. Marek, did you have any comments on it?

MR. LACO: Yeah, I would add -- you know, echo what Dave said. I would say that comparable

when it comes to high-skill, high-wage and in-demand, does provide a degree of flexibility on that. So it is not just any job, but there's a degree of flexibility, given that the program is intended to prepare for individuals for any of those high-skill, high-wage or in-demand. So there's a degree of flexibility which helps both in the range but also the ability to calculate.

MS. WILLIAMS: Thank you so much.

MS. MACK: Thank you, Tonjua. Dennis?

MR. CARIELLO: Just -- are there any -- is there any guidance that the Department of Labor put out as to what comparable means?

MR. LACO: The -- this metric isn't precise to how our current metrics are. I think this is something that the Departments could plan to work together on. When states -- again, a number of years before states are coming into compliance with this. And this could be a good opportunity for the Departments if additional clarity or guidance is needed, we could consider that.

MS. MACK: Please follow up, Dennis.

MR. CARIELLO: So perhaps the Department in the preamble, if you can give examples. I mean, I think I'm sympathetic to Tonjua's example here that if we're in the construction trade and we're doing

something a little different or I learned drafting, but I'm not -- you know, so I can read the plans, not so I can, you know, draft them myself. I think that would be a good example.

MR. MUSSER: Yeah. Yeah, we take that point and we will consider some examples.

MS. MACK: Thank you, Dennis. Randy, please.

MR. STAMPER: I'm very sensitive to not being comma guy. But, but I am an English major, so I do have a question. And maybe this would provide some clarity as well. Is the word comparable, is that an adjective defining the next three phrases, or is comparable defining the nature of the work. Or both?

MR. MUSSER: It's an occupation. It's a comparable occupation.

MR. STAMPER: So a comparable occupation. So it's really about kind of the field and the duties and the competencies that --

MR. MUSSER: As Marek said, there is some flexibility within that, but it is a comparable occupation, as I mentioned before. Yeah.

MR. STAMPER: Okay. Thank you.

MS. MACK: Thank you, Randy.

MR. LALLO: (inaudible) the diagram

and sentences, but all three of those descriptors afterwards, high-skill, high-wage and in demand, all modify occupation.

MS. MACK: Thank you, Randy. Back to you, Tonjua.

MS. WILLIAMS: Thank you so much. And I do have one more question about the transition placement rate. Is that based on completers or exiters?

MR. MUSSER: So that's exiters. Yeah, it's explicit because that's the data that we are aware that states currently have.

MS. WILLIAMS: First three years.

MS. MACK: Any follow up?

MS. WILLIAMS: No, thank you.

MS. MACK: Michale.

MR. MCCOMIS: Because the first part of (B), you, you added in the occupations with the optional plural. Would it be useful to do the same or strike (A), the article or comparable high-skill, high-wage or in-demand occupations?

MR. MUSSER: I actually don't think that is what we mean. I think that is actually a separate category. And could -- you know, that covers pretty much everything else, if you find another one that happens to fit in there. We're not talking about multiple in that

case, we're talking about one other one.

MR. MCCOMIS: Okay.

MS. MACK: Randy, please.

MR. STAMPER: Want to ask for a distinction on within the job placement, the difference between the two job placement rates in the first three years, it is 70% of students that are employed after exiting the program in the fourth year, where the comparable high-wage, high-skill language comes in. It is for students who are successfully completing the program? The distinction there because I think student can exit a program without completing certainly.

MR. MUSSER: The reason is very specific and practical in nature. It's that the temporary rate reflects the data that we know that states currently have. And they have it for exiters, not completers. We are moving toward what we -- what our - the Department's preferred placement rate calculation, which would look only at completers in the long term. And states are going to have to modify their systems in order to obtain this information to calculate it consistently. And it was -- this is part of why Rachael yesterday expressed the need for an additional year for states to prepare for that change.

MS. MACK: Marek, would you like to

add to that?

MR. LACO: Yeah. Just briefly, to clarify, alignment with WIOA is important for the data collection. And the exiter is the WIOA metric. And so states have that data capacity, including the access to that state wage interchange system. Tight alignment with the WIOA metric will actually make it easier for states right away to calculate this metric, because they're not going to calculate with a slightly different group of individuals. And so that tight alignment is going to allow swift implementation of that transitional measure while states have the time to plan for, build, and make the necessary arrangements to do the longer term one.

MS. MACK: Thank you, Marek. I believe we're ready to move on.

MR. MUSSER: We will just pause for just a moment.

MS. MACK: Okay. We are going to resume. Randy, that was your question. Did you have any follow up or can we move on? Perfect. Dave, back to you.

MR. MUSSER: Okay. We'll continue moving through the document here. Let's scroll down. Okay. So we took this change that was requested yesterday, both in terms of specifically identifying active duty individuals as a category of exempted

individual from the completion and placement rate calculations. We also added a category of individuals who become incarcerated, essentially either like -- either while enrolled for the completion rate or after exiting or completing for the placement rate. The idea here being that is something out of the individual's control that would cause them to not be a good candidate to be in those rates.

MS. MACK: Thank you, Dave. Aaron, please.

MR. LACEY: A couple of things. First, I think a couple of us were -- a number of the things that we've discussed here, the Department has offered to try to address those in the preamble or guidance. Was wondering if it would be possible at some point today, maybe to just give us a bulleted readout if you are keeping track of that, of the things that the Department believes it can address in guidance. Understanding you've got a lot on your plate, but I think that would be helpful if possible. Specifically to that list, we had talked yesterday. I'd expressed concern about this idea that this -- these programs have sort of a dual purpose and that to the extent institutions very traditionally have always thought of stackable programs, you know, they design lots of them now, this idea of the certificate

goes into the associate degree, into the bachelor's degree. And the concern I expressed to you all was, if institutions don't really understand what's happening here or governors don't understand what's happening, you know, they may encourage institutions and institutions may create these sort of traditional stackable programs, which then are going to perform poorly, presumably, or may under the job placement calculation, because there's not an exclusion for people who move into further education. That being said, you know, we discussed this and, and my understanding is the Department was amenable and open to the idea of trying through its guidance, to make very clear to both governors and schools that the real purpose of these programs, first and foremost, is to get students out of the program and into the workforce, and that this idea of stackability and further education, the real notion there is that they might do that at some point down the line, but not as they go through. And my - - just on the record, asked the Department is confirm its willingness and ability to include something in the preamble in the FSA handbooks of the world, places like that, to try to make sure that governors and schools understand that what you're designing here are programs that are going to put people right into the workforce. And the stackability further education component is

really something that is envisioned to be available to the student, ultimately at their discretion on the other side of that work experience.

MR. MUSSER: We do commit on the record to guidance -- subregulatory guidance. You know, it may be appropriate to have it in the preamble, maybe somewhere else. But we acknowledge the concern and we will do our best to address it.

MS. MACK: Thank you, Dave. Jeff?

MR. ANDRADE: And to go further, we'll put on the record that we will. We understand from the conversation yesterday that, you know, we need to do more with regard to the vision thing is what I called it in terms of showing how this is a significant change from what currently happens. And talk about how stackability and portability work in the context of Workforce Pell. So thank you for all that input.

MR. LACEY: Much appreciated.

MS. MACK: Thank you, all. Matt, can we move to you?

MR. FEEHAN: Yeah. Thank you so much. So first off, I just want to say, on behalf of student service member, student veterans and their families that this language reflecting military service is much appreciated through no fault of their own, whether it's

voluntary or involuntary, they're serving on military service. It takes them out of this calculation. So it should certainly be in there. I hate to get into the weeds on this but the proposal now puts us in a, in a little bit of a Federal statutory, state statutory issue. So is on active duty, that's one subset of a Federal statute that essentially cuts out -- I'll use an example. So if a National Guard member is attending captains career course or equal opportunity training or pulled into their MOS school, the Military Occupational Specialty, they'll be on anywhere between two weeks for equal opportunity, if I remember correctly, up to six months for, depending on their MOS specialty. But it's not actually active duty for purposes of the statute. So I'm working with my alternate here, and we're trying to get some language that just makes sure we're capturing everybody who's pulled into service whether it's -- another good example is like the southern border wall. Right? So you got another National Guard members being pulled down to the southern border. It's not actually Title 10 orders. So there's different language there. So I just want to make sure we're not only calling this active duty. I want to make sure we're capturing reservists and National Guard members who are pulled to long periods of service, but not necessarily active duty.

Sorry to nitpick.

MS. MACK: Jeff, please.

MR. ANDRADE: And I think, Matt, just to be clear, what we're looking for here are call-ups or being on active service where it prevents the person from being in their job. So, so in instances where, yes, they're performing military duty, but they're still employed, we don't think that that is an exclusion. What we're looking for, instances where they are no longer employed because of their military obligations.

MR. FEEHAN: Yeah. And I think there are situations where state service members can get pulled into those exact situations that's not covered by active duty under the traditional sense. So if we just tweak the language to -- and let me take a look here real quick, I'm so sorry, I'm multitasking here. Uniform service would, would cover it as opposed to active duty. And that would capture the Reserves and National Guard members who are activated for long periods of active duty.

MS. MACK: Jake?

MR. LALLO: Just to clarify the question, I mean, assuming we're talking very short, you know, absences from employment, these are not points where people are losing their jobs, generally speaking.

MR. FEEHAN: No. And you -- and then

that's another thing that comes into play is USARA, that would protect them otherwise. So it varies, like there's the short term one -- example I used, which I believe is only two weeks or maybe three weeks now, captains career course. So that wouldn't fall into Jeff's point. But there are very long extended -- Sergeant Majors Academy. I'm just trying to go off my memory here, but there's, there's very long, large periods of time that take them out for -- but it's not technically active duty.

MR. LALLO: But assuming they're reservists and they're called to that, it doesn't -- they're still employed in their standard day to day jobs, right?

MR. FEEHAN: They're not receiving wages from those jobs, no.

MR. LALLO: Right.

MR. ANDRADE: Not receiving wages is different than not being employed. That -- what we're looking for is -- are employment terminations. The fact that you're getting compensated in your military capacity, but may not be drawing wages from your current employer still doesn't affect whether or not you're in a -- on the rolls for that employer. And that's what we're really looking for in this instance, that someone is continued to employ. We're looking for on the exemptions

in situations where they cannot work in the job that they were.

MR. FEEHAN: Right.

MR. ANDRADE: So they're not on the rolls of that employee -- employer anymore.

MR. MUSSER: And just keeping in mind what -- where this is -- what this is modifying. You know, we're talking about cases where the -- for purposes of the completion or replacement rate calculations and in particular the placement rate calculations. You have an individual who, you know, really shouldn't count against the school. And, you know, that's why we are trying to -- and we've been pretty clear, I think throughout we want to keep this as narrow as possible to instances where it really does pull them out of the ability to be in the job.

MR. ANDRADE: Yeah. And you had mentioned USARA, and USARA obviously gives you -- even in the case where you do leave it gives you reemployment rights as well.

MR. FEEHAN: Right. So when would the Department be amicable to defining the period of service? At least that would get to it. Obviously, we are in agreement that like the two-week equal opportunity course is not going to cut it. I think we're both in agreement

on that. But there are, there are not traditional active duty contracts where these National Guard members and reservists are on a set of orders that take them completely out of the labor market for quite some time. And they are, quote unquote, not on the books. So could we define it by like months or a period, a time period of uniform service under -- I'm just trying to get to language that might serve both needs here.

MR. ANDRADE: Can you give us a couple -- just a quick break, couple of minutes for us to huddle on --?

MR. FEEHAN: Yeah. Of course. And I'll do the same with my alternate. We'll see if we can find some specific examples of long-term activations, non-active duty.

MR. ANDRADE: Tell you what, we'll go and let you guys look at it. We'll work out something in the time that you're reviewing the --

MR. FEEHAN: Okay. Yeah. Thank you so much, I appreciate it.

MS. MACK: With that said, can I hold on break and continue to go around? Thank you.

MR. MUSSER: We're going to hold on break generally until (inaudible) the remainder changes.

MS. MACK: Eric, I give you the floor.

MR. ATCHISON: Thank you. Just to continue on with something that Aaron brought up about, just transparency, just really making sure we understand serious concerns about students understanding of their own eligibility and lifetime eligibility. As a student advocate, but also in conversation with our student financial aid administrators, this type of program is being referred to as Workforce Pell. And oftentimes when someone hears the same program under two different names, they might consider them to be two different types of programs, two different pots of money. And we're talking about the same eligibility across both so any regulatory or subregulatory guidance that the, that the Department can provide here would be extremely helpful for both institutions, guidance counselors, parents, students in general. Just something that we're still getting a lot of questions about, and I think we're going to continue to.

MR. MUSSER: Yeah. And also on the record, we will commit to publishing guidance. And again, being a little bit ambiguous about exactly where or in what context, because it may be to students, it may be to institutions, but we will do our best to address that concern of getting the information across that Pell grants received for eligible workforce programs do count against an individual's lifetime eligibility and should

be considered.

MR. ATCHISON: Thank you, Dave. I would also consider possibly reframing or rebranding to Pell Grants for eligible workforce programs, and not necessarily Workforce Pell. I know it's in statute under that section, but something that just helps people initially see that.

MR. MUSSER: Understood. I mean, in the context that we provide this information, yeah, we'll make it clear that these are Pell Grants, and that's been our position from the beginning.

MS. MACK: Let's move on through the text.

MR. MUSSER: Keep going down. Okay. So here is an important change to the value-added earnings calculation related to online students. We heard the concern expressed yesterday and it was an excellent point about regional price parities. And the fact that that can break down in terms of its usefulness or accuracy when you have a program that's offered primarily online to individuals who -- throughout the country. So in order to, to deal with that issue we have adopted a concept that is used currently in the Department's Financial Value Transparency and Gainful Employment regulations, as well as in the statute for the accountability framework

that we will discuss where we have a different treatment of students for this purpose. If more than 50% of the individuals enrolled in a program are located outside the state in which the institution is located, keeping in mind that the -- that that state is where all of these -- where the value-added earnings calculation, that's the basis for what we would use, for example, the state or metropolitan regional area price parities. So what we have here is an exclusion in any case, where more than 50% or 50% or sorry, more than -- I get that right, 50% of students who are enrolled in the program are not located in the state where that institution is located. We will not adjust the program's median earnings. And so we will have essentially the national price parity, which is exactly 100%. And this is an effort to -- out of fairness, there could be variations in either direction depending on where the institution is located. The value-added earnings could be significantly higher or lower depending on what institution, what state the institution is in and where the individuals are who are studying in it. So this is really an effort to be as fair as possible.

MS. MACK: Thank you, Dave. Aaron?

MR. LACEY: First of all, appreciate this addition. And I understand this is already an

effort, as you just stated, to try to be more fair and to do a better job of measuring the program. So I deeply appreciate that. Recognize the language as being similar to where it appears elsewhere. You know, the thing I always wrestle with in this formulation is the idea of location. And I don't think this is hard, but I would suggest, just for clarity when talking about where the students are located, assuming I'm understanding this correctly, I would suggest including 50% of students described in paragraph A are not located at the time earnings are measured in the state. Just to be very clear that we're not talking about where they're located while they're in the program, we're talking about where they are located when they're working. I assume that's correct, because they're all going to be presumably at the campus while they're in the program. And I just -- so does that make sense?

MR. MUSSER: Yeah, so we can actually now that you mention it, I think that we might have to change wording here. So in elsewhere we've said the students resided in the state. And the reason that we use that language is that the -- we were looking back to their permanent address on the FAFSA as the mechanism for identifying where they were when they were entering the program, and that is the way that we that we would handle

this.

MR. LACEY: So you're talking about -- this is interesting. So you're going to use the place they're located based on their address on the FAFSA?

MR. MUSSER: Mm-hmm. And that's really because if you have, if you have most of the individuals located in the same area then in our view that is a localized program as opposed to individuals scattered throughout the country at the time that they're taking the program.

MR. LACEY: I guess -- I mean, I see Preston's card coming up. I'm very interested because in my mind, what we're trying to understand, we're -- it's an earnings comparison. And what we're trying to understand is where the students are located at the time they're earning, not where they may be residing per their FAFSA before they enter the program. So I would just suggest that piece is worth some real consideration. The other piece, before I run out of time, that I think is really important to be thoughtful about, and I don't know the answer to this, but it's talking about the location of the institution. I mean, it seems like the default is where's your main campus? But you guys know there are lots of multi campus institutions. I could have a situation where my main campus in Massachusetts and the

campus offering the program is in Florida, and so no one may actually work in Massachusetts. They all may be working in Florida, which is the state where the program is offered. But I don't know how to resolve that. I'm flagging it candidly. I've thought a lot about it. I don't know what you do when you got a campus with 20 programs and they're offering this in five states. But I think the thing that we're trying to do here doesn't work if we're tagging the address of the institution as a location where the program is not offered. And so I definitely think on the first piece where the students are located, it makes sense to me that we would be looking at their location of employment and where they're earning their money. On the second piece, in terms of where the campus is located, I'm not sure I know the answer to that question, but I just want to flag, you know, if it's main campus, it's not going to work in certain circumstances.

MS. MACK: Dave and Jeff, you both want to speak on this?

MR. ANDRADE: Yeah. I think this is something we're going to chat over the break and we'll come up with a fix for it. I hear where you're coming from.

MR. MUSSER: I hear you, yeah.

MS. MACK: Thank you, all. Preston, I'll go to you next.

MR. COOPER: Yeah, I just -- I want to just, you know, provide some interpretation of why this regional price parity adjustment is in there. I think this is trying to get at the concept of opportunity costs, that if you have a college located in rural Mississippi where the cost of living is much lower, but wages are also lower, the opportunity cost of going to that program is lower, because the jobs you could get without, you know, that education you're paying for with the Workforce Pell, you know, pay less money. And so I think this adjustment is -- you know, it is being done in order to make sure we're appropriately taking into account the local labor market in each area that the student would have access to if they had not done the Workforce Pell program. And for that reason, I think it is appropriate to do what the Department is doing right now, to do the FAFSA approach, where you're looking at where the students are located, you know, before -- at the time they enroll in the institution, because that is more appropriately reflecting the opportunity costs that each student is facing when they enroll in that program. And I think part of, you know, the -- you know, the value of these programs can be, you know, if you are taking

that education and using that to move to a higher wage area where you can get a higher wage job, I think that is a win for the school. So I'm thinking that, you know, it is appropriate, as the Department is doing, to base the regional price parity adjustment on the, the FAFSA location of the student, rather than where the student is employed after they are -- after they leave the program.

MS. MACK: Thank you, Preston. Really quickly, I need to remind everyone around the table and near the table around, whispering can be picked up on the mics and interfere with the live stream. So I just want to remind everyone of that. Jeff, did you have something to say? I'm going to ask that you turn that mic off and I'm going to go to the other Jeff. Thank you.

MR. ARTHUR: I do have multi-campus, multi-state institutions. And I guess I'm assuming that the way this would work that we would -- we implement our programs by campus location. And so I would think that you could go -- it's probably operational, but you could go with the address for the eight-digit code as opposed to the six-digit.

MR. MUSSER: So we were -- we had in mind that we're talking about the location. So Jeff, Jeff is explaining that when we talk about a location, an additional location that's officially on the

institution's Eligibility Certification Report, ECAR, the location that is approved is actually -- has its own address separate, and we could use that as the basis for where the individuals are and how this works. We need to take that back and be -- we actually -- this language is used elsewhere. And we do that using the -- where the institution is located in other parts of the regulations. But we could be more specific. And we also have to look at exactly what the operational limitations are there. So we will talk about that during the break.

MR. ARTHUR: And I would just point out for the other institutions that there's a requirement to add a location to your ECAR if you offer over 50% of a program. We're talking about a lot of locations that you may need to add if you're doing these on an employer site or different things. You might wind up with a new location for every program.

MS. MACK: Thank you. Ritchie?

MR. MORROW: I think Aaron's got a follow up, so I'll defer to him first.

MR. LACEY: I was just going to ask how, how it's done right now. Where -- is it the main campus of the institution that's just used as the touch point for the location, for the comparison?

MR. MUSSER: Do you mean for GE?

MR. LACEY: Well, I just mean you said you've got this measure in other places.

MR. MUSSER: Yeah.

MR. LACEY: And I just wasn't sure how much that had actually been thought through in those other places, or if it's been sort of actively used, I should say.

MR. MUSSER: I'm going to look to my FSA colleagues who might need a moment.

MR. ARTHUR: Since I've done this, I might be able to help a little here. I think the institution can provide to the FAFSA process, location codes, they've got virtual codes, or you use your branch code.

MR. LACEY: But I just -- from a regulatory standpoint, when the Department has this standard, what it's using as the location of the institution, I mean, I know we can get them the data. I'm just curious if the standard exists.

MR. ARTHUR: But I'm just clarifying on the FAFSA that you do pick, you are able to pick the actual --

MR. LACEY: Location where you're going to be taking the --

MR. ARTHUR: Of where you're

attending.

MR. LACEY: For sure.

MR. ARTHUR: Yeah.

MR. MUSSER: So yeah, I think they're still conferring, but we'll take some -- another question and we will come back to yours, Aaron.

MS. MACK: Perfect. Ritchie?

MR. MORROW: I don't know what other option to suggest, but speaking for somebody that's worked with the FAFSA for many years, that address on the FAFSA is often incorrect. I'll see students that are living in the major metropolitan area in our state, but they're using their parent's address out in the western part of the state that's very rural. So that could play an effect into not giving the correct calculation that you're looking for. So I don't know if you want to use, you know, use the institution that the student attended as far as that, using that calculation. But I know that FAFSA address is very --

MR. MUSSER: We're aware of the limitations of it. But it really -- in the other instance, there were very few other options to use. We do have potentially other options here, which is why we want to talk a little bit more about that during the break. But we do recognize that there -- that there are cases

where that address may not be entirely reflective of the individual. Like I said, it really is an issue of limitation on, on the information that we can draw from. Yeah.

MR. MORROW: Okay.

MS. MACK: Thank you. Dennis?

MR. CARIELLO: Actually, I want to follow up on, on some of this question of what Jeff said. Is it the, the intent of the Department that if a school opens up of an eligible workforce program that at a, at a -- an offsite that that gets listed as an additional location, I mean, if it's more -- if they offer 50% or more of the program there? I just -- you know, my concern is I think that for many of these programs, the most -- the best place to offer it would be at some sort of shop or some sort of employer location that -- you know, that's -- I'm just going through the processing here of the Department adding it, location ECAR, can be very complicated and cumbersome. So is that the goal or is some different process?

MR. MUSSER: Well, we just don't have any choice there. The rule is that if you offer more than half of a program at a location -- more than -- yeah, sorry. If you offer more than half of a program at a location, then that location is an additional location.

MS. MACK: Back to Ritchie.

MR. MORROW: So, Elizabeth, my alternate, reminded me that on the FAFSA, students aren't given the option of selecting a branch campus and some and some institutions just tell them to apply to the main campus. So there's that limitation there as well.

MS. MACK: Thank you, Ritchie. Dennis, did you have something additional? Just wanted to make sure. Might we continue going through the text?

MR. MUSSER: Yep, I think so. We can continue talking about that one. Okay. So coming down to this section, this is the second place where we corrected a typo that we identified this morning. So I'll call it out when we get to it. So this is an area where we were discussing liability in cases where a program has become ineligible. Here it says the Secretary will assess a liability for. And we - this is part of our -- coming out of our discussion from yesterday, amounts of Pell grants disbursed to students and for students enrolled in the eligible workforce program during the award year, for which the value-added earnings were calculated. And we instead we replaced may with shall. Shall collect any such liability from the institution. It is -- we believe that that's a more accurate reflection because we do collect liabilities. And obviously this does not mean

that we are waiving any of our appeal or any of our normal processes for establishing liabilities. This just says we will seek to collect these liabilities.

MS. MACK: Please, Matt.

MR. FEEHAN: I just want to thank the Department for recognizing and making that note that this doesn't affect the, the appellate rights under due process for some of these students. Thank you.

MR. MUSSER: And we can scroll down just a little bit more. It might be -- there's one more here. Oh yes, there's a couple more actually. Okay. So this is the final change, the final significant change. And now we're finally back to where I'm explaining why the SOC codes matter. We have incorporated the proposal from, from several individuals that would limit the applicability of the eligibility limitation that we described earlier, which I'll go back quickly to describe. Recall that when an eligible workforce program loses eligibility due to failure of completion, replacement rates, it -- that program and all substantially similar programs, which we previously defined as being within the same four-digit CIP code range, would not be permitted to become eligible for the following two years. This proposal was that limit remain, except that if a program -- if a program's six-digit CIP

code was associated with a SOC code that differed from the code of -- from the program that lost eligibility, that program could become eligible. So it's essentially a slight exception to the general rule to account for cases where the, the new program really is leading to a very different, different occupation and is not likely, not significantly likely to be a source of gaming for the institution where they're just restarting the same program, which is the Department's primary concern.

MS. MACK: Thank you, Dave. Preston?

MR. COOPER: Yes, we talked a little bit about this in our caucus yesterday, and I'm supportive of this language. While I, of course, do have concerns all the time about, you know, making it easier to regain eligibility, I do think that this is an appropriate guardrail, and this will prevent institutions from gaming just by coming up with the same program, but with a different name. I do have one small suggestion. I wonder if it would be possible to specify that the CIP SOC crosswalk come from a Federal agency such as the Bureau of Labor Statistics? Because I just worry about institutions interpreting CIP SOC crosswalk is something they just make up.

MR. MUSSER: Hand it to -- one second. If we added provided by a Federal agency, and not

specific, would that be acceptable?

MR. COOPER: That would be great.

Thank you.

MR. MUSSER: We can do that. Consider adding that one.

MS. MACK: Thank you. I'll move on to the next card. Randy, please.

MR. STAMPER: Yeah. I just want to thank the Department for talking through this with us and adopting something that does provide assurances and security, but not at the risk of responding to workforce demand in an area. And I would like to say that somewhere, David Kafafian is dancing a little jig today.

MS. MACK: Thank you, Randy.

MR. STAMPER: Can we call this the Kafafian clause?

MS. MACK: Let me go to his alternate, Dennis.

MR. CARIELLO: Oh, I will convey that to him. I'm sure he'll be very happy. And likewise, I'd like to thank the Department. This, I think, is a critical change that really gets at what the purpose of the program is and doesn't unnecessarily lump, you know, lots of disparate professions and preclude people from -- preclude institutions from trying to move to a more high-

in-demand labor outcome just because a transition from one to another makes that program no longer viable. I also do want to, you know, thank you for -- on behalf of David. I also want to recognize Andrea DeSantis, who did an excellent job coming up with this. And so thank you to her as well. And thank you to the Department.

MS. MACK: Thanks all around. Matt, please.

MR. FEEHAN: So sorry about that.

MS. MACK: No worries. Aaron?

MR. LACEY: Wanted to echo all the thanks to you all and to all the negotiators and Andrew as well, I know, who thought about this because I think it's a very meaningful, thoughtful solution to sort of figuring out a way to put a slightly tighter box around this without compromising, you know, the concerns around folks just restarting programs and just grateful to everyone for that. Yeah.

MS. MACK: Thank you, Aaron. Tonjua?

MS. WILLIAMS: And I echo everyone else's comments on this for the public institutions that are really trying to be responsive to the workforce. This opens up the opportunity for us to meet workforce needs, which change on a regular basis. And so this is very important and critical to the institutions. Thank you.

MS. MACK: Rachael?

MS. STEPHENS PARKER: I actually just forgot to move my comment card. Others have done it for me, but I'll just motion to make it the DeSantis Kafafian clause. That's all.

MS. MACK: Motion seconded. Okay, Eric, you have the floor.

MR. ATCHISON: Thank you. To continue with the positive vibes on this, I too, agree, but also want to just recommend to the Department that they strongly consider partnering with the Department of Labor to make sure that this SOC lock is continuously updated to recognize the continuing evolving workforce, jobs, occupations, CIPs as well, because in order for us to use this effectively and for it to be an effective use within this clause, then I think we just need to make sure it's updated regularly. And also just to provide a context for the room, we looked at the CIP codes under Allied Health 5108 as an example, and just want to let everybody know that that 5108 has emergency care attendant or EMT, as well as anesthesiologist assistant, chiropractic assistant, medical clinical assistant, which is a very common program, possibly within the Workforce Pell. And I'm looking at the current code CIP SOC Crosswalk that's put out by BLS, a Federal agency, and those do not align

to the same SOC. And so I'm happy to at least test water on this live with you in person. And again, thank you for everybody's collaboration on this effort.

MS. MACK: Thank you, Eric. Tamar?

MS. HOFFMAN: Thank you. I, I hate to be the one who's not just, like, riding this high. I think it's great, but I actually have a different question. I know, I'm so sorry. I just have an entirely different question. As we're looking at this section about loss of eligibility and regaining eligibility, it was just brought to my attention that it's actually not entirely clear in the earlier section in 690.94 that the Secretary is approving for eligibility. So if you look at 690.94 under (a), it says the governor determines that the program meets the requirements. And then the institution must submit documentation to the Secretary. The clause that's missing in that sentence that feels important is the Secretary determines whether the program meets the minimum completion and placement requirements of the HEA by submitting all these documents. Like that - that's language that seems like it should be in there. I think that's just technical. I just wanted to make sure we're on the same page.

MR. MUSSER: We'll talk about that one as well when we go back. Yeah.

MS. MACK: Thank you, Tamar. Thank you, Dave. There is a lingering comment card. And ladies, I apologize. I can't tell between Rachael and Tonjua who's it is. Neither? Perfect. Tamar?

MS. HOFFMAN: Is now an appropriate time to raise proposals that we submitted, but we just didn't see discussed yet in this text just to get clarification about where they stand?

MS. MACK: I'll turn it over to you, Jeff.

MR. ANDRADE: If it's not in the draft, it was not accepted.

MS. HOFFMAN: Okay. Thanks for the clarification. I'm just going to ask then for a little bit of just rationale for just, for just a few short proposals, if that's okay. So the first was under 690.94, and I apologize if I missed the rationale. We had submitted a proposal for an alternate standard to meet the 70% rule for prison education programs. If the Department could explain the position, that'd be great.

MR. MUSSER: So we, we talked a little bit about that -- this previously, slightly separately. I recognize that you were -- you're looking at the standard rather than the inclusion of students. The issues are similar. However, the Department's position is that those

programs should be treated the same way as other programs in light of the fact that Congress intended for this to be a vehicle for students to enter the workforce. We do recognize that there is for those programs, there is a downside because such individuals will likely face greater challenges entering the workforce than others. But we also -- we believe that schools are going to have to react to that reality by designing these programs in very intentional ways that are designed to get them directly into the kinds of jobs that they will be successful in. It puts more onus on the institution to do that. And we recognize the challenge there. But we want to be very careful that programs are not set up in any sector, including in prisons that won't get people into jobs and will end up just using up Pell eligibility without actually getting people into the workforce. So that's our reason for not including that one.

MS. MACK: Jake, did you want to add to that?

MR. LALLO: Yeah. You know, I think as Dave mentioned, we talked about this in the realm of exclusions. I think exclusions, we have a little bit more space to play with. But in terms of like job placement rates, especially given that there are already prison education as a statute and regs on it, I really think we

lack any authority to create a separate carve-out just for prison education programs within the completion rates.

MS. MACK: Thank you, gentlemen.

Tamar?

MS. HOFFMAN: Thank you for the explanation. There's one other proposal. I know we've discussed it informally, but I just want to make sure that there's clarity about why it isn't being adopted. Or maybe there's still room for that. We had proposed under 690.92 under -- that we add a clause (h) that explains that the -- that an eligible workforce program is one that has been reviewed and approved by the institution's accrediting agency as a substantive change in accordance with 34 CFR 602.22 and is included within the scope of the institution's accreditation.

MR. MUSSER: So for that, we were concerned about confusion arising by adding that. The programs are subject to substantive change requirements to the extent that they would be required under normal accreditation regulations anyway. And that - and you know, my accreditation colleagues can speak to it more clearly than I can likely. But in cases where the institution is offering that type of program for the first time, for example, where it's never been included

in the institution's accreditation, they would be required to be subjected to a substantive change evaluation by an accrediting agency. That will be the case here, as it would be for any other program. Additionally, because we added the word eligible before institution and because this is all happening within the general framework of the Title IV programs, always an eligible Workforce program has to fall within the institutional accreditation of the accreditation of an institution in order for them to be eligible in the first place. We were concerned that if we added that language here it would suggest that that was not the requirement for all other programs. This is one of those areas where we believe that the existing requirements are both sufficient, and calling attention to them is not appropriate in the regulatory text. The other area of confusion that we thought might arise, and this may have been your intent, I'm not sure if it was, but we cannot subject every program to a substantive change evaluation, because that just doesn't fit with the concept of a substantive change. Not every program is a substantive change under those requirements. It only is a substantive change when it's a significant -- different type of program. I'm not using the right words here. So again, my colleagues can correct me, but that's when that applies.

MS. HOFFMAN: Thank you for your patience and giving this explanation. I find it clarifying to the extent that the Department can also include some of that in the preamble, just explaining why these requirements are already inherent. I think that that would be helpful just from an accountability perspective. There's one last proposal that I wanted to ask about, and then I promise I will get out of everybody's hair if that's okay?

MS. MACK: Please ask.

MS. HOFFMAN: Okay. So we had also proposed that eligible workforce programs follow refund policies that align with the requirements in 668.22. The reason for that is just to make sure that students aren't walking away with institutional debt. There are two different ways that we can see this being constructed. And I'd be happy to hear from the Department about that.

MR. MUSSER: Yeah, we did discuss that one. We just don't see the statutory authority to get there. We -- Congress explicitly moved away from oversight of institutional refund policies back in the 90s when they shifted to R2T4. And although they've touched on the issue at times, they have never gone back to specific statutory oversight of institutional refund policies. The Department's position is that we just can't

impose requirements about an institution's tuition and how it charges it outside of what the statute gives us the authority to do. And if you look at, especially in this context, Congress explicitly gave the Secretary authority over published tuition and fees only in the situation where it's related to the value-added earnings. So we just didn't see any way we could get there under the law.

MS. HOFFMAN: Thanks. I understand the Department's position now, so I appreciate the clarity. I think that if that's the Department's position, I'm curious whether rather than requiring that there be the refund policy that aligns with 668.22, whether it's possible to say that in the case that institutions do align those policies, if they give a 100% refund in alignment with the policy that they can subtract those students who received a 100% refund from completion and job placement rates, and we can discuss that more during the break, if that would be helpful.

MR. MUSSER: We did also talk about that. That was part of the -- I believe that was part of the proposal as well. And we didn't think that we had the authority to pull out students based on a refund policy in that way. That -- it's just not -- unlike the exceptions that we provided where the individual status

was directly related to the -- whether it was reasonable that they could get a job, for example, be placed and, you know, again, becoming incarcerated having a significant health problem, all of those kinds of things. Having received a refund, really, in no material way affects their ability to get a job. Yes, it may change their financial circumstances, which does have, you know, effects on their ability to seek work. But it's not, you know, preventing them from obtaining employment, which is what really the basis for the other exceptions.

MS. HOFFMAN: Thank you. I appreciate -- I really do appreciate it. Thanks.

MS. MACK: Jake, Dave, Tamar, thank you for the discussion. Preston, thank you for your patience. You have the floor.

MR. COOPER: Thank you. Thank you very much. I wanted to just quickly inquire about a proposal that we submitted along with legal aid students, veterans, workforce agencies, and yeah, that's everybody, the five constituencies, about making the performance data on Workforce Pell programs publicly available. This would basically be proposed language that would have the Secretary publish the completion rate, job placement rates, and value-added earnings for each program, and just commit to making that public.

MR. ANDRADE: So I don't think that's anything that we would address in the regulations. We could consider something in the preamble or consider something administratively like we did with RISE and a couple of instances, but not for anything in the regulations.

MR. MUSSER: And I'll go a little bit further in terms of rationale. This one, although we -- there might be authority for us to do this, the challenge with including it in the regulations is operational in nature. We don't know how challenging it's going to be to obtain those and when we might be able to. We might be able to do it in a few years, we might be able to do it further down the road, we might choose to do it for the permanent rates and not the temporary rates. So we didn't feel it was appropriate from a policy perspective to tie the Department's hands. I mentioned earlier that we don't like to tie our own hands when we regulate, but that is our policy position that we prefer not to tie our own hands. However, we acknowledge the value of doing this, and we want to say that we were interested in the proposal and we will consider, including these as published -- as part of the publications that the Department does in the future. We think it could be of value to the entire community. We just didn't feel it was

appropriate to establish it in regulation.

MR. COOPER: Would that be something the Department would consider, including in the preamble, a commitment to publish the data at some point?

MR. MUSSER: Boy, that list is long. Yes, we can address it. We will commit to addressing it in terms of acknowledging the value of it. And we will even go so far as to talk in the preamble about our intent at that time, once we get to that stage as to whether we think we would be able to publish some or all, and in what context.

MR. COOPER: Thank you.

MS. MACK: Thank you, Preston. Thank you, Dave. Thank you, Jeff. Matt, you have the floor.

MR. FEEHAN: Thank you very much. Is the Department -- do you want to table the active duty conversation until later? Okay, I just want to put on the record that I sent the Department or we sent Department -- primary and alternate, we got together. We have language that we submitted to the Department for this.

MR. MUSSER: Thank you.

MS. MACK: Rachael?

MS. STEPHENS PARKER: I had a follow up point on the proposal Preston asked about. I hear you on your rationale there, and it's perhaps already

somewhat covered, but I did just want to point out a couple things. One, certainly governors and states will once value-added earnings calculations in particular are being done, would be -- would want to be able to see that information so that as per the intent of one of your additions, we can actually be factoring that in down the road as well. And so before, before this joint proposal, we had considered proposing something around like saying that you'll include whatever agency or agencies the governor identifies in their policy to receive that information once you're, once you're doing that calculation. So whether that's an addition at this stage or not, perhaps that's also addressed in the preamble or a factor in this consideration.

MR. MUSSER: Yeah, we appreciate that point. I don't think we are open to additional language on the topic in the regs at this point. However, we will consider preamble language that goes a little bit further and, and expresses our intent about how we do this. And then of course, there's an opportunity for public comment on exactly how that all plays out.

MS. STEPHENS PARKER: Okay. Thank you.

MS. MACK: Tonjua?

MS. WILLIAMS: I hate to do this and go back, but I need to for the public colleges. When

we're talking about placement of individuals based upon exiters, these are people who have stopped out of the program or made -- something may have happened. To hold the colleges responsible for placing exiters who did not complete the program, that's a tough -- that's hard to be responsible for instead of completers. How do we ensure that exiters are placed in a high-wage job?

MR. MUSSER: Well, to just to respond about the, the broad strokes of what it says in the regulatory text, it cuts both ways. It is exiters, but it's also just employed broadly. And that is a very broad category. So, if --

MR. ANDRADE: You gotta take the bitter with the sweet, you know?

MS. WILLIAMS: As long as it's a broad category, I'm just thinking of the responsibilities of the colleges. And you know, we're not new to the game on placement, but to place those who did not complete the program, that's a different pill to swallow for the colleges.

MR. MUSSER: We -- and we, we definitely understand. We -- this is something that we talked about. But we believe genuinely that the breadth of the concept of employment as it pertains to the state wage data will, by and large, deal with most of these

cases, that it would be, we believe, a very extreme situation where none of -- you know, such a small number of individuals had no employment whatsoever.

MS. MACK: Thank you, Tonjua. Randy, did you want to follow up on that same point?

MR. STAMPER: Yeah. Other side of the coin. Curious of your take on this. So there are many programs, I can think of them in Virginia and Iowa. I think there may be some in Colorado where successful completion is defined as not only getting a good grade and fulfilling all the hours, but actually earning an industry credential. However, we -- and I know this very significantly in Virginia because of the Fast Forward program, we lose a lot of completions because if you can weld, you can get a job anywhere in the country with or without a credential. So for those who define program completions in different ways, it may -- we may -- you -- if we don't change our definitions, which that's a potential, we would lose scads of people to be considered successfully completing a program.

MR. MUSSER: So at this point, the Department's not open to changing that particular language on completion. I will say, however, that the language doesn't specify exactly what we mean on completion. So I think there is some flexibility there,

at least that that could be worked out beyond this point. But we don't intend to change that specific word.

MR. STAMPER: Understood. And thank you.

MS. MACK: Rachael?

MS. STEPHENS PARKER: Sure. I'll keep this brief, and hear the points raised, certainly, and want to just express kind of our support from our constituency group for the measures currently written. It does provide an on-ramp before getting to the point where we -- states can hopefully have completion data, because not every state has completion data specifically right now, and the ability to connect directly to that relevant job match, as in that second metric. We really support this alignment to WIOA. And I think Randy, you took one of the points I was going to make around exiters, and there are also some of those exemptions that do apply to both the completion and job placement metrics for some of those exiters. It's not because they got a great job, it's because they became incarcerated or had a medical event. So hopefully that does help a bit as well in this three-year kind of on-ramp period. And thank you for that.

MS. MACK: I see one more card and then I am going to suggest, if we've made it all the way

through the text, that we take a break and perhaps an extended break to review this. Aaron?

MR. LACEY: Just understanding, it's not many, but that the Department does have 79 programs out there right now that are being -- having completion rates measured under 668 F. During the break, sort of while thinking about how location is currently thought about, if the Department has a minute and someone could talk a little bit about how for those 79 programs, completion is currently determined that are measured under 668(f) and what it means to be -- because it does -- I mean, it suggests that it's going to be determined in accordance with the existing regulatory framework. So somewhere someone's already doing this, and I think it would be -- I would be very interested just in knowing how does the Department think about completion under 668 (f)?

MR. MUSSER: We can do that.

MS. MACK: Okay, Dave, might I ask how long do we want to break for and what is the plan when we come back for break so everyone can plan accordingly?

MR. MUSSER: So we'd like to break for about an hour to -- for folks to -- oh, go ahead.

(inaudible)

MR. ANDRADE: Yeah, because this

discussion has gone on much longer than anticipated. We would like to call the -- for a consensus just a little bit after 11. We will note any changes to this text that we have made. We have other scheduling issues here to be mindful of. But again, we've spent at least what, an hour and a half going through this meticulously in having them. And then they'll, they'll be no, no further discussion on points or changes after we come back with the proposal. So if we have any issues on language, we'll talk to people directly. But what we have is what we have, and that's what we're going to call for the vote on.

MS. MACK: Repeat for me one more time, what time we anticipate coming back from break?

MR. ANDRADE: Well, it's what -- let's do 11:05.

MS. MACK: Okay, so right now the plan is to come back and move to a consensus check at 11:05. Tamar, I see your card and would like to call on you before we depart.

MS. HOFFMAN: Thank you. I appreciate the Department's scheduling constraints, but like, per the Federal Register, per all of our schedules, like we're supposed to be here all day. We haven't even seen a final full text. I don't think that we can, in good

faith, come to any kind of consensus vote right now without even having seen a full text.

MR. ANDRADE: Well, we distributed the text. And again, like in RISE, we do -- we have noted the areas where there's changes in the text, and we'll be submitting the final copy with those amendments to everyone. So I think anything else is sort of further delaying and trying to stretch this out, but I think we've made the changes that we're willing to make at this point. We're willing to, you know, continue to address through notice and comment some of additional technical tweaks. You obviously all in voting can continue to comment on it, just not comment negatively and continue to offer suggestions. But we just have to sort of bring this to a close.

MS. MACK: I thank you all for this morning's deliberations. We'll now be on break until 11:05. Thank you. Welcome back, everyone. A very productive break. Thank everyone for their patience. Dave, I would like to turn it over to you.

MR. MUSSER: Yeah. Thank you, Kayla. I'd like to go through a few changes that we've made in response to some of the comments that we got this morning. So if Aaron, if you could put that up on the screen. And before we go through these, I just want to

clarify that after we finish with our work for the day, we will provide the final language to negotiators, that if we reach consensus, if we have agreed-upon language that is clean and that you guys can see clearly so that you know exactly what we're talking about. Okay. So Aaron, I believe, has made these changes in dark gray. We're running out of colors in the spectrum at this point. But this was just a technical change. We updated it to say, 690. That was a typo. And we're scrolling down here. In the -- so we received some comments from our legal aid colleagues. We'd gotten some language from them previously about their concern that in 690.94, especially at the beginning here, it didn't clearly state that the Secretary is actually making the determination with respect to these rates. And she is exactly right. The Secretary is the one designated by the statute to make these determinations. So we changed this language here to state, and I'll just read it to make sure we got the grammar right. After the governor determines that the program meets the requirements under 34 CFR 690.93, the Secretary evaluates documentation from an eligible institution to determine that the following requirements have been met. And we have the requirements that we've already discussed. Okay. And we could scroll down a little bit more. Okay. So here we made an update based on

comments from our representative for veterans. This is one of the exceptions to completion and placement rates. And it includes an individual who is ordered to service in the uniformed services, including service performed under Title 10 or 32 of the United States Code for a period of more than 30 days. Last one? We got one more. Okay. And we added the piece that was discussed previously regarding the SOC code Crosswalk that it is provided by a Federal agency. Okay, so a couple of other points, because other items were discussed this morning and we had some discussion about them. So Aaron, if you could go to the, the new-ish section on the value-added earnings calculation where we were -- that's it -- discussing how we would work with students who -- work with programs where most of its -- most of students are not at the institution. So we talked with our operational colleagues at FSA, and we have some significant issues with exactly what data is available to us to perform this calculation. So we're not ready today to get into all of those details. However, because of that, we commit to doing a directed question when we publish these regulations that seeks more information about all of the different issues that were discussed. For example, issues related to where the actual location where the student is located as opposed to the institution itself, what data

that might be available for that person, issues related to whether the -- whether we look at data related to the individual's location at the time of enrollment versus at the time that earnings are collected. We just don't have time today to get into all of the ways that we could do this. So if -- we appreciate your patience with that. But there's really not a whole lot we can do with it with the text here. We did decide overall -- we think this inclusion, that dealing with this issue is worth doing. So that's really what we're asking you to vote on in this case. Okay. And then a couple of other things I just want to talk through quickly. We, we were asked -- we can't pull the -- a full list of preamble inclusions right this second, partly because we agreed to some -- right now we're putting that all together. I apologize for that. I know that that was requested. I did want to give a brief discussion. I think, Aaron, you had asked about the process for an institution to calculate the completion rate in the permanent completion rate process. So the process is described in 34 CFR 668.8 (f) and essentially the institution is responsible for determining who completed the program. It is not only Title IV recipients. It's all individuals in the program. There is a provision in there. I just want to point this out that if a student withdraws but gets a refund, they are

exempted from the calculation, looking to Tamar, who brought up a similar topic. That is part of the completion rate, but not -- we can't do that for the placement rate. So what happens is the school calculates it, and then the school's non-Federal auditor attests to that calculation annually. And that is provided to the Secretary as part of the audit process. Okay. And then I'll pause.

MS. MACK: At this time. I would invite from the committee clarifying questions about what was just reviewed. If anyone has a clarifying question, please raise your card. Preston?

MR. COOPER: Would there be a commitment in the preamble to making the performance data of Workforce Pell programs available as it becomes available?

MR. MUSSER: We can do that. We did discuss a little bit more about our capabilities for that. So we will make a commitment in the preamble that we will publish the performance data as soon as practicable.

MR. COOPER: Thank you.

MS. MACK: Thank you, Preston. Thank you, Dave. Okay. I am inclined to move towards our consensus check unless there is anything else that wants

to be shared. Jeff, please.

MR. ANDRADE: Yeah. Before you move to that. We're also committing to have an additional directed question with regard to whether and how to ensure how the governor's or the Secretary could calculate earnings for Workforce Pell programs for consideration of those earnings during the approval processes.

MS. MACK: Thank you. Dennis, please.

MR. CARIELLO: Jeff, can you repeat that?

MR. ANDRADE: Yeah. So we have a directed question regarding the ability to calculate earnings for Workforce Pell programs, either by the governor or the Secretary for consideration during the approval processes.

MS. MACK: Thank you all. We are going to move into a consensus check. Unlike the pulse checks that we took on day three, these will not be topic by topic. It will be one check for the comprehensive text that we have all reviewed together, inclusive of the changes that we have reviewed through now. I am going to ask each of you to show a thumb simultaneously. I will remind you, you have an up thumb, fully support. You have a sideways thumb, perhaps not your first choice, but you

are on board and will not block consensus. Or a down thumb, which means you are in fact dissenting and you are blocking consensus. You also have the option to abstain, though I will remind you that abstaining does not constitute dissent and will not block consensus for the committee. Are there any questions about the consensus check? Aaron?

MR. LACEY: Just as a matter of process, I just wanted to confirm that if we reach consensus today, then the Department is committing to implementing this proposed or the draft language as the basis of its proposed language, without regard to how we may land in January and the topics that will be discussed then?

MR. MUSSER: Yeah, that is correct. This is a consensus check only on the topics that have been discussed in this week, and has no impact on discussion of the topics that will be discussed in January.

MS. MACK: Thank you, Aaron. Thank you, Dave. Jeff?

MR. ANDRADE: I would also -- because it's come up from time to time, on your vote, you can comment on the regulations. In fact, we welcome comments of support. You can also identify whether there's some

additional clarifications that people in your groups need. So this -- voting for this does not prevent you from commenting on the regulations, just not opposing the regulations.

MS. MACK: Okay. With that, I am going to ask everyone to show your thumbs. We will read them into the record. So I will be calling on you one at a time. When I name your constituency, I will just ask that you state your name and upside down or abstain. Okay, Tamar?

MS. HOFFMAN: Thanks. Just -- Jeff, on that last point you made, I want to clarify that you're talking about us as individuals, you're not talking about constituencies that we may represent.

MS. MACK: Tamar, can you repeat that into the mic, please?

MS. HOFFMAN: Yes. I wanted to just clarify that you mean us as individuals. You don't mean people who we may represent who are not here.

MS. MACK: The response was yes. Okay. With that, please hold up your thumbs through me calling on you. Please show me your thumbs. For students, primary?

MR. ATCHISON: Eric Atchison, on behalf of students, we support the language as written

and as a comment, we just encourage the Department to continue to use the directed questions to get the information needed to help reduce as much complexity as possible in this process for both students, institutions, and taxpayer liability.

MS. MACK: And for the record, Eric is up. Veterans?

MR. FEEHAN: Matthew Feehan, primary, on behalf of student veterans, student service members and their families, we want to thank the Department and the committee, and we are voting up.

MS. MACK: Thank you. Employers, alternate?

MR. CARIELLO: Dennis Carrillo, alternate. Very happy to put my thumb up and, and likewise want to thank, thank the committee and thank the Department. I thank the, the spirit of collegiality and real attempts to achieve this consensus is a credit to how you've acted this week. So, thank you very much.

MS. MACK: Thank you, Dennis. And for legal aid, primary?

MS. HOFFMAN: Thumbs up.

MS. MACK: Thank you, Tamar. And public?

MS. WILLIAMS: I want to thank the

Department for its work in taking feedback from the public colleges and institutions. And my name is Tonjua Williams, I am the alternate. Thumbs up.

MS. MACK: Thumbs up. Thank you, Tonjua. And private nonprofit, primary?

MR. LACEY: Aaron Lacey, private nonprofit, thumbs up, and I echo the thanks to the Department and fellow negotiators for a strong week of work.

MS. MACK: Thank you, Aaron. And for proprietary institutions, primary?

MR. ARTHUR: Jeff Arthur, proprietary institutions, thumbs up. And I just comment that for a new, new program, this has been an incredible amount of work for everybody in a short amount of time. And pretty amazing that we've gotten to some what I think is some pretty strong language to navigate this, and they'll certainly be opportunities, hopefully in the future to adjust as we learn from this program.

MS. MACK: Thank you, Jeff. For state workforce, primary?

MS. STEPHENS PARKER: Rachael Stephens Parker, primary. I'd like to also thank the Department, my fellow negotiators. This has been a really special process to be a part of. I'm really proud of where we've

gotten even though there may be imperfections we can learn from along the way as we go, and I will just -- I'd be remiss if I did not also encourage the Department's and thank you for the dialogue so far on ways that states might be able to expect potential support for implementing what is going to be a really big deal and a big, a big program for us and quite a bit of work, but something we're looking forward to taking on. Thank you. And I'm a thumbs up.

MS. MACK: Thank you, Rachael. For state grant, primary?

MR. MORROW: Ritchie Morrow, primary, representing state grants. Thumbs up and I'll ditto all the appreciative comments that have been made.

MS. MACK: Thanks, Ritchie. For state higher ed, primary?

MR. STAMPER: Hi, Randy Stamper for state higher education, executive officers, state authorizing agencies and other state regulators. I am a thumb sideways, drifting ever upwards. It's been a wonderful week working with you all. There are simply a couple of provisions, through no fault of the Department that we believe are going to seriously limit access in the future and potentially penalize colleges. So we cannot give it a full throated, yes, but we are certainly

not going to block it. And you've done an exceptional job. Thank you.

MS. MACK: Thank you, Randy. Now, for accrediting agencies, our primary?

MR. MCCOMIS: Michale McComis, representing accrediting agencies, institutional and programmatic, recognized by the Secretary. I just really want to thank everybody around this table for the level of collegiality. Having done this a few times, the level of commitment to working together to a agreed upon solution, I think has been exceptional. So we are a thumbs up.

MS. MACK: Thank you, Michale. Taxpayers, primary?

MR. COOPER: On behalf of taxpayers in the public interest, which I think makes me the largest constituency here. You know, we are very proud to support a new, new higher education program with a strong accountability system, which I believe can become the gold standard for higher education accountability going forward. For the record, I am a thumbs up.

MS. MACK: Thank you, Preston. And finally, for the Department's Federal negotiator, Dave Musser.

MR. MUSSER: Don't listen to that guy.

Thumbs up from the Department. And also a big thank-you to all the negotiators around the table for your level of professionalism, collegiality, and your hard work this week. I really appreciate all of the work that you guys have done. I think this has been a great experience for me as a negotiator, so thank you all very much.

MS. MACK: I would like to congratulate the committee on consensus and for holding your thumbs up, probably longer than you ever have in your lives. With that said, I'll turn it over to the Department for next steps.

MR. ANDRADE: Okay. At this point we're sort of running up against the clock. So without further introduction, I'd like to introduce the Undersecretary of education, Nicholas Kent.

UNDERSECRETARY KENT: Good morning. Consensus before lunch, wow. First, please join me in thanking Jeff, Dave, and Jake for their outstanding leadership throughout this week. Their expertise and hard work have been instrumental in helping us navigate this session smoothly, and we really appreciate all of their efforts. I also want to extend a special thank-you to the entire Department staff for their invaluable support in organizing and facilitating this process. There's so much, as you all know, that happens behind the scenes,

and we owe much of our progress to their dedication. And let's be honest, by this point of the week, I think they're all operating on coffee and sugar alone. But they've powered through with amazing, amazing energy and focus, and we couldn't have done it without them. I'd also like to recognize our colleagues from the Department of Labor, Marek Laco, Kim Vitelli, and Luke Murren. I think we can all agree that their contributions this week have been indispensable. The feedback from Labor underscores the importance of collaboration between the two agencies at the Federal, state and local levels. It's a reminder that education can no longer operate in a silo. For students to succeed, we must foster active partnerships across the sectors to ensure that students are acquiring the skills and the knowledge needed to compete in today's economy. As I mentioned at the outset of this week, the Department spent considerable time preparing for this week's session on the new Workforce Pell Grant program. We convened external stakeholders, held listening sessions, and gathered feedback from a variety of Federal agencies. This preparation allowed us to hit the ground running, focusing on strong proposed language from the very start, rather than spending the time on vague concepts or hypothetical debates. But before we move on, I want to take a moment to acknowledge

something remarkable. We reached consensus in just four and a half days, when many doubted our condensed time frame. Think tanks, blog writers, and even the media predicted that we would need weeks, if not months to get this right. But here's the reality. When you come to the table prepared with smart and dedicated people that are focused on a clear goal, you can move quickly and intentionally without sacrificing the thoroughness and the careful deliberation that this process deserves. We have proven that speed and quality are not mutually exclusive. Under the leadership of Secretary McMahon, this department has focused on delivering real results for the American people, working intentionally to fix a broken higher education system rather than getting bogged down on divisive issues like illegal loan forgiveness. Today we have proven that with the right approach, we can make a significant progress in a fraction of the time previously thought necessary. And just because previous administrations dragged things out for months does not mean that that was the right approach. We are breaking the mold here. We are working with speed and intentionality to deliver for students, families, and taxpayers. That is what efficient, focused governance looks like, and it's what this administration will continue to do as we move forward. As we conclude this

week's session, I want to express my heartfelt appreciation to each of you for your active participation. We recognize the responsibility and the sacrifice that this work entails, and the pressures to balance diverse perspectives to create something meaningful for students, families, and employers across this great country. On Monday, I spoke about the importance of accountability in higher education. The American people have trusted us with significant responsibility to ensure that taxpayer dollars are spent wisely, and that we are producing results that truly benefit students. The work that you have done here this week is helping us develop a lasting system that will provide those receipts to the American people, measurable, tangible outcomes that demonstrate the success in higher education. This is no small task, but is one that we must rise to do. Looking ahead, no pun intended, we have an exciting and necessary challenge before us. The Workforce Pell Grant program represents a transformative, transformative shift in how we approach Federal Student Aid. The program will open new doors for individuals pursuing alternative pathways that directly connect education and the workforce. It's not just about providing financial support. It's about empowering students to acquire the skills that they need to succeed

in today's economy. We've seen a shift in the public perception of higher education. Many students are questioning the value of a traditional four-year degree. And with the rising tuition costs, more Americans are looking to career and technical programs, short-term programs and apprenticeships that lead directly to stable, well-paying jobs and ones that are able to compete more quickly in a rapidly evolving economy. That's why Workforce Pell is so crucial. This program will give students the flexibility to pursue career-driven education that meets real workforce needs, and while reducing unnecessary debt and providing an alternative to a four or more likely six-year degree. This week, you helped us to develop a regulatory framework that will make this vision a reality. I want to thank you for your collaborative spirit in tackling complex issues, and your willingness to engage in difficult conversations. This was a big task and it required all of us working together, listening, learning, and moving forward with open minds and a willingness to compromise. As we continue this process, remember that the work that we are doing is about more than just rules and regulations. It's about creating lasting change that will improve the lives of students, families, and our economy. Every decision that you make here in these

negotiations has real-world consequences, and we may -- we must stay focused on what's best for students because at the end of the day, that's why we are all here. Next month, we will convene for the second and final session of this rulemaking process, which will focus on accountability. We will build on the One Big Beautiful Bill Act's Do No Harm standard, and we will also revisit the Department's financial value transparency and gainful employment rule. Let me briefly preview what we aim to accomplish in this next session. For over a decade, certain programs and institutions have been singled out for accountability, with non-degree programs and proprietary institutions facing the brunt of that scrutiny. Meanwhile, degree programs at nonprofit and public institutions have often been given a free pass. That ends now. Next month, we will develop a new accountability framework that brings fairness and parity across higher education, ensuring that all students are protected from low-earning outcomes. It is our sincere hope that this framework endures and stands the test of time, ending years of failed policies and operational shortcomings. I ask that when you come to next month's session, you continue to keep students, not entrenched systems, at the forefront of your work. I know the session will be challenging high-stakes conversations

such as losing Title IV eligibility always are. But let me be clear, we will have a new accountability system by July 1st of next year. This system will hold all programs at all institutions accountable for low performance, and we will operationalize this new accountability system so that it minimizes the burden on both institutions and the Department. In closing, I want to echo the sentiment I shared at the beginning. This process, it's a partnership. We are building something new and exciting. While we will face challenges ahead, I am confident that we are up to the task. And just like we were able to do this week, we are working within a tight timeline. But with your expertise and dedication, I have no doubt that we will meet it and will do so in a way that brings meaningful, positive change to the future of higher education. Once again, thank you for your hard work this week. Congratulations on reaching consensus on the Workforce Pell Grant program. We'll continue to build on this momentum next month, and I look forward to working with you as we move closer to our higher education system that benefits all Americans. As we approach the holiday season, I also want to take a moment to wish each and every one of you and your loved ones a very Merry Christmas, Happy Hanukkah, and Joyous New Year. Thank you, and now I'll turn it over to our facilitators to

close this out.

MS. MACK: Thank you very much. Dave, Jeff, I would check in with you to see if there are any final words or announcements, updates for the good of the group before we close out portion one.

MR. MUSSER: Thank you so much, Kayla. Yeah, just a couple of things about next session. So as Nicholas mentioned, you know, we're -- the Department is well into its work developing amendatory text proposals for our work on accountability. We committed in the protocols to have that to you one week before the next session. We hope to get that to you before that. And if we do, we strongly encourage you to submit your ideas and proposals as soon as possible following receipt of that information. The sooner we get it, the better, because we can start evaluating those as soon as possible. Other than that, I'd just like to thank everybody again for your participation. It has been an excellent experience for me, and I look forward to our next session.

MS. MACK: Thanks, everybody. That concludes this program. Have a good day. Happy holidays.