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OFFICE OF POSTSECONDARY EDUCATION  
NEGOTIATED RULEMAKING  
ACCOUNTABILITY IN HIGHER EDUCATION AND ACCESS  
THROUGH DEMAND-DRIVEN (AHEAD)  
WORKFORCE PELL COMMITTEE  
SESSION 1, DAY 1, AFTERNOON  
December 8, 2025

On the 8th day of December, 2025, the following meeting was held in-person, from 1:00 p.m. to 4:00 p.m.

## P R O C E E D I N G S

MS. MACK: This time, I can appropriately and accurately welcome everybody back from lunch. Before we departed, we were working through the sections of topic two, and that's where we will reconvene our discussions. Dave, I'd like to turn it over to you to get us started.

MR. MUSSER: Thank you so much, Kayla. And we will put up on the screen the next section that we will deal with in topic two. Okay. So now we have moved into part 690, which are the regulations that are specific to the Federal Pell Grant program. This is a technical change as well. But also incorporates the foundational definition in 690.92 into the broad definitions in the Federal Pell Grant regulations. Let me pause. Any questions or comments about this one?

MS. MACK: I don't see any comments or questions.

MR. MUSSER: Okay, so that takes me into the next section, 690.6, duration of student eligibility. And this is a conforming change with what we talked about related to 668.32 that would permit an individual who has a baccalaureate degree to qualify for Pell Grants under certain conditions. And here we've added a section (f) that expresses the duration of the

student eligibility notwithstanding paragraph (a), and you can see (a) here is about the completion of the first undergraduate baccalaureate course of study. This says, notwithstanding that paragraph, an otherwise eligible student enrolled in eligible workforce program that is defined under 690.92 may receive a Federal Pell Grant. I'll pause again for comments or questions. Yeah. And Jeff just made a great point. We -- just to clarify, the duration of student eligibility in terms of, for example, lifetime eligibility limits, all of those kinds of things, nothing changes related to Workforce Pell. This is just a technical change that -- it really is focused on the first undergraduate baccalaureate course of study concept that's provided under (a).

MS. MACK: Thank you for that addition. Committee members, do we have any comments or questions? Seeing none.

MR. MUSSER: All right. That takes us down to 690.11. And here, we, we did a lot of thinking about exactly what the One Big Beautiful Bill Act meant when it provided some language about concurrently receiving Pell Grants. So before I get into this, I want to read what's in the law about this provision. So the language says prevention of double benefits. And it says no eligible student described in paragraph two, and

that's the Workforce Pell section, may concurrently receive a grant under this subsection and subsection (b) or subsection (c), where section 401 (b) describes the normal criteria for receiving Pell Grants. So we interpreted that to mean all other eligible programs. And (c) describes the special rule for individuals whose parents died in the line of duty. So again, that's incorporated into eligibility for all other eligible programs. So what we've done here is that we believe that the statute requires us to expand on the types of concurrent enrollment that the statute prevents students from receiving, or where the student prevents the student from -- where the statute prevents the student from receiving Pell Grants for enrollment in more than one program. Just for context, under the -- under existing Pell Grant rules, a student can be enrolled in two programs at the same time at the same institution, and in some cases qualify for Pell for both of those programs. So, for example, if the student is enrolled in two programs that are -- that have exactly the same academic calendar we have said in the past that the student -- the school can add together the student's enrollment in both of those programs to determine what their Pell eligibility is broadly and the institution can disperse aid to that student again for enrollment in both

programs. However, because of the statutory language that I just described, we do not believe that that is permitted for a student who is enrolled in an eligible workforce program if they are enrolled in any other program at the same institution. So if the student is enrolled in an eligible workforce program and another eligible program at an institution, what this would mean is the school would have to choose which program the student would be funded for in collaboration with the student. The student -- ultimately, the student would be responsible for making the determination about which one they wanted to be -- to have funded. But what it says here is a student is not entitled to concurrently receive a Federal Pell Grant for enrollment in an eligible workforce program and any other educational program at the same or a different institution, including another eligible workforce program. Just one more piece of context. The statute has said for a very long time that students cannot receive Pell concurrently at two different institutions. And that's what 690.11 (a) now says. Now I'll pause.

MS. MACK: Jeff, please get us started.

MR. ARTHUR: But they can receive Pell Grant funding based on -- for an enrollment status that

includes credits from a -- another institution if you've got a consortium agreement. And I'm also kind of wondering, maybe I could -- if you could better explain why you think statutorily there's a limit. I'm just imagining scenarios where somebody could be in a workforce program at one institution, but also pursuing an associate degree at another institution through a consortium agreement. That's going to be pretty common. We'll have a lot of people at, let's say, a two-year public college or taking a Workforce Pell program and we're also going to accept that towards their completion of associate degree at our institution or even a bachelor's degree, and I just kind of wonder.

MR. MUSSER: So under current Pell Grant rules, if you had a student who was enrolled in a program at one institution, receiving Pell for that program and was enrolled at another institution and was -- and was receiving Pell at that institution, even if there was a written arrangement between the two institutions, the student would have to choose which institution got fund -- got the Pell funding. They still can't get both.

MR. ARTHUR: But it would include the credits from -- you could include the credits.

MR. MUSSER: Yes. That's right. So --

but going back, if -- this language would not prevent a written arrangement between two eligible institutions. And the conditions for a written arrangement between two eligible institutions. Is that all the credit that the student is taking at the host institution has to apply to the program that they are enrolled in for Pell Grant purposes, toward a recognized credential at the home institution. If that's the case, they can still do that. It does not -- this does not prevent them from, from providing the Pell in that case.

MS. MACK: Thank you both. Jeff, please.

MR. ANDRADE: I'll take (inaudible) -- no, I was going to make the point to Jeff that the consortium arrangement between institutions for Pell still applies.

MS. MACK: Thank you. Ritchie?

MR. MORROW: Thanks. So, just a clarification on concurrently. So if you have a student that is doing a Workforce Pell Grant program in September and concludes that and then moves immediately into a stackable program in October, can they get Workforce Pell for that September program and regular Pell for the regular program?

MR. MUSSER: Yeah. So we have defined

concurrent to mean over overlap of even one day of payment periods at the two institutions. And we would still -- we would retain that here. So for example, if one payment period ended on Wednesday and the other one began on Friday at the other institution, or the same one, that's not concurrent, and you could start receiving Pell for the other one.

MS. MACK: Thank you, Ritchie. Jeff, did you have another comment?

MR. ARTHUR: But just on that point, consider where a person may -- an institution may have a traditional semester and that Workforce Pell program is a portion of a semester. And so, you know, how -- you got to think about, is it okay to say, okay, we're just going to end a payment period, even though it's not our traditional semester, and start another payment period for an additional -- for a Pell in that scenario described?

MR. MUSSER: So, I think -- I definitely understand the concern. And we have heard this from schools over time. I don't think the -- the Department would prefer not to get into the general rules for what we mean by concurrent enrollment, and we'd like to stay consistent with that over time. I would see if I could see my FSA colleagues. I wonder if one of my FSA

colleagues can speak to what happens when a student withdraws from a program and, and then enrolls in another one concurrently. Because I -- to be frank, I can't remember the exact rules for what happens in those cases. And we've got my -- my colleague Dave Bartnicki is here to speak to that. Go ahead, Dave.

MR. BARTNICKI: I feel like I'm still virtual with the meeting. So in that particular case, it's concurrent when they're actually still enrolled in that program. So once they withdraw -- and we see this quite a bit, if I withdraw from one school and then I attend another school, and I got Pell because in a return to Title IV situation, I actually retained some Pell potentially. And then I go to another school and I can potentially get Pell at that school, and schools have had a concern, well, didn't he get Pell for the same semester or the same period? And our answer consistently has been no, because when the student has withdrawn from that first school, he's no longer considered enrolled in that program. And then when he enrolls in the other program, he's now not concurrently enrolled anywhere, so.

MR. ARTHUR: But, but you have to wait until the end of that initial period before you can start another payment period.

MR. BARTNICKI: No. Once he's

withdrawn, he's no longer considered enrolled at that first school.

MR. ARTHUR: Okay. On a modular, you do have to wait. But we don't need --

MR. MUSSER: But the reason I wanted to make sure that we made that point -- thank you, Dave, we really appreciate that -- is that there is also a provision for students who withdraw before they get to the end of a particular payment period, so that they could immediately begin an eligible workforce program and qualify for it.

MS. MACK: Jeff, do you have any follow-up on that? Perfect. Seeing no other comments or questions, are we ready to move on? Actually, we have one more. Randy?

MR. STAMPER: Yeah. Just a quick point of clarification. So in looking forward at the, at the definition of Workforce Program that we're going to dig into here, am I correct that it is irrelevant how many industry credentials might be wrapped into a program? In other words, can I enroll in a program and receive Workforce Pell that is going to result in me getting four industry-recognized credentials?

MR. MUSSER: No. As long as it's part of a single program, it doesn't matter how many industry

certifications it might lead to. It's just one program.

MR. STAMPER: Thank you. Just wanted to confirm. Thank you.

MS. MACK: No additional questions or comments. Dave, may I turn it to you to move us on?

MR. MUSSER: Okay. In that case, we will move on to topic three. Workforce definitions. So these are definitions that are specific to the Workforce Pell provisions. And Aaron, if you could put up the next set of changes for that section.

MS. MACK: While we are pulling those up, Dave, can we move through all three of these and then open it up for questions and comments? Or would you like to take them after each one?

MR. MUSSER: I think for this one as well, let's just take the next -- after each section.

MS. MACK: Perfect. Thank you.

MR. MUSSER: Okay. So we'll start out with the scope and purpose section. And so this section provides the broad scope for the eligible Workforce Program provisions. And just for clarity, I'll just -- I'll read the entire proposed text so that we can talk through. This subpart establishes regulations that apply to institutions that offer eligible workforce programs. An eligible student enrolled in an eligible workforce

program is only eligible for Federal financial assistance under the Federal Pell Grant program and no other Title IV HEA program. Unless provided in the subpart, eligible students in institutions that offer Federal Pell Grants to students enrolled in eligible workforce programs are subject to the same regulations and procedures that otherwise apply to Title IV HEA program participants. So the specific changes, the specific requirements that we're setting out here are, number one, eligible workforce programs qualify only for Pell and not for other types of Title IV aid, which include Direct Loans or, or campus-based aid and all other conditions that pertain to eligible programs also apply to eligible workforce programs, if not otherwise specified, and all other student eligibility requirements that are not explicitly stated in the Eligible Workforce -- in the Workforce Pell, regulations also apply. So I'll pause and -- for discussion and comment.

MS. MACK: Michale?

MR. MCCOMIS: Just a clarifying question. So on page 16, you have this subpart establishes regulations that apply to institutions. It doesn't say eligible institutions. Is that purposeful?

MR. MUSSER: No, we do mean eligible institutions. And we'd be open to adding that. Because it

really -- that's the only type of institution that can offer an eligible workforce program.

MR. MCCOMIS: Okay. Well, yeah, I bring it because you said eligible everywhere else. And so I just wanted to make sure. So, therefore, if I'm reading this correctly, an eligible institution is one that meets the other criteria, which is one of those being accredited institutions by an agency recognized by the Secretary. That would still apply here, that only eligible institutions accredited are able to offer eligible Workforce Pell programs to eligible students.

MR. MUSSER: That is exactly right.

MR. MCCOMIS: Thank you.

MS. MACK: Thank you, Michale. Thank you, Dave. We're ready to move on. I don't see any additional.

MR. MUSSER: Okay. All right. We will pull up the next section, Aaron. Okay. Now we'll move into definitions that apply specifically to the Workforce Pell provisions. So by and large, before I go into the specific definitions, I just want to express the Department's intent here. We attempted to define, to define these terms as much as possible as provided in, either the One Big Beautiful Bill Act itself or from the Workforce Innovation and Opportunity Act or its

implementing regulations in order to be as consistent as possible with those three sets of requirements. The Department is really working not to add layers of definition on top of those things. And that is primarily because we seek to align these requirements to the greatest extent possible with WIOA and the existing Workforce -- the existing Federal Workforce law and regulation. So that's that -- that's just at the outset. So I'll go through the -- I'll go through each definition. I want to go through all of them before we circle back. But once I go through these, we will pause for comments and questions. So, first in demand industry sector or occupation. Paragraph one, an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy as appropriate. And that contributes to the growth or stability of other supporting businesses or the growth of other industry sectors. Or, second paragraph, an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state, regional, or local economy as appropriate. Okay.

And then we go down to governor. And let me pause here before I get into this definition. So this definition has to do with the who the chief executive of the state is for purposes of the Workforce Pell requirements. And there are a couple of things that you guys will have seen in the annotations here that are a little unique about this term. It has an obvious application for state governors who are -- you know, that they are all state governors. They have very similar structures. And the state governor for WIOA purposes has been the chief executive of the state is the one with the ultimate authority for WIOA, therefore, we applied the same framework here. State governors are -- have the ultimate authority for Workforce Pell. Now, I just want to point out that that may not be the same entity who -- the individual or the or the office that approves programs for Workforce Pell may not be the same entity that authorizes an institution under, for example, 34 CFR 600.9. However, state authorization generally still is required. States will have to decide whether in certain cases, the governor's office or the governor's designee is also the office that confers broad authorization. But they could be the same. But they could also be different offices that do this. So the Department is deferring, as it does in most things on this topic to the state to

decide which, which of -- which is the appropriate office for this purpose. So that's at the -- that's for states generally. There are some exceptions to that as well. So you can see under the paragraph one of the definition, we say a governor is the chief executive of a state. And that's what I just described, or outlying area as defined under section three of the Workforce Innovation and Opportunity Act. So again, in keeping with what I said earlier, the Department is attempting to align these definitions as much as possible with WIOA because our intent is to keep the Workforce Pell as much as possible applicable to programs that are also qualifying under WIOA. And here, out -- the term outlying area defined in WIOA includes all of the U.S. territories but does -- and it includes Palau, the freely associated state, but it does not include the other freely associated states. And that's -- that is all part of the Workforce Innovation and Opportunity Act. So for the same reason, this term means that we only refer to U.S. territories and Palau, currently, under the definition of governor, and the other freely associated states would not qualify for aid for specifically under Workforce Pell because of the definition here derived from the WIOA definition. The second part of this definition indicates that a governor also includes if an institution is located on tribal

lands, the tribal government. Now, the reason for this is a little different. It's -- the reason we chose this language is because WIOA, under the general WIOA framework, does not address tribes. There is a separate grant program under WIOA that applies to tribes, but tribes are not part of, for example, the WIOA framework where providers of programs work with state boards, state boards work with governors, and governors approve the programs. So WIOA did not give us a framework to deal with tribes and how the law applies for, Higher Education Act purposes for Workforce Pell. So as many of you know, there is a long-standing tradition under the Higher Education Act that tribes have the ultimate authority for authorizing postsecondary programs to qualify for Federal Student Aid under Title IV of the Higher Education Act. So we have defined here the tribal government as the ultimate authority over program -- over eligible Workforce programs that could qualify for Title IV aid. What that means is that all of the other requirements for state governors that we'll get to in a second would also apply to tribes, and tribes would have to comply with those requirements, including, for example, working with state boards in the state in which the tribe is located.

MR. ANDRADE: Institution.

MR. MUSSER: Where the institution is

located. Yeah. Thank you, Jeff. So we can scroll down. Go to the next one. Recognized postsecondary credential. So here we say it's a credential consisting of an industry recognized certificate or certification a certificate of completion of an apprenticeship, a license recognized by the state involved or Federal government, or an associate or baccalaureate degree that meets the requirements under 34 CFR.668.8. So this definition again is pulled pretty much directly from WIOA, except that we've added that meets the requirements under 34 CFR 668.8, because those are the requirements that apply broadly under the Higher Education Act to all eligible programs. And nothing waives those requirements for eligible Workforce programs. And we'll go down to state board here. We define that term, a state Workforce development board established under section 101 of the Workforce Innovation and Opportunity Act, and 34 CFR 679 subpart (a), again using the implementing regulation for WIOA. And then finally, the last definition here, tuition and fees. We define this term as the institutional charges for an eligible Workforce program. And we chose the concept of institutional charges because it's a well-understood concept by postsecondary institutions that will be operating these programs. It has a variety of applications throughout the Title IV programs. And

although there are other definitions of tuition and fees, they are not as -- in our view, are not as well understood as the institutional charges concept and do not have the same body of policy around them. So that's why the Department chose to define this term in this particular way. And now I will pause for questions and comments.

MS. MACK: Perfect. Thank you. Let's start with Aaron.

MR. LACEY: I recognize that the statutory language points you guys to this definition of recognized postsecondary credential. I just want to clarify, you know, my understanding, and we're going to get to it in a minute. But among the essential requirements for, you know, an eligible workforce program in this case is specifically that it leads to or prepares someone for recognized postsecondary credential. This definition, the way I read it, and maybe I'm wrong here, but it does not seem to cover non-degree programs that do not lead to an industry-recognized certificate or certification. I mean, I see a credential. So that would be broad, consisting of an industry-recognized certification, a certificate of completion of an apprenticeship, a license recognized by the state, or an associate or baccalaureate degree. So if I've got a non-

degree program that does not clearly lead to an industry-recognized certificate or certification, or a certificate of completion of an apprenticeship, it's just a non-degree program. It could be a workforce or career-focused program. Does that mean that a -- an eligible Workforce Pell Grant program that leads to that non-degree program does not -- in other words, it would not be an eligible workforce program because it is leading to a non-degree that does not satisfy these requirements. And if that's the case, that would seem to potentially exclude a very wide range of sub-associate degree programming.

MR. MUSSER: So yeah, the definition in the One Big Beautiful Bill act provides that the credential that an individual receives upon completing one of these programs has to include one of these things. And at least in the Department's view, a credential that consists of, for example, an industry-recognized certificate or certification covers a lot of ground. But I do recognize that there are some that potentially do not include that. We didn't see any other way to define this outside of what the statute specifically provided. It had those limitations, it had to lead to one of those things. And because of the existing requirements, it also had to lead to the requirements in 668.8, in our view.

MS. MACK: Thank you, Aaron. Thank

you, Dave. Next, Kristin.

MS. HULTQUIST: Thank you. I appreciate -- you're doing an excellent job explaining this. The importance of not adding layers of definitions and aligning with WIOA. May I hear you talk a little bit more about -- did you consider defining stackability?

MR. MUSSER: The Department did discuss stackability. Ultimately, in our view, stackability under WIOA is a concept that is defined at the state level. Although there is a significant body of guidance that the Department of Labor has provided over time. And we, in our view, that would -- that guidance would apply here too. But it is not a term that the Department of Education felt was appropriate to define under our regulations.

MS. HULTQUIST: That makes great sense. I just was going to ask if we can consider as a, as a committee in this section, as we go through definitions, that verification of stackability will be informed by precedent and WIOA, but also by the statewide higher entity, higher education entity, who will -- who usually oversees implementation of any statewide articulation agreements, similarly has the power to advance those. So I just wanted to -- we don't mention that entity in any place here. So if we can think about

what that would look like as a may, but -- and I -- I'll be looking for that. But I just wanted to put on the table that, yes, it belongs to the states, but the Workforce Boards by themselves are not constituted in a way to be able to do that verification.

MR. MUSSER: Thank you for that. I think we're open to considering if you guys have language to make that more specific. Yeah, we're open to that, yeah. And I would also mention we do have our Department of Labor colleagues. So if at any point they'd like to weigh in or respond to any, any part of this, and you can just -- you guys can just wave to me and we can -- they can also respond if there is a WIOA-related issue that we talk through.

MS. MACK: Thank you, Kristin. Thank you, Dave. Michale, please.

MR. MCCOMIS: Dave, you gave a great definition of Governor. It had lots of words in it. And I'm curious if it might not be useful to include some of those in here. So my first question is on page 17, where it says the chief executive of a state or outlying area, as defined under section three of WIOA, is as defined referencing chief executive, state, state or outlying area? Which, which is defined under WIOA?

MR. LALLO: Okay, so this is probably

a good place to explain how WIOA and the HEA interplay a little bit here.

MR. MCCOMIS: That's precisely --

MR. LALLO: I understand. So the HEA defines state differently than WIOA does. The HEA definition is more expansive. The One Big Beautiful Bill does not define state in reference to Workforce Pell, but it does bring over the WIOA definition of state board, which then incorporates the WIOA definition of state which is more narrow than the HEA's definition of state. The little nuanced difference here is the HEA, like, as amended by the One Big Beautiful Bill Act, does define a governor as the chief executive of a state. So all of these things kind of flow together into that definition of we have to look at the -- we take the state definition from the HEA, then we limit it down to -- or we look at the state board definition from WIOA, which then limits us down to the state there, which then we apply the OBBB definition of governor to that definition of state. So it's very circular. So Dave's explanation is spot on. It's just there's not really a clear way to explain that other than I think how we have it written here. But I see your point about where the modification is in the sentence, so we can take a look at the construction of that sentence.

MR. MCCOMIS: Yeah. I always say that negotiated rulemaking is about arguing over commas. Might be a useful exercise here to think about whether some kind of way to, to express that. But my other question then is -- so there's only one other place that I found in this whole section that indicates that it is the governor or their designee. And that's on page 25. And so every other place it just references the governor. Except for that one reference to the governor or their designee. And, Dave, I thought I heard you say that really the definition is the governor or their designee. And so I was wondering, does WIOA prevent the governor or the chief executive from being defined as the governor or like the chief executive or their designee, or would it be useful here to include the governor or their designee as part of the definition?

MR. MUSSER: Yeah, I hear your point, Michale. The -- I think under -- and my Department of Labor colleague can correct me here, but the WIOA and, and in fact HEA as well has always essentially allowed for a delegation of authority, down from the governor to whoever the governor deems appropriate. And the same concept applies here, that if the authority for this is delegated by the governor to an office within the state, then that office is the one that makes -- ultimately

makes the determination. But I get your point that if we say designee in only that one section, either we shouldn't say it at all and just have that be assumed or we should say it everywhere. So I think we'll take that back and figure out the best way to amend wording.

MR. MCCOMIS: Yeah, I'm not suggesting you have it everywhere, but at least in the definition so it's the term that means this thing throughout. Because like Heather is going to be over there in Colorado and they're going to try and figure out how are we supposed to -- is it us or is it, you know, what's going, you know, going on at this other office. And it might just help the states understand what exactly you all are looking for.

MR. MUSSER: That makes perfect sense. Thank you, Michale.

MS. MACK: Thank you, Dave. Thank you, Michale. As I encouraged you to do earlier, I've had a few folks wave their green cards at me. I promise, I'm noting everybody that goes up. I've got Jeff, Ritchie, Randy, Matthew, and David, in case you were wondering the anticipated order. Jeff, please. You want to defer? Okay. Ritchie?

MR. MORROW: So I'm asking all these clarification questions under tuition and fees. So

institutions have mandatory fees where all students no matter program that they're enrolled in, technology fee, library fee, but then there also are specific program fees. For example, CDL, you have to take a drug test. Welding, you have to buy certain equipment. Can those fees be part of the tuition and fees that will be considered in future sections?

MR. MUSSER: They would be.

Institutional charges for a program always include all of the charges that are specific to that program. So that could include your general tuition and fees that are charged for all programs at the same institution, or all baccalaureate programs or all programs in a category. But it would also include charges that apply to every student in the same program. And that would apply here, too.

MR. MORROW: Okay. Thank you.

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

MR. STAMPER: Thank you. Question about the inclusion of a certificate of completion for apprenticeships. Apprenticeships generally are multi, multi-year. And the educational requirement, unless it is changed, is 144 hours per year. So is Workforce Pell then going to culminate either in paying for the last year of an apprenticeships related technical instruction, if that

instruction is extended to meet these criteria?

MR. MUSSER: I think this might be one that we have to take back. I think what the Department had in mind here is that if the training component -- if the work -- eligible workforce program fulfills the training component for an apprenticeship, and the apprenticeship, once completed, ultimately results in a certificate of completion, that this would qualify. But I think we need to look at that to be absolutely sure. Please. And just introduce, yeah, my Department of Labor colleague, Marek.

MR. LACO: All right. Hello, everyone. Marek Laco, Deputy Assistant Secretary, the Employment and Training Administration, working on a lot of the Workforce issues and apprenticeship issues. And so, you know, to echo what Dave said, all registered apprenticeship programs lead to a certificate of completion. So that related instruction component, when it is for a registered apprenticeship program, that by definition and this has been long-standing interpretation in the WIOA system, that a certificate of completion for apprenticeship is a recognized postsecondary credential, so that related instruction, whether it is maybe the first year of that 144 hours or any point, that would qualify on meeting that test of this leads to a

recognized postsecondary credential.

MR. MUSSER: Thank you, Marek. And if you could hang out there for just a second, if you don't mind.

MS. MACK: There's a number of cards going up. So I want to be very clear who has a question, particularly here. Preston, yours was the first one that I saw go up. Is that related to this? Okay. And we'll go around the table to ask after Preston.

MR. COOPER: So, is it then the interpretation that the related technical instruction component of the apprenticeship would all have to be within 15 weeks, because that is the maximum time limit for Workforce Pell programs?

MR. LACO: I'll turn it over to Dave to talk about the length a little bit, and then I can talk some nuance on what we see as a common practice for that related instruction. But, Dave, if you want to first just describe how that 8 to 15 weeks has generally been applied, and then I can talk about the interaction.

MS. MACK: Can I give you the floor, Jeff?

MR. ANDRADE: Yeah, sure. So one of the things we heard in the public hearing process is to -  
- that a number of voices in the community wanted us to

make Workforce Pell apprenticeship-friendly. And so one of the parts of this is there's a pre-apprenticeship programing that we wanted to be able to capture that was sort of a feeder into either registered apprenticeship program or another apprenticeship program. As Marek pointed out, registered apprenticeship program is very explicit in terms of how -- because that does lead to a recognized credential, how that's applied. But our intent was to capture pre-apprenticeship programing in this as well.

MR. LACO: And to add a little bit on the 8 to 15 weeks, and so that is going to be something that my -- Dave can articulate this further, that any time in a week when there is some instruction going on, that week is counted in the length that these are statutory requirements, though at least it's Labor's understanding that it doesn't have to be sequential. And so those weeks could be segmented over a longer period of time. Now, Department of Labor-related guidance on related instruction generally points out that it does not have to be through the course of the entire program, so that recommended 144 hours of related instruction per year of apprenticeship can be spaced, you know, as developed by the program sponsor with approval of the registration agency. So for some programs in the IT

sector, for example, front-loading the RTI at the beginning of the program is common. In other cases, it might be something where they would do every month, one week of instruction, followed by three weeks of on-the-job learning. So given that ability that the 8 to 15 does not have to be sequential, that creates more opportunity for the related instruction that might be given over a longer period of time in the year and not, not just in that front-loaded space. But recognizing that that statutory limitation on 8 to 15 does present some challenges for related instruction that would be given throughout the entire course of a year.

MS. MACK: Preston, did you have any follow-up?

MR. COOPER: Yeah. So just to clarify on that. So if the RTI would extend longer than 15 weeks, would the student in the apprenticeship only be able to get one Workforce Pell Grant for the apprenticeship or multiple Workforce Pell Grants?

MR. LACO: I think if they were and this is something we can huddle with the ED colleagues again, I think there's -- if they had some way of segmenting that and segmenting the specific programs, there is the possibility for interim credentials in registered apprenticeship so they could segment pieces of

the related instruction and all be leading towards that related -- that recognized postsecondary credential of a certificate of completion. But this is something we can huddle a little bit and get back to you on that.

MR. MUSSER: Yeah, I think, I think we need to take that one back. But it's a great question.

MS. MACK: Thank you, Preston. If your question is for our joint speakers, please raise your hand to signal that to me so that I can jot that down as to distinguish from our regular cue. Thank you. Michale, you have the floor.

MR. MCCOMIS: I just want to make sure that we're, we're talking about the same thing. We -- on page 18, you referenced an apprenticeship. On page 23, you reference a registered apprenticeship program. And then, Jeff, you just gave an answer about pre-apprenticeship. So, when we -- when we're talking about the recognized postsecondary credential, is that completion of a registered apprenticeship program or any apprenticeship?

MR. LACO: What I can say from the WIOA definition is while it says apprenticeship and recognized postsecondary credential, a separate definition of career pathway, which is provided and applies to the entire statute is registered

apprenticeship. So the term apprenticeship when used in WIOA is referring to registered apprenticeship. And so this is carrying forth that definition. And it might be something that we can provide clarity. That being said, the recognized postsecondary credential definition is broad and WIOA has interpreted it that way. So just because the reference to apprenticeship is generally referring to registered apprenticeship, other forms of work-based learning, like a pre-apprenticeship program, can meet the definition if they meet the other pieces of the definition as is customarily accepted by states, as they're doing this for WIOA.

MR. MCCOMIS: So can I just ask a follow-up to that?

MR. LACO: Yes, sir.

MR. MCCOMIS: We're only talking about the credential right now in this definition. So I just want to make -- so when you reference -- you're referencing the WIOA definition as carrying forward to define what apprenticeship is. So in this definition of a postsecondary credential, are we talking about just registered apprenticeship programs?

MR. LACO: I'd say the certificate of completion when it references that is referring to registered apprenticeship programs.

MR. MCCOMIS: Okay. So, that's -- yeah. So would it be useful then to say that here, you know, either as defined under section 101 of the WIOA Act or whatever, just so that institutions know what you're -- what is eligible and what's not eligible.

MR. MUSSER: Yeah. We can take that back, Michale. Yeah, especially if it's a cross-reference.

MS. MACK: Thank you, Michale. A few more here. Matthew, you're next.

MR. FEEHAN: Yes. Thank you. I just want to thank the Department of Labor for joining us today. So a lot of what I was going to talk about has already been stated, and I do want to get back to the specific language so that when I first read this, it was a recognized postsecondary credential. Essentially, industry-recognized and why I see that as problematic, and I greatly appreciate the Department willing to take that back and maybe clarifying that it's borderline circular that a recognized credentials is one that's recognized. And so going into the DOL's work, I found the Training and Employment Notice 2519 that has an attachment one for credential resources. I'll send this out to the group. But essentially, the Department of Labor does go into very specific regulatory detail on how

this credential is defined. So what concerns me is that the Department of Labor has gone -- put a lot of work into this. This thing is 13 pages. I don't want to have a situation where the Department of Labor's regulation is, is abutting Department of Ed's regulations. And then the credentials essentially -- two different definitions of the same credential. So that would be my feedback for this.

MR. LACO: I think we can take that back and discuss.

MS. MACK: Thank you. Rachael?

MS. STEPHENS PARKER: Thank you. And I might be jumping ahead, but I wanted to ask you in case it implies something required in the definition section relating to the registered apprenticeship question. In later sections, it references the requirement of employment at 180 days and tracking that outcome metric. In a registered apprenticeship, if you're still continuing at that time, and -- are you considered employed for the purposes of meeting that metric?

MR. LACO: I think the viewpoint of Labor would be, yes, you would be. Apprenticeship is a job, and so if you're employing a registered apprenticeship program, you meet that metric.

MR. MUSSER: Yep. And we would stay

consistent with the Department of Labor's view on that.

MS. STEPHENS PARKER: Okay. I think a clarification would be useful, whether it's in definitions or in the later section where that's referenced. Thank you.

MS. MACK: Thank you, Rachael. Randy?

MR. STAMPER: Yeah, question for the friend at Labor, and thank you for being here. So you mentioned that there are examples of interim credentials within an apprenticeship, and our state apprenticeship agency is -- or I'm sorry, State Apprenticeship Council is on the verge of, of passing some regulations about the expectation that the RTI must be, must be concurrent with the on-the-job training, with the idea that what you're learning in the classroom should then be magnified and interpreted. So that's a bit of a long-winded way to get to, if each year of a four-year apprenticeship, let's say, had 150 hours of related technical instruction, and there was a credential issued by the state authorizing agency or board, then could that -- and maybe this is a question for both sides, could each year of that four-year then receive Workforce Pell?

MR. LACO: I think we'd have to coordinate on that a little bit. I think that I would just note the interim credential piece is to your exact

example, it's optional. Not all programs offer those interim credentials. It's in the current regulatory text. And it is in some cases becoming more common. But on that specific question, unless Dave has guidance, I think we can get back and think about that.

MR. MUSSER: Yeah, I think we have to take that back and talk a little bit about what those, what those look like. If you have some specific examples or anything that you could provide that would give us a little bit of information about what that looks like in practice, I think that'd be helpful. But we will take it back.

MS. MACK: Thank you, Dave. Those were the cards that I had referenced earlier for our joint. Anyone else with their remaining cards up have one? Please, Aaron.

MR. LACEY: Does the Department of Labor -- I mean, the way this is drafted, you know, it says it could -- it's interesting because it says it's a credential consisting of an industry-recognized certificate. I mean, institutions don't actually issue the industry-recognized certificate. Even more confusing, it says a license recognized by the state. Right? I mean, the institutions don't -- what they do is they provide a program and issue a credential that prepares someone to

go and sit for the exam, etc. I'm curious, does Labor currently interpret this definition in a way that is broad enough that, in other words, you know, someone's running a CDL program, you're not saying, well, you don't actually issue the commercial driver's license, you prepare someone to go sit for and obtain the commercial driver's license.

MR. LACO: I'm going to look real quick back to my colleague. I'm almost certain, yes, that is the case, that -- recognizing that the programs themselves don't issue these credentials, it is what they prepare them for. And that's been consistent with our interpretation in the WIOA system.

MS. MACK: Tamar.

MS. HOFFMAN: Sorry, I think that you were getting at this. But just to be super crystal clear, in the case of apprenticeship programs, do we see the credential as being at the end of the apprenticeship program or at the end of the RTI, at the end of the technical instruction, just to make sure that we're being clear?

MR. LACO: I think in all cases, a registered apprenticeship culminates in a certificate of completion for apprenticeship. So after in all cases. In some cases, there can be an interim credential. And so

depending on the nature of that related instruction, if it's offered in -- with a credential that comes with a completion of just that related instruction, it is possible that there could be a credential that comes, you know, with that related instruction in a standalone basis. I think that is possible. But in all cases, registered apprenticeship leads to that certificate of completion and -- which is a recognized postsecondary credential.

MS. MACK: Thank you, Tamar. Ritchie, you have a question.

MR. MORROW: Yeah, just a brief comment. And I think I'm kind of duplicating what Matthew said, but I heard this from so many different people that when we're talking about definitions of short-term programs, we have definitions in gainful employment. We have definitions at Department of Labor. And now we're going to have definitions in Workforce Pell. Everyone said, please make sure they all have the same definition. We don't want to have conflicting definitions if we're looking at Department of Labor rules or Department of Education rules. And I realize that's probably not an easy process to go through, but I just heard that from so many people. If we could standardize definitions, that would be very helpful.

MS. MACK: Thank you, Ritchie. Any further questions before I get back in our regular queue? David, please.

MR. KAFAFIAN: Transparently, I'm now confused whether you're here to just support us on the apprenticeship piece or the credential piece. So I'm just going to go for it. On the industry-recognized certificate or certification, Matt, I think your point about circularity is key. I just want to confirm, like, what is the Department's view on HVAC, welding, culinary arts, cosmetology? Like these are, these are programs that are industry-recognized certification. It's not a CNA. It's not a specifically defined license by any means. Like licenses are clear. And that's obviously a separate section. But I do want to confirm, how is the Department thinking about those areas where industry-recognized can be used colloquially, and the certification piece then becomes circular? And that's kind of original prior reference.

MR. MUSSER: We can talk that through with our, with our Labor colleagues a little bit. Do you have a specific view on it, Marek?

MR. LACO: Yeah. Well, I can turn it over to -- share maybe a little more on current practice and how the Department of Labor does this. In addition to

that training and employment notice that was referenced with some of these definitions, we also have tools on our website that help kind of with a walk-through of does this count as a recognized postsecondary credential under WIOA? But I'm going to turn it over to my colleague Kim Vitelli. She's our administrator of the Office of Workforce Investment to see if she has anything further to add.

MS. VITELLI: I think you're right that there's multiple different sort of ways to shorthand a credential, but I think that the -- at least the Workforce system is pretty practiced in distinguishing between, like, the occupation, the classes that might prepare you for it, and then the credential that you get. So when people talk about like what is an industry-recognized credential, what they're often meaning in sort of practical terms is this the kind of credential that like a -- that an employer might ask for in a job posting. So they're not just going to say, are you HVAC, right? But they might like be more specific. This is the thing that shows that you have the demonstrated competencies like to carry this out. And then like the other place that this gets, you know, used often, not just in colloquial ways, you know, so -- but in addition to our ten, some of the online tools that Marek was

talking about is, you know, if you were to sort of look up -- if you were to like pull up O\*NET Online, or if you were to pull up mynextmove.org, the credentials that are associated with that occupation is not just colloquialism, but like actually, you know, sort of organized and that kind of information is available. And of course, there's also like other, other vendors to sort of put that information together too. But it's not just -- it doesn't -- we don't just have to rely on sort of like how we informally talk about the occupation.

MR. KAFAFIAN: And the Department's goal is to maintain consistency with that? I just want to confirm.

MR. MUSSER: That, that is correct. There are some unique applications of the Higher Education Act's requirements here that we're discussing right now. To make sure that we have everything in alignment. For example, the HEA requires that completion of the specific educational training requirements that are part of an eligible program have to culminate in a recognized credential, so conferred by the institution. But we know that that is not necessarily the same credential that might be conferred at the end of an apprenticeship that ultimately is part of this. So there may be a need for additional clarification here to

distinguish between those two different things. But go ahead, Jeff. Jeff also wanted to explain a little bit more about this.

MR. ANDRADE: I think the other element that we had looked at as well is independent third-party verification of the credential, you know, CompTIA is sort of one that gets brought out a lot. And so, you know, it varies by the field. But we had looked at a number of different examples and tried to be as broad as we could to, to capture as many programs that -- where there was a third-party verification.

MS. MACK: Thank you. Aaron, I have you next.

MR. LACEY: Yeah. I mean, I'm recognizing, again, the statutory language is pretty specific in directing the Department to use the definition that's in section three Workforce Innovation Opportunity Act. That said, you know, there is the question of how you interpret that definition. I know in the incentive compensation context, you know, Congress went so far as to direct the Veterans Administration to interpret and apply that rule in a way consistent with the way that the Department does it. I mean, one obvious option here would be in your regulation to commit to interpreting this in a way that's consistent with the way

that Labor does it, and to just put that down in regulation. I guess my question is, does the Department have an appetite for that, or do you feel like the requirements of the HEA, etc. are such that that would not be -- it's just not something that the agency could commit to?

MS. MACK: Jake, can you speak to that?

MR. LALLO: Yeah. So to the extent that -- we can take back and look at the specifics of it, but as, as Dave mentioned, like there are some requirements that the HEA implies or explicitly sets forth for what an eligible program is. It doesn't necessarily sync up perfectly with the definition. So we have to make those two things work together. So I think at this point we can't commit to doing that. I think we're really trying to figure out how to make these things as consistent as possible, but we're going to take back and look specifically about whether or not we could possibly do something like that, or if there's another way where we can read this to make them, you know, clearer and more consistent.

MS. MACK: Thank you, Aaron. Thank you, Jake. Jeff, please.

MR. ARTHUR: Yeah. I'd like to see

some additional transparency into the process. I mean, we know that when we -- you know, later, eventually we're going to have to provide a CIP code to have approval for that program in our -- on our ECAR. And I believe there's also some referenced reporting of CIP codes later on, and certainly any industry thing that has a SOC code as well. I'd really like to see in the State's requirements that they -- when they -- that they be transparent about the programs they're approving so the public's aware that they identify a CIP code. And frankly, I think that would help make sure all institutions have a fair understanding of what is being approved by the State, perhaps what is not, but mainly to identify what has been approved. And I've been dealing with Workforce boards, WIOA boards for a lot of years. And those relationships are usually fantastic because sometimes they're more contentious and you get -- sometimes you get politics involved and you got institutions that are ghosted from the process. And I want to ensure this is, you know, Title IV funds are intended to go to students. And this is a little different. This is a little -- of course, as you mentioned, this is -- we're carving something new. But I think we need to retain that integrity that all students have an opportunity to access that funding and also have an ability to choose programs that meet the -- meet their

needs, meet the requirements of the regulations and that the State's process is inclusive and transparent.

MS. MACK: Thank you. Jeff, did you want to respond?

MR. ANDRADE: Yeah. Getting specifically to the CIP code, you know, we looked at that, you know, fairly closely. But if there is something that -- I mean, like, we didn't see it in terms of the actual credentials being an issue because the field of study, you know, doesn't change. And so we thought that that was okay. But if you see something within terms of the -- you know, how you would approach CIP code classification, that maybe we're not looking at, we would definitely appreciate you know, anything that you can pass our way because again, we hadn't flagged that as a -- as an issue.

MR. ARTHUR: Yeah. Well, you could certainly identify a SOC code. I mean, if they were transparent about that, there's a SOC to CIP Crosswalk that sometimes there's two or three or four that match to a certain CIP code, but there's definitely a SOC to CIP relationship that we all know exists. And, and I think there's some way in there to make this transparent.

MS. MACK: Thank you, Jeff. Thank you, Jeff. Michale.

MR. MCCOMIS: I'm just trying to move this along on this definition. I wonder if this might be useful for the Department. If it sounds like it's something, I'll send it over. But essentially because institutions don't, in many instances, if not all instances, actually award the certification, something along the lines of a credential acknowledging the attainment of industry-recognized skills and competencies and approved by a state governor as set forth in section 690.93. And I read that fast, but I mean, that is in the ballpark. I'll send it over.

MR. MUSSER: Yeah, that -- we're interested in that idea. So yeah, thank you, Michale.

MS. MACK: Thank you, Michale. Jeff, did you have something more? No problem. Ritchie?

MR. MORROW: So something that just came to mind that you mentioned about apprenticeships, where they can maybe go for two weeks, have a little bit of break, do three weeks, have a little bit of break. What if that student starts that apprenticeship, gets Workforce Pell and doesn't conclude the apprenticeship and drops out early?

MR. MUSSER: The -- I mean, I can just talk about this from the HEA's perspective. The -- these requirements are never intended to require every

individual to complete every single program. It's designed -- it's -- if an individual does fulfill all of the requirements, then -- and ultimately finishes the, you know, the apprenticeship or whatever it is that they're moving toward, they would ultimately get that if they complete all the requirements. But it is in no way intended to require every single student to complete every single portion of the program, because we know that there will be folks that drop out. They will -- they won't complete every piece of it.

MR. MORROW: So there's not an R2T4 component to Workforce Pell?

MR. MUSSER: Well, I mean, there is to the extent that if the person drops out, they'll still -- the school will still be required to perform the R2T4 calculation.

MR. MORROW: That's what I was wondering.

MR. MUSSER: But that alone would not make the program ineligible. Yeah.

MR. MORROW: Yeah. No, I was referring to the student, not the program.

MR. MUSSER: Yeah, at the student level, yeah, R2T4 does still apply. And I would add that Marek is absolutely right, there is nothing in the HEA

that prevents non-sequential coursework in these programs, but I will just acknowledge for our financial aid administrator colleagues that that probably will be challenging from an administrative perspective, especially where we have things like R2T4. But it is possible, and it will be probably something that has to - - that schools have to develop over time to get it right.

MS. MACK: Thank you, Ritchie. Thank you, Dave. Matt?

MR. FEEHAN: One more question for Department of Labor, so I appreciate your patience standing there. So it's my understanding for apprenticeship that they collect wages throughout their apprenticeship. Correct? Or at least some do?

MR. LACO: Yeah. That's correct. For the on-the-job learning component, it's a paid job with progressively increasing wages. So for that component, it is paid wages. For the related instruction component, it depends. Nothing requires in our regulation that they are paid during the time of related instruction, so the classroom instruction. In some cases, the sponsor may choose to pay an apprentice during that period.

MR. FEEHAN: Okay. So then for the Department, would that be considered grant aid for purposes of excluding ineligibility for Workforce Pell?

MR. MUSSER: Those are wages. So it could apply if there is -- if the program is sufficiently long that the wages actually counted toward the student's FAFSA and two years later. It could apply in that way, but it would not be considered other -- financial assistance in that context.

MR. FEEHAN: Thank you very much, both of you.

MS. MACK: Any other questions? Okay. I want to thank the committee for the thoughtful questions, comments, and suggestions. And I want to thank the Department of Labor and the Department of ED for the thoughtful responses. Thank you all. Shall we move on to the next section?

MR. MUSSER: Our colleagues can sit down for just a second at least. And Aaron will pull up the next section under this topic. Okay. We'll get through this one and then we'll have a short break, I think. Okay. So here we go. We've referred to this section, this new section a couple of times. But here we have the foundational definition of an eligible workforce program, which itself points to a lot of other new sections that we will work through step by step. But I'll go ahead and read it step by step here so that you can see all the different components that 690.92 includes. So

an educational program is an eligible workforce program. If the Secretary determines that it is an undergraduate program, that (a) requires a minimum of 8 weeks but less than 15 weeks of instruction, (b) romanette (i) is at least 150 clock hours, but less than 600 clock hours, or romanette (ii), at least four but less than 16 semester or trimester hours or romanette three, at least six, but less than 24 quarter hours. And I'll pause there. Those equivalences are the exact same equivalencies that the Department used for the traditional clock hour versus credit hour program length requirements that are in the Higher Education Act. And we feel strongly that they are the, the appropriate equivalency for here to -- for this for this purpose too, given that it essentially is establishing program length requirements as well. Now, so going down to (c) the program is not offered using romanette (i) correspondence courses as defined under 34 CFR 600.2. Romanette (ii), coursework that takes place as part of a study abroad program, or romanette(iii), credit or clock hour equivalencies that are part of a direct assessment program under 34 CFR 668.10. Romanette (i) and (ii) are derived from the One Big Beautiful Bill Act section that we referred to earlier, which essentially excludes from consideration of the types of coursework provided in section 401(d)(2) of the Higher Education

Act. And romanette (iii) is included because the Department's interpretation of the statute is that its reference directly to clock hours and credit hours does not permit direct assessment, which is a form of -- which is -- uses a form of equivalency to clock hours or credit hours, rather than clock hours or credit hours themselves. And then moving down to (d), the program is approved by the governor through a process that's described in 34 CFR 690.3, which we'll talk about in a moment. Romanette (e), it meets the requirements established by the Secretary as described in 690 .94, which again, we will talk about shortly. Complies with the annual value added earnings requirements that's described in 34 CFR 690.95, another section we'll talk about in a moment. And finally, (g) is offered by an institution that, during the five years preceding the date of determination, has not been subject to any suspension, emergency action or termination of programs under this title. I'll pause there and open it up for questions and comments.

MS. MACK: Preston, please get us started.

MR. COOPER: So just wanted to put on the table. I sent around a memo this morning which Kayla distributed to everybody, proposing to add a couple

sections to the regulations, specifically around the value added earnings requirements. So the Secretary will not be able to calculate value added earnings using Federal data for several years until there is -- there are actually students who have gotten Pell Grants and have gone through these programs and have been in the labor force long enough to have value added earnings data. And so I propose that for the years in which the Secretary is not able to calculate value added earnings data, the Secretary determine whether the program is likely to pass the value added earnings requirements based on alternative administrative data provided by the governor. And so I'm sure we can get into talking about this later, but I did want to flag that in this section, there was a small modification to paragraph (f), complies with the value added earnings requirements as described in 690.95. I propose adding a clause that says or is likely to comply with such requirements as described in 34 CFR 690.94(d). So just wanted to flag that I proposed in that memo, a slight modification of the language here.

MR. MUSSER: Thank you, Preston. And if it's okay with you, we'd like to -- we are going to look at that, and we'll return to it when we get to the value added earnings section tomorrow.

MS. MACK: Thank you, Preston. Thank

you, Dave. Matt, please.

MR. FEEHAN: Thank you very much. So, for correspondence courses, is that -- just so I'm not going off the handle here, is that found in statute?

MR. LALLO: Yeah, that one's actually fixed in statute. So it was added by OBBB in 481 (b) (3) (a) romanette (ii). It explicitly says that it's not offered through a correspondence course as defined in 600.2.

MR. FEEHAN: So I just want to state for the record, fully understand congressional intent, their clear, very crystal. The one thing I would add from a student veteran's perspective and student service member is that many of our guard and reserve are activated for short-term trainings or short-term reactions here in D.C., for example. That may be -- that may put them in a situation where they may have to take a course or, excuse me, not a course, a test or exam, something very short. I've seen it many times where even if they're gone for a weekend drill, they're gone for Friday, Saturday, and Sunday just to take an exam, the full-blown correspondence course is not being done by correspondence. It's just -- you know, there'll be an assignment, they have to take a course, and they happen to be away at the time. So I was just hoping maybe we

could address that.

MR. MUSSER: Well, I can -- yeah, I will address it, partly in terms of how we provided guidance on this topic in the past. The main purpose, or at least at this point of the definition of a correspondence course, is how it's distinguished from a distance education course. So a distance education course has certain conditions, and nearly all institutions prefer to offer distance education courses, and primarily because they qualify for full Pell Grants rather than half Pell Grants. Simply having a student, for example, send in an assignment via mail does not make a course into a correspondence course. As long as the course is generally offered under the requirements for a distance education course, you know, the way that the student submits an assignment or for example, if they have -- if they do have to write correspondence as opposed to get on the phone or get on the -- write an email or something like that, none of that would cause the course to be treated alone as a correspondence course. Now, if there was no interaction between the student and the instructor throughout the entire course, that is probably going to be a correspondence course. But most of the time, institutions, which are very well aware of this distinction and want to avoid the correspondence at all

costs, will find a way to avoid that here too.

MR. FEEHAN: Perfect. Thank you very much.

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

MR. LACEY: Totally understand the, the reasoning and bases for item G. Just a couple of comments. One, subject two is a little unclear. Would love to be very clear that there's been some determination and action and not merely the initiation of a process. Right? And I can propose some language and we'll send you something on that. But just want to be really clear that there has to be a determination that somebody actually -- something occurred and there was a termination or suspension, etcetera. The other thing I'm going to propose, I feel pretty strongly, there should be some sort of optionality here for a Secretary to potentially waive this. So that would be 100% at the discretion of the Department. But the way it's written right now, you know, and keep in mind, this is only relevant if and it's sort of interesting, but we're talking about an institution that must, at some point in time be Title IV eligible. So it's interesting you're sort of contemplating that there was some sort of significant action, but if they're offering a Workforce

Pell program, they are now back in Title IV. So presumably there's been some assessment and determination by the Department that this institution is good enough to get loans and grants and participate in Title IV. Otherwise, this would be a non-issue. So we're talking about a school that's back in Title IV that's reestablished its eligibility, that's got state authorization and accreditation. And I think the concern is if this institution then said, well, we would like to be able to participate in Workforce Pell that the Secretary should at least have the option to evaluate that and approve it. Because the way this is written, for five years, that option wouldn't even exist because it's just de facto in the regulation impossible. So I'll send you guys some language on that front.

MR. MUSSER: We're open to that.

Thanks, Aaron.

MS. MACK: Thank you, Aaron. Tamar?

MS. HOFFMAN: Thank you. I had a question about subsection G. In particular, I'm curious if the Department could elaborate a little bit about what's included in this definition of suspension, emergency action, termination of programs, and whether it would include heightened cash monitoring status or other kinds of probationary statuses?

MR. MUSSER: So the references that are in G are specific to a separate section of the Department's regulations that deal with suspension, emergency, and termination actions. And Jake, is it subpart G? Subpart G. Hope I get that right. That does not include heightened cash monitoring. That is not considered a suspension, emergency, or termination action. Those actions have a much heightened scrutiny essentially on the program. They allow for appeal. Whereas the heightened cash monitoring does not allow for an appeal. But those, those are a specific set of actions under subpart G that we're referring to here.

MS. MACK: Thank you, Dave. Tamar, any follow-up? Okay. Thank you. David?

MR. KAFAFIAN: I understand that there's been obviously a narrow definition provided by Congress here. So with that in mind, though, I wanted to just understand, did the Department do anything to think about ways that competency-based learning could possibly be included? Or was the view that Congress was so narrow that that not even necessary?

MR. MUSSER: So nothing prevents a competency-based program from being an eligible Workforce program, as long as it defines academic progress in terms of credit hours or clock hours. Now, I acknowledge that

that substantially limits the kinds of competency-based programs that are out there. But we know, for example, that some of the biggest programs in the country are offered using credit hours and simply have a different way of approaching the subject. The Department's view on that really is it -- again, because these are very new programs, because in many -- in most cases they are untested, at least in terms of the Title IV eligibility. And because the statute is pretty clear that it refers to credit or clock hours that those are the types of academic progress measurements that need to be in place in order for the program to be Title IV eligible. One more thing before I forget, the other -- we have gotten this question from the field and I wanted to clarify this. There -- also, nothing prevents these programs from being offered in a subscription-based format. So if a school does want to offer subscriptions, periods where students are, are essentially taking, you know, a period of coursework that -- where there's no specific defined time that they have to complete it, that is permitted here too. It's just that they can't -- they still have to measure the coursework using credit hours or clock hours.

MS. MACK: Thank you. Matt, did you have something additional?

MR. FEEHAN: I'm so sorry about that.

Aaron already took care of it. Yeah, Aaron already answered it. Just the emergency action piece. I mean, just as a first read that could be interpreted to be just an injunction or request for an injunction. So I would add, though, for just for my constituent group that if we do end up modifying this language that we just apply equally and across the board, across all sectors. That's it.

MS. MACK: Thank you. Michale, may I ask that you mute your mic until it is needed next so we don't get any unintended feedback? Thank you very much. And Jeff, you have the floor.

MR. ARTHUR: So before we leave the definition section, I just wanted to revisit student eligibility real quick. I can imagine those of us that have administered Federal Student Aid or going, how the heck do we do satisfactory progress with this program? And it's -- you know, you can have really short programs, but yet there's still a satisfactory progress component. And do you feel like the current regulations on that will both apply and work well for this or should there -- I mean, I'm imagining a 200-clock hour course and I'm going, well, I would simplify it by simply saying, okay, after they've successfully completed -- they have to successfully complete 100 hours to get a second

disbursement. And I assume we're still talking about multiple disbursements applying. And, you know, multiple disbursements could be really close together. So I'm just, I'm just wondering if there's anything unique that should be addressed regarding SAP.

MR. MUSSER: Yeah, that's a great question, one that we've thought about. So I'll say two things. First, we acknowledge that the existing satisfactory academic progress requirements are not ideally suited to these programs given the shortness of the programs. The satisfactory academic progress requirements, if you look at the Higher Education Act, were designed for degree programs. They were designed for longer programs where the institution would have a way of assessing over time whether the student was making adequate progress in order to continue qualifying for Title IV aid. That's just not the case here. And Congress, in this situation, added numerous other kinds of evaluation -- evaluations of these programs that are outcomes-based rather than looking at an individual's progress within such a short period. So although, like I said, we acknowledge that the existing requirements may not be ideally suited, we do believe that the programs can work situated within the requirements. And I'll just give an example. For example, if you have a program that

only has two payment periods and the institution has a warning process that it offers, then the student would get a warning after the first payment period and would be able to -- would continue to qualify for aid in the second one. Now that -- there may still be a maximum time frame that applies to the student, that ultimately would be captured, because if it's measured in clock hours, for example, that would be measured in calendar time. So there are ways in which a student could lose eligibility under the existing SAP standards, but in many cases they won't, just because of how short the programs are, and that there aren't that many opportunities for an individual to be assessed under the -- under these requirements. I think Jeff had a comment. I want to make sure that he also addresses this.

MR. ANDRADE: Yeah, I think in the case of a clock-hour program, for example, most of it's going to be based on attendance and whether or not they're hitting the 150% so that that part of it is still going to apply. And then presumably you may have some grades and milestones that need to be met and that would also get -- you know, come into play.

MR. ARTHUR: Yeah. Just be aware that we are going to have some awkward payment periods and that, that is going to be the challenge. Those of you

that are institutions are going to realize that, well, how do I configure these payment periods in our student financial aid system?

MR. MUSSER: And I would also say, we -- I think that's a -- it is a good point. And we think there's likely going to need to be some subregulatory guidance. We're going to continue to get questions from institutions about how that needs to work. And the other thing I would remind folks about is the institutions do have the ability to craft their SAP policy around this unique type of program, and that may be where we need to give more guidance over time.

MS. MACK: Thank you, all. Okay. I think it was suggested that we take a break before we move to the next section? Is ten minutes good? Or would we like another time frame?

MR. MUSSER: Let's do 15 in this case.

MS. MACK: Let's do 15. We'll return then. Thank you all very much. Welcome back, everyone. We are going to move forward in our agenda. I believe beginning with topic four. First, Aaron, did you have a question that you wanted to ask of the group?

MR. LACEY: Just, just real quick. I want to make sure -- we had something that was circulated that is unlabeled and says, please see proposal. And the

document itself is unlabeled. But that's -- it's the thing you pulled off of the WIOA website. Right? Okay. I just want to make sure because I thought, is this a proposal from somebody? Okay. Got it. Copy. That's what I thought. That's what took me a minute. Got it.

MS. MACK: No, thank you for that clarification. If anyone else has any questions at any time around what we're distributing, please don't hesitate to ask. With that, Dave, I'll give you the floor.

MR. MUSSER: All right. Thanks so much. Yes. And as Kayla said, we'll move into topic four, which is the governor approval of eligible Workforce programs. So as you guys saw in the prior definition, there was a reference to 690.63, components determined by governors. And that's where we'll deal with all of the requirements for state governors. And I'm just going to read through these. I know there will be a number of questions and comments on these and I want to be sure that our Department of Labor colleagues are present to respond to these. But I'd like to go through all of them before we get to that. All right. So 690.93, components determined by governors. (a) Prior to the secretary's evaluation of an eligible workforce program, the Governor, after consultation with the State board,

approves the program by determining that the program, (1) Provides an education aligned with the requirements of high school high wage (as identified by the state pursuant to section 122 of the Carl D. Perkins Career and Technical Education Act), or in-demand industry sectors or occupations. (2) Program meets the hiring requirements of potential employers and the sectors or occupations described in that prior paragraph. (3) Leads to a recognized postsecondary credential, as we just discussed, that is stackable and portable across more than one employer, or, romanette (ii), with respect to students enrolled in the program, prepare such students for employment in an occupation for which there is only one recognized postsecondary credential and provides the students with that credential upon completion of the program. And finally, paragraph (4) prepare students to pursue one or more certificate or degree programs at one or more eligible institutions which may include eligible -- the eligible institution providing the program, including by ensuring romanette one that a student, upon completion of the program and enrollment in such a related certificate or degree program, will receive academic credit for the program that will be accepted toward meeting the certificate or degree program requirements and romanette (ii), the academic credit

described in paragraph romanette (i) will be acceptable toward meeting such certificate or degree program requirements. So I just want to say at the outset that the Department's intent with subsection (A) is to in large part pull directly from the One Big Beautiful Bill Act and its requirements. However, in subsection (B) we felt the need to go a little further and describe requirements for governors and their states to provide clear and understandable published information about how their approval process will work. And that's why there's a lot -- and (b) that doesn't necessarily appear in the law itself, but we believe flows directly from, from the legal requirements. So I'll start there with (b). The Governor shall establish, after consultation with the state board, a process for an institution to request a determination that an eligible workforce program meets the requirements in paragraph (a) that is made publicly available and includes paragraph one, the criteria that governor will use to determine if a program meets each of the requirements described under paragraph (a), which shall include romanette (i), the State's methodology to determine and periodically review which occupations and industry sectors are high skill, high wage as we previously defined it or in demand including the competencies needed in such industries and occupations as

identified by the State pursuant to section 102 of the Workforce Innovation and Improvement Act, and where the list of such occupations and sectors will be made publicly available. And then romanette (ii) a written policy for determining whether a program meets the hiring requirements of employers in the high school, high wage, or in-demand sectors and occupations that the program prepares students for employment in. And now we get into that. (A) Considers the competencies for which the recognized postsecondary credential the program leads to denotes mastery and the competencies needed in such industries and occupations. (B) Incorporates direct input from employers, which may be secured from the state board and local Workforce development boards, industry or sector partnerships, sponsors of registered apprenticeship programs, joint labor management partnerships, or through other methodologies established by the state, and, (C) considers any program that serves as related instruction for a registered apprenticeship program in a high school, high wage, or in-demand occupation with active apprentices as meeting the hiring requirements of employers for such occupation. Going down to romanette (iii). A written policy for determining if a credential is stackable and portable that establishes documented connections to additional credentials,

considers real-time labor market information, and includes a process for employer validation. Romanette (iv), a written policy for institutions to establish that an eligible Workforce program will guarantee the award of academic credit toward a certificate or degree program upon a student's successful completion of that program and enrollment in such a certificate or degree program, and that such credit will be accepted at one or more eligible institutions. Now we're in paragraph (2). The information and institution must submit to the governor will assess -- to assess an eligible Workforce program on the criteria established under paragraph one, including the job placement standards under 690.94, which we'll talk about in a little bit, and, if applicable, alternative completion and rate standards under 690.94, and this is a separate definition that we'll also talk about in just a moment, which shall include the information necessary for the governor to make appropriate job placement calculations using administrative data such as wage records. And because we haven't gotten to that section yet, and this might be a little confusing without that, I'll just say at this stage, that that section, the placement rates are calculated using administrative data in both of those paragraphs. That's why this paragraph refers to

information that the governor, i.e. the State, needs in order to perform those, those calculations. (3) The process and timeline for the governor's consultation with the state board, and a determination that an eligible Workforce program meets the requirements in paragraph (a), and the process for an institution to appeal that determination. And paragraph (4), an attestation that the state board has been consulted. So, that one is an important one because it's a direct requirement out of the statute. So heading down to romanette -- sorry, to (c) the governor shall not approve an eligible Workforce program until it meets all of the requirements of paragraph (a) of this section, as determined through a -- through the process established under paragraph (b) of this section. And then (d) the Secretary documents the governor's approval and determination that an eligible Workforce program meets the requirements in paragraph A by accepting a certification by the governor or their designee that includes the following: The name of the program, the CIP code of the program. And again, just to make sure everyone is on the same page, that's the Classification of Instructional Programs code, which is used throughout higher ed and Crosswalks to Department of Labor SOC codes. Signed statement that the eligible Workforce program was approved by the governor and that

the program meets the requirements in paragraph (a), the date the program -- eligible Workforce program was approved, if applicable, a certification that the State determined that the program meets alternative completion and placement standards under 94(a)(3)(i), which we'll talk about again in just a moment. And then (6) an agreement that upon request of the Secretary of Education or the Secretary of Labor, the governor will make available to those, to those agencies documentation of its progress established under paragraph (b) for making the determination in paragraph (a). (7) An agreement that the governor will inform the Department of the -- of Education and of Labor and the institution within 15 calendar days of its final decision to withdraw approval of the Eligible Workforce program. And that's obviously because that has an impact on the program's eligibility. It's something that those agencies need to know right away. Paragraph (8) and then such other information as the Secretary of Education or the Secretary of Labor, Labor may require. Before I go on, I want to just pause quickly to, to give context for that certification. The Department envisions that the State will complete either form or within the Department systems directly, the State will certify that all of these requirements are met. And the Department generally will accept that certification.

As you can clearly see, we have a provision that allows both labor and education to, to delve back into the Secretary -- the state's process for performing these functions. But the way that it would be accepted by the Department would be through that certification by the State. So the Department will not necessarily be, you know, conducting or being directly involved with the process that the state has established and will rely in large part on the state certification for the program's eligibility purposes. And when we add it, for example, to the eligibility and certification report that we'll -- that we will provide. So going back down to (e) here, the governor's approval under paragraph (a) of this section expires at the expiration of the institution's program participation agreement. And I'll go on to the next one. Explain the context in just a second. Prior to the expiration of an institution's program participation agreement, the governor must provide through a process determined by the Secretary, a certification of continued approval of each eligible Workforce program offered by the institution. So I'll pause there again for context about paragraphs (e) and (f). The idea here is that each time an institution is recertified under the requirements of its PPA, the State will also have to provide a certification that it is continuing to approve the

eligible Workforce programs that are included as part of the institution's ECAR, essentially everything that's eligible as of that time. As you guys may know, if you're familiar with the eligibility process that the Department has for the, for the Title IV programs, the recertification is the point at which the Department does a holistic evaluation of an institution with respect to its compliance with Title IV provisions, its financial responsibility, and a variety of other factors. And we believe this is also an appropriate time to re-up from the State that the State still approves the program and, and that it should continue on as an eligible program after the, the school is fully recertified. And going down, then finally to, to (g) a program that includes the required technical instruction component for a registered apprenticeship program that meets the requirements of 29 CFR part 29, is considered to meet the requirements of paragraph (a)(1) of this section. And, Aaron, if you could scroll back up to (a)(1) really quickly so that we can see what we mean by that. It's all the way up there. It just means that, that, that because there, there are already existing requirements under the registered apprenticeship rules, we, we accept the determination. Since it's already a registered apprenticeship, we accept that it that it provides an education that is aligned

with the requirements of high school, high wage or in-demand industry sectors or occupations and meets the hiring requirements for employers in those areas. All right. And then I will pause for discussion.

MS. MACK: Dave, thanks so much for walking us through topic four and the relevant text. I'm going to open it up to comments and questions. And we're going to get started with Eric.

MR. MUSSER: And sorry, Kayla, real quick, I would like to invite our colleagues from Labor to join us at the podium one more time. Unfortunately, they're going to have to be on their feet for a little while because I think they can help quite a bit in this discussion.

MS. MACK: Thanks for that, Dave. And I'm going to ask that when the two of you make your way up front, would you please reintroduce yourselves for purposes of the record transcripts and our viewing audience?

MR. LACO: Yes. Marek Laco from the Department of Labor.

MS. VITELLI: Kim Vitelli, also from the Department of Labor.

MS. MACK: Thank you for that very much. Eric, please.

MR. ATCHISON: Thank you. So, Dave, first, we reference state board. I know we defined it previously as, I believe, Workforce Investment Opportunity Board, Workforce Boards. But in the context of states, while we do have state Workforce boards, we also have state education agencies like SHEEOS. And so how, how do you foresee -- just first question is, how do you, how do you see this authorization, this approval process within states working through both of those agencies, one of those agencies, a mix, it's up to the governor. That sort of insight would be very helpful here. Under part (b), romanette (i) on page 22 or 22, excuse me. There's -- it says determine and periodically review. That's pretty vague. Recommend at least once every three years or something that's amenable to the committee here. There's no definition of time in that, in that statement. Also at the bottom or I'm sorry, middle of top of page 24, we have real-time. And so how do we define real-time? I have access to a couple of software systems that do not provide information in real-time, but yet they're still very valuable. And so just trying to figure out what type of information is, is needed in that real-time labor market information on page 24 at the very top. Also, stackable and portable, I don't believe is defined in regulation at this point. So I'd love to hear

a little bit more context about how we are going to operationalize those terms. Are we talking about students that have obtained additional credentials after succeeding through, you know, the Workforce Pell program itself? Is there a certain percentage that we're trying to aim for, for those that do pursue additional credentials? Thank you.

MS. MACK: Please, Dave.

MR. MUSSER: So I'll start with the very first part of your several-part question. And then I will turn it over to my labor colleagues to address the other portions, which I think are more squarely within their realm of expertise. So you are exactly right that there is a preexisting authorization framework from -- in the Higher Education Act, in which generally state higher education offices are the ones that authorize institutions and, and all of their programs, although not all of those offices approve specific programs. And that differs from, in many cases from the agencies and boards that, that are set up to approve programs under WIOA. What that means legally here and Jake can add or correct me if I get any of this wrong, is that the authorization component is still required and always will be required. But a state does have the ability to choose which agency authorizes which types of programs in its higher

education sector. So for example, if it wants to assert that the state higher education officer authorizes institutions writ large and then defers to its state -- a state board or another agency to, to give a specific approval for an eligible Workforce programs, it's permitted to do that, but the State is going to have to specifically describe that in its own statute and regulations as to how that process works. So there will be -- we anticipate that that could end up being complicated at times because states are going to have to adapt to this new framework and make sure that those agencies are working together if both agencies are going to be involved, or if they want to have some kind of deference, they will still have to express that so that the Department has an understanding of where, where they're deferring and where they're not.

MR. ATCHISON: I can just respond quickly. I would just say for the purpose of students who I represent, this would -- any complications at any agency also creates complications on the individual.

MR. MUSSER: Yep. Understood. Thank you.

MR. LACO: On the periodically reviewing the occupations, what I'd say is states commonly do this currently both through their Perkins,

Perkins V, their current technical education programs, and also their WIOA programs. They have their planning cycles every four years and then two years they do a state plan modification, and it actually times up pretty well that states are in the process of doing their plan modifications that are going to be due to the Departments of Education and Labor in the spring. So it's an opportune time. And this is something that states routinely review every two years. I would say overall on some of this added direction, and I think some of the intent from the Department's was to provide directional consistency on how states are doing this but preserve substantial state flexibility as intended with the statute. And so that is, some of this added language was to promote that transparency on how they're doing it. Make sure that the State is doing this in a transparent way with their methodology, methodology on making these key determinations, clarifying the competencies as well, but also preserving state flexibility, given that states have expertise in doing this and have been doing this for many years and not wanting to dictate that there's a kind of a one size fits all approach in how they do this while pushing that consistency and transparency. And so yeah, noted periodically as something that you wanted clarity, I think something we can discuss. I would say in

practice, states are doing this under the other systems every two years, if not more frequently. The one other -- I -- actually, yeah, you had a second one for me. The real-time, real-time labor market information. So that's something that my colleague Kim can talk about that as well, related to credentials. And, you know, if stackable and portable credentials, these are some of the qualifying language we put around that -- what that policy should be. A lot of states and a growing number of states are developing policies around credentials of value and how they assess them. And while there's a lot of differences in how states are approaching this, there are some common features that many of the states, pretty much all the states that have undertook this are starting to do. One of them is having a process for employer validation of some sort. Another one is kind of looking at the competencies. Real-time labor market information, generally job postings and other type of sources of information that comes faster than traditional economic data that might be valuable to determine, is this a credential that we're frequently seeing employers are looking for to meet their hiring requirements? And so states, I think the vast majority of states that do something in the credential space, looking at credentials of value, use real-time labor market information in some

ways. I think not defining it and keeping it flexible enough because there might be multiple ways states are approaching this is the intended approach of the Department right now, but certainly welcome thoughts and any suggestions on the language.

MS. MACK: Thank you. Eric, any very brief follow-up before I move on? Okay. Thank you. Next, Ritchie.

MR. MORROW: So I don't dare deal with the workforce stuff. So this might be covered in the two-year review process, but governor's change, and so you might have a new governor come on and say, I don't like all the programs that the previous governor approved, so I'm going to get rid of them. Is there a grandfather clause? If a student is enrolled in the program, can they finish the program or if they're admitted but haven't started the program, can they still qualify for Workforce Pell even though the new governor is removing that program from authorization?

MR. MUSSER: So, great questions. Under the current regulatory language, there's no provision for grandfathering of any kind. The -- there are existing regulations about the end of an institution's participation in the Title IV programs that we have long interpreted to also apply to the end of

participation of a particular program within an institution. And that essentially says that if you have received -- if you've got a valid ICER and you are in the middle of a payment period. When the governor ends the eligibility of your program that you continue to qualify -- but just so you know, we also have more information about the discontinuation process in the loss of eligibility section. So I don't want to get into too much detail there. It is not going to happen very often that we have to discontinue the eligibility of one of these programs for one of the reasons that are -- that's in this section, except at the end of the next payment period after the determination has been made, that's what that section is going to say. So let's maybe pause on some of that until we get to that section. But yes, the Department has thought through the fact that this could negatively impact students if the governor decides to make this to withdraw approval, and that is their -- obviously their prerogative to withdraw approval if they don't believe that it's a program that meets these requirements. But we do give a little bit of time for the institution and the students to adapt.

MS. MACK: Thank you, Ritchie. Thank you, Dave. There are a number of cards up. I promise, I have everyone in the queue. I'm going to ask you for your

patience as I make my way around. Tamar, I had you next.

MS. HOFFMAN: Thank you. I had a few clarifying questions. I'll try to go one by one and pause in between, just to make things a little bit easier. My first question was just about how this provision implicates out-of-state students and whether out-of-state students could enroll in this program or what happens even if you have an online program that's operated out of one state but could be accessed in another state. I'll pause there.

MR. MUSSER: So first, nothing in these provisions prevents institutions from offering an online program. However, I -- my understanding is that there are some unique applications to -- in WIOA for that. We -- we've heard this question in a couple of different contexts. Essentially, like I said, there's nothing that prevents an institution from doing this, but the state governor is going to have to determine that the program, even though offered online, still meets all of these requirements and has the ability to collect the appropriate data to ensure that the program continues to be eligible. So Marek may have other things to add, but that -- that's what my understanding is.

MR. LACO: Yeah. I mean, in our statute and regulations, there's no prohibition on online

programs, so it's based on meeting the criteria. And I think that that's, you know, as Dave mentioned, the intent.

MS. MACK: Thank you both. Did you have another question?

MS. HOFFMAN: Yes, please. Another question that I have is regarding subsection (g). I just wanted to clarify that the intention here is actually that it's a registered apprenticeship program that includes the required technical instruction. I -- that's what it sounds like the intention is. And I'm just trying to make sure that I'm understanding that correctly.

MR. MUSSER: So, yeah, you are. So the part of the issue is that we are still sort of working through the relationship between the HEA requirements which define a program and a certain way and the WIOA requirements that define a sort of longer credential that may, may -- some of which may be occurring outside of the instruction that is happening as part of the eligible Workforce program. But when we refer in (g) to a program, we mean the eligible workforce program. That's, that's including the actual instruction over the 14 or less weeks and the clock or credit hours associated with that program. That is -- includes the technical instruction component for the registered apprenticeship program,

which could be, like I said, a much longer period where the student is getting on-the-job training, etc., after completion of the instructional portion.

MR. LACO: And I would just add also, Department of Labor has been pretty consistent long-standing that registered apprenticeship programs by default meet that in-demand criteria. And so -- and high wage, high skill, and so that's the effect of this provision.

MS. MACK: Thank you, both. Do you have another question?

MS. HOFFMAN: I did. I'll try to be brief.

MS. MACK: How about one more? And then I'll put you back in the queue if you have additional ones.

MS. HOFFMAN: Yeah, no problem. Totally understood. Thank you again for the clarity. And, yeah, if that could be clarified in the language, that'd be great. I'm happy to email that as well, if that's useful. And then the last thing and, and Ritchie, I think was getting at this question, so I can also yield that for this is just how long a governor's initial approval lasts and sort of what the effect is. And whether the Department has any thoughts about that at this point.

MR. MUSSER: So we explicitly -- we actually just -- we discussed this at length internally and our explicit and intentional decision was that it lasts as long -- lasts through the PPA whenever the PPA expires. So if the governor decides to approve a program six months before the PPA expires, it may have to do it again shortly before the PPA comes up again. If it's five years before the PPA expires for the school, it may have to do that again. So it is likely that there will have to be some discussion and work between the institution and the governor when they're determining these approvals. The institution might want to wait until after it's been recertified, for example, but it lasts only through the end of the PPA. Okay.

MS. MACK: Thank you. All right. Next, David, please.

MR. KAFAFIAN: Like many others, I'm sure I have a number of items. So I may just try to rattle through them, and then we can -- you can address whichever ones you want and we can go back in the queue. I think in alignment with what Preston had shared earlier, I do think that looking at understanding the timeline for the on-ramp here is essential. Waiting for three years of data and then potentially for another year, which we can discuss at tomorrow's section for the

secretary to certify is a really prolonged time for us to get to something that is meant to be in demand now, and so identifying ways for a provisional pathway would be of interest. Maybe I'll just pause there. Thoughts on -- from the Department on how we might be able to accelerate the timeline here?

MR. MUSSER: Well, I think we'll talk about that a lot more tomorrow, so let's defer on that for a bit.

MR. KAFAFIAN: Next one I would maybe address is just the guarantee of credit. That seems like something that from an institutional perspective is hard to do ex-ante. And trying to think through how the Department is thinking through ways that a program provider in a noncredit program can guarantee with certainty and what we can put to paper that would be acceptable to, to kind of delineate, I'll say, safe harbors or best practices for that to be stipulated.

MR. MUSSER: I think we'd be interested in suggestions on that if you guys have them. I will say that in my experience, nearly always it's a form of articulation agreements. It may not be incredibly explicit or specific. But in this case, it may have to be to ensure that there is another institution that will accept this credit, accept an amount of credit toward a

degree program emerging from this program. I can't think of another way off the top of my head that they could do it. That's the simplest and most straightforward way, but I do -- I acknowledge that that is a complicated process that schools are going to have to set up. I think Congress established that requirement. It's likely something that's going to have to -- that they're going to have to spend some time developing those agreements on if the institution itself can't offer that credit. And in many cases, the institution might decide that even though it was noncredit before, or if they have a program that might otherwise have been noncredit, that it can simply offer the credit itself toward one of its degree programs. That's, of course, another way to deal with that.

MS. MACK: Thank you. David, did you have one more? And then I'd like to move on. I'll put you back in the queue.

MR. KAFAFIAN: You can just put me back in the queue.

MS. MACK: Okay. Thank you. Preston or -- Preston is next, but, Randy, I saw you motioning. Did you have something that you wanted to speak directly on that?

MR. STAMPER: Directly about the

guarantee of credit by the program. I'd be interested in accreditors' standpoint. So applied credit for non-credit has to be done by faculty under accreditation standards. And it may be, it may be that, that the language should, should speak less about a Workforce -- eligible Workforce Program guaranteeing credit than the -- a -- and I don't know what this is yet, but a path toward credit at an accredited institution for the training provided.

MS. MACK: Thank you, Randy. Any reaction to that? Otherwise, I'm going to move on in the cards. Thank you.

MS. HULTQUIST: I actually -- I think what you're suggesting is thoughtful. What we're trying to get is consumer kind of guarantees, if you will, and that transparency for the learner. There are states that have that in place. So let me pull up an example and share it with the group. I'll probably pick on West Virginia. Okay.

MS. MACK: Okay. Thank you for that. Preston, please.

MR. COOPER: Most of you answered -- asked and answered the questions that I had, so that's great. But I did have a couple remaining ones. So if the governor's approval lasts until the PPA expires, does that mean that the governor is not required to annually

recertify the job placement and completion rates? So the first ones that they certify, those are just good until the end of the PPA?

MR. MUSSER: No, that's a great question because it's -- I can see where that confusion might have come in, but that's actually expressed in the next section. They are still required to certify -- recertify that they're continuing to meet the completion and placement requirements. Yeah. That -- those don't extend through the PPA.

MR. COOPER: Gotcha.

MS. MACK: Before you move on, would you mute that mic, please? Thank you so much. Preston, please.

MR. COOPER: And one very small suggestion for number two in that list of things the governor has to document, I would suggest a six-digit Classification of Instructional Programs code rather than just Classification of Instructional Programs code.

MS. MACK: Thank you, Preston.

Rachael?

MS. STEPHENS PARKER: Sure. I have a few items, so I'm going to try to start in order of importance. You can cut me off when you need to. First, I do just want to briefly acknowledge I appreciate the

intention in the statute and also that the Department's paid to ensuring really close alignment with the workforce system with this investment opportunity and with the governor's authority therein, I think it's important to really try to preserve and to the extent we can encourage that while leaving governors, of course, some flexibility. So I wanted to suggest first regarding some questions around designees and roles of SHEEOs that perhaps, at a minimum, the policy add a requirement that the governor document in policy designated authorities or how that process will go about in states. I know, you know, we've frankly seen in applications, you know, for example, if WIOA designated authority, sometimes it's messy or it's gray. It's not well documented. People in the state don't know what's designated to who. So if the governor maybe has flexibility but can say, here's how we're going to articulate where -- here's where you can find it, here's how we're going to do that, I think that'd be valuable. But still gives them some flexibility there. And then I think similarly, the policy should articulate what the role will look like for the Higher Education Agency. In Maryland, my higher ed agency is a voting member, my executive committee. But that's not true for every state Workforce Board, for example. So where that partnership isn't already built in, I do think

it makes sense, given all the intricacies of implementation, that they -- there be a call-out that the state should figure out what they want that role to look like, whether it's being a designee or some other role in the process. So two suggestions there for the policy. I'd be happy to collaborate with colleagues on some of that language if interested as well. Second is this is a big one for my constituency group. Throughout this section, I think rightfully so, there's a lot of encouragement and even requirement for the use of wage records and SOC codes, implementing things that a lot of states we've been talking about for a while is North Star, but maybe a lot of states aren't there yet. Very few are. Recognizing the timeline. And we're talking timelines on a few fronts here. I'm curious if the Departments have heard any feedback on this as you've been doing, you know, getting the process up to this point, what you've been hearing and if you've considered one, potentially extending the timeline for the requirements that require use of these, these data tools a little bit further out, say to two years. And if you've considered making funds available to states to support implementation, I know I've been hearing from some of my fantastic colleagues just kind of some of the costs that are implied and some of the timeline challenges that they know that they would face,

even with the one-year kind of job placement requirement lag. Those are my first two. I can stop there if you want me to. I've got more, but --

MS. MACK: Is there any reaction to anything Rachael has shared thus far?

MR. MUSSER: For, for the first couple of suggestions, we're certainly interested in those. So if you have language, please send them to the -- to our facilitator so that we can consider them. On the second one, I have looked to my Labor colleagues. And Jeff, if you have any comments about -- you know, we don't have -- I don't -- I haven't been involved in discussions about funding that there's really no particular provision that -- under these requirements that would deal with that. But there may be something happening elsewhere that, that I'm not aware of.

MS. MACK: Jeff, did you want to add anything or are you good?

MR. ANDRADE: The only suggestion I would make to piggyback on what David's asking is in terms of where people are at in projected timelines, the more data you can give us on that, the -- I think the better the process would move.

MS. MACK: Thank you, Jeff.

MR. LACO: And if I could clarify,

Rachael, are you referring to the placement metrics and that piece of it or the other pieces of the process that the governor would have to establish transparent process? Because the, you know, the latter of those, I think states are thinking about those processes, they're thinking about them right now as they're thinking about their state plans separate and separating their ability to do -- stand up that process and that -- the data piece, because I think those things are worthy of consideration separately, given the capacity might vary on both fronts.

MS. STEPHENS PARKER: Agree, and this is specifically about the data components and really pulling out the ones derived from the job placement metric. And I understand there's a year lag kind of runtime runway on that. And we've been hearing that states that are kind of maybe a little closer, but still have some things to figure out. There's a lot of legal back and forth. I'm kind of hearing some -- what some of those barriers look like, but hearing more like 18 months to two years seems more like a timeline for states that aren't there yet versus one year. So just on that piece.

MR. MUSSER: That's a great point. So I do want to be clear that we are going to talk about that in much more detail when we get to the next section,

which, which although it's the items that the Secretary will evaluate, it includes quite a bit about placement rates that are calculated by states. So I think we -- I want to defer some of that conversation to that when we get there, but don't, don't forget to bring that back up.

MS. MACK: Rachael, I'll put you back in the queue. Thank you. Again, thanks to everyone for their continued patience. Michale, you are next.

MR. MCCOMIS: Thank you. I'll start with the guarantee bit because I think Randy asked about that and some others. And so it may be useful, Dave, as you mentioned, to be more explicit around what that expectation might be. So is the word -- are you tied to guarantee because it's statutory? Okay. That's good enough. So, maybe -- I understand. So, it -- maybe the word insurer might be better than guarantee, but also will ensure through articulation agreements, transfer of credit agreements, consortium and partnership agreements or similar such vehicles or agreements or -- I mean, I think you want -- what you're really trying to say is it can't just be, hey, we're going to rely upon the transfer of credit policies of other institutions. We want to see that there's an actual agreement established between this program and another next program. Okay. All right. So I will -- I'll put that language together and send it over.

The other one, and then I'll go back into the queue is the word mastery. On page 23, where you have the program, the credential the program leads to denotes mastery. And I just think that's problematic. Because I've been doing this a long time, and I still don't think I've achieved mastery in a lot of ways. But, you know, a truck driver that goes through a 150-hour clock-hour program is not a master truck driver. A pilot that goes through 600 hours of flight training is not a master pilot. There are very few fields in which this kind of program denotes mastery. So I would really -- I have a rewrite that focuses more on achieving competencies in alignment with -- basically the institution can show that it's doing what it's set out to do relative to competency. And then the governor can make a determination if that competency is at the right level or not. But mastery, I don't think, is maybe necessarily the word or the level that we can kind of rely on here, just experientially speaking. And I'll go back into the queue after that.

MR. MUSSER: And I would just say I'm -- I think we're interested in that definitely. I want to look to my colleague.

MR. LACO: I agree, I think the intent is the competencies and (inaudible) the competencies that the individuals will attain through the program. But I

think we'd welcome thoughts and language.

MS. MACK: Okay. Thank you, all. Next I'm going to go to Kristin and then Randy and then Jeff, just so that you know when you're coming. Please, Kristin.

MS. HULTQUIST: Thank you. I want to align myself with most of the comments that have been said here, so I think consensus when we see specific language to be pretty easy to accomplish. A couple of things that I'd add for your consideration. The first is we -- it feels like what we're trying to do here with these regs is not only align with what is in statute with the Department of Education and Labor, but propel the states to do the same. And they tend to have kind of siloed systems. So I will be suggesting some places where we can facilitate that greater interaction. If you can consider, we're in section (4), part (b), and around this is some of the processes is that when we talk about data, information being publicly available, we talk about including through the use of structured, open, linked and interoperable data formats. That is the direction that our, our highest performing states are moving. We should move all states to that kind of transparency. Then under one subset part (i), this is the bottom of page 22, I might suggest that we look at defining periodically. I --

after listening to this conversation to a three-year period that's consistent with what I understand states do as it relates to appointments of trustees. Create some continuity around those types of governing boards. I think some kind of continuity for both the institution and the learner would be appropriate here. So that's a suggestion. And then the last one I had was do -- would we be interested in when we talk about under -- when we're talking about stackability and a written policy for determining it, we said documented -- it's suggested establishes documented connections to additional credentials. The data are quite clear that right now, that's not happening. And so this will probably be an aspirational attestation, not a reality. So if we're -- would we want to posit that at least 20% of completers of this program have their credentials transferred in some manner, or counted for credit towards some other program? So I just ask that we consider do we need some kind of a, of a different floor? If not, I do expect that that will be aspirational only.

MS. MACK: Thank you very much.

MR. LACO: I'd say from the Labor perspective, undocumented, meaning not to -- not that every individual would pursue that more, that they have some way to articulate what are those credits that it

would go to. So I think the intent there was to capture that it's not just, again, this may lead to, but can we actually show the individual for the student side, do they know what that career pathway looks like? Do they know what these credentials, that being the form of the documentation, not verification that they in fact did travel along that career pathway? More of that, but I think language if there's clarifying language on that piece, I think we'd welcome thoughts.

MS. MACK: Okay. Thank you very much. Randy, please.

MR. STAMPER: Thank you. Just a couple things since the committee members have covered most of what I marked. I do want to reiterate that definitions, I think for stackable and portable are critical for a variety of reasons, but one that hasn't been mentioned, I don't think, is that those things change over time. Both of those. So having some, some sense of how to define those in a policy and apply them is important. Top of page 22 (B), I think it's item (B), I drew a circle through it, states if -- in the case where an occupation where there is only one recognized credential that the -- it suggests that the institution provides such students. I think we had a conversation earlier about language that recognizes that, that the program is likely not going to

provide the credential, but rather skills to be successful in pursuing it. Being from Virginia, where we have a new governor every four years, I think the earlier conversation about continuity is really critical, so that, so that whether it's the Workforce Board, the State Board of community colleges, whatever agencies are involved, who stick around generally longer than our governor, that we can try to establish some continuity for students and programs over time. And then the last thing I would say is, and this is probably a point to be made or a question for friends at Labor, last paragraph (g) about the related technical instruction. And we've talked about the complexities of the length of time and that sort of thing. But at least in Virginia, there are a lot of what we refer to as approved in-house providers, which are organizations or companies that provide their own technical instruction. And they look to us for some level of authorization or certification to do so. I've already been contacted by some of them saying, okay, so then if we're an in-house provider, how are we going to get this Workforce Pell to support us training our own employees? Etcetera, etcetera. And I think probably all of this points back to that 25% from an ineligible provider. But again, maybe this is just a heads up, but that's going to become a question.

MS. MACK: Thank you, Randy.

MR. LACO: I would just say that, you know, that is a great point. I think one of the -- the most common or at least one of the most common providers of related instruction is the employer itself. And so that is something that is going to -- you know, we're, you know, worthy of some further thoughts on that dynamic and how those may fit in and meet the other criteria that are statutory and proposed in the regulation.

MS. MACK: Thank you for that. And, Jeff, can I ask you to speak on this?

MR. ANDRADE: My question was to Randy, and we were talking about continuity and whether you think it makes -- Kristin, throughout three years, whether you think it makes sense to try to tie this to the time frame of the state plans.

MR. STAMPER: You're talking about the unified, the WIOA state plans?

MR. ANDRADE: Yes, sir.

MR. STAMPER: That would -- yes, that would give some additional level of continuity for sure.

MR. ANDRADE: Yeah.

MR. STAMPER: Or at least, yeah, trust and belief that we have a runway to deliver before we get a bunch of new appointments.

MS. MACK: Thank you, Randy. Jake?

MR. LALLO: I think the other thing there, too, is to the extent that, you know, the concern is that a new governor comes in and certifies, you know, a high-need program or something. You know, the statute is pretty clear that the governor has the authority to make the determinations that they want to make here, but that doesn't mean the state can't limit a governor's power in terms of what they can and can't do, which is a separate issue and obviously beyond the purview of the Department to regulate.

MR. STAMPER: Yeah. And really some of my continuity -- pardon me.

MS. MACK: Please go ahead.

MR. STAMPER: Part of my concern is also beyond the governor itself, but the governor's appointments to boards and the shifting nature of board interests.

MS. MACK: Thank you, Randy. Thank you, Jake.

MR. LACO: If I could just --

MS. MACK: You can. And then I'll go to you, Dave.

MR. LACO: That the -- all that language in, you know, in subparagraph (b), building out

the process for that transparency, I think is a feature to guard against that. So there is a transparent process and it's not arbitrary. And the state is clear, this is the criteria we're using. And while they may shift that criteria, there's -- the public knows how they're evaluating these programs. And there's also provision for appeal of those. And so I think it gives those procedural rights for institutions to look and say what -- in what way did I fail this criteria according to the written process? And so I think that while those processes may change and that's, you know, the consequence of changing leadership of states, that having that transparent process is a protection against arbitrary action.

MS. MACK: Thank you. Please, Dave.

MR. MUSSER: And the only other thing I wanted to address, Randy, about your comments was regarding the providers, which may be employers, which may be other entities that are not currently eligible institutions, you know, we're very limited, obviously based on the HEA and its requirements about who can provide an eligible program for Title IV purposes. I would say that's not to say that an accrediting agency couldn't approve an entity to offer only eligible workforce programs if it meets all the requirements of that accrediting agency. Now, I say that as if it's easy

and it's not easy, but, but I would say that this is a new world that may -- where that work may be needed and where the accreditation sector might be able to be responsive to that in new ways, but we are limited in terms of what kinds of entities can qualify for Title IV aid. And that's going to -- that's the foundation for this discussion. But we're interested in your ideas about how to deal with that.

MS. MACK: Thank you. And I do try to keep my head on a swivel, but if I miss you, please do let me know. Okay. I'm going to go to Jeff and then Aaron and then Matt, and then I'll be circling back to folks that wanted to be in the queue. Dave, did you have something else before I do? Just making sure. Jeff, please.

MR. ARTHUR: Well, having had the pleasure of doing about 25 recertification applications and probably 50 e-apps altogether, I have a recommendation for paragraph (f) requiring the governor to provide a certification by the expiration date of the PPA. As you know, the application process recert starts six months prior to the expiration and it closes three months prior. And I'm envisioning that this is going to be documentation that we're going to collect and upload with our recertification. So I would, to get the

governor's cooperation, first of all, I'm going to engage them six months prior to say, I need this, and I'm going to say I need it 120 days prior so I can meet the 90-day deadline. So I would suggest making that 120 days prior to the expiration of the institution's PPA. So we've got some, you know, some help with our FAA for the FAA people to, to compel that compliance.

MR. MUSSER: We're open to that if you have language on it, yeah.

MR. ARTHUR: Yeah, it's 120 days. 120 days prior. Just start with 120 days on (f).

MR. MUSSER: We just appreciate the email. But thank you, Jeff. Even, even if it's only one sentence.

MR. ARTHUR: Yeah. And that was the minor thing. The other thing, in a couple of places, you've -- upon Secretary's request or certain event occurs that the governor is required to provide something to the Department. I'm not sure why, but I would -- it doesn't appear, and maybe I'm wrong. Maybe there's somewhere else we deal with it. But I don't see that you're reserving any authority over their actions. Otherwise, why would you be requesting that information? And what I'm getting at is, yeah, there's an appeal. They have to have an appeal process for institutions. But what

if that isn't adequate? What if -- and is that -- it seems that you're, you're injecting yourself in that process by asking for this information. But then what's the, what's the follow-up to that? What can an institution do if they feel like their state has, has been arbitrary or capricious or whatever that they're not -- they feel it hasn't met the spirit of the, of the regulation and, and that they want to appeal to the Department?

MS. MACK: Did anyone want to respond to that? Okay. Whenever we're going to chat, make sure you flip on your mic because we want to capture every word.

MR. LACEY: That actually goes to my question, and I think I'm next in the queue, so I'm happy to --

MS. MACK: You are correct. Please.

MR. LACEY: Okay. So what I wanted to do was actually take a step back and make sure I understood functionally the obligations here and the relationships among the parties. So I understand that section (a) just sets forth the approval elements. These are the things that -- and that's largely statutory, right? It looks to me, my read on section (b), and Jeff, this sort of goes to your question, is that the

obligation ultimately, is that the governor establish a process and publish that process external website somewhere that it's publicly available, and that this is really a disclosure obligation from the viewpoint of the US Department. So I don't see any obligation here that all of the elements of that process that are required, the criteria, the state board timing and approval process, the data schools have to provide. I don't see anywhere that says that's provided to the Department. The Department reviews that, approves it. Okay. So to be clear, this is just a disclosure obligation on the part of the state. The department at least in normal course is not reviewing or approving this process or the -- that's published.

MR. MUSSER: That is correct. Under, under what's currently written, that's right.

MR. LACEY: Perfect. And I -- the important point and then my understanding is the next step is this is posted publicly. And then the governor makes a determination, presumably in his or her sole discretion, along with the state board, but the State makes this determination as to whether or not a program satisfies its process. And by the way, there's no process of evaluation to determine whether or not the State is actually doing all that. The obligation is that these are

the elements of the written policy. So in other words, the thing I publish has to say that I do these things. There's not an audit to determine whether I'm doing those things. Okay. So the government posts it publicly, the governor, then the governor reaches the determination and then transmits that to the Department and then agrees to certain certifications and agreements with the Department. And that's it. Okay. I just want to be real clear about what the obligations are.

MR. MUSSER: Yeah. You just -- you have described the sort of normal course of business of how this would work, yes.

MR. LACEY: That was it. Thank you.

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

MR. LALLO: And just to follow up a little bit further on Jeff's question, you know, you asked what happens if the governor of a state is slow or doesn't approve something? The answer is we can't do much. You know, schools have to have state higher ed authority approval for all kinds of things. If the state doesn't give it to you, it doesn't give it to you. And we can't act until they do. That's part of how the regulatory triad works. And this follows that same pattern. You know, we don't have any enforcement

mechanism against the state for a decision about whether or not they -- you know, you should get this approval or a program should be approved under the governor. This is very clearly something that like the statute and decisions, the Governor, you know, being an active participant in and having a lot of discretion, we are not going to step in and tell them to approve a program.

MR. ARTHUR: What if it's a withdrawal from eligibility where you have students receiving Title IV aid, Title IV Pell Grants and, and decisions made by a state entity to withdraw those students' eligibility because they're at a program that the state terminated?

MR. MUSSER: And so you -- you'll note that we have the provision that requires the state to provide information to the Departments of Education and Labor upon request. And that is really intended to be the vehicle by which Education and Labor will make determinations about whether the state is acting in accordance with the law, if we have information that suggests that they are not. It -- and I think Aaron described it very clearly, the Department's intent is not to insert itself in -- and again, the normal course of business of how this works, the state is going to design its process, publish its process, actually enact its process, go through the approvals and potentially revoke

approvals, all of those things. If at any time the Department becomes aware or the Department of Education and Labor become aware that there's a concern, we have the ability to go and dig in and to get more information about that. But it's not our intent to be sort of parties to that every single time that the state goes through that process.

MR. ARTHUR: Appreciate that.

MS. MACK: Thank you, Dave. Thank you, Jake, and thank you, Jeff. Thank you for your patience, Matt. You have the floor.

MR. FEEHAN: Of course, I didn't want to get involved in the State Federal legal dispute anyway. So I just want to say on behalf of my constituencies, I couldn't be more happy with this language. I do want to add two very minor points. So for Aaron, I touched on this as far as disclosure goes for making it publicly available. No offense to the attorneys in the room, but I would not like to see this turn into only attorneys can read this. So for publicly available, although the intended audience is for, you know, a group of folks who are smarter than me in this room, we do have to keep in mind that this will get translated into consumer-friendly materials. And then also at some point in military brief, it'll be on a PowerPoint slide. I

almost guarantee you. So some commander out there is going to put it on a PowerPoint slide. So knowing that, just two really minor points: it should be prominently publicly available, meaning -- Aaron said a website. But I've seen the websites. I've seen them hide them in websites so prominently on the website means a page on the website, not just a mandatory disclosures on the very, very bottom and tiny little font. It's got to be prominently displayed. And then using plain language. So I'm not sure if every state has a state law as the, the Federal Plain Language Act. I would hope so. But something along the lines of plain language, just so, you know, our consumer groups and veterans and student service members can actually read this and then also use it as methods for making determinations on their programs and which ones are going to pick. The second point I had was on romanette (iv), I believe it's a written policy for institutions. I won't read the whole thing, but essentially for movement of credit, academic credit towards a certificate. It says: and that such credit will be accepted at one or more eligible institutions. So the only thing I would add is not under the same control of the institution's board or institution's leadership, something to that effect. The reason I say that is because what I'm concerned about, and I've seen this

before with student veterans and service members, is that we get thrown into funnels. So one CEO might have 3 or 4 different subsidiaries. And then that'll meet the definitions of the regulation, which that's not actually true. So your, your, your credits might transfer to A, B, and C and D, but if A owns A, B, C, and ,D then your credits aren't technically transferring. So credit, credit transfer has to go to F, G, H outside those one or two eligible institutions. That's my only point on that.

MR. MUSSER: I want to pause on that last point. I appreciate all of your comments. But -- and Jake, I'm interested in your view on this too. But the way that I read the statutory requirement and, and A, is that the credit can transfer into even the same institutions for degree programs and still qualify under these conditions. So I'm not sure if we would have the authority to extend that and say, you know, it can't -- it has to apply to an institution outside of the common ownership or you know, the relationship of the institution itself. So that, that might be a little bit of a challenge for us.

MR. FEEHAN: Yeah. Fully understand. I just want to put it out there on the record. I've seen the funnels happen and just making it known.

MR. MUSSER: Appreciate it. Thank you.

MS. MACK: Thank you, Matt. Jeff, did you want to speak on this?

MR. ANDRADE: Yeah, I think to, to Dave's point, we've seen this actually recently in a couple of examples. When we talk about ownership, it applies to public, nonprofits as well. And so you can have systems which are actually designed to work together at the public level, even not nonprofit level, which would have the same ownership structure. So it seems like we would have a difficult time distinguishing between those types of institutions that you would want to be excluded versus those you perhaps don't want to be excluded. And as Dave pointed out, our reading is that it could be the same institution.

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

MR. LALLO: Yeah. To that point, incidentally my subject matter area that I typically work on is changes in ownership. So I read a lot of institutional ownership things. As Jeff said, you know, public universities have ownership, nonprofits have ownership as far as the Department reg is concerned. There's not really a way to like, again, as he mentioned, to splice that without getting into the different types of institutions, and that would be going way beyond what

the statute reads. And then, you know, there's always second-order consequences, right? So like if you don't splice that, you know, the way some states organize their institutions, you may block half of the universities within the state from accepting credit. And it really kind of defeats the logic of the stackable and portable credentials and also just it gets real messy with statutory authority at a certain point.

MS. MACK: Thank you. We have just under 20 minutes left, so I'm going to keep going through comments. We are going to, in fact end on time because I know there are important debrief sessions, constituency meetings. So I promise we'll end on four. Leave a few minutes for closing remarks. I'm going to circle back through the queue to the extent that we have time. Did you have something on point there? You're good. Tamar, I promised I would circle back to you if you had additional marks you wanted to share at this juncture. Or you can pass.

MS. HOFFMAN: I can pass right now for -- in the interest of time. Thank you.

MS. MACK: Thank you. David?

MR. KAFAFIAN: I guess I'd start by echoing Matt and Kristin's points around like plain language as well as the interoperability of data. I

think, frankly, the interoperability makes more sense in some of the items we'll talk about tomorrow. Given that you're saying here that this is specific to the governor publishing a process more so than the data, but I do think the ability to aggregate that data and leverage it, have it not be in static disparate PDFs buried in various places, is essential for the growth of these programs and, and proliferation of these dollars. I'd also want to come back to the governor's definition of in-demand more broadly. I would love to see and I can make a specific proposal there, add specific language that clarifies that their determination of in-demand is really a CIP code-related endeavor, as opposed to a program-specific endeavor. It doesn't mean that there aren't programmatic specificities that are covered elsewhere, but the idea of in demand itself is specific to something that is a labor market factor. So if they want to publish something that is numerical around openings or growth of sector from a number of jobs perspective, fine. But I would hate to see governors be put in a position where they're allowed to pick and choose winners that are, I'll say, subcategories of a given role depending on who's providing that training. I'm just curious what the Department's thoughts are there.

MR. MUSSER: If you have language on

that, I think that we'd be open to it.

MR. LACO: Yeah, I could go real quickly. Just to add from the Labor perspective, I think states when they're usually doing this, at least from the workforce side, are predominantly thinking maybe in SOC codes when they're doing that or other methodologies, but doing it at the occupation level, not, you know, institution or program, but understanding what are those in-demand occupations or industries, as the statute specifies. And then flowing from that, the connection between the institution's program and those occupations and industries.

MR. KAFAFIAN: Terrific. Yeah. I was not trying to make a distinction between the CIP and SOC there, but thank you. I think that's an important clarification. The other item I just add is around state reciprocity. I think there's more language that is needed here to understand. There are many instances, especially in distance education that I'll say across the entire draft were silent to around is the student -- is it where the student is or where the state is or where the -- sorry, institutional provider is? And I would love to see us add some best practices around how do we think about who -- which governor (inaudible) because my concern is that you can end up in a world where the VAE metrics are

done at where the school is basis, the student is actually more likely to be impacted from the labor market where they are. And I would hate to just see us layering the student now needs to figure out where they are, has their governor approved, and has the governor in the state where the school's HQ is? So yeah.

MR. MUSSER: So we'd be interested in that. The only thing, as just as context that that I would provide there is that there already is a state authorization reciprocity concept in the regulations that we need to make sure that we don't have conflicts within this process. So if you do provide -- do plan to provide language on that, look to that for some of the, some of the fundamental concepts that the Department has already outlined about reciprocity for authorization purposes because we -- I think we'd prefer as much as possible to, to have those things be consistent here as much as we can.

MR. KAFAFIAN: Yeah. My comment was actually that I was expecting to see (inaudible) throughout the draft, so I think we would add that. Thank you.

MS. MACK: Thank you, David. I'm going to move next to Rachael.

MS. STEPHENS PARKER: Thank you. I can

move through these pretty quickly. One, just taking back to timeline with the suggestion that we align this to the WIOA planning process and specifically to the every two years, the four-year plan and the two-year modification. States have to be looking at this information anyway at that time, and as a state board, I'd hate to do it. See, we've had some big changes in some sectors, and I have not updated the in-demand occupations for this purpose because I'm waiting another two years, knowing this investment is intended to be highly labor market responsive. So I think that's a really natural point that I would suggest on the timeline question raised earlier. On definitions of stackable and portable, I understand the drive for better definitions here. More clear definitions, I should say. But at the same time, I do think that it's important to leave a little bit of room for this at the state level, as someone who has defined some of these terms in policy, myself at the state level. And so to that end, I'd be willing to collaborate with colleagues interested in those definitions to explore options around how to maybe set some kind of minimum parameters, like what the definitions for in-demand occupations currently do without getting overly prescriptive about what counts or what artifacts can count to demonstrate stackability and portability. And

leaving some of that to, to state policy and guidance. One quick thing, a suggestion to add as well. I do suggest that the governor's policy lay out who -- which entity or entities in their state they would like to have sort of be copied on, or receive the value-added earnings calculations data. When we are at that point of implementation, I wouldn't want that to skip past the state level. I think that would be really valuable information to have access, direct access to without having to then ask institutions to like back report it again or what have you. So I admittedly don't know a ton about what that data exchange process looks like, but however we can make sure states are saying, here's who we want to have receive it on our end, I think that would be very helpful. And then last point, probably for longer discussion potentially, but the Department of Labor is mentioned in this section as well. And I know my constituency group, of course, responds and reports to the Department of Labor in a number of ways. And while we support this alignment and relationship, do want to understand there's a lot of questions about the nature of the relationship if either can ask us for information or what have you. Just kind of a lot of, I think, questions perhaps still you'll unpack around roles of each party at the Federal level. And I'm curious if the Departments

have considered what may or may not be clarified here versus in guidance versus some other way down the line.

MR. MUSSER: So we can talk about that, I think, with our Labor colleagues and maybe have a discussion about it tomorrow morning about that relationship as it pertains to this, this particular section and oversight of the state process. I think, you know, I think that's a good -- a worthy area of discussion that probably we don't have enough time for right now. Yeah. But good point, yeah.

MR. LACO: I would just add that, you know, opportunities to align with the workforce system are paramount for this, as you mentioned. And so I think thinking about how we can make sure that all the good work states are doing in this front can benefit the broader workforce system and the investments made through that are relevant, but I think it's a worthy area of conversation.

MS. MACK: Thank you. Michale.

MR. MCCOMIS: Following up on that just a bit. In 690.93, (3) romanette (i), we've defined recognized postsecondary credential over in, I think 690, right? 690.91. But under romanette (i), we've added an additional layer to that definition. So we were saying a, a recognized postsecondary credential, which we've

already defined under 91, and then saying, but that is also stackable and portable. And so I -- because we've already defined recognized postsecondary credential, the -- for all intents and purposes, it could just end there. Or as defined in 609.91. There may be some statutory, you know, requirement here, but I don't really understand what stackable and portable across more than one employer means. Because really stackable and portable is more of a reference to -- across educational institutions that stack credentials. Employers might recognize those credentials in a stackable or even portable way, but they have nothing to do with the portability of credentials or the award of such credentials. So maybe affirmed by more than one employer, recognized by more than one employer, I think, is maybe what the intent of the language is trying to drive that, as opposed to portable across more than one employer. But maybe I'm misunderstanding the intent. And then secondarily, on the very next line is prepares such students for employment in an occupation for which there is only one recognized postsecondary credential. And I wonder if the Department has a thought or a definition or like what does that mean? Can you give an example of when there is only one recognized postsecondary credential? Because I thought the intent here was to open that up and to have more than one, and

several. I --

MR. MUSSER: So I'll defer in part to my Labor colleagues on this because that one is explicitly stated in statute as one of the two options that could apply here. And I believe, if I'm not mistaken, it's a WIOA concept. But if -- I want to make sure I hear from them about this.

MS. VITELLI: You know, an example of where there might only be one credential is like where you need a license to be able to practice and there's, you know, only one license. So, like, I don't know that it would fit with this. But just to give the example, like if you want to be a pilot, like only the FAA can give you that license, right? So, those kinds of -- there are a handful of occupations that there's only one credential for, especially in the licensure world.

MR. MCCOMIS: This is an either/or, so it's either a recognized postsecondary credential or there's only one credential that's available.

MS. VITELLI: I think it's the distinction between recognized by more than one employer versus there's only one licensure.

MR. MUSSER: The way I understood the statute was that you can't -- it can't -- it might not necessarily be recognized, you know, in the same way if

there's only one and if there's only one, it -- the program has to lead to that so that the individual can be employed in that particular profession.

MR. STAMPER: So it's not stackable at that point. And it's a provision for lacking stackability.

MR. MUSSER: Yeah.

MS. MACK: Okay. Thank you, all. There's a couple more cards. Admittedly, we may not get through all of the cards that are up. So we will -- I will note them and we can start there later. But let's keep moving for now for a couple more moments. And Kristin, you are next.

MS. HULTQUIST: Okay, I'll go fast. This is a suggestion for the last part of the process of the governors. This is to kind of close the loop on this communication cycle that you're trying to make transparent, and it follows with the way the administration has really been improving transparency for learners. The Pell clock does start with a -- with receipt of one of these Workforce Pells. So this would include a written policy confirming that institutions will provide prospective students with information about their Pell eligibility -- the amount of Pell eligibility the program will use up, median annual earnings for

program completers, and the credentials and degrees that are available to them at the institution of higher education their attending, or others if they complete the Workforce Pell, so it's just really closing the loop with student communications.

MR. LALLO: Just a general comment. There's been a ton of suggested text changes here. We really appreciate all the comments. Please send them to us in email. And also please provide some background or rationale for why you want these, just so we understand what we're looking at. You know, there's been some great discussion here, but we don't have time necessarily to go back and watch the tape later on. And so having it explained to you in your own words is very helpful to us. And it will make our job a lot easier tonight.

MS. MACK: And if I could build on that, Jake, as you're sending all these through the facilitators, we're going to ask for your grace and patience as we process those in a meaningful way. And if at any time you want to check in with us on the status of that, please don't hesitate to pull Mike or I aside and we'll get with you on that. All right. Thank you, Kristin. Tamar, you have just two minutes.

MS. HOFFMAN: No problem. Thank you. I just wanted to briefly return to the point that Matthew

was making regarding transferability across programs. So I'm looking here at the statute. And it seems like there's more than one way to read this and that it -- the way that it's written basically seems like it could include the institution, but that that doesn't necessarily have to be the only institution that accepts credits. And reading this as a whole, it seems to me that the idea is to make sure that students are never left stuck. Right? So that's the same idea with the portability stackability. I sort of understand the preparation to pursue certificates or degree programs at more institutions in that same light, so I'm wondering if we could revisit that perhaps tomorrow because of time.

MS. MACK: Okay. Thank you all very, very much for an engaging and informative day. I want to thank you all for following the protocols and using the name tents and really making it easy on your facilitator. Department, do you have any closing remarks, updates, announcements before we would conclude?

MR. MUSSER: No, just an expression of appreciation for, I think, an incredibly useful discussion. And a lot of thoughtful suggestions. We've already gotten a few. I know that we'll get a lot more. So far, you know, I think it's been a great process so far. So, just thank you to our committee. Appreciate it.

MS. MACK: Thank you all. One reminder as you submit those, if you can please identify the name of the document, the specific text being referenced, the rationale as Jake invited. And make sure that you do identify the constituency group or constituency groups that it is being submitted on behalf of. Again, we'll be paying close attention to our emails this evening and throughout the week and forwarding those as soon as possible. Thank you all very much. Have a great evening.