

To: Accountability in Higher Education and Access through Demand-driven Workforce Pell (AHEAD) Committee

From: Tamar Hoffman and Zoe Kemmerling, representing legal assistance organizations that represent students and borrowers, consumer advocates, and civil rights groups that represent students

Re: Proposed modification of proposed text of 34 CFR 690.92(g)

Date: December 9, 2025

Below, we propose a modification of the Department's proposed language in 34 CFR § 690.92(g), which excludes programs from eligibility for Workforce Pell where the program is offered by an institution that was subject to a suspension, emergency action, or termination during the preceding five years.

Background:

The Department's proposed regulatory text excludes programs from eligibility for Workforce Pell where they are offered by an institution that was subject to a suspension, emergency action, or termination during the preceding five years. This provision excludes programs offered by institutions that have been found to pose serious, systemic, and/or imminent risks to students and taxpayers. Institutions facing these sanctions have typically exhibited significant breakdowns in governance, financial stability, academic integrity, and/or compliance. The five-year lookback ensures that institutions with recent, severe regulatory failures do not immediately expand into Workforce Pell programs without demonstrating sustained improvement. Institutions with recent Title IV sanctions have demonstrated an inability to meet even baseline compliance expectations. Allowing them to operate Workforce Pell programs could lead to poor instructional quality; low completion or job placement rates; wasted Pell funds; and students leaving with no credential, no pathway, and no economic mobility.

While this provision provides critical protections, it is too narrow to adequately protect students and taxpayers from the highest-risk institutions. To more fully protect students and taxpayers against the highest-risk institutions, the provision should be expanded to exclude programs offered by institutions that have had their institutional accreditation or state authorization terminated in the last five years. This modification would cover more high-risk institutions, further reducing risk of bad actors rushing into Workforce Pell for new revenue streams. It would also create a level playing field for high-quality providers and reassure students and employers that Workforce Pell programs are trustworthy and held to a meaningful baseline of integrity.

Workforce Pell is brand new, and therefore requires even more accountability measures to mitigate possible risk. Launching it without these safeguards would recreate past policy failures. Historically, when new federal education benefits are introduced without strong guardrails, low-

quality, high-volume providers enter quickly; aggressive recruitment targets vulnerable students; completion and job placement rates collapse; and Congress ends up revisiting the program to repair avoidable damage. This rule ensures that history does not repeat itself.

Amended Language:

§ 690.92 Eligible workforce program

An educational program is an eligible workforce program if the Secretary determines that it is an undergraduate program that –

(g) is offered by an institution that, during the five years preceding the date of the determination, has not been subject to:

(i) any suspension, emergency action, or termination of programs under this title;

(ii) a revocation, withdrawal, or termination of institutional accreditation by an accreditor;
or

(iii) a revocation, withdrawal, or termination of state authorization by a state authorizing agency.