

AHEAD Committee | Request Regarding Distance Education

Submitted by (David Kafafian) Employers / Business

Context & Statement of Support:

We appreciate and are supportive of Congress's and the Department's efforts build a Workforce Pell program that can meet the needs of our ever-evolving workforce, while ensuring that all such eligible programs meet quantifiable outcomes standards. We noted that the Department's draft regulatory text is currently silent with respect to Distance Education and believe clarification is essential to ensure that scalable programs can grow and better support the workforce goals of the One Big Beautiful Bill Act.

To address this, we would propose the below textual revisions, which are intended to achieve the following goals:

1. Clarifies that the Governor in the "home state" where the institution is physically located shall make the determination with respect to program eligibility.
2. Assigns data collection and validation responsibilities to the "home state" Governor for the purposes of such programs. (Alternatively, we would propose that the Department consider managing these metrics for distance education programs under 690.94(c)(1), though that is not drafted here.)

Textual Revisions

Revision 1

Add a new § 690.93(c) and renumber the existing § 690.93(c) as § 690.93(d), updating all associated cross references accordingly.

(c) When evaluating an eligible workforce program offered through distance education to students located in multiple states, the approval granted by the Governor of the state in which the institution is physically located shall be deemed to satisfy the requirements under paragraph (a) of this section for the purposes of approval of all students in such program, regardless of such students' residence. However, if the institution participates in the State Authorization Reciprocity Agreement (SARA), this deemed approval shall apply only if the institution is operating the program in accordance with all applicable SARA requirements. In such cases, the approval of the Governor in the state where the institution is physically located may be supplemented by any additional review or documentation required under SARA for multi-state distance education programs for the purposes of deeming that the program satisfies the requirements under paragraph (a) of this section.

Revision 2

Update Section § 690.94 regarding the data collection process and responsibility for completion and placement rates to account for such scenarios by adding to a new § 690.94(d) that reads:

(d) Where an eligible program is offered by distance education to students and at least one state in addition to the state in which the eligible institution is located has approved the program, the Governor of the state in which the eligible institution is located will be responsible for collecting and analyzing the consolidated data of all students enrolled in the program, regardless of state, for the purposes of meeting the requirements of this section.