

AHEAD Committee | Request Regarding Distance Education

Submitted by (David Kafafian) Employers / Business

Note: Coming out of caucus, we would propose the following as an alternative for the Department's consideration on this topic. We are NOT pulling back on the original proposal, but are simply submitting for collective consideration.

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 a few key goals:

1. Clarifies that Governors have discretion to consider the approval of a distance education's home state as part of their own approval process, and to establish a process for honoring the certification of completion and job placement rates of Governors in other states for distance education programs.
2. Establishes that the "home state" Governor's withdrawal of approval shall be treated as global for any such program.
3. 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) Interstate recognition of Governor approvals for distance education programs.

(1) When evaluating an eligible workforce program offered through distance education to students located in multiple states, a Governor may, at the Governor's discretion, recognize the approval granted by the Governor of the state in which the institution is physically located as satisfying

some or all of the requirements under paragraph (a) of this section for the purposes of its own approval of the program under this section.

(2) Nothing in this section requires a Governor to recognize another state's approval, nor does it limit a Governor's authority to establish independent approval criteria for eligible workforce programs serving students in that state.

(3) An institution seeking to offer an eligible workforce program through distance education to students in multiple states must obtain Governor approval in accordance with each state's policies, which may include recognition of approvals from other states as provided in this section.

(4) The termination by the Governor in the state in which the institution is physically located results in the ineligibility of the program for Title IV purposes.

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.