

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
NEGOTIATED RULEMAKING
ACCOUNTABILITY IN HIGHER EDUCATION AND ACCESS
THROUGH DEMAND-DRIVEN (AHEAD)
WORKFORCE PELL COMMITTEE
SESSION 1, DAY 2, MORNING
December 9, 2025

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

P R O C E E D I N G S

MR. FRAN CZAK: Good morning and welcome back, everyone. I'm Mike Franczak, and along with Kayla Mack, I'm serving as one of the head committee facilitators. I will be facilitating today's negotiations discussions, and I look forward to assisting the group. I want to thank the entire negotiation committee and Kayla as facilitator for their efforts yesterday, and I hope to help you build on those efforts today. So let's begin with a roll call of the negotiators. So I'll call the names, and if you would please respond present or here, and we'll go from there. All right. Beginning with students who are currently enrolled and receiving assistance from Title IV. Primary, Eric Atchison.

MR. ATCHISON: Present.

MR. FRAN CZAK: Alternate, Magnus Noble. Students who are veterans, US military service members or groups representing them. Primary, Matthew Feehan.

MR. FEEHAN: Present.

MR. FRAN CZAK: Alternate, Julie Howell.

MR. FEEHAN: She's also present.

MR. FRAN CZAK: Okay. Employers and groups representing the business community, including

small, medium, and large businesses. Primary, David Kafafian.

MR. KAFAFIAN: Present.

MR. FRAN CZAK: Alternate, Dennis Cariello. Legal assistance organizations that represent students and borrowers, consumers and advocates, and civil rights groups that represent students. Primary, Tamar Hoffman.

MS. HOFFMAN: Present.

MR. FRAN CZAK: Alternate, Zoe Kemmerling.

MS. KEMMERLING: Present.

MR. FRAN CZAK: Public institutions of higher education, including institutions eligible to receive Federal assistance under Title III and Title V of the HEA, tribal colleges and universities and historically Black colleges and universities. Primary, Kristin Hultquist.

MS. HULTQUIST: Present.

MR. FRAN CZAK: Alternate, Tonya Williams. Private, nonprofit institutions of higher education, including institutions eligible to receive Federal assistance under Title III and Title V of the HEA, tribal colleges and universities and historically Black colleges and universities. Primary, Aaron Lacey.

MR. LACEY: Present.

MR. FRAN CZAK: Alternate, Joanna Roush. Proprietary institutions of higher education. Primary, Jeff Arthur. Alternate, Ryan Claybaugh. State workforce agencies and workforce development boards. Primary, Rachael Stevens Parker.

MS. PARKER: Present.

MR. FRAN CZAK: Alternate, Andrea DeSantis.

MS. DESANTIS: Present.

MR. FRAN CZAK: State grant agencies and other state and nonprofit higher education financing organizations. Primary, J Richie Morrow.

MR. MORROW: Here.

MR. FRAN CZAK: Alternate, Elizabeth McCloud. State higher education executive officers, state authorizing agencies, and other state regulators. Primary, Randy Stamper.

MR. STAMPER: Present.

MR. FRAN CZAK: Alternate, Heather DeLange.

MS. DELANGE: Yes.

MR. FRAN CZAK: Thank you. Accrediting agencies recognized by the Secretary. Primary, Michale McComis.

MR. MCCOMIS: Present.

MR. FRAN CZAK: Alternate, Gary Litke.
Organizations representing taxpayers in the public
interest. Primary, Preston Cooper.

MR. COOPER: Present.

MR. FRAN CZAK: Alternate, Ethan
Pollock.

MR. POLLACK: Present.

MR. FRAN CZAK: And then Federal
negotiator, Dave Musser, Department of Education.

MR. MUSSER: Present.

MR. FRAN CZAK: Office of General
Counsel, non-voting, Jacob Lallo.

MR. LALLO: Present.

MR. FRAN CZAK: And also the
Department, Jeff Andrade.

MR. ANDRADE: Present.

MR. FRAN CZAK: Great. Thank you. So
thank you all for coming back and picking back up today,
this morning. As a reminder, we will continue to operate
under the same process protocols as been shared
previously and reinforced yesterday with Kayla as
facilitator. So if we're okay to begin, we'll pick back
up with the agenda. It's my understanding that the start
of our morning is a presentation by Cody Christensen from

the Department. So do we have Cody here?

MR. MUSSER: Cody's coming up right now.

MR. FRAN CZAK: Okay. All right. I'll give the floor then to Cody Christensen with the Department. Thank you.

MR. CHRISTENSEN: Well, good morning, everybody. Thank you for joining us again this morning. We are starting with a presentation that will be about the types of programs that will likely be eligible for Workforce Pell grants. We know this is an issue or a subject that is of great interest to a lot of different people. This is a new grant program that's being created, and it is obviously really important to know the types of programs that may be eligible and also the number of those programs. Before I get going, I just want to say, for the sake of time, can you please hold your questions until the end of the presentation? There will be a Q and A period, unless you have a quick clarifying question that can be answered pretty rapidly. I would just ask you to hold those questions. So on the next slide, please. Let me begin with the conclusion up front. There are four buckets of types of programs that the Department expects to be likely eligible to receive Workforce Pell Grants. Those buckets include health-related programs such as

nursing assistant programs, phlebotomists, EMT paramedics, commercial driver's license and vehicle operation programs. Career and technical-related programs. This is a broad bucket. Included in it -- includes the welding programs, automotive mechanics, electrical, fire safety and prevention, computer sciences, and also childcare related programs. How many programs do we expect could qualify to be eligible for Workforce Pell? The range that we are comfortable with providing is quite large, but we think this is a conservative and safe estimate. It could be as few as several hundred to as many as a few thousand. This obviously is going to depend on a lot of different criteria and moving pieces, which we'll clarify in the following slides. Next slide, please. Part of why it's difficult to get a precise estimate on the number of programs is because Federal data are limited in their ability to identify programs that would meet all of the Workforce Pell Grant eligibility requirements. So, the Department that -- the data that the Department currently has generally is limited to programs that receive Title IV aid, and because Workforce Pell Grants programs are generally not receiving Title IV aid, we see very little data on any of those programs. Now through IPEDS, the Department does collect some data on potential Workforce

Pell Grant programs, but there are limitations to the Federal IPEDS data. For example, it's capturing an incorrect universe of programs based on program length. It's limited to for-credit programs. It has very little information on the non-credit side of the house, and it only is giving us counts of completers. So the solution that we're going to do for you to sort of paint this picture of the types of programs that could be eligible for Workforce Pell Grants is we're going to triangulate between the Federal data that exists with its limitations, and also state data sources to provide to you the best possible picture of what we expect Workforce Pell Grant programs to look like. Next slide, please. So starting with the Federal data, this is the IPEDS data, this would be a count of programs that could be eligible for Workforce Pell grants, with the caveats that the Federal data are capturing the wrong universe. For example, it's including programs that are 1 to 7 weeks in length, and those programs would not be eligible for Workforce Pell Grants because the statute requires them to be at least eight weeks in length. It's missing some longer programs. For example, it's not including programs that are 12 to 15 weeks in length, and we're unable to layer on other eligibility requirements, like the graduation rate requirement, for example. And those

caveats in mind, these are the most common in the types of programs in the counts of those programs. The top program there is nursing assistance. There's 364 programs -- individual programs provided in that field at colleges across the country. Other common programs are phlebotomy technicians, EMT paramedics, commercial vehicle operations, and so forth. Again, this is an incomplete picture because it doesn't include all of the eligibility requirements. Next slide, please. So, in light of that, we're going to now fill in the gaps with some state-level data. And to do that we're going to turn to state-level data systems from California and Virginia. These data systems are really robust, and they provide a clear picture on the precise set of programs that could be eligible based on the length of time. And also they include both for-credit and non-credit programs. So we get visibility into an entirely different set of programs. And sometimes these data include additional requirements like tuition and graduation that help paint the picture as well. Now there are limitations. The most obvious is, or the most important, is that it's often difficult to identify which program a student is in in state-level data systems; there's a lot of technical explanation I can provide for that. But just that is a caveat to know. And then secondly, state-level data

systems often provide little visibility into the for-profit sector. So that is another caveat to keep in mind. Okay, next slide. So starting with California, and starting with the for-credit side of the house. These are a list of programs that are most likely to be eligible for Workforce Pell Grants based on the length of the program meets the credit hour requirements and length of time. So these are grouped into three different buckets, here. The blue programs are health-related programs. Those are emergency medical -- those are the EMT paramedics and the nursing assistants. In red, we've called that category business, clerical, and educationrelated. That's stuff like childcare provider, legal and paralegal assistance, accounting technology and technicians. And then in the green we have career and technical education related programs, all the things like welding, electrical, water quality, fire prevention, heating and ventilation, computer sciences. These are the most common programs at the California Community College System that currently exist, and we're operating in the 2023 year. So on the next slide, we've turned, staying in California, but now we're turning to the non-credit side of the house. These are programs that are non-credit, non-credit bearing, but could still be eligible for Workforce Pell if they meet all of the other eligibility

requirements. There are a lot of overlaps you'll start to see. EMT paramedics, nursing assistants, medical assistants, childcare providers, all of the career and technical programs. So again, this is painting a picture that in California, there is an alignment with the Federal data, too, that these are the broad buckets of programs that we expect to be eligible. Let's turn to the next slide, please. So this is now turning to Virginia, and we're staying in non-credit. These are programs in Virginia, the ten most common programs that we expect would be eligible for Workforce Pell Grants. A lot of overlap. Some differences, though. You see, the health-related programs still pop out, and also, commercial driver's license programs are very large. One interesting fact about the Virginia data is that they're actually counting the track enrollments, and also a completion rate in the credential earned rate for these programs. And they also do capture tuition data in Virginia. It's related to the Virginia Fast Forward program that was a model for the Workforce Pell Grant program at the Federal level. So they are capturing a lot more detailed information. Next slide, please. So again, there are some caveats here. The first is that, as I've said multiple times before, we cannot see the full picture at the Federal data or in any of the individual state-level data

systems for all of the eligibility requirements. So these counts should be considered upper bounds. Obviously, the program count number will drop when all of the eligibility criteria are applied. Second, the types of eligible programs will likely vary across states. Obviously, programs need to be in high demand fields in each state. So what might be in high demand in California might be different than programs that are in high demand in other states. Third, when Federal funding becomes available, the current composition of programs may change. So, as Federal subsidies become available, we would expect more entrants into the marketplace to provide those services. Those new entrants might look different than the programs that currently exist at a snapshot in time in the '23, '24 year. And then, as a final reminder, the state data we've provided has little visibility into the for-profit sectors. Those offerings could be different or similar to what's provided at the community college level. Next slide. So this brings us back to where we started, as we showed in California, Virginia, and the for-credit and non-credit side, plus the Federal data, each of which has limitations, but together they're providing a partial picture. We do feel confident saying these types of programs will likely be the most eligible -- most likely be the most likely ones

to be eligible for workforce Pell grants. And again, how many programs? A really difficult number to estimate. It's going to depend on things like how the for-profit sector reacts, how community colleges react, how states design and set up and label high demand industries. There's so many moving pieces, it's difficult to get a precise number, but based on the counts and the Federal and state data. We feel comfortable saying that out of the gate, there will be anywhere between, you know, a few hundred to -- several hundred to a few thousand. I believe that is the end of the presentation. I do have a few remarks on data -- some data requests we received, and then I'll open it up to question and answer. In short, there were three data requests we received yesterday. The first was a data request on short-term programs that receive Federal loans. We are having the Office of Federal Student Aid look into that request, and we will provide additional information as it becomes available. The second, is we received a data request for data on programs that have written agreements with non-eligible providers. Again, FSA is looking into that request and will provide more information as it becomes available. And then third, we received a request to provide metrics related to the gainful employment test and a variety of other metrics. The Department is unable

to provide the most recent data at this time, but we can potentially answer questions if there are follow-ups. With that, I will be happy to answer any questions we have on the types of programs that are likely eligible for workforce programs. Thank you for your attention.

MR. FRAN CZAK: If you have a question, please raise your comment card. Start with David.

MR. KAFAFIAN: Thank you very much. I'm just curious if on slide four, do you have any perspective of what portion of the coverage there is, the one seven week programs or programs that are too short by nature?

MR. CHRISTENSEN: Yes. So on slide four, this is showing the Federal data. And the category for what's included in Federal data are certificate programs that are less than 12 weeks in length. So any program that colleges are reporting that are between 1 to 11 weeks in length. So obviously, we cannot disaggregate on a finer category. So if there are programs that are 1 to 7 weeks that are being reported in the category of programs that are less than 12 weeks, we cannot separate those out individually.

MR. KAFAFIAN: Okay, thank you.

MR. FRAN CZAK: Okay. Next, we have Preston, then Michale.

MR. COOPER: Thank you very much.

Really appreciate this presentation. I'm wondering if you have a sense of the proportions of programs that are on the for-credit side versus the non-credit side? Just any kind of rough estimate there.

MR. CHRISTENSEN: The state data doesn't provide any visibility into that question. We could provide an answer and answer that question using the Federal data. I don't have those numbers in front of me, but that's something I could follow up with.

MR. FRANZAK: Michale?

MR. MCCOMIS: Thank you. Good morning. Do you have a sense of that these program lists, whether or not any of these programs already articulate to other certificate and degree programs? Some on the list are what we would consider to be terminal, now. Like, particularly truck driving programs, and has the research gone into any of those agreements that currently exist? Because otherwise they'll have to be, I think, created and corresponding transfer opportunities created within the state in order for those programs to be eligible.

MR. CHRISTENSEN: That's a great point you've raised. And the short answer is no, we don't have data at the state level that looks at that. That is why we think viewing these counts and these lists as, you

know, an upper bound. Not all of the counts of Federal programs, we should we expect to be eligible for Workforce Pell. They have to meet all of the articulation agreements and examples of things you, you documented. And we don't currently have data available on these, these types of agreements, but we can look into that as mentioned at the end of the presentation.

MR. MCCOMIS: Yeah. I would just add, you know, for the group and as an accrediting agency that deals with a lot of these kinds of programs, what we may find is that schools are then not only creating short term Workforce Pell programs, but then creating opportunities for students to have a stacked tier on top of that in order to make that original layer eligible. So you're almost potentially doubling the number of programs. Not -- wouldn't be that extreme, but certainly adding program -- a program layer for that transfer opportunity.

MR. FRAN CZAK: All right. Next in the queue, Tamar and then Randy.

MS. HOFFMAN: Thank you so much for this presentation. This is really helpful. I was wondering if we could use one of the examples in the presentation to just get a little bit of a better idea of why exactly this qualifies. So, for example, phlebotomy

is one of the big programs that is -- that comes up over and over again. Phlebotomy is a program that, well, phlebotomists in many states don't actually require a license. And I have some questions about, like, the portability of, like, what a phlebotomy credit would be good for in a different sector. I'm curious, like how, how the Department thinks about this program and how it qualifies, just so that we can get a sense of the thinking?

MR. CHRISTENSEN: I don't have a specific response to the phlebotomy example, but what I would just reiterate is that all the programs on these lists would be eligible only if they also met the other eligibility criteria required for Workforce Pell. So a phlebotomy program often is the -- falls in the correct number of credit hours or contact hours required, and is offered in these short-term capacity programs. So if that program that's currently being offered also is accredited, obviously, and then meets all of the other requirements, they could be. Now you've raised a question of maybe there's not a connection to some of these things. So, phlebotomy could be disqualified. That's going to determine on how the states, of course, say what meets it, and how the community colleges and how the institutions articulate these things. So there's a lot of

moving pieces, which adds to the complexity of saying what definitely won't or definitely will. It looks like, by the length of time requirement for phlebotomy programs, that they could be eligible based on that requirement alone. They're very common. Of course, they would have to then meet all the other requirements.

MR. FRAN CZAK: Randy?

MR. STAMPER: Yeah. I wanted to respond to the question from Michale about stackability. So the data that we're shown from Virginia, I'm sorry I missed your name.

MR. CHRISTENSEN: Cody.

MR. STAMPER: Cody. Cody's presentation. We're from a program we call Fast Forward. It's non-credit, specifically non-credit programs that lead to industry credentials. There are a number of criteria that the programs have to meet to be approved for state funding. One of those is that where it's possible they have to be aligned for credit. So when colleges submit a proposal to be approved by our state board, their faculty have to assess it for credit and let us know what course or courses would apply. About, don't hold me to this number, but I would say about 65% or 70% are assigned a credit-bearing course should the student enroll in a credit course. So that gives you some sense,

at least in Virginia. Now, that said, many of those courses that you saw there would not be eligible for Workforce Pell for other reasons, with hours, weeks, those sorts of things. So, thank you.

MR. FRAN CZAK: David, would you like to speak again?

MR. KAFAFIAN: On the slide eight, just curious what the earned credential category is measuring versus the completed training. Do you know what Virginia's measuring there?

MR. CHRISTENSEN: So this is based on the Virginia Fast Forward Program, and the way that it's structured for the funding model, you can complete the training, but not necessarily earn the credential. And that, that determines how much funding the student pays versus the state pays for the program. So they have to monitor these things separately. So it's possible to complete a program but then not earn the credential related to that field.

MR. KAFAFIAN: And the credential is being provided by the institution or by the sector?

MR. STAMPER: If I may? The completed training is the number of enrollees who complete the course and receive a passing grade. The earned credential is the percentage of those who completed who went on to

earn the credential, but we do not issue the credentials. It's a third party.

MR. FRAN CZAK: Rachael.

MS. PARKER: Thank you. I want to ask if the Department considered or did any cross-walking with available ETPL data from WIOA programs? I believe that there would be at least some subset of programs that may overlap, and you could be pulling some of the wage employment outcome type data, program duration data, and it doesn't mention the accreditation status of providers. But you might be able to crosswalk that with information on those institutions. So I'm curious if those estimates have been done or if those may be helpful to getting a sense of, you know, and I know you mentioned with all the required outcomes, the number is going to get much smaller. I think it will not be hundreds or thousands, at least at the beginning. But just to kind of get a sense of the landscape. Curious if that's been done or considered.

MR. CHRISTENSEN: That's a great suggestion. I don't believe the Department has looked at that at this time, but is certainly something that we can look at or talk about more. Thank you.

MR. FRAN CZAK: Michale?

MR. MCCOMIS: Just on the question of

the phlebotomy course program. Typically, you'll find it part and parcel of a medical assisting program, which then also can articulate to an Associate in nursing or something like that, so that is typical of being an example of stackable credentials. Again, phlebotomy is usually a module within a larger medical assisting program.

MR. FRAN CZAK: Eric?

MR. ATCHISON: I actually want to build off something Randy said. Randy, for those that completed the training, those that earned the credential because it's offered by a third party, in this case, or this example, which of these students would actually be tested in that value-added earnings calculation? Would it be only those that earn the credential or those that completed the training at the institution?

MR. STAMPER: With the caveat, again, that many of these programs, as currently constructed, would not be eligible. But for those that would be eligible, it would be those who completed and got the credential. Because in many cases, you -- in many of those cases, you can't get the job without the credential. You know, you can't drive a truck without a CDL, etc., etc. So those are the ones who would be assessed for that.

MR. ATCHISON: But in the situation that you could get an occupation, but not necessarily a higher level occupation hired in, there's some leeway there that these students might be lower. We might not be assessing the full number of students that are eligible.

MR. STAMPER: It's possible. We so -- we do just for the good of the group, we do pre- and post-wage matches with all of the Fast Forward students. And our average increase is about \$16,000 in salary pre-post across all of the programs. So one by one, I can get you all that information if you're interested.

MR. FRAN CZAK: Jeff?

MR. ARTHUR: Yeah, I just want to make a quick point regarding certain programs are going to be seriously disrupted by AI. I mean, I was our CIO until two months ago for about 30 years. So I really know that field, and I see it referenced. And I can tell you that we're seeing the opportunities are like evaporating for that particular field. And I don't think the data is going to keep up with the pace of that. But if you look at your information, you don't see the computer science program on the list of the programs being offered, currently being offered. And then you look at the outcomes for, I don't know if there's one institution, but CompTIA cybersecurity had a thousand people enrolled.

It's the one item on that list that has a 23% pass rate. And frankly, I just want to throw out -- make that point that there will be programs that are impacted or seriously disrupted.

MR. CHRISTENSEN: Thank you.

MR. FRAN CZAK: David? And any other questions? Jeff, you still have your comment card up? No. Okay. All right. Any other questions for Cody at this time?

MR. CHRISTENSEN: Thank you all. And I just want to thank the researchers who assisted with pulling the state data. That was Dr. Peter Barr and Dr. Rena Columbus. Special thanks to them for their assistance.

MR. FRAN CZAK: Thank you, Cody. All right. I was going to next check in with Dave in terms of your next items for presentation and the agenda.

MR. MUSSER: So I believe we were at the tail end or maybe the tail end of our discussion on the state governor approval process. We still had a few comments from the negotiators. I wanted to return to those, if our negotiators had anything else that they wanted to comment about those provisions. So negotiators, yeah, if you had comments that you wanted to make, please raise your cards. And, Aaron, could you pull up -- just,

just have prepared the regulatory text for the state approval process?

MR. FRAN CZAK: Rachael?

MS. PARKER: Okay. I had a couple, well, I guess one maybe procedural question, if amendments -- if amendment text has been proposed and sent to the group, is this a time to raise and discuss, or is that later?

MR. MUSSER: I want to go through all the proposals that we've received after we finish our discussion on the state program -- state approval process.

MS. PARKER: Got it. Understood. Thank you. In that case, I think one piece I mentioned yesterday that you kind of flagged for maybe better discussion today was the degree to which you might expect some clarification on roles between the Departments of Education and Labor in sort of the execution of the various roles, kind of somewhat alluded to here. That's come up quite a bit among our constituency group of state workforce agencies and boards.

MR. MUSSER: And for this question, I'd like to bring up my colleague Marek from our Department of Labor if he's available. So the Department -- Departments of Education and Labor are still

considering the exact way that we will work together related to oversight of the state process. I can say that as I mentioned yesterday, the Department we included the specific provision in the state approval process language that would require states to provide education and labor with information about their compliance with those provisions upon request. Beyond that I can't give more information yet about the exact oversight process that we would actually carry out. But I also wanted to give Marek an opportunity to talk through kind of the way that labor works with states currently and, you know, gives guidance, you know, responds to questions, things like that. Because I think that would also be part of any oversight process that we develop.

MR. LACO: Thank you. And on that, actually, I may turn to my colleague Kim Vitelli, behind me. To talk a little bit more on that, I would say from a broad perspective the agencies working together on this, and given the tight integration that is intended with the regulatory text, with the workforce system, with state eligible training provider list processes, with that state planning cycle, that having information kind of openly shared in a process between the agencies will create that tight alignment and can help through the provision of technical assistance or through other means,

as we kind of determine what that partnership looks like. At this point, though, I'd turn to Kim Vitelli, who can maybe add if there's any relevant context on what Labor's current role looks like with states when it comes to state plan development or other intervals that might be relevant.

MS. VITELLI: As Rachael knows, but, but for everyone's awareness, the Department of Labor and the Department of Education jointly developed state plan guidance and jointly review state plans, give joint, you know, give it a joint approval. To the extent that one of the steps and the, you know, sort of held decision making is around which occupations are high wage, high demand. That kind of discussion is already built into the state plan by statute. And so that's a joint review already. The Department of Labor and the Department of Education also, you know, exchange information we -- about various training programs and occupational data. We exchange information -- like the IPEDS data is something that we consume in order to be able to contextualize some of the information that we make available to job seekers. So there's already regular connections on some of that data exchange, just to speak to what we do now.

MR. FRAN CZAK: Are there further questions for Marek and Kim? Randy?

MR. STAMPER: Yeah. Just a follow up question related to guidance and technical assistance. As somebody who oversaw both Title I WIOA for several years, along with Perkins, and some connection to some other Federal programs at the Department, I would encourage and ask that there be a lot of conversation about the approach to communication because you have two very large departments with different philosophies that approach things a bit differently. And I know that from wearing two hats with responsibility for two large programs in each, it can become a bit schizophrenic. So I would encourage a lot of conversation with states moving forward about the processes for technical assistance, (inaudible), guidance, all that kind of thing. Thank you.

MR. MUSSER: Thank you.

MR. FRANZAK: Rachael?

MS. PARKER: Yes, I would love to -- you mentioned ETPL alignment, and that is something my constituency group and I have certainly been thinking about as we read this. I understand it's not explicitly mentioned. And for the group, I'm sure you all can do a better job, but the short version is the Eligible Training Provider List for the Workforce Innovation Opportunity Act is a tool states use to essentially identify which programs and providers are eligible for

use. For individuals to use certain WIOA funds to leverage those trainings. States have opportunities to set certain parameters. In some cases, states give a lot of control to their local boards in that process as well for defining certain pieces. And something we've been thinking about is, some of this might be in guidance later, but to what extent -- and some questions have come up with different viewpoints even among my constituency group, to what extent would it or would it not potentially make sense, or already be envisioned to align processes to some extent? There's very different processes at play here, I think is my opinion. But are there ways -- does the Department potentially envision guidance around things like automatic approvals for programs that meet all of these Workforce Pell thresholds, which are very high and therefore I think probably exceed the thresholds in place in I think every ETPL I know of or, you know, are there other kind of places where you all are seeing leverage points for these processes or approvals, and the sort of approval programs themselves could leverage one another. My constituency is already thinking about how to braid funds to support a student, especially if they're on a career pathway and using this as one piece of it.

MR. LACO: I can say for the

Department of Labor standpoint, that's absolutely something we're contemplating. Both of these processes, the proposed regulatory text on the governor's determinations for Workforce Pell and the statutory text of WIOA, provide a lot of ownership and discretion around specifically how that process unfolds. To your point, Rachael, you know, the specific provisions in Workforce Pell can be more limiting than what the universe of WIOA programs can be in length in the provider, etc. But when you're thinking about alignment to in-demand industries, you know, connections to the hiring needs of employers, the value of that credential, I think if a state and a governor were to develop a process that worked well, that process ideally would work well for both of those systems and could be integrated. So there's kind of a single entry point for providers looking for eligibility. And then, depending on that, you know, is it a Workforce Pell and WIOA program? Does it only fit the criteria for WIOA? So I think there's a lot of opportunity for governors to integrate. And part of the goals of the Department's by working together on this is, you know, whether it's through subregulatory or other type of TA and guidance, encouraging that type of integration.

MR. FRAN CZAK: Any further comments or questions around this particular topic? Okay, I don't see

any. So I guess next I would ask Dave in the Department what would you like to tee up next for the agenda?

MR. MUSSER: So I think now we'd like to -- we received a large number of written proposals from our negotiators last night. And very much appreciate all of the work that went into these various proposals. There's, there's quite a bit there that we took the time to review. So I'd like to go through where we are -- where the Department is with all of those recommendations right now. And to that end, I'd like to share, have Aaron share the regulatory text that the Department has already decided that, that we would be amenable to adopting just for review by negotiators. And so what we're going to do is I will run through the proposed changes here, talk through sort of how they relate to the proposals that we've received, and then we'll talk through. Each piece by piece, I'll give you guys an opportunity to give feedback. Just, just FYI, we will share all of these as Aaron's coming around with paper copies, so that you guys will have your own copies to look through. All right, so this, you know, when somebody asks me, good news or bad news? I usually -- I'm a bad news kind of person first. But I'd like to go through the good news first. I'd like to go through the things that we were able to adopt before we get into the other items. So first, Tamar

yesterday recommended really a technical change that we add grant before the word assistance when we're talking about ineligibility due to non-Federal assistance. So we added that, but we also believe that it's grant or scholarship assistance. We wanted to be clear about that. So we also added that term here. The other thing that -- so you see, that's the changes in (a) here, and in the title. Now we received a large number of requests from negotiators to further clarify the types of things that would be either included or excluded from the concept of grant or scholarship assistance from non-Federal sources for this purpose. We spent quite a bit of time talking about those proposals. They included both whole classes of individuals based on receipt of certain Federal benefits. They included specific language about the types of aid that, that would be included under these provisions. From the Department's perspective, we don't believe that we can be so prescriptive to actually provide a list of examples. We don't feel that that would be helpful because this could -- this already has a list of several examples that the statute included. And the other types of things that might be included is so expansive that we don't believe that a further list would be valuable. That said, we did take the point that several negotiators raised about emergency assistance.

Emergency assistance was something that was explicitly excluded from the concept of other financial assistance by Congress in the FAFSA Simplification Act. Congress clearly believed that that type of assistance, because of the nature of it and the fact that it was going to students in times of great need, was something that should not be incorporated into financial aid packages. And although other financial assistance is not technically something that is incorporated into Pell Grant award calculations and determinations, we believe that it is consistent with congressional intent that emergency assistance not count for this purpose. So we went that far and a little bit further because we also believe that if Congress determines in the future that they believe that something should be excluded from other financial assistance, that we should also exclude it from the concept of grant or scholarship assistance from non-Federal sources for this purpose. It's -- in our view, it's a clear expression of congressional intent that this is a form of assistance that should not affect a student's eligibility for any type of aid, including Pell grants. So that's what we did here in (b). This would incorporate any further changes that Congress makes to section 480 (i). If they move things around in the statute, we'll have to deal with that. But that's the

idea here. So I'll pause now if anyone has any comments or questions about this.

MR. FRAN CZAK: Yes, I recognize Matt first.

MR. FEEHAN: I just want to thank the Department for implementing these changes. We're certainly moving forward here. And I thank the Department for doing so. I just got to state for the record, again, that it looks like the receipt of assistance from non-Federal grants. We're still keeping the must in their language.

MR. MUSSER: Before you get into that, we actually have some additional changes related to that about must consider. Oh, so, but -- so I'd like to hold on that discussion in just a sec. Yeah.

MR. FRAN CZAK: How about David, then Rachael?

MR. KAFAFIAN: Yeah, I'd echo Matt's comments. Thanks for these inclusions. I would love to see if there's any additional language that we can add without being too specific and getting into a full schedule of non-Federal assistance to consider things like loan repayment and other commitments that are and loan forgiveness programs, frankly, that are, you know, commonly used, they are not tied to upfront grant. But I

think it is essential, as the Administration has made clear, that nobody wants students going out of pocket where they don't need to, and nobody wants taxpayers going out of pocket. So, where third parties are coming in to make repayments or forgive debts and obligations, which is frankly the primary way that most students fund these programs, those should not be getting considered and picked up here.

MR. MUSSER: So we can consider language. It is the Department's view that, generally speaking, aid that would be incorporated into a financial aid package also is included for this purpose, which is partly why we adopted the other financial assistance position. But we certainly can consider any other proposal along those lines, and we'll see if we -- if either it would fit into that framework or if we can go any further. Thanks.

MR. FRAN CZAK: Thank you for those comments. Rachael?

MS. PARKER: I think I know the answer, but just a clarifying question. On these pieces, say a student participates in a subsidized training program where, say, the state is giving a grant to that program, not on an individual student basis. They've gotten some training for free, or they're getting some

concurrent training of some kind for free. That is not included in this calculation.

MR. MUSSER: Well, yes and no. To the extent that general subsidies are incorporated into price reductions for the program, that also reduces the total cost of attendance for the program.

MS. PARKER: If it's kind of paired with this grant for the same program, or no? Okay.

MR. MUSSER: Yeah, the point is that general subsidies don't get incorporated into financial aid packages, so they wouldn't affect this specifically. But to the extent that they affect the overall cost of the program, it may make it more likely that this could happen to certain individuals because you're reducing the overall price and the cost of attendance. But it wouldn't affect -- we wouldn't incorporate that into any individual financial aid packages.

MR. FRAN CZAK: Jacob, did you want to comment?

MR. LALLO: Yeah. I think Dave's explanation was great there. I think he alluded to something, or he actually directly hit on something that was in some of the points that I think is important to note. When it comes down to something that affects the cost of attendance directly, it does impact Workforce

Pell eligibility because it's changing the price of the program. But say something like a tuition waiver or, you know, a fee waiver employed by the school lowers the overall cost of attendance. So it affects the total cost of attendance, which is used in the Workforce Pell eligibility. But a tuition waiver would not be scholarship assistance from the state. And so I think that's an important point to keep in mind that some of this stuff is an order of operations thing. If it affects the cost of attendance, it does affect the Workforce Pell. But it's not a scholarship in and of itself.

MR. FRAN CZAK: David, your card is still. Okay, just wanted to double-check. All right. Any other cards for this section of discussion? Otherwise, we would turn over to Dave for the next explanation.

MR. MUSSER: Yeah. Let's go into the second set of things that the Department updated. If Aaron could pull that up. Okay. So this is the section that Matthew was referring to just a moment ago. So let's walk through what the Department was able to change. So we heard a number of concerns from negotiators about the must here, the requirement that institutions address any circumstance in which a student receives non-Federal assistance that exceeds -- that equals or exceeds their cost of attendance. And we thought when we looked at this

from a legal perspective, we believe that the statute is pretty firm that an institution has to take action when it becomes aware of assistance that would result in this situation. However, two points that I think Matthew made we think were very important here. First, the long-standing practice in the financial aid world is that although we know that we can't perfectly account for every source of assistance that a student is receiving, for example, students have aid that comes to them individually and directly all the time, and that bypasses the financial aid office entirely, and that no one will ever know about. And we recognize that that's always going to be part of the financial aid system. It's not something that we can address in regulatory language, but we need to -- we should acknowledge that that does occur. And it's not the Department's intent to pursue those sorts of things with strong oversight, simply because it would be almost impossible to do so. And really not a good use of taxpayer resources and the time that students and institutions would have to put in to deal with those situations. So, because of that, we wanted to focus on cases where the institution becomes aware that the student either has or will receive a grant or scholarship assistance that would equal or exceed cost of attendance. We also took, took your feedback that requiring them to

do this at any point in the award year is quite burdensome for institutions, especially if the Pell Grant has been fully disbursed and you're at the very tail end of an award year. That period of time, for most purposes of the financial aid programs. And I'll just give an example for the Direct Loan program, we've generally said that once a Direct Loan is fully disbursed, the institution is not required to make changes to a student's award based on other financial assistance that's received after that point. They may, but they're not required to. So consistent with that, we adopted the position here that if this -- if the school becomes aware that this is going to occur before the final disbursement of the students' Pell Grant for the award year, then they need to take action. And they need to take one of two actions. And that's still the same as what we had previously. Either they have to reduce the non-Federal grant or scholarship assistance until it does not equal or exceed cost of attendance, or they have to return all of the students' Pell Grant funds and cancel any future disbursements for, for the award year. So, really trying to acknowledge here that there that there is a point at which we don't expect schools to take action here, but because schools are always required to assess a student's eligibility at the point of disbursement, this is another

long-standing financial aid rule, we think it's important to incorporate that concept here as well. I'll pause now if you guys have comments or questions about these changes.

MR. FRAN CZAK: Dave, thank you for the explanation. Matt was first in the queue, and then we'll go from there.

MR. FEEHAN: Again, I can't thank the Department enough for implementing that, that crucial language about the eligibility for timing. Would it be possible to pull a statute up just so we're all on the same page with respect to the usage of the statute?

MR. MUSSER: Aaron? Probably take us just a minute to get that pulled up.

MR. FEEHAN: Yeah. No, of course. Absolutely. But I think just, just to help because we're talking about intent, Congressional intent, and the intent of the Department. And I just would make sure that we have the statute in front of us.

MR. MUSSER: Aaron's working on it. Thank you, Aaron. So I can quickly read through the exclusion language here. It's a little hard to read on the screen. But beginning on July 1st, 2026, a student shall not be eligible for a Federal Pell Grant. And subsection(b) is the general Pell grant requirements.

Keeping in mind that this is not specific to Workforce Pell, this is for all Pell grants. During any period, and the Department has interpreted period to mean award year here, for which the student receives grant aid from non-Federal sources, including states, institutions of higher education, or private sources, in an amount that equals or exceeds the student's cost of attendance for such period.

MR. FRAN CZAK: David. I'm sorry, Matt?

MR. FEEHAN: Yeah. So I think it was yesterday. It was stated that the word must come from statute. So I'm just having a hard time seeing where. It seems like, in at least my personal opinion, that we are going further than what Congress has exclaimed in the statute. The prior regulation states may make a policy for the institutions, which, in layman's terms, gives institutions discretion on how they address the problem. But as far as eligibility is concerned, there's no question they're not eligible. There's no question about that. I don't think anyone would be able to argue that. I certainly can't. But the methods by which they obtain that funds, that's not in statute. So, we're adding must through the Department. And what concerns me for student service members, student veterans, what that looks like, one being through contract. So they're going to shift all

institutional eligibility to the individual liability first off. So any institution is not going to absorb the cost of this. They're going to contract around it, and they're going to take student service members and student veterans, and there's going to be a contract clause in there that states that they owe them the full back payment amount, which admittedly wouldn't be super high. But, you know, for a student right out of active duty, and we're looking at a couple thousand dollars, possibly. Possibly even going to debt collectors because the language the Department is using is must. So that's the first problem. The second problem is the marketplace in general. So there are some universities that are going to look at this and just say, you know what, it's \$2,000, we're looking at like 30 students. We'll take the hit. We'll write it off. It's not that big of a deal. There are other institutions who will contract out, and they will aggressively go after that, that \$2,000. Hence, I fully agree with the prior regulation that states may make a policy because there are universities out there that are going to get the reputation for going after Workforce Pell recipients for \$2,000. I personally wouldn't want that reputation. But the way the language is written here, we don't have a choice. Every institution across the United States now has basically

become a de facto debt collector. And that's my second point of concern.

MR. FRAN CZAK: Jake?

MR. LALLO: Yeah. So, to your first point, the necessity of must is because the statute says shall. Shall is a command word. In that case, you know, we can't really interpret that to be permissive. It has to be a must. To your other point, and Dave can speak to the operational, you know, aspects of that. I fully understand your concerns. We expect, you know, and, you know, always want our institutional partners to work with us, to work with students, and, you know, to minimize those kinds of risks for students. There will always be bad actors. We can't necessarily, you know, draft our regulations in a way to always, you know, set it up in a way to perfectly protect students. We do what we can here. We are constrained by statute to some extent, to the extent that you have, you know, language proposed, you know, that might mitigate some of these operational concerns. And, you know, institutional behavior regarding that and how it affects students. Please share it with us. We'd be happy to take a look at it.

MR. FEEHAN: Yeah, absolutely. If the Department's willing, I can have that today. That's not a problem. I thank the Department for being open to that.

MR. MUSSER: We'd be glad to take a look.

MR. FEEHAN: Thank you.

MR. FRAN CZAK: All right. We'll move next to David.

MR. KAFAFIAN: I think this is piggybacking off of the prior topic, but I think the or will in here student has received or will receive grant or scholarship assistance creates the exact concern that I'm nervous about, which is you can imagine a world where a student has made clear that they will have access to some state or non-profit or employer provided forgiveness or repayment program that will not happen within that period. But the or will language is extremely expansive when you consider it in conjunction with the fact that we haven't carved out the specific, you know, non-Federal assistance programs up top. So I asked the Department to consider how you would deal with the interplay there. I think there's one or the other or both. But, yeah.

MR. FRAN CZAK: Dave.

MR. MUSSER: Yeah. So it's a really good point. We spent some time trying to work through that will language, and we had to add it because the determination was taking place before the final disbursement of the aid and there's a recognition that

through the end of the period, other assistance could be coming in. The other reason that we have that in there is because the long standing approach by the Department to aid that has not been received, but is expected to be received is that the institutions have to incorporate that into financial aid packages, because if we didn't require that institutions would have the ability to game the system by essentially setting up grants and scholarships that just don't go to the student until after the award year is completed. So we have a gaming concern there. We are open to if you have a proposal that would -- that address that problem, but also avoid the issue that you're describing, where -- because we recognize one of the biggest problems with that policy are specifically aid that is conditioned on requirements, like you have to get a 3.5 GPA in order to get this assistance. If you can think of something that would, that would, would, you know, fit within both of those sets of concerns, we'd be interested in seeing it. Yeah.

MR. KAFAFIAN: Sorry. Can I just clarify the last point you made there? You are concerned -- conditional, you do want to be included, or do not want to be included?

MR. MUSSER: Well, so we do want conditional. We -- so, we do want aid to be included if

it's definitely coming in. What we want to address are cases where the aid may or may not -- the conditional aid may or may not come in. So if you have specific language about that, we'd be interested.

MR. FRAN CZAK: Aaron.

MR. LACEY: Yeah, just a comment and then a question. First, I just want to say for the record, I don't, I mean, I'm sure there are bad actors or not very bright institutions out there, but as a general matter, I don't know what incentive an institution would have not to make the adjustment to ensure that a student could continue to get the Pell Grant. The last thing institutions want to do is to have to become debt collectors. I mean, they're writing off that debt. That's an administrative issue. You know, my expectation in all my conversations that I've had to date with institutional folks, the expectation is that you would be making adjustments because institutions I mean, if you got a student on a payment plan or you're otherwise giving them some sort of institutional aid, you would much rather reduce that and have the student keep the Pell Grant than have the student lose the Pell grant. So I think, I mean, my expectation is that institutions will be very focused on trying to figure out how to correctly package and understand the total amount that's going to be available

to the student. And to the extent that they can reduce non-Federal aid, that they'll do that. Like I said, I don't know what the incentive would be to create a situation where the student ends up owing a debt because they lost the Pell Grant. Again, I can't speak for every school. There may be bad actors out there, but as a general matter, I just -- institutions make adjustments like that every day, like they have to repackage students, things come in, that's just what financial aid offices do. My concern, not concern, but my question for the Department is, understanding that this is sort of nested within the general Pell Grant regulations, you know, we don't have any, speaking to the time that institutions have to make that adjustment, we don't have a specified time frame here. My question, and maybe one doesn't need to be articulated. But my question to the Department is there a time frame that is sitting somewhere else in the regulatory framework, I'm not a professional Pell packager, that I'm not aware of, that may speak, not to when the Pell has to be returned to the Department. I just want to be really clear. What I'm really focused on is the time period within which the institution has the, the ability to make the adjustment. And, and then I know there are sort of separate timelines in terms of returning things, but we don't really speak

to that here. So my question is, like, what is the Department's understanding once that awareness has been made, however you want to think about that, how much time would they have to make that adjustment and do the cancellation of future disperse, et cetera?

MR. MUSSER: The Department generally hasn't specified specific time frames for when institutions adjust award amounts. We have time frames under, for example, return of Title IV for when schools have to return funds when a student withdraws. There are some cases where we've established timelines for reporting when disbursements are made. We -- our general rule of thumb has been as soon as practicable when a school becomes aware of something that affects a package in this way. I don't think we want to insert a specific time frame here for the same reason that we don't do that in general. Frankly, the Department wants there to be some flexibility for schools because of the vast array of different situations that could arise with this, the information coming from different sources, information coming at different times. I think generally the Department would want this to be resolved before the end of the award year. But I think we'd prefer not to insert a particular timeline here if we could help it. But I think the general rule of thumb is as soon as the

institution is able to deal with this situation and make these changes, recognizing that there may be challenges with that, especially if you're talking about assistance that's not their own. They may -- it may take them time to do that. But we would -- I think our view right this second would be they're not required to return the Pell Grant until they have exhausted all of the options related to all of those scholarships. So if they have gone to all of the providers and said, can you please reduce this to get this student the additional funds and they've all and either they, you know, once they've done that, they haven't gotten responses, etc., then we'd expect them to take action. But again, putting a timeline on that would be, I think, extremely challenging. If you have language, we would consider it. I think right now we'd prefer not to set a particular timeline on it.

MR. FRANZAK: Jeff?

MR. ARTHUR: Yeah, I just along Matthew's concerns. I just wanted to point out that I circulated some language that would allow the Department to basically create a safe harbor for continued eligibility for Title IV if they owe a repayment on an overpayment on a Workforce Pell.

MR. MUSSER: So I want to make sure I understand the suggestion.

MR. ARTHUR: To our discussion yesterday, when we talked about the number of people that could potentially be excluded from the Title IV programs after participating in Workforce Pell, having a later non-Federal source of aid that replaced their Pell eligibility and the impact that that could have on those people for a short poor program that then just totally decoys them from participating in higher education altogether.

MR. MUSSER: So we just -- I want to get into this in just a moment. But we did hear several negotiators' proposals for tolerances. And we don't believe that, unfortunately, that we can take those just because we have limited authority for tolerances. A lot of the tolerances that are in regulations now are actually directly from statute. We hear the concern. I think the Department's view on this is that this actually is not a situation that is going to occur even in Workforce Pell very frequently. The number of individuals who will end up with student overpayments because they either withheld information, they withheld information either intentionally or unintentionally, from the school. What we also think are, actually, it's a very small population of individuals. The most likely situation, in our view, is actually what Matthew described, where the

institution becomes aware of this and has to return the student's funds for some reason. But I do want to point out that in a lot of these cases, if the institution returns the student's Pell Grant funds and the student has grant aid that covers cost of attendance, that student now actually has additional Pell assistance for their -- from their lifetime eligibility that they can use elsewhere. So in a lot of those circumstances, the student has aid to cover all of their program's expenses and is actually better off than a Pell recipient who didn't receive non-Federal aid to cover all of those expenses. So we just want to be careful not to introduce too many exceptions and additional requirements around this, given those things. Like I said, we are interested in proposals around how to protect students in these circumstances, but I want to put it in that context. You know, there are cases where this situation is actually going to make the student better off at the end of the process.

MR. ARTHUR: Yeah. And I do appreciate. I think the one change you made will probably minimize that to some degree. And the clarification on, on how those things -- how in practice it actually works. From my research, I don't think that the statute dictated that an unresolved overpayment would require that a

student be ineligible. I could be wrong, but I don't -- I did not -- was not able to find that in statute.

MR. MUSSER: Yeah. I mean, I think that's right. The statute itself doesn't specifically refer to how we deal with student overpayments. But it is -- we do want to have this fit into the broad framework of student overpayment. So I don't necessarily want to make a carve out on that particular point. We can talk further about it if you have other suggestions.

MR. FRAN CZAK: Okay. So we have Matt, and then at some point, we might want to incorporate a break. So let me go to Matt and then offer to the Department how they want to proceed with a break.

MR. FEEHAN: Well, I was actually hoping we could call a caucus on this section. So maybe either prior to or after the break, it's Department's call.

MR. MUSSER: Yeah, if you want -- if you guys -- if you would like to call a caucus, I think we'd be fine with that. I think we would just have the break start after the caucus.

MR. FRAN CZAK: Have the break start after the caucus or before?

MR. MUSSER: Well, maybe just take -- we could take a short break and then have the caucus

before we come back. I think that makes sense. Yeah.

MR. FRAN CZAK: Okay. So what, what if we take a ten minute break? In the meantime, why don't we identify, Matt, who you'd like to participate in the caucus, the general nature purpose of it, and what other constituencies besides your own you'd like to participate?

MR. FEEHAN: Yeah. Of course. I apologize, I don't have it in writing. I'm kind of shooting from the hip here. But starting off, obviously, students who are currently enrolled and receiving assistance from Title IV, we have Eric Atchinson, myself, my alternate Julie Howell, alternate for Eric as well. I'd like to have legal aid as well. Private nonprofit institutions. Aaron, if you could join with your alternate, that would be great. The Department, if they could join, and our, our proprietary institution representative. Jeff, if you're able to, I'd appreciate it. And Preston Cooper, and then anyone else that feels like they need to be involved in that discussion. But I feel like that's already kind of a long list.

MR. FRAN CZAK: Okay, so this is who I've identified constituency-wise. We have enrolled students, veterans, legal aid, private nonprofit, Department, proprietary institutions, and taxpayers.

MR. FEEHAN: And it's probably worth having public in there as well. Yeah. Sorry guys. This is going to redo the whole thing and caucus. But yeah, it's basically a committee at this point.

MR. FRAN CZAK: Okay. All right. So, can you identify the purpose then, Matt?

MR. FEEHAN: Yeah, of course. So the purpose is to discuss exceptions to grant aid one and two, for recovery and overpayments. So procedures of which for recovery and overpayments.

MR. FRAN CZAK: All right. So, since this is a large group, let's identify the length of time we might need for the caucus as well.

MR. FEEHAN: I have proposed language already. So I can I'm ready to present it now. I don't foresee it taking longer than 20 minutes.

MR. FRAN CZAK: So let's go with 20 minutes.

MR. KAFAFIAN: Michael?

MR. FRAN CZAK: Yes.

MR. KAFAFIAN: Sorry. Can I propose that we split apart the exceptions and the procedures for over- and under-repayment?

MR. FEEHAN: I like it. Yeah, that makes sense.

MR. FRAN CZAK: In terms of purpose.

MR. KAFAFIAN: Correct. I think. Yeah, I definitely would love to be part of the exceptions piece. I think the procedures for handling over- and under-repayment feels more institutional in nature.

MR. FEEHAN: Yeah.

MR. FRAN CZAK: All right. And since this is such a larger group, room 1A 102 holds up to 20. Okay. So we're -- thank you. So we'll have the caucus in the auditorium take place. So we're going to take our ten-minute break first. We'll get back here roughly 10:25. At 10:25, we'll have the caucus occur here in the auditorium, and the public -- everyone else will need to leave. All right. So, are we ready to break from our live stream? All right. Welcome back, everyone from the caucus. Thank you for joining us here in the main room. So what we would do next, per our protocols, is ask the constituency that called the caucus to give us a brief report out on the general purpose nature of the caucus. So with that, I'll turn it over to Matt.

MR. FEEHAN: Well, thank you, everyone, all negotiators, the Department, for participating in this caucus. I'm Matthew Feehan with senior policy advisor for the Veterans Education Project. The reason I called the caucus is on two, two regulatory

provisions. One being ineligibility due to grant or scholarship assistance from non-Federal grants, essentially meaning that Congress, through statute, has stated that the intent is not to have double, double payments or students getting refunds beyond what has already met cost of cost of attendance. The new proposed language that's come in here has given me, at least from my constituent groups, which is student veterans, student service members, including wives, spouses, husbands, children, all using education benefits, the assurance that they're either state-level benefits or their, their specific non-Federal source funding would be encapsulated by the subpart (b) that's been proposed. So on behalf of my constituent group, I'm quite happy with the Department's proposed language. Also, I'm happy with the Department's explanation of its proposed language. The second portion of the caucus was called in response to the receipt of assistance from non-Federal grants. In other words, how do you go after the money, or how do you return the money? And what are the procedures and logistics of which, if there is an overpayment, how does that get resolved? My concern has always been and was the, the Department's inclusion of the word must taking postsecondary education institutions in the position of either consistently every day or through financial

disclosures, or basically stepping into the role of financial management for individual students to ensure that those students are not exceeding the cost of attendance for purposes of Workforce Pell Grant and then creating liability on the individual student. Again, the Department has put in language here that is excellent. I think it addresses that fully. The Department's proposed language shifts the timeline so it doesn't put more of an active, preemptive type role on the higher education institutions, which is wonderful. And then as to my second concern about and I've used examples during the caucus where we have, I'll get into specifics, but generally there are student veterans and their student service members, and there are folks using Chapter 35 who unfortunately have borne the institute -- what should be institutional liability from overpayments due to miscalculations, miscomputations, or just otherwise errors that the financial aid departments when -- and, and it becomes individual liability. That's a problem. And so the Department did a wonderful job of explaining how, through regulation, that's not even permitted to shift institutional liability to individuals. So I will -- that's the end of the report, and I'll send some follow-up language for the Department and the negotiating team to look at as far as guidance to student service

members and student veterans, just to help them understand and make them feel better about the potentiality, potentiality of institutional liabilities being shifted to individuals, some of whom certainly are not in the position to be facing, you know, debt collectors or any other what should be institutional liability. And I believe that is the report.

MR. FRAN CZAK: Thank you for the report out, Matthew. All right. Where would the Department like to go next in terms of language review or discussion?

MR. MUSSER: We have some additional changes that we've made. I'd like to go through those and talk through them. So, Aaron, if you could bring up the other sets of things that we have changed. Okay. So go back up a little bit, Aaron, I just want to make sure. Yeah. So, yep. So we just finished with the discussion about non-Federal grant or scholarship assistance, so we can scroll down from there. So the next couple of changes is the Department's first steps toward resolving what we think is an area of confusion related to really two separate, related but very different requirements for postsecondary credentials. So I'm going to pause here to explain what I mean. So under the Higher Education Act, there is a long-standing requirement that an eligible

postsecondary program eligible for Title IV assistance lead to a what we call a recognized credential. And that generally means that it's accepted by the faculty of the institution, it is accepted by the institution's state accrediting agency, etc., and that the requirement for that is that that credential be conferred upon completion of all of the required coursework in the program. So, you know, I have a 14-week program in Workforce Pell parlance, and I finish all of the classes. I finish all of that at the end of that 14 weeks, and upon completion of all of the coursework I need to receive a credential from the institution that indicates that I've completed this. Okay. So that's the Higher Education Act requirement for a postsecondary credential. That is different from the concept of a recognized postsecondary credential that is provided for in the One Big Beautiful Bill Act, and that has been the longstanding requirement for WIOA. That one refers to, as you can see on the screen, a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license, etc. Now, a lot of times, especially when you're talking about a license, the license tends to accompany the credential for a postsecondary program. You know, you complete your program, that qualifies you to sit for licensure. You get

your license. So a lot of times they are the same thing, and they happen at the same time. But we recognized, especially in discussions about apprenticeship, that when you're talking about a job training program that has an on-the-job training component that extends beyond the instructional portion of the program, that that's actually happening after the course, long after, in some cases, the instructional coursework has been completed. So there is a difference between the two things. And I think we need to be sure that that gets addressed very clearly in these regulations. So the first change that we made here is to say, when we -- when we're talking about a recognized postsecondary credential, we're not talking about the HEA requirements. There are two different things, and we felt that this language that says that meets the requirements under 668.8, in this context was inappropriate because it belongs elsewhere. And let me show you where we moved it. Instead of the definition of an eligible postsecondary -- recognized postsecondary credential, we moved that language down to the definition of an eligible Workforce Program, to make it clear that that type of program does require a credential to be provided at the end of the instructional coursework, but the program could be part of a longer training program, including apprenticeship programs, where the recognized

postsecondary credential is not provided until the student completes the other on the job training requirements at the end of that, and if that were the case, this could still qualify as an eligible Workforce Program, if completion of the entire experience resulted in a recognized postsecondary credential. Now I will pause for, for questions and comments about these changes.

MR. FRANZAK: There's one thus far. Eric.

MR. ATCHISON: Dave, thank you. I actually have a comment on the use of the word a license recognized. Something I missed yesterday, I apologize. But a credential is typically not a license. A credential typically leads to a licensure. Is there any room for clarification there?

MR. MUSSER: So I think in a lot of cases, you're right that, if we want to -- if we could scroll back up, yeah, to the definition here. The credential isn't -- in many cases, the credential act does not actually lead to the license. The student does have to complete something else to obtain the license. We, we don't necessarily want to change the, the language here because it is really coming directly from the statute and is aligned with WIOA. However, we're

certainly open to some additional explanation about this and how that works. And I would also invite my Department of Labor colleagues, if they have, you know, ways that they think they could explain this. We can put this into the preamble. We can explain, sort of, what we mean by a license. But I think what this, you know, I think what we generally mean here is that if the program meets all of the requirements -- all of the educational requirements for the license, and the student still has to pass the license exam at that point, then this would qualify. It's not that necessarily that, you know, we expect that every student has to get the license, regardless of what other requirements might, might exist.

MR. ATCHISON: Exactly. And so, in transparency for students, understanding that licensure comes after credential completion, I think that would be helpful.

MR. MUSSER: Yeah. Yeah, I think we're -- I'll note it down, and we'll make sure that we get that a little bit more explanation around that.

MR. ATCHISON: I saw our colleague from the Department of Labor.

MR. FRAN CZAK: Marek Laco, go ahead.

MR. LACO: Yeah. Thank you. And I would just note that, again additional -- this has been a

longstanding WIOA definition, not only the statutory direction to use the WIOA but also when we think about integrating these, making sure that the definition is identical is very important to that. So again, whether it's thorough, again, we have existing guidance at the Department of Labor. But I think ways to clarify this and the meaning would be important and something we can consider.

MR. FRAN CZAK: I see one more card.
Rachael?

MS. PARKER: Just to make sure I'm super clear, what you're saying is that the related instruction for registered apprenticeship can still count as an eligible program, even if they do not provide an interim credential at the end of that instructional period, as long -- because it ends -- or you're saying they do have to provide interim, they do provide interim.

MR. MUSSER: They do have to give an interim credential. And that's a really important HEA requirement. That's right.

MS. PARKER: Okay. I wanted to make sure I understood. Thank you.

MR. FRAN CZAK: Thank you. I next have Aaron, then Randy.

MR. LACEY: Which parts of 668.8 have

to be satisfied by this program? I'm just not clear. I mean, we had the brief exchange the other day about gainful employment. And, you know, we've got this proposed language which, you know, has added to the very end of 668.8. Are there other portions of 668.8 and if so, it would be helpful as a lawyer type who may be trying to understand this in the years to come, like what exactly sections we're talking about?

MR. MUSSER: In reality, because 668.8 provides the requirements for a variety of different eligible programs, and this is only one of many, there's only a small set of requirements in 668.8 that pertain to all types of eligible programs. And for this one the one that is of primary importance to the Department is that it meets the requirements, (a) of having a recognized credential conferred at the end of it, and (b) that it that it refers back to the 34 CFR 600.2 definition of an educational program which has additional requirements that, for example, say that you can't confer credit because of life experience, those sorts of things. That definition, and I think Jake brought it up earlier yesterday, is of great importance to the Department. It is sort of foundational in terms of what constitutes an eligible program. That's really what the primary thing that we're talking about when we refer to 668.8 in this

context.

MR. FRAN CZAK: Randy?

MR. STAMPER: Two things on the previous point. And then a question about what you just stated, going back to the apprenticeship and the interim credential. Is it safe to assume that interim credential would -- could be developed and issued by the state authorized -- state authorizing agency for apprenticeship, because there may not be a Federal interim credential?

MR. MUSSER: So, I want to because this is the HEA side of the requirements, I think I can speak to this one. The credential has to be conferred by the institution that is providing the program. And if we're talking about an interim credential, we're talking about the credential that's provided to the student upon completion of the instructional coursework that is qualifying for Pell Grant funds. And when they complete that coursework, the institution needs to confer a credential.

MR. STAMPER: Certificate of completion?

MR. MUSSER: As long as it's recognized by the accrediting agency, the state, and the faculty of the institution, yes. Whatever it's called,

would be, would satisfy the requirement.

MR. STAMPER: Okay.

MR. LACO: And I will just note under the regulation on apprenticeship interim credential can be something broader than that. There can be an interim credential, say, in a four-year apprenticeship program that's awarded after two years, that is quantifying that you've attained the skills and learning over both the on-the-job and the instructional component. So it is possible that there's a broader use there, I think, because it's the HEA requirement, really focusing on something signifying the completion of that learning component, which could be slightly different than if they already use an interim credential. That's a two-year interim credential. But again, you know, referring back to what Dave said on what's required.

MR. STAMPER: Okay. And then staying in that same area with the issuance of credentials or the, the concluding of a credential after a training program, is there a specific time period by which that has to be demonstrated?

MR. MUSSER: Not for HEA purposes. I would look to Marek for that.

MR. LACO: I can turn to the table behind me to confirm. For accountability purposes in our

system, we measure after exit a period if they've earned a recognized postsecondary credential. But for a program leading to a recognized postsecondary credential, I don't believe there's a specific time frame on if it's leading to as long as that program has that clear association with the recognized postsecondary credential, like a related instruction does with the recognized postsecondary credential of a certificate of completion of apprenticeship. But I'll defer to my colleagues if they have anything to add.

MS. VITELLI: No, that's right.

MR. STAMPER: Okay. And then just at the end of that, you referred to a definition in a separate section, I believe, did you say 602?

MR. MUSSER: 34 CFR 600.2. So those are the definitions for institutional eligibility under the Higher Education Act. And that's where the definition of an educational program sits in the Department's Title IV regulation, in the Department's regulation.

MR. STAMPER: 600.2. And there was, there was a characteristic that you called out about, and I'm sorry, it slipped my mind.

MR. MUSSER: I mentioned that the definition prohibits an institution from including life experience as a form of credit that, again, that's --

they can do that, you can qualify for credit for life experience for a variety of things, it just can't qualify for Title IV aid. Like, you can't provide Title IV aid on the basis of that.

MR. STAMPER: Okay, okay. All right. So if we're -- so, we have a significant program that issues credit for prior learning to veterans based on their MOS and gets them a leg up. That's no problem, right?

MR. MUSSER: That's fine. As long as you're not also paying a Pell Grant for that -- for the amount of credit that you gave them. Yeah.

MR. FRAN CZAK: Rachael, is your card up? Okay. Okay. Any further comments, discussions before we move to the next section?

MR. MUSSER: Okay. I think we can move on.

MR. FRAN CZAK: Okay.

MR. MUSSER: Okay. So now we're heading down into the components determined by a governor. So there are a number of changes that we've made and that were at the behest of, of the Department's General Office of General Counsel. We realized in our drafting of these provisions that we sometimes referred to an eligible Workforce Program in this section when the

program has not yet achieved that status, because it hasn't gone through the governor approval process yet. So in a number of places, and Aaron will scroll through, you'll see changes that reflect that. Okay. So pausing here. So this change is coming from Michale's recommendation that we avoid a discussion of mastery in the regulatory requirements. We updated this language to refer to, considers whether the expected competencies for which the recognized postsecondary credential is intended to align with the high school, high wage, or in-demand sectors and occupations. Here, we really just referred to alignment instead of leading to mastery. But I'll pause here, I see Michale has, has his card up.

MR. FRAN CZAK: Michale?

MR. MCCOMIS: Thank you for taking that into consideration. I think this is one of those things where, if only we could put a comma in here. I think there's an extra two and not in -- so let me read it the way that I thought it was supposed to read. Considers the expected competencies for which the recognized postsecondary credential intends align with the competencies needed in such high skill, high demand, or in-demand sectors and occupations.

MR. MUSSER: I can see that. So Aaron, can -- we won't make the change on the screen, but Aaron

will update that language before, before we share this again.

MR. FRAN CZAK: Okay. Sounds like a friendly amendment.

MR. MUSSER: Thank you, Michale.

MR. FRAN CZAK: All right. Anything else on this one? Yes, Randy.

MR. STAMPER: I had a question come in this morning from another state asking about the manner by which a governor or designee would establish whether the competencies are aligned to the jobs. And the somewhat flippant note in the email I received was, if the student gets a job, I guess it aligns with an employer's competency needs. But for the sake of answering that question, will it be at the discretion of the governors and designees, how they will define that competency alignment?

MR. LACO: Yeah, I can say the language gives broad deference to governors. It wants to have a clear process and has these prongs, (a) and (b), on looking at the competencies of the program, the credential compared to the job. There's a lot of different ways states are doing this. And that's the intent is there's not one way to do it. But some comparison of competencies is a valuable piece of this

equation that is, you know, a different criteria than that employment piece by statute. That there is this alternate, this extra consideration of whether it meets the hiring requirements. So here's a framing way, but a substantial state flexibility.

MR. STAMPER: Thank you very much. Just wanted to be able to say I asked the question. Thank you.

MR. FRANZAK: Okay. Are we ready to move on to the next part, Dave?

MR. MUSSER: Yep. Okay. So, this change we, we removed this section, but it's related to a separate change. So, Aaron, I think, can we scroll down to the one that is related? So this is a change that we made in response to a proposal by Tamar to reword this section somewhat. So, we took some of the rewording. We changed a few things here to, to make this simpler and a little easier to understand. So what it says now is a program that serves as the related instruction component. We think that's a more accurate phrase for workforce purposes of a registered apprenticeship program meets the requirements. And here we say of both paragraph (a)(1) and (a)(2) of this section. And here I want to turn it over one more time to my colleague Marek to explain that. That change, we believe, obviates the need, scroll down,

Aaron, for this up going to the elimination of that (c) here, this language.

MR. LACO: And I will add that, you know, the original proposal basically asserted those two things in different spots. This would streamline it because we had that assertion at the end on (a)(1), the high wage, high or in-demand, -- high wage, high skill criteria. And then second, in that written process where we have that flexible A about competencies, that flexible B about a process for employer input, and then a more prescriptive kind of, you know, asserting that a registered apprenticeship program fits there. I think it's more appropriate to pull this language out there, given that we added that it meets the criteria of (a)(2). And I'll reiterate that long-standing DOL policy and just again, logical that a registered apprenticeship meets those criteria, both (a)(1) and (a)(2). So the policy ultimately hasn't changed from what the original proposal from the Department was. It is, clarifying given, you know, the helpful comment of how we can clarify this and streamline some of the regulatory text.

MR. FRANZAK: Tamar, did you have your comment card up?

MS. HOFFMAN: Yes. Thank you for considering the proposed language and for thinking

through how to tweak this. I just want to make sure that I'm totally clear on this. And frankly, I think I'd like to sit with it for another minute. But my, my immediate reaction right now is that I think that I still have some concerns about this. Because my concern is that the -- is that this could basically allow programs that are technical instruction that meets the requirements of a registered apprenticeship program without actually leading. So maybe I'm misunderstanding. I want to make sure that it actually leads to the registered apprenticeship.

MR. FRAN CZAK: Jake?

MR. LALLO: Yeah, I can answer this in part, and I'll let Dave or Marek jump in as necessary. So we made this change after talking through this ad nauseam last night. This is partially just a reflection of how apprenticeships work, right? They're jobs. You get paid as an apprentice. What you're getting or what would be Pell eligible here would be the related technical instruction necessary to do the apprenticeship. So we tried to narrow this a little bit to be a little bit clearer there because we don't want to, you know, create confusion that, you know, the Pell is going to pay for the apprenticeship. This is just for the technical instruction necessary for that. So if I'm hearing

correctly, your concern is that you want to be sure that that technical instruction leads to the apprenticeship?

MR. LACO: I think if it is in the language there, if it serves as the related instruction component of a registered apprenticeship, and that is all approved and identified in the program standards that are approved by the registration agency, either DOL's Office of Apprenticeship or State Apprenticeship Agency, that's included. So I think that's verified that they are the component for a registered apprenticeship. And so I think that's sufficiently handled, that tight connection between them in DOL's policies related to registered apprenticeship and related instruction.

MS. HOFFMAN: Okay. Thanks for making the time to explain it thoroughly. I really appreciate it.

MR. FRAN CZAK: Next to Rachael.

MS. PARKER: Thank you. I actually think I have a couple of somewhat related questions. First. The language here. Does this -- is it the expectation that this -- a qualifying program, would serve as the related instruction? Or could it be a part of the related instruction required for a registered apprenticeship? So, for instance, if there's a couple of modules? And I have a second question.

MR. LACO: I think that's a good thought for clarification. I think as we discussed, it's possible should all the other criteria be met that if it's a multi-year program and there are modules it could be a part of the related instruction. So I think that's a thoughtful comment and something we can consider.

MS. PARKER: Thank you. I think some sort of language adjustment here to make sure that's very clear. Implementation would be useful. And then a second question. I know this came up, I think a bit yesterday, I'm not sure exactly where we landed. Does this address or does there need to be a place to address instances where maybe related instruction is provided over multiple payment periods, potentially? Or is this maybe -- is that maybe not a scenario that you're anticipating based on how you've set this up?

MR. MUSSER: The way that this currently reads is that all of the instruction of the program, in the eligible workforce program, taken together, including over -- could be over multiple payment periods. If all of it taken together meets the related instruction component, then the program automatically meets (a)(1) and (a)(2) of, of the section.

MS. PARKER: Okay. And so that would not be an issue for that. Okay, thank you.

MR. MUSSER: But one thing I would ask if you could send an email with your request for consideration of the issue of part of the relatedness. We want to think about that a little bit. But I appreciate it.

MS. PARKER: Absolutely. And with that, I think maybe yesterday we also talked about clarification that the 8 to 15 weeks of instruction does not have to be contiguous. So we can maybe send those together if needed. Okay.

MR. MUSSER: It's our assertion that that's, yeah, that that's already, that's already addressed in, in our existing requirements, or I guess, the lack thereof. But if you have language, certainly we can, we can look at it.

MS. PARKER: Okay. I will consider that. Thank you.

MR. FRAN CZAK: I don't see any other comments. So, Dave, is there anything more to add with the revised language?

MR. MUSSER: Let's see, Aaron, is there -- are there other changes that the -- I think we have a couple more, but these are more eligible workforce program changes, and then I think that's all. Yeah. So I wanted to -- Yeah, so I think that's all that the

Department has changed thus far. And now I want to give a brief update about that, this obviously doesn't address all of the proposals. So we are still going through some of the proposals. I want to talk through a little bit about the ones that we were not able to take, and then just make sure that I go through the list of ones that we're still, still considering, because there's -- we have some time, I think, to, to run through them and make sure that we get them exactly right. So let me go through my list here. So we've already talked about the overpayment issue and tolerance. We don't believe that we can make that change, but we have other ways of addressing that concern. We did receive a proposal from Michale that the Department consider as approved programs that have been approved by the state. We don't believe that we can take that one, primarily because that we believe the Department still has to make that determination under the statutory language. So you know, we're still open to proposals around the Department's approval process, but that one in particular is not one that we could, that we could take. We got several requests from negotiators that we remove the phrase accepted for enrollment. And we definitely understand the concern there about students who are nearing the end of their undergraduate program and moving into a graduate

program. Unfortunately, the phrase accepted for enrollment is explicit in the statute, and if that condition is met, the student cannot -- can't qualify for Workforce Pell, and we so we couldn't make that change for, for legal reasons. We also got a request and I want to talk if Eric is willing to talk about this for a second. We received a request about the length requirement from you, Eric. Regarding the weeks of instruction versus weeks of calendar time where I think if I wasn't sure I fully understood the proposal, so I want to make sure I do. It sounded like you wanted to ensure that a program could take place over more than 15 weeks of calendar time, as long as it didn't -- as long as it was less than 15 weeks of instruction. Because those are two different concepts. Is that right?

MR. ATCHISON: Full-time instruction. Less than 15 weeks of full-time instruction. So I can give you a quick scenario based on a back-of-the-napkin calculation. We have to remember from a student perspective that students might be participating in Workforce Pell and working full-time, part-time, multiple jobs. And so if we want to think about what does eight weeks of instruction look like in a 150 hour clock hour program, that's a part-time job of 18 hours. So our institutions and the students who represent would

probably be more likely to be able to participate in Workforce Pell programs if the duration of the program lasted longer than the 15 weeks, but was encapsulated within that 15 weeks of full-time instruction, or the 150 hours. Not concerned about the hour length. It's just that, that minimum time length of 15 weeks. Does that make sense, Dave?

MR. MUSSER: Yeah, it definitely does. We will look at it in that context. I think that just went on the list of things that we're still considering.

MR. ATCHISON: And I apologize, just to, if I need to amend my proposal, I will. But I did not put less than 15 weeks of full-time instruction. But I will do that for you to help.

MR. MUSSER: Okay. Yeah, the full-time piece is what I think is important for us to understand. I still don't know if we will have the statutory flexibility to do that, but I definitely understand the concern. And you're right. Unlike other types of eligible programs that don't have a maximum number of weeks, this, this is an unusual character in the Title IV world, where it has a number of hours, but it also has a maximum length. Usually, most of our requirements are minimum lengths, so we've never really encountered this particular issue with programs. And I think we want to

make sure that we think about it carefully, one way or the other, first.

MR. ATCHISON: Thank you for your consideration. I really appreciate the Department's review of this, but also remember we're talking about 15 weeks of instruction that doesn't necessarily say 15 weeks of duration.

MR. MUSSER: Yes, exactly. And I just want to say quickly that the duration generally is not a consideration for the Department. And that's part of what we've talked about related to non-sequential coursework, where the coursework could, could take place over a year or two, even though that's a very odd thing to think about with a program that's short, as long as it still has only 14 weeks of instruction or less in the program.

MR. ATCHISON: I was speaking to another negotiator just this morning and saying, you know, if an employer wanted their employees to actually go participate in this Workforce Pell program through a training opportunity that meets on Friday, that would still require ten hours of their time on Fridays, across eight weeks. And that's unfair.

MR. MUSSER: Yeah. No, we definitely understand it. And we'll do some thinking about it and then come back to you guys.

MR. FRAN CZAK: All right. Circling back to the queue, Randy, did you want to speak?

MR. STAMPER: And thank you for that consideration. I had not thought about it until Eric just brought it up, but almost certainly, apprenticeship programs are going to, are going to reflect that kind of, of stretched out duration of instruction. That could still be under 15 weeks. So thank you for the consideration. Thank you, Eric.

MR. FRAN CZAK: All right. Thank you. Matt?

MR. FEEHAN: Just wanted to thank Eric for that proposal and fully support it, and second. Because from a student service standpoint, for our actively drilling service members, it makes perfect sense.

MR. FRAN CZAK: Dave?

MR. MUSSER: Okay. Yeah. So, just going through the remainder of the items on our list. So, we, make sure I get my notes correct here, the last one here on the list of things that we don't think that we can accept includes the recommendation from Jeff, from you, that we require states to recertify their programs 120 days prior to the expiration of PPAs. Although we understand the idea behind this potential requirement, we

don't think it's appropriate to, to constrain states in this exact way. It's the state -- states we think have to have enough flexibility to decide when to do this. And we also think that there are going to be incentives for them to do this on time. And institutions likely will want to reach out to their states early to get them to work on these things, but we're concerned about requiring them to do it this early, just because there could be cases where it is more appropriate for them to do it a little bit after that 120 day mark, even though it's close to the deadline, it's just a little -- there's too many things that we can't contemplate about that.

MR. ARTHUR: And I'm fine. I just thought it was an oversight that the timing didn't work. Just trying to help.

MR. MUSSER: No, I appreciate that. Okay. Thanks. Thanks, Jeff. So, and then I want to just quickly go through the --

MR. FRAN CZAK: There's one more card left. Yes. Aaron?

MR. LACEY: Totally understood. I'll just offer this as a note. And I know Jake will appreciate this in particular. You know, like in the change of ownership context, right, for years we had a requirement that we had to provide state and accreditor

approvals prior to the change, and then it became evidence that you were approved the day before the change in ownership by the state and accreditor, which has become, you know, it's a timing challenge, right? Because now we have to reach out to these agencies and say, we need something from you showing that, like on this exact date, the school was still approved. And I think the concern here would be, I appreciate your comment. Like, we don't want it to have to be 120 days in advance, but if states want to provide some evidence that these programs have essentially been approved or reauthorized, if it can't be the approval the school got three years ago, can it be the approval the school got one month ago, two months ago? But I think what we want to avoid is sort of the opposite situation, where there's an expectation that you're somehow showing that this thing is approved, like right up against the date of your recertification. So maybe in a subregulatory context, the Department could just sort of articulate its expectations around when, sort of the range that would be acceptable.

MR. MUSSER: Yeah, I was actually just thinking that as you were speaking, that that guidance on this topic, probably maybe from Labor and from the Department would be valuable because this is a sort of new relationship in some ways. Especially with respect to

the program participation agreement, which isn't a factor anywhere else in WIOA. We, it probably is worth putting some guidance out there and helping folks understand when, when it would be good to get these things done, so the schools can get these programs approved.

MR. LALLO: I also, real quick, I think it's worth noting, too, that, you know, when they submit for the PPA, it's a little bit different than what we're seeing with the CIO, right? Because I just bring that up because, you know, with CIOs, it's a unique thing where that application is due after the CIOs already occurred. So we're looking backwards, where this is still a forward-looking thing. So, like setting a specific time frame where the state has to give that approval really constrains them in a way that I don't think we're necessarily comfortable with. So as Dave said, I think that, you know, there's a lot of interplay with states and then how this is going to work with labor. So there's probably some guidance we could put onto that. But we definitely expect our state partners to work, you know, affirmatively with their programs to ensure that this is all done ahead of time.

MR. FRANZAK: All right. So there aren't any further cards on this particular item. So I'll go next to Dave with what you think you're going to run

with earlier.

MR. MUSSER: Yep. All right. So then I wanted to just run through quickly the list of things that we have still under consideration, proposals that have come in. This is not a comprehensive list, I'm going to guess, because things have come in since I made this list earlier this morning. However, what we have still that we're still contemplating includes, for the state approval process, a publication of an online list of all programs that have been approved by the governor. So, thinking about that. Any requirements for designation of authority from governors to other offices within the state. There's a lot of things to consider with that. There's also a body of rules and guidance for labor for this, that we want to be sure that we, we stay consistent with. So we're still looking at that one. Requiring states to review occupations consistent with the development of the state's plan. We think that's an interesting proposal that we're still looking at. Including, including state higher education agencies in this process, we think, is an interesting idea. We're still thinking through sort of what that looks like for the SHEEOs and how, how it would fit into the process. So still thinking about that. We're also looking at Michale's suggestion about prominent and plain language

and how that fits into the state's requirements. What, what kind of burden that would be putting on the state, versus what benefit that would, that would give? And we obviously, that's -- it would be a beneficial change. But we're trying to think through all the different ways that that would affect the states and what they're publishing. We're also looking at the proposal for interoperable data. We think that's an interesting idea. We're just trying to make sure that we address it carefully and, and make sure that we understand what data specifically we want to be interoperable because there are a number of places where data shows up here. So, and that's one of the things I wanted to mention. If you guys have a proposal for what you think is most important for the states to make interoperable, so that data is shared and that states are getting what they need, and can compare some of these things. We would be interested in that. Because we, we went through the requirements and we struggled a little bit to find the exact things that would be most valuable there. And we don't want to create, again, burden that is not valuable -- that does not create a requisite value. And then so we are also still thinking through Preston's proposal, we want to address that after we talk through value-added earnings, generally. Hopefully, we can get to that today. And we

have a couple of suggestions that Eric submitted that we're still looking at, including data showing that at least 20% of students have obtained additional credentials, as well as a recommendation that either institutions, well, institutions, and or the Department publish more information about the effects on Pell eligibility of receiving Workforce Pell. Potentially because since, since that -- the student might not understand that by enrolling in an eligible workforce program, they might be causing them to have themselves to have less Pell eligibility for a Baccalaureate program or some other program down the road. So all of those things are still things that we're working through. We, you know, we've got some time at lunch, and then after the session today, we will go through them again. The list will expand of things that we take and things that we don't. And we'll talk through those tomorrow. I think with that, we've only got about 15 minutes before noon at this point. I'd like to go into the next section, but I don't know if that's quite enough time to do that. I'm wondering if we should just break for lunch now and start up. Maybe, maybe 15 till 1:00. I was actually -- I should ask if we're, if we're able to do that. Okay. Let's -- we'll just come back. We'll have a little bit longer lunch than usual. We'll come back at 1:00, and we'll get

started then if that works for everybody.

MR. FRANCIK: Okay. So we will break now for lunch. We will reconvene promptly at 1:00 pm. Okay. Thank you again.