



April 8, 2026

Submitted via Regulations.gov

Nicholas Kent  
Under Secretary of Education  
U.S Department of Education  
400 Maryland Ave SW  
Washington, DC 20202

***RE: [ED-2026-OPE-0133]; Accountability in Higher Education and Access through Demand-Driven Workforce Pell: Pell Grant Exclusion Relating to Other Grant Aid; and Workforce Pell Grants***

Dear Under Secretary Kent:

On behalf of the more than three million members of the National Education Association (NEA), we submit these comments in response to the Department of Education's proposed rule, developed through the Accountability in Higher Education and Access through Demand-Driven Workforce Pell (AHEAD) Committee rulemaking committee and published in the Federal Register on March 9, 2026.

We have serious concerns that the proposed rule is inadequate to protect students, educators, and taxpayers. Specifically, it fails to establish necessary data infrastructure, restricts the scaling of high-quality union-led educator pathways, and exposes marginalized students to predatory programs and the catastrophic risk of prematurely exhausting their Pell Grant eligibility.

In 2024, NEA opposed the expansion of short-term Pell Grant programs, including strongly urging a "NO" vote on the Bipartisan Workforce Pell Act (H.R. 6585).<sup>1</sup> Our concerns stemmed from prior iterations of this policy that lacked sufficient guardrails to prevent predatory, low-quality programs, particularly among for-profit institutions, and posed a significant risk of Pell Grant exhaustion for students seeking further postsecondary education. While the goal of this program is noble, evidence from previous short-term Pell pilot programs did not demonstrate

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<sup>1</sup> <https://www.nea.org/advocating-for-change/action-center/letters-testimony/nea-urges-house-vote-no-bipartisan-workforce-pell-act-hr-6585>

improved earnings outcomes.<sup>2</sup> We remain concerned that even with additional guardrails, rapid expansion of these programs could have devastating effects on students.

### ***Registered Apprenticeships***

In the Notice of Proposed Rulemaking (NPRM), the Department explicitly seeks feedback on whether the proposed 25% cap on written arrangements with ineligible entities is appropriate, or whether a greater percentage of instruction could be provided by ineligible organizations, specifically citing labor unions and employers. We urge the Department to increase this cap to better support high-quality educator career pathways and address workforce shortages in education.

The Washington Education Association (WEA), an affiliate of the NEA, created a groundbreaking teacher registered apprenticeship program (RAP) to grow the special educator workforce. As a formalized Grow Your Own program, RAP leads participants to getting the training and certification that allows them to become special education teachers, all while earning a salary and benefits during their training. This “learn and earn” program allows participants to learn the skills they need while supporting themselves and their families by working as employees of the school district. The position as a special education teacher, which results from participation in RAP, not only meets the definition of a “high-skill, high-wage, in-demand” job, but is a critical role that will continue to be in demand throughout the country.

The Washington Education Association Apprenticeship Residency in Teaching (WEA-ART) program combines 2,000 hours of embedded on-the-job training (OJT) across distinct special education clinical rotations, combined with 465 hours of Related Supplemental Instruction (RSI). In this robust model, WEA and partner K-12 school districts are the primary engines of the apprentice's development. The apprentice becomes an employee of the school district, which covers the cost of employment and OJT, and grants them employee benefits, including health insurance. WEA covers the cost of stipends for existing teachers who instruct RSI apprentices in evening classes. This program combines a close, collaborative partnership between high-quality union-led instruction with real experiential training to succeed as a licensed educator.

Despite its quality, both WEA and the local school districts are classified as “ineligible” institutions under Title IV. NEA urges the Department to recognize that this limitation is not applicable in the context of Registered Apprenticeships, which already undergo rigorous oversight by the Department of Labor and state apprenticeship agencies.

### ***Student Eligibility and Graduate Credentials***

Allowing students who already hold a bachelor's degree to access Workforce Pell for non-graduate credentials is essential to addressing workforce shortages, particularly in education.

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<sup>2</sup> <https://www.nea.org/advocating-for-change/action-center/letters-testimony/nea-urges-house-vote-no-bipartisan-workforce-pell-act-hr-6585>

Programs like WEA-ART require candidates to hold a bachelor's degree prior to admission but culminate in a Residency Teacher Certificate and a Special Education endorsement rather than a master's degree. While the proposed rule permits bachelor's degree holders to participate, it explicitly bans students enrolled in programs that lead to a *graduate* credential.

The Department must explicitly codify, through regulatory or sub regulatory guidance, that postbaccalaureate teacher licensure and certification are not considered graduate credential programs for the purposes of this rule. Without this clarification, financial aid offices may unlawfully deny Pell Grants to similar programs, exacerbating the educator staffing crisis.

### ***Accountability and Value-Added Metrics***

The for-profit college industry has a well-documented and deeply troubling history of capitalizing new sources of federal funding. It has repeatedly established low-quality training programs that fail to deliver the skills promised to students, while exhausting the very funds intended to support their education. As a result, students are often left without meaningful credentials and with limited options for further assistance.<sup>3</sup>

The Department's own Regulatory Impact Analysis in the NPRM underscores this concern. The Department estimates that if existing undergraduate certificate programs were subjected to the new Value-Added Earnings (VAE) test, the pass rates would be lowest among for-profit institutions, with an alarmingly low pass rate of only 14%.

It is unacceptable to open federal financial aid to a sector where the vast majority of programs are statistically projected to fail basic economic value tests. Additionally, expanding Pell Grants to cover short-term programs at expensive for-profit institutions will severely strain the overall federal Pell Grant budget. Historically, when the Pell budget is strained, policymakers react by tightening student eligibility requirements or cutting overall grant amounts, actions that most severely harm traditional community college students.

Under the proposed rules, the Department will not calculate VAE metrics until the 2030-31 award year, creating a multi-year gap in accountability. A four-year accountability gap where programs face no earnings oversight is entirely unacceptable, as such a delay provides predatory for-profit institutions with a massive, multi-year runway to aggressively market low-quality programs and siphon federal funds with absolutely no accountability for student earnings outcomes.

NEA urges the Department to take the necessary steps to close significant loopholes in the current NPRM. A high-quality program should do more than produce completers who earn marginally more than individuals with only a high school diploma; it should promote genuine economic mobility and financial independence. This includes the ability to purchase a home, save for retirement, and support a family.

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<sup>3</sup> <https://www.insidehighered.com/news/2022/08/22/education-department-terminates-acics-final-decision>

The threshold of 150% of the federal poverty level sets an unacceptably low bar for programs marketed as leading to high-skill, high-wage outcomes. NEA strongly urges the Department to go further and adopt a higher bar of 250% of the poverty threshold.

If the goal of these short-term programs is to foster true economic self-sufficiency, they must be grounded in outcomes that reflect that objective. Earnings that hover just above poverty levels do not provide the financial stability or upward mobility that students and program completers should reasonably expect.

### ***Career Advising and Wraparound Supports***

Offering Workforce Pell alone is insufficient. Students must also have access to comprehensive career advising and wraparound supports. Fewer than 20% of Gen Z students are well-informed about certificates or apprenticeships, underscoring the need for better guidance.<sup>4</sup>

Institutions should be required to provide clear, accessible advising on the short-and long-term implications of Pell Grant usage, including lifetime eligibility limits. Counselors must be trained to guide students through the lifetime limits on Pell grants, ensuring a student does not inadvertently exhaust their 600% Pell eligibility on a short-term certificate when they may eventually want to pursue a traditional bachelor's degree.

We urge additional support and investment to equip high school counselors and college advisors, as well as discretion in states' use of funding to be leveraged for such purposes. NEA urges the Department to impose strict career advisement mandates for institutions taking part in Workforce Pell.

### ***Support for State Longitudinal Data Systems***

Workforce Pell is not just a higher education policy; it is inherently a state data infrastructure policy. The proposed rule places significant burdens on governors, requiring them to evaluate program eligibility by calculating a 70% completion rate and a 70% job placement rate using state administrative data, including wage records. While holding institutions accountable for job placement is a statutory necessity, the Department's regulatory framework completely ignores the fractured and inadequate reality of state data infrastructure.

Placing the burden of accountability entirely on governors without addressing the massive technical realities of implementation is a recipe for systemic failure. States are not starting from the same place regarding data capacity. Many states completely lack the comprehensive State Longitudinal Data Systems (SLDS) required to securely link K-12, post-secondary unit records, and workforce data.<sup>5</sup> Furthermore, noncredit workforce programs frequently sit entirely outside of existing state longitudinal systems, making it impossible to reliably track Workforce Pell participants' enrollment, completion, and subsequent educational progression.

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<sup>4</sup> <https://news.gallup.com/poll/691418/gen-parents-lack-knowledge-post-high-school-options.aspx>

<sup>5</sup> <https://www.newamerica.org/insights/workforce-pell-is-a-state-data-policy/>

States also face massive data blind spots regarding students who move out of state for employment. If a student successfully completes a program and crosses state lines for a job, they may not be included in the new state's data. This data gap threatens to artificially deflate placement rates for high-quality programs and complicates the oversight of online programs that enroll students from multiple states. To mitigate such concerns for distance education, the Department proposes bilateral agreements between governors that must include data-sharing provisions for completion and placement rate calculations. However, executing and managing these complex interstate data-sharing agreements places an additional heavy administrative burden on states.

The NPRM requires governors to establish a written policy ensuring that students receive academic credit for the program that will be accepted toward a subsequent certificate or degree. Documentation alone is not sufficient. NEA urges the Department to require states to use their SLDS to track post-completion outcomes, validating whether Workforce Pell completers *actually* enroll in subsequent degree programs and *actually* receive the guaranteed academic credit

### ***State Boards***

While the proposed rule requires consultation with state workforce boards, it does not ensure adequate representation from educators and labor unions by mandating their participation. Boards may be disproportionately influenced by industry representatives without stronger requirements.

NEA recommends requiring meaningful representation from educators and labor organizations to ensure balanced decision-making.

### ***Distance Education***

NEA has concerns regarding the Department's proposed framework for distance education within the Workforce Pell program. By shifting oversight from federal standards to a patchwork of bilateral agreements between governors, the Department is effectively incentivizing a race to the bottom that will prioritize institutional enrollment volume over student outcomes and instructional integrity.

There is prior precedent of historical failures of the State Authorization Reciprocity Agreements (SARA), which have frequently been criticized for preventing states from enforcing their own consumer protection laws against out-of-state online providers.<sup>6</sup> By mimicking this failed model, the Department is removing its role as a federal regulator.

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<sup>6</sup> <https://ticas.org/wp-content/uploads/2021/11/Know-the-Facts.pdf>

While geographical barriers have impeded access to education, removing barriers is not a one-size-fits all solution and the rigor of high-quality programs that lead to positive outcomes should be prioritized.

***Conclusion***

NEA urges the Department to strengthen accountability provisions, invest in state data infrastructure, and ensure that Workforce Pell supports high-quality programs that lead to meaningful economic mobility.

We hope that you will take steps that focus on high-quality outcomes for students, educators, and implement high quality, innovative pathways that support students and taxpayers. Please do not hesitate to contact me or Samuel Dunietz at [SDunietz@nea.org](mailto:SDunietz@nea.org), should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Daaiyah Bilal-Threats". The signature is written in a cursive style with a long horizontal line extending to the right.

Daaiyah Bilal-Threats  
Senior Director, Education Policy and Implementation Center  
National Education Association