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400 Maryland Avenue SW, 5th floor
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Docket ID ED-2023-OPE-0089

On behalf of the Coalition on Adult Basic Education (COABE), I write to provide comments on the ability to benefit (ATB) provisions included in the Department of Education's (ED) notice of proposed rulemaking (NPRM) published in the Federal Register on May 19, 2023.

COABE is the leading association for adult education, representing 79,000 adult educators and leaders around the country. Our teachers and leaders provide numeracy, literacy, English language skills, digital and information literacy, work readiness, soft skills, high school equivalency and numerous wraparound services to more than 725,000 adult learners nationwide. With over 2,300 WIOA Title II programs around the country, COABE members work tirelessly to help underserved adults master the skills they need to build better futures for themselves, their families and their communities, which in turn strengthens the economy by enabling businesses to fill in-demand jobs.

ATB is of particular importance to COABE and adult education programs nationwide because it offers potential access to Federal student financial aid to adults without a high school diploma as they seek to complete both high school and postsecondary credentials. The odds are stacked against these adults, who may have families to support while working many hours in low-paying, low-skilled jobs. So, while it is a challenge for these adults to find the time and resources to get the education and skills to attain better career opportunities that lead to jobs that offer family-sustaining wages, they also have grit, determination and perseverance. Improving their educational and career opportunities fuels their desire to dually enroll in adult education and postsecondary programs. ATB could and should be an essential tool to reengage adults, provide equitable access to postsecondary education, bolster economic security and strengthen our overall economy.

ATB is an underutilized opportunity for adult learners to put themselves on a path to a postsecondary degree and ED should promote, not stifle, its usage.

We are concerned about some of ED's proposals, including the inclusion of an approval and verification process for eligible career pathway programs. We believe these proposals disregard the State's role in establishing how their workforce systems integrate with their postsecondary systems and insert a Federal approval process into local and State partnerships. We do not believe ED has the capacity to

conduct the approval and verification processes quickly and thoroughly for hundreds of individual programs, and, as a result, these processes will hinder the use of ATB significantly.

ED's proposed rulemaking could be improved to better align postsecondary systems and adult education programs so ATB can have maximum impact and benefit for adult learners. Specifically, we recommend the following:

- **Define “career pathway” using the exact definitions in the Workforce Innovation and Opportunity Act (WIOA), the Higher Education Act (HEA) and the Carl D. Perkins Career and Technical Education Act (Perkins) to ensure alignment between the workforce system and the postsecondary system.**

Since ED did not explicitly state how it is defining “career pathway,” we urge it to use the definition that is in current law in WIOA, HEA and Perkins. Aligning the definition of career pathways across WIOA Title II, Perkins and Financial Student Aid (FSA) incentivizes partners to create strong adult career pathways and ensures the workforce and postsecondary systems are working collaboratively to maximize impact and efficiency.

- **Remove the cap of 25 students or 1 percent of enrollment at each participating institution in the Approved State process.**

ATB is designed to promote equity in student access to educational opportunities, one of [Secretary Cardona's priorities](#). By placing an arbitrary 25-student or 1 percent of enrollment cap, fewer adult learners will be able to access Federal aid to pay for their education, which will stifle educational opportunities for those who need them most. Some programs utilizing ATB aim for 25 students per cohort and run multiple cohorts per year.

- **Use a 75% success rate overall rather than using an 85% success rate initially when calculating the success rate of ATB programs.**

Having a more reasonable target will help States promote the use of ATB to the institutions of higher education (IHEs) named in their State plans that might otherwise elect to continue using the credit hour or test options. We should be encouraging greater use of ATB over these other more traditional options in order to advance equity.

- **Add “linguistic background” to reporting requirements for students in eligible career pathway programs.**

Adult education programs serve learners who do not speak English as their primary language, such as immigrants and refugees. Including “linguistic background” in ED's disaggregated data provision will allow ED to understand if and how immigrants and refugees are served by ATB.

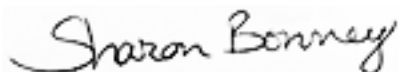
- **Do not require a documentation/approval process for eligible career pathway programs.**

COABE is greatly concerned about ED's capacity to approve programs in a timely manner that ensures quality and expediency. We believe this will hamper the ability of providers to serve students who desperately need their services. *Should ED decide to move forward with this process, we urge it to include language that would lead to a default approval of a career pathway program if ED does not review and approve an eligible career pathway program within 60 days of receiving documentation.*

- **Do not implement a verification process for determining eligible career pathway programs.**
Similar to the approval process mentioned above, COABE is concerned about ED's capacity to verify the eligibility of eligible career pathway programs in a timely manner. As proposed, the process could limit the availability of programs to serve students who desire their services. *Should ED decide to move forward with a verification process, we urge it to include language that would lead to a default verification of a career pathway program if ED does not review and verify an eligible career pathway program within 60 days of receiving an application.*
- **Inform financial aid directors at institutions of higher education (IHEs) that a portion of Title IV funds may be used for learners who are dually enrolled in adult education programs and IHEs through ATB and encourage that they do so.**
While COABE knows that a portion of Title IV funds may be used for adult learners in adult education programs through ATB, many financial aid directors are unaware that they may do so or are reluctant to use funds in this manner. In order to expand opportunities for adult learners to pursue a postsecondary degree, ED should explicitly state that financial aid directors may use Title IV funds for adult learners co-enrolled in Title IV eligible programs and in adult education programs. Additionally, ED could host an ATB Summit for financial aid directors to educate directors about ATB and allow for any questions from directors.

In order to increase opportunity, access and equity in postsecondary enrollment for adult learners, provide skills to learners that match the needs of employers and strengthen our economy, COABE urges ED to consider incorporating these recommendations as you develop the final rule. Please reach out to me with any questions you may have.

Sincerely,



Sharon Bonney
Chief Executive Officer
Coalition on Adult Basic Education (COABE)