

August 12, 2025

Linda McMahon
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

In re: Clarification of Federal Public Benefits Under the Personal Responsibility and Work Opportunity Reconciliation Act (FR Doc. 2025-12925)

Dear Secretary McMahon,

On behalf of the undersigned organizations, we write to request additional information and clarification regarding the U.S. Department of Education's (ED) recent notice of interpretation concerning the implementation of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). As you are aware, public school districts, community colleges, and technical colleges across the country provide a wide range of Career and Technical Education (CTE) and adult education programs that appear to be implicated by this updated interpretation.

This new interpretative guidance substantially revises how PRWORA applies to federally-funded Career and Technical Education (CTE) and adult education programs. As detailed in the notice, ED now interprets many CTE programs funded under the Carl D. Perkins Career and Technical Education Act (Perkins V) and adult education programs funded under Title II of the Workforce Innovation and Opportunity Act (WIOA), as well as certain other federal funded initiatives such as dual and concurrent enrollment programs, as constituting "federal public benefits." As a consequence, these efforts are now subject to PRWORA's citizenship and qualified-alien eligibility verification requirements, unless exempt under the *Plyler v. Doe* (*Plyer*) basic K-12 public education exception.

Our members—state and local education practitioners and leaders—are directly responsible for implementing these programs and are now navigating a rapidly evolving federal compliance environment because of this new guidance. Although the underlying guidance had not been substantively updated in nearly three decades, states, districts, and institutions have been provided less than a month to comply with this new interpretation, which is now set to take effect in just a few weeks time.

Given the scope of this shift, and as many local school districts and postsecondary institutions administer programs and services that now appear to fall outside *Plyler's* 'basic public education' exception, state and local education systems and stakeholders face urgent questions about how to operationalize these new federal directives and mandates. A host of questions have emerged from the field as education leaders and stakeholders seek to understand how to implement these requirements in a manner that aligns with the ED's new legal posture while preserving access to critical educational and training opportunities. There is widespread concern that, absent further clarification, this shift could disrupt service delivery for learners and create unnecessary administrative burdens for schools, districts, and institutions.

Given the fast-approaching effective date and the volume of inquiries we are receiving from our members, we respectfully request that the Department provide further clarification regarding the questions contained in this letter. We sincerely hope that ED will work expeditiously to provide much-needed clarity and answers regarding these questions from the states and communities we collectively represent. To support ED's forthcoming response, we have organized these questions thematically and included them below for your review.

1. **Program Congruence & Impact**

- a. PRWORA defines federal public benefits as those provided to an individual, household, or family eligibility unit. However, under Perkins V, funding supports programs and systems—rather than individual students—and is used for purposes such as curriculum development, equipment purchases, and staff professional development. These efforts inherently support a much broader swath of learners. How does ED reconcile Perkins V's delivery model with PRWORA's statutory focus on benefits received by *individuals*?
 - i. How does the Department distinguish between direct and indirect benefits in the context of this interpretation? For example, if Perkins funds are used to purchase equipment or instructional materials that are broadly available to all students in a school or institution—regardless of eligibility status—would this trigger PRWORA compliance requirements? Additionally, does the Department consider whether a student's level or "dosage" of use (e.g., visiting a lab for a one-time event, occasional short-term use, or being enrolled in a course that regularly uses the equipment) affects whether a benefit is considered "received" for the purposes of this interpretation? If so, please describe which students would be implicated in the need to determine eligibility, how this guidance aligns with existing *Plyler* exceptions, and other relevant details needed to operationalize the Administration's current legal posture regarding this issue.
 - ii. States and local recipients have flexibility to use Perkins V funds to meet the needs of their local contexts and communities. Some local recipients have chosen to contribute Perkins V funds toward tools and activities that benefit students or prospective students and their families in the community broadly, such as career planning tools, career fairs, or public labor market information interfaces, often in partnership with other workforce and education stakeholders. How will such uses of funds be impacted by this notice when there is no way to verify citizenship status of resources open to the broader public?
- b. Under Perkins V, states are permitted (and several currently do) structure their delivery systems around secondary-postsecondary consortia in which funds are awarded to joint entities rather than individual institutions or school districts. How does the Department intend to apply PRWORA's requirements in cases where funding flows through consortia models that serve diverse populations across multiple institutions and education levels? And how will ED ensure that this notice does not disrupt these statutory goals and cross-sector partnerships?
- c. Can the Department clarify its position as to whether the use of Perkins funds for professional development of teachers, instructors, and other staff would remain outside the scope of PRWORA, since the benefit is provided to the program rather than to individual students?
- d. Similarly, can the Department clarify its position as to whether the use of Perkins V funds for career development, advising, and navigational support—key statutory goals of the legislation—would remain outside the scope of PRWORA, since these benefits are provided at the system level, rather than to individual students?
- e. If multiple funding streams have been braided or blended together to support programs, how do verification requirements apply?
- f. CTE programs at postsecondary institutions are important partners in the apprenticeship model, providing the classroom learning component of the earn-and-learn model. They may also serve as intermediaries and sponsors for Registered Apprenticeships. Does the notice limit or change the ability of postsecondary CTE programs to serve as instruction providers, intermediaries, or sponsors for Registered Apprenticeship programs?

2. Verification Processes

- a. How does the Department plan to enforce this new legal interpretation? Will the Department proactively monitor compliance among covered entities, such as through site visits, audits, or reporting requirements? If so, please describe the expected enforcement mechanisms and how the Department intends to support institutions in meeting these new obligations.
- b. What specific processes, documentation, or systems are *required* by the Department for verifying an individual's eligibility to receive CTE, adult education, or postsecondary services under the new PRWORA interpretation?
- c. How should schools, districts, and institutions handle cases where eligibility cannot be immediately confirmed (e.g., pending SAVE verification, lack of documentation, or mixed-status families)?
- d. Does ED plan to issue standardized guidance or protocols—such as model forms, sample language for student communications, or templates for documenting eligibility determinations—to help ensure consistent and legally compliant implementation of verification procedures across K–12, postsecondary, and adult education settings?
- e. What available and/or allowable funding sources should be used to support eligibility verification efforts, particularly for programs where federal funds provide broad-based benefits for programs and systems that support a wide range of learners rather than individuals?
- f. What steps will the Department take to ensure that institutions and agencies remain in compliance with FERPA and other privacy protections while implementing new verification requirements under PRWORA, especially when handling sensitive immigration-related data?
- g. How will ED reconcile or coordinate PRWORA-related expectations with existing obligations under civil rights laws, including Title VI of the Civil Rights Act, to ensure nondiscriminatory access to federally funded education programs?
- h. [Area Technical Centers](#) (ATCs) often serve both secondary and postsecondary learners across multiple school districts or workforce areas. ATCs may also leverage multiple federal funding sources, such as WIOA, implicated in this new interpretative guidance. Please clarify how verification protocols align with ATCs' multi-system governance and funding structures. For instance, how does ED expect ATCs to manage eligibility verification under PRWORA, especially for programs that serve secondary and postsecondary learners simultaneously? Should individual eligibility be determined by the ATC prior to student enrollment, or should verification be conducted at the LEA or institution level before students are enrolled in a program at an ATC?

3. Early College High School Experiences and Credentialing

- a. How does the Department intend for the new PRWORA interpretation to affect secondary learners' ability to access dual and concurrent enrollment opportunities, particularly when such opportunities are integrated into their K–12 education through CTE programs of study? Will different verification processes at K-12 and postsecondary levels be needed to ensure compliance with the Administration's new legal posture on this topic?
 - i. How does the Department interpret the provision of dual and concurrent enrollment opportunities, particularly when local education agencies (LEAs) pay tuition on behalf of high school students as it relates to the definition of a "federal public benefit"? Would such arrangements now require eligibility verification for each student served or the entire cohort of students in a given program?
- b. What is ED's position on articulated credit or Advanced Placement (AP) or International Baccalaureate (IB) credit earned at the secondary level, particularly when those credits are aligned to Perkins-funded programs of study? Are such opportunities considered

- federal public benefits, and if so, at what point would eligibility verification be required? Would providers of these opportunities be required to verify eligibility?
- c. Perkins V includes a measure of secondary program quality that counts the number of high school students who have earned postsecondary credit in their CTE program or program of study, which 12 states reported on for more than 100,000 students in 2022-23. How will this notice impact reporting on postsecondary CTE and dual enrollment outcomes as well as recipients' ability to assess the effectiveness of their investments?
 - d. In cases where dual enrollment opportunities are provided within a Perkins-funded program of study, but tuition is not directly paid for individual students (e.g., waived by the institution or supported through general funds), would such circumstances still be considered a covered "federal public benefit" and therefore trigger eligibility verification requirements under the new interpretation?

4. Administrative Burden and Cost Estimates

- a. Has the Department conducted any analysis or issued guidance on the anticipated administrative and financial burden this new interpretation will impose on K-12 districts, area technical centers, postsecondary institutions, and state agencies? If so, when does ED anticipate these analyses or estimates will be shared with the public?
- b. Has ED considered new costs that may be required regarding staff training, systems upgrades, and ongoing compliance monitoring? If so, have these expenditures been quantified by ED to date?
- c. Will additional federal resources, flexibilities, or technical assistance be made available to support the implementation of these new requirements, especially for institutions and systems that lack existing infrastructure for verifying eligibility or managing federal public benefit determinations?

We appreciate the Department's attention to these critical issues and stand ready to work in partnership to ensure that this new interpretation is implemented in a manner that is lawful and minimally disruptive to the delivery of high-quality education and training. As the effective date for this notice of interpretation rapidly approaches, timely and comprehensive answers to these questions are essential to help our members navigate these changes with clarity and confidence. We therefore respectfully request that the Department respond to the questions outlined in this letter as soon as possible and would welcome an opportunity to engage further on this matter. To do so please contact Steve Voytek, Advance CTE's Federal Policy Advisor (svoytek@careertech.org), Jimmy Koch, ACTE's Government Relations Manager (jkoch@acteonline.org), José Miranda, ACCT's Director of Government Relations (jmiranda@acct.org), or Jim Hermes, AACC's Associate Vice President of Government Relations (jhermes@aacc.nche.edu), at your convenience.

Sincerely,

Advance CTE
American Association of Community Colleges (AACC)
Association for Career and Technical Education (ACTE)
Association of Community College Trustees (ACCT)