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Submitted June 2026

Public Comment on Colorado Workforce Pell Implementation Policy

Overarching Concern: No Mechanism for State Verification of Performance Outcomes Prior to Approval

The most significant gap in this framework is the absence of any mechanism for the state to verify that programs meet the 70% completion rate, 70% job placement rate, and value-added earnings (VAE) requirements before approving them. Under the final rule, the Governor's certification must attest that programs have met these requirements for the 12 months preceding application. Without a defined process for collecting, reviewing, and validating this data at the state level, Colorado cannot fulfill this certification obligation. We recommend Colorado add an explicit section describing how the state will collect outcome data from institutions and connect them to wage records prior to approval.

Background — Value-Added Earnings Timeline

The framework states: *"Tuition/fees must be less than the Value-Added Earnings (VAE) of program completers three-years prior (beginning award year 2030-2031)."*

This framing implies that VAE compliance does not apply until 2030-31, which is misleading. That date refers to when ED will begin calculating VAE using its own methodology and federal data systems. However, states must certify that the program is already compliant with VAE at the time the state approves it. We recommend Colorado clarify that institutions must demonstrate VAE compliance at initial application by reporting tuition and fees of the program, and that the state will establish an interim methodology for assessing this requirement before programs are approved.

Eligible Occupations — High-Wage, High-Skill, In-Demand Criteria Clarity

The introductory text of this section reads as though a program need only meet one of the three criteria (high-wage, high-skill, or in-demand), but the subsequent list of eligible occupations requires programs to meet two of the three indicators to qualify. While we believe that requiring programs to meet two of the three indicators is a strong policy, the current text creates confusion about what is actually required. We recommend Colorado revise the introductory text to explicitly state that a program may qualify by meeting any two of these three measures so that institutions can clearly understand the standard.

Eligible Occupations — In-Demand Definition

The framework defines an in-demand occupation as one with at least 40 projected annual job openings and a 10-year growth rate above the statewide average.

This is a very low bar. We recommend Colorado consider strengthening this definition. Tennessee's proposed definition, which requires an occupation to meet a median wage threshold and at least two of three additional labor market indicators (job posting ratio, hire ratio, or projected openings ratio), offers a more rigorous and multi-dimensional standard. Maryland's proposed definition, which requires occupations to be in the top 30 percent of annual openings projections statewide and have a growth rate at or above the statewide average, provides a useful alternative. Either would better ensure that Workforce Pell dollars flow to programs with meaningful labor market demand.

Institutional Eligibility — Written Arrangements and Registered Apprenticeships

The framework states that Registered Apprenticeship programs are exempt from the limit on instruction provided by ineligible third-party institutions.

This is incorrect. Under 34 CFR § 668.5, Registered Apprenticeship programs are not exempt from the written arrangements requirement — they are instead subject to a higher allowance of up to 50% of instruction from an ineligible institution, rather than the 25% limit that applies to other eligible workforce programs. RA programs have more flexibility, but they are not categorically exempt. We recommend Colorado correct this language to accurately reflect the regulatory provision and avoid confusion for RA sponsors and their institutional partners about their obligations under the rule.

Credit Articulation and Stackability

The first half of this section is strong and should be retained as written. The specific requirements — that evidence must specify the minimum number of credits awarded, the related certificate or degree program to which credit applies, how the credit applies within the receiving program (required coursework, major or technical electives, or general elective credit), and a guarantee that credit acceptance is not determined on a case-by-case basis — are clear, concrete, and meaningfully stronger than what most states have required.

Given its strength and the fact that Colorado treats articulation and stackability as the same for purposes of the evidence required to demonstrate them, we recommend deleting the rest of the section, which reads as duplicative and confusing.

Articulation Transparency

This section is excellent. The requirement that institutions publicly disclose articulation agreements and credit award terms in a student-facing format directly addresses one of the most common failure modes in credit transfer — agreements that exist on paper but students cannot access or understand. We strongly support this section as written.

Sincerely,
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