

United States Senate

WASHINGTON, DC 20510

September 20, 2018

The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Secretary DeVos:

We are writing to request clarifying guidance from the U.S. Department of Education (“Department”) regarding the option for students without a high school diploma to access federal financial aid. Under the “ability to benefit” (ATB) provisions contained in Section 484(d) of the *Higher Education Act*, students who enroll in an eligible “career pathway” program can pursue credit-bearing college coursework with federal financial aid—including Pell Grants—while they simultaneously work to obtain a high school diploma or its recognized equivalent. Unfortunately, we believe too few institutions of higher education and their prospective students are aware of this important financial aid resource.

ATB eligibility creates the opportunity to improve higher education access and success for historically underserved populations through career pathways. According to the U.S. Census Bureau’s 2017 Current Population Survey, there are more than 22.5 million adults aged 25 years and older who do not have high school diplomas and could therefore potentially benefit from ATB.¹ Unfortunately, however, implementation of ATB eligibility as restored has been confusing for many of those students it was intended to help. Additional guidance is needed to create a simple resource for institutions of higher education seeking to serve ATB students.

In recent years, there have been several iterations of ATB eligibility, which has itself been a barrier to implementation. One version existed in law until 2012, when it was eliminated. After ATB was then restored three years later, Congress made subsequent technical corrections to the law in the *Consolidated Appropriations Act of 2016*, requiring further updates to guidance. The most current guidance on ATB was issued by the Department through GEN-16-09 on May 9, 2016.²

Due to successive changes in law and guidance, we have heard from community colleges, financial aid administrators, workforce training specialists, and advocates for low-income students and adult learners that they would benefit from greater understanding about ATB. These stakeholders tell us that the vast majority of adults without a high school diploma have little to no awareness that they can enroll in college or postsecondary training *while*—rather than *before*—pursuing their GED or equivalent high school credential. Obtaining basic skills and a postsecondary credential at the same time will help to prepare a qualified workforce and improve the skills of adults throughout the country. For these reasons, the Department should issue guidance that serves as a simple, clarifying resource for implementing ATB at institutions of higher education, which should restate the updated definition of a career pathway program and contain frequently asked questions and answers.

The promising concept of career pathways was recently embedded in the *Strengthening Career and Technical Education for the 21st Century Act* which we were proud to see signed into law. The definition

¹ U.S. Census Bureau. Current Population Survey, 2017 Annual Social and Economic Supplement. Table 2. <https://www.census.gov/data/tables/2017/demo/education-attainment/cps-detailed-tables.html>

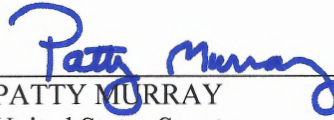
² U.S. Department of Education. GEN-16-09. May 9, 2016. <https://ifap.ed.gov/dpcletters/GEN1609.html>

is also included in the *Workforce Innovation and Opportunity Act*. This alignment between federal statutes will help career and technical secondary and postsecondary education, adult education, and workforce development systems better collaborate to implement career pathway strategies. The Department can help advance career pathways and alleviate any confusion about ATB in postsecondary education by reminding colleges of the option of offering financial aid through the ATB provisions to adults without a high school diploma. Thank you for your consideration of our request.

Sincerely,



MICHAEL B. ENZI
United States Senator



PATTY MURRAY
United States Senator