

**§ 668.157 Eligible Career Pathway Program.**

(a) An institution demonstrates to the Secretary that a student is enrolled in an eligible career pathway program, as required under § 668.156(a)(2) of this part, by documenting a program design developed in partnership with one or more adult education and literacy providers that ensures—

(1) The student has enrolled in or is receiving both—

(i) An eligible postsecondary program as defined in § 668.8 of this part; and

(ii) Coursework, training, or other support services, adult education and literacy activities and services that enable an individual to attain a secondary school diploma or its recognized equivalent;

(2) The program aligns with the skill needs of industries in the State or regional labor market in which the institution is located, based on research the institution has conducted, including—

(i) the State Plan required under section 102(b)(1)(B) of the Workforce Innovation and Opportunity act and other Government reports identifying in-demand occupations with the greatest hiring demand in the State or regional labor market; and

(ii) Surveys, interviews, meetings, or other information obtained by the institution regarding the hiring needs of employers in the State or regional labor market.

(3) The skill needs described in paragraph (a)(2) of this section align with the specific coursework and postsecondary credential provided by the postsecondary program or other required training;

(4) The program provides career counseling services that assist students in obtaining jobs aligned with skill needs described in paragraph (a)(2) of this section, and identifies the individuals providing the career counseling services;

(5) The program includes

(i) adult education and literacy services that are offered concurrently with and in the same context as

(ii) workforce preparation activities and

(iii) training for a specific occupation or occupational cluster

The program components in subsection 5(i), 5(ii), and 5(iii) must be organized in a manner designed to accelerate the educational and career advancement of individual students; and

(6) The program is designed to lead to provides education by a secondary school or an adult education and literacy provider eligible under 34 C.F.R. § 463.1 that enables an individual to attain a valid highsecondary school diploma or its equivalent as defined in § 668.16(v)-2 of this part or its recognized equivalent. For the purposes of this section, the entity providing the training enabling the attainment of a secondary school diploma or its recognized equivalent must be a public secondary school, a private secondary school with regional accreditation, and adult education and literacy provider eligible under 34 C.F.R. § 463.1, or a secondary school recognized as providing valid high school diplomas or their equivalent by the state or the public school district in which the student resides. The entity offering this

**Commented [DJS1]:** This change clarifies that the standards in 668.157 apply to all 3 modes of ATB (completing 6 credit hours or equivalent; passing a test; or through an approved State process).

**Commented [DJS2]:** Career Pathways require partnerships; IHEs can't build them on their own. When *adults without a HS diploma or equivalent* are the specific population being served, adult education & literacy services providers are the required partners. Adults without a HS diploma or equivalent are the relevant population for the ATB context.

**Commented [DJS3]:** When *adults without a HS diploma or equivalent* are the specific population being served, adult education & literacy services are the “education” component of the 3 listed Career Pathways program components that are required to be “concurrent & contextualized” components required in 668.2(b)(4) above. Adults without a HS diploma or equivalent are the relevant population for the ATB context. This suggested change recognizes that the “education” component specifically for a Career Pathway program that serves the ATB population has to be Adult Education & Literacy Services (defined in 29 U.S. Code § 3272(2) and 34 CFR § 463.30). See the Department’s ATB guidance in GEN 16-09 (“In developing an eligible career pathway program [for ATB purposes], institutions should work closely with an appropriate adult secondary school education provider...”) and previous ATB guidance in GEN-15-09 (“an eligible career pathway program contains two components: an adult education component and a Title IV eligible postsecondary program component. In this context, “adult education” has the same definition as it does under the Adult Education and Family Literacy Act, Title II of the Workforce Innovation and Opportunity Act (Pub. L. 113-128) and includes academic instruction and education services below the postsecondary level that increase an individual’s ability to:

- Read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;
- Transition to postsecondary education and training; and
- Obtain employment.”

**Commented [DJS4]:** Coordinating CP program components together so they are “organized to accelerate individuals’ educational & career advancement” is a *required* element of the statutory Career Pathway definition in 668.2(b)(5) above. This suggested change will require the organization of the 3 coordinated components in order to screen for program quality, by incorporating this statutory requirement into the Department’s evaluation of the eligibility of Career Pathway programs for title IV Ability to Benefit purposes.

training must have a demonstrated record of providing high school diplomas or a recognized equivalent to students not enrolled in career pathway programs.

(b) For eligible career pathway programs that do not enroll students through a State process as defined in § 668.156 of this part, the Department will verify the eligibility of eligible career pathway programs pursuant to subsection (a) of this section for title IV, HEA program purposes. The Secretary provides an institution with the opportunity to appeal any adverse eligibility decision.

**Commented [DJS5]:** This change clarifies that the standards in 668.157(a) apply to all 3 modes of ATB (completing 6 credit hours or equivalent; passing a test; or through an approved State process).