Joint Comments of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) and the Sheet Metal and Air Conditioning Contractors' National Association (SMACNA) to the Proposed Rule on Accountability in Higher Education and Access Through Demand-Driven Workforce Pell

Docket ID ED–2026–OPE–0133

RIN 1840–AD99

The International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) and the Sheet Metal and Air Conditioning Contractors' National Association (SMACNA) submit these comments in response to the Department of Education's *Accountability in Higher Education and Access Through Demand-Driven Workforce Pell: Pell Grant Exclusion Relating to Other Grant Aid; and Workforce Pell Grants*.[1]

SMART and SMACNA jointly sponsor a national training fund, the International Training Institute for the Sheet Metal and Air Conditioning Industry (ITI), which works in conjunction with our 146 local joint apprenticeship and training committees (JATCs) in the United States to provide specialized training to apprentices in high-skilled, high-wage, and in-demand sectors of the construction industry, such as nuclear energy and data centers. The vast majority of these JATCs were established in the early 1900s, and thus, have a proven track record sustained over more than 100 years of preparing sheet metal workers to meet the demands of a changing economy. JATCs, the ITI, and related national programs, such as National Energy Management Institute (NEMI) and Sheet Metal Occupational Health Institute Trust (SMOHIT), are critical to ensuring that our apprentices work safely, learn the most in-demand skills in the sheet metal trade as technology

[1] 91 Fed.Reg. 11378 (Mar. 9, 2026).

evolves, and have marketable, industry-recognized credentials. SMART and SMACNA established NEMI, which is jointly funded and managed by a board of trustees, in 1981 for the purpose of identifying and developing educational opportunities that reflect current needs in the sheet metal industry and to create and expand employment for apprentices and journeypersons employed by the 3,500 contractors affiliated with SMACNA.

Introduction

SMART and SMACNA support the ED's efforts to develop specific "accountability metrics" to ensure that Pell grant recipients are trained in quality workforce programs that will lead to stable employment and continuing marketability in high-wage and high-skilled jobs. The NPRM aptly recognizes that an indispensable metric is job placement and that placement in low-paying jobs does not satisfy the metric. Our recommendations in these comments urge the ED to adapt the proposed accountability metrics to registered apprenticeship programs (RAPs), particularly in industries where there exists a wealth of information on graduation rates, job placement for apprentices both during apprenticeship and upon graduation, and quantified data on wages that demonstrate the "value added earnings" of quality training.[2] Higher standards for RAPs, as compared with workforce programs that are relatively untested,[3] is consistent with proposed § 690.93(g), which automatically treats a program that serves as a related technical instruction component of a RAP as meeting the requirements of providing an education aligned

[2] In prohibiting (§ 690.94(d)) eligible workforce program's tuition and fees from exceeding the value-added earnings of the program, the NPRM states that the ED cannot calculate official "value-added" earnings for workforce programs that become eligible during the 2026–27 award year. 91 Fed.Reg. at 11381. For sheet metal JATCs, the value added of training is self-evident because wage progression from first year through graduation is set forth in collective bargaining agreements.

[3] By contrast, in many in-demand industries, such as cybersecurity, healthcare, energy, and information technology (IT), the workforce development models are often new and untested over extended periods of time, with limited wage or "value-added" data available.

with high-skill, high-wage, or in-demand industry sectors or occupations, and meeting the hiring needs of employers.

As a practical matter, an apprentice in the construction industry is unlikely to meet Pell grant eligibility requirements after the first year of apprenticeship since on-the-job training is the cornerstone of our RAPs and the earnings of construction apprentices, based on the local wage scales in most parts of the country for highly-skilled trades, would be too high to qualify, absent unusual circumstances.[4] Per the ED's request for comments on how to prevent subversion of the intent of the law, we recommend that the ED implement safeguards to prevent the award of federal dollars to enrollees in their second or third year of apprenticeship in the construction industry. Indeed, continuing income eligibility after completion of the first year of construction apprenticeship may indicate that a workforce program: 1) dispatches apprentices to work for sponsors who pay substandard wages, 2) fails to deliver to learners expected or advertised work opportunities during or upon completion of the workforce program, and/or 3) fails to provide the needed mentoring of newcomers to the workforce to promote and support their success.

Finally, using sheet metal JATCs and related programs as examples, these comments also describe the necessary investment by multi-employer RAP sponsors in projection of changing industry demand for skill sets as technology evolves, RTI curriculum modification and development to meet these changing demands, investment in multi-modal RTI training, including simulators, to ensure that apprentices do not endanger themselves or co-workers before being dispatched to work,[5] and producing industry-recognized credentials that enhance marketability.

[4] Unusual medical expenses or a high number of dependents are two possible extenuating circumstances.
[5] The costs of providing RTI in a construction trade, including the use of different types of trade-specific simulators, such as VR crane simulators, may not be a cost-effective use of community college resources. https://www.iti.com/blog/sheet-metal-workers-local-19

Recommendations

I. A Mandatory Minimum Job Placement Rate of 90% at the Time of Graduation for RAPs Would Reflect the Reality that Sponsors of RAPs Recruit Apprentices to Fill the Job Demands of Participating Employers

The proposed 70% job placement rate "during the second quarter after exiting the program"[6] may be appropriate for workforce programs that issue a certificate but do not place learners in a job during the training program or upon graduation. It would be, however, an inappropriate standard for RAPs since a 70% job placement rate does not reflect the recruitment, training, and employment models in the construction industry. Multi-employer RAPs recruit apprentices to fill jobs already earmarked for the entering class and dispatch apprentices to jobs throughout the program and upon graduation to afford them the opportunity to acquire the skills needed to master the occupation. Consequently, a mandatory minimum job placement rate of 90% at the time of graduation (as opposed to 180 days later) in the "apprenticeable occupation"[7] for which the graduate received training would better reflect the reality that sponsors of RAPs recruit apprentices to fill the demands of participating employers. Job placement in occupations other than the high-skilled and high-wage "apprenticeable occupation" for which the apprentices trained should not count toward the RAP's job placement percentage.

In the construction industry, the job placement rate should be far higher than 90% for those apprentices who complete the RAP because OJT is the bedrock of apprenticeship in the industry;[8]

[6] *See* proposed § 690.94(a)(2)(B): "A job placement rate of at least 70 percent, calculated as the percentage of students that are employed during the second quarter after exiting the program."
[7] 29 C.F.R. 29.4(a)-(d).

[8] *See* description of construction industry job placement, as described in the course catalog of Community College of Baltimore, which states program participants "Work full-time as an apprentice and take a structured series of courses that includes content that supports the tasks you perform at work." CCBC partners with union and non-union RAP sponsors in the sheet metal worker, operating engineer, electrician, plumber and steamfitter, carpenter, and other skilled construction trade occupations. Graduates receive a journeyperson certificate from the Maryland Department

there would be no reason for a RAP to exist without a demand for highly-skilled workers. The typical model for recruitment of apprentices for JATCs involves projection of future demand based upon work "on the books" in the geographic area within the JATC's jurisdiction and screening applicants to ensure that they have the technical aptitude to succeed.[9] Sheet metal JATCs do not **enroll** apprentices until they have conducted a sufficient analysis of projected available work for the entering class of apprentices based on a survey of participating employers. Relevant information includes journeyworker and apprentice hours in the recent past for each participating employer; the number and types of projects and projected hours anticipated on each project that the participating employers already have "on the books," along with bid documents; and information on projects on which participating employers plan to submit bids. When there is an expected increase or decrease in available work, the size of the class of admitted/enrolled apprentices adjusts accordingly.

II. A "Look-Back" Period of Longer than 12 Months for RAPs that Partner with IV Institutions Would Better Ensure That Recipients of Pell Grants Secure High-Skilled and High-Wage Employment in the "Apprenticeable Occupation" Upon Graduation from a Workforce Program

SMART and SMACNA encourage the ED to require a longer look-back period than 12 months to ensure that a RAP has a sufficient track record in training apprentices, as evidenced by the factors listed in the proposed regulations.[10] Pell grant money would best achieve the ED's

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of Labor (the certifying organization and earn a CCBC Workforce Certificate and have access to a Continuing Education academic record (transcript).

[9] To assess the ability of applicants to succeed in the program, JATCs typically administer third-party objective tests, such as the GAN Aptitude Battery, Armed Services Vocational Aptitude Battery (ASVAB), and the Bennett Mechanical Aptitude Test, which examine reading comprehension, math, spatial relations, and mechanical ability. Applicants who earn a score above a cutoff are invited to continue the application process.

[10] *See* proposed § 690.93(d)(4), which requires that the Governor determine that the workforce program has met all the requirements for the Governor's approval for at least 12 months preceding the Governor's certification. Proposed § 690.94(a) (1) states that "The program has met the conditions under 34 CFR 690.92(a) and (b) for the 12 months preceding the date on which the institution applied for eligibility for the program."

desired goals – job placement in highly-skilled and high-wage jobs – if it extends the look-back period for RAPs to five years.[11] The proposed 12-month look-back period is far too limited in industries in which RAPs are a well-established means to training highly-skilled workers, particularly the construction industry where the RA model has been time-tested for generations. We recommend that ED regulations require that, when IV institutions partner with RAPs to provide RTI, the RAP must have a proven track record of meeting the proposed rule's eligibility conditions for a minimum of five years. Additionally, for RAPs that directly charge apprentices for RTI or refer apprentices to community colleges, trade schools, or other entities that charge a fee for RTI,[12] eligibility determinations should consider the value-added for the same five-year period.

III. Review of the Mode of Delivery and Effectiveness of Safety Training Should be a Factor in Determining Workforce Program Eligibility in High Risk and High Injury Occupations

In the construction industry and other industries with high injury and fatality rates, the need for effective safety training further supports both the imposition of a longer look-back period for providers of RTI and a review of the manner in which a workforce program delivers safety training. High quality, interactive RTI is indispensable to safety of apprentices with no experience in avoiding the dangers presented by potential falls from heights, being struck by heavy equipment, improper operation of hand tools and power tools, etc. Well-trained instructors in sheet metal JATCs have the experience and expertise to train apprentices to recognize and avert safety risks.

[11] The five-year look-back period recommended by SMART and SMACNA would be consistent with the five-year period in proposed § 690.92 (g), which states that an eligible program "Is offered by an institution that, during the five years preceding the date of the determination, has not been subject to any suspension, emergency action, or termination of programs under this title."

[12] Sheet metal JATCs provide RTI to apprentices at no cost. As noted above, the wage progression of apprentices from first-year apprenticeship to graduation is set forth in collective bargaining agreements.

In providing RTI, the instructors make sure that they engage the attention of the apprentices by using interactive exercises, modeling correct use of personal protective equipment (PPEs), using hands-on techniques/demonstrations, and sharing their own experiences on worksites and/or inviting other journeypersons or more experienced apprentices to speak at the safety training. These instructors understand that the method of delivery of training – passive or active techniques – impacts its effectiveness.

Research shows that the "most engaging" methods of safety and health training "emphasize principles of behavioral modeling," which involves "observation of a role model, modeling or practice, and feedback. These methods also include hands-on demonstrations."[13] Another study shows that high safety engagement training has a "greater beneficial effect" than lowerengagement training.[14] Construction workers "consistently" prefer "participatory teaching methods over traditional classroom instruction," i.e., "hands-on" and "reality-based" training.[15]

IV. If the ED Increases the Amount of RTI that Ineligible Programs are Permitted to Provide in Partnership with IV Institutions, the Allowable Percentage in the Construction Industry Should be Correlated with a RAP's Metrics of Success Over a Five-Year Period

The ED seeks comments regarding proposed § 668.5, which would allow eligible institutions to enter into a written arrangement with an "ineligible institution or organization," such

[13] Michael J. Burke, Sue Ann Sarpy, Kristin Smith-Crowe, Suzanne Chan-Serafin, et al., "Relative Effectiveness of Worker Safety and Health Training." *American Journal of Public Health* (2006), 96(2): 315-324.

[14] Lynda Robson, Carol M. Stephenson, Paul A. Schulte, Benjamin C. Amick III, et al., "A Systematic Review of the Effectiveness of Occupational Health and Safety Training." *Scandinavian Journal of Work Environmental Health* (2012), 386(3):193-208.

[15] Vicki Kaskutas, Ann Marie Dale, Hester Lipscomb, John Gaal, Mark Fuchs, & Bradley Evanoff, "Changes in Fall Prevention Training for Apprentice Carpenters Based on a Comprehensive Needs Assessment." *Journal of Safety Research* (2010), 221-723.

as a RAP, for up to 25% of an eligible workforce program. This provision effectively excludes workforce programs from participating as primary providers, even when those organizations have established track records of delivering outcomes that meet or exceed the rule's proposed benchmarks. The ED's rationale for the 25% limitation is that it cannot provide the "same level of quality assurance given the broad lack of experience in the accreditation industry in evaluating agreements for short-term programs."[16] SMART and SMACNA agree with this rationale for short-term programs that lack a proven track record in job placement and value-added. However, if, based on input from shareholders, the ED decides to increase the amount of RTI that ineligible programs are permitted to provide, the allowable percentage of RTI delivered by a RAP should be correlated with the RAP's five-year graduation rates, placement rates, and value-added.

V. Competent RAPs in Highly-Skilled Construction Trades Can Produce Reliable Evidence of Their Success in Delivery of High Quality RTI

In addition to meeting the proposed accountability metrics, competent RAPs with at least five years of experience in delivering RTI are able to produce reliable metrics of their success in delivery of quality RTI. Indeed, the of ability long-established RAPs to deliver quality RTI in highly-skilled construction trades, such as sheet metal, plumbing, and electrical, is recognized by community colleges, accredited certification bodies, end users and owners, professional associations, and in state, county, and local standards. For sheet metal JATCs, such evidence includes:

> **Articulation Agreements**: Dozens of individual sheet metal JATCs have articulation agreements and partnerships with community and technical colleges, which award college credit to graduates of our programs. The graduates of many local JATCs also receive credit through the National College Credit Recommendation Service (NCCRS). Additionally, the International Training Institute and Rowan University recently signed an articulation agreement through

[16] 91 Fed.Reg. at 11380.

which graduates of any sheet metal JATC in the country are eligible to receive 56 credits from Rowan that can be applied toward completion of the Bachelor of Arts in Construction Management.

Independent Third-Party Certification of Skills: NEMI affords apprentices and journeypersons the opportunity to obtain third-party certification of their skills through the Testing, Adjusting and Balancing Bureau (TABB), which is accredited by ANSI National Accreditation Board (ANAB), a nationally recognized accrediting agency. As the only testing, adjusting and balancing entity in the HVAC industry to earn ANAB accreditation under ISO Standard 17024, TABB-certified technicians and supervisors demonstrate the highest level of professional expertise. Accreditation is an accountability mechanism to ensure the quality and legitimacy of organizations offering personnel credentials and is a key component of an effective standardization system. In our industry, accreditation providers regulators, developers, and communities with confidence that mechanical systems are operating safely, efficiently, and in accordance with American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE).

Recognition of TABB Certifications in State, County, and Municipal Standards: TABB certifications earned by sheet metal apprentices and journeyworkers are recognized in state, county, and/or municipal school indoor air quality (IAQ) standards[17] and fire life safety standards.[18]

American Welding Society (AWS) Accreditation of JATC sites: The AWS has designated more than 100 JATC sites as accredited test facilities (ATF) to test and qualify welders for AWS certification for specialized work at nuclear facilities.[19] The *Specification for AWS Certification of Welders and Accreditation of Test Facilities* states that an ATF management is responsible for, among other things, for ensuring that personnel with adequate education, training, technical knowledge, and experience are assigned to perform their assigned functions. The AWS ATF program establishes the requirement that a facility, and its personnel, training

[17] *See e.g.*, California Public Utilities Code §1620. For purposes of this article, the following definitions apply: (a) "Certified TAB Technician" means a technician certified to perform testing, adjusting, and balancing of HV AC systems by the Associated Air Balance Council (AABC), the National Environmental Balancing Bureau (NEBB), or the Testing, Adjusting and Balancing Bureau (TABB)."

[18] State laws in at least six states (Delaware, Illinois, New Jersey, New Mexico, Nevada, and Washington) require testing and inspections of HVAC fire and smoke dampers be conducted by technicians certified in accordance with ISO Standard 17024. *See e.g.*, Illinois Fire and Smoke Damper Inspection Act, 425 ILCS 13/10(a).

[19] SMART signatory contractors hold a Nuclear Quality Assurance (NQA-1) Certification by the American Society of Mechanical Engineers (ASME). ASME's NQA-1 Certification Program provides centralized, independent, third-party certification for quality assurance programs in conformance with the ASME NQA-1 standard, "Quality Assurance Requirements for Nuclear Facility Applications." This standard reflects industry experience and current understanding of the quality assurance requirements necessary to achieve safe, reliable, and efficient utilization of nuclear energy, and management and processing of radioactive materials. To obtain an NQA-1 certification, candidates undergo an audit by ASME auditors with an extensive background in quality assurance.

materials, and equipment must meet for accreditation to test and qualify welders for AWS certification.

VI. SMART and SMACNA Programs Anticipate Changing Demands to Ensure that the Apprentice Training Evolves to Maintain Marketability in New Sectors, Such as Construction of Data Centers

To promote marketability of skills, a RAP must adapt training to an ever-changing economy as technological advances render some vocational skills outdated or obsolete.[20] With more than 50 years of curriculum development, the International Training Institute, along with NEMI, anticipate the need for training and re-training as technology in the sheet metal industry evolves and provide apprentices with the opportunity to earn a nationally-recognized, portable credential and independent third-party certification of in-demand skills. The skill sets needed to remain marketable in sheet metal occupations in rapidly-changing fields, such as energy, must be upgraded as sectors within the industry evolve.

An example of a rapidly evolving sector for which sheet metal JATCs provide updated training is construction of data centers, including construction of energy efficient cooling systems that are necessary to minimize water consumption. Construction of data center cooling systems have become more complex, including incorporation of air-side economizers, hybrid liquid and air designs, and advanced containment strategies. Improper airflow balancing, excessive static pressure, pump oversizing, or incorrect control sequencing can materially increase both energy consumption and water usage. The independent verification of system performance is critical to ensure that facilities achieve intended energy efficiency and water conservation outcomes. TABB-certified testing, adjusting, and balancing (TAB) technicians have the skills to verify that that

[20] *See* Russ Juskalian, "Rebuilding the Ausbildung", *MIT Technology Review*, Jul/Aug 2018, Vol. 121, Issue 4, which states that some experts warn that Germany's vocational system will struggle to adapt as the economy grows more dependent on artificial intelligence and robotics and that it could "shackle much of the workforce to skills that will soon be outdated."

cooling systems operate as designed and achieve projected efficiency and water performance outcomes.

In conclusion, SMART and SMACNA appreciate the opportunity to submit comments in support of enhancing accountability metrics to ensure that Pell grant recipients in workforce programs secure high-skilled and high-wage jobs in the in-demand occupations for which they receive training.

Date: April 8, 2026

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