

## EducationCounsel Alert for March 19, 2026

This EducationCounsel Alert shares updates about various recent actions by the federal government relevant to education, including:

- [1. USED Proposes Regulations Implementing Workforce Pell Grants](#)
- [2. Court Temporarily Pauses College Admissions Data Collection](#)
- [3. Administration Launches First USED Grant Competitions Co-Administered by the Department of Labor](#)
- [4. USED Articulates its Anti-DEI Positions in Letters to Accreditation Agencies](#)
- [5. Executive Order Establishes a Task Force to Eliminate Fraud](#)
- [6. Other Significant Updates](#)

In addition to this week's Alert, please also see three recent EducationCounsel resources:

- [Tracking Federal Early Care and Education Policy Actions](#) summarizes key developments over the last year in early care and education and looks ahead to the second year of the Trump Administration to help the early childhood sector understand and respond to actions taken by the Administration, Congress, and the courts.
- [Congress Considers Bills on Child Care Fraud](#) provides brief overviews of eight bills that recently passed out of the House Education & Workforce Committee to amend the Child Care and Development Block Grant (CCDBG) Act.
- [Federal Policy Update](#) is EducationCounsel's latest quarterly summary of key early childhood, K-12, and higher education policy priorities that have been advanced at the federal level by the Trump Administration and Congress over the past three months and how they could continue to play out in the coming months.

All of our summaries and analysis of the Administration's executive actions are available in one place by [clicking here](#). Please note that these developments are sometimes changing rapidly, and *this Alert and all our materials are meant to provide general guidance and do not constitute specific legal advice.*

### 1. USED Proposes Regulations Implementing Workforce Pell Grants

On 3/6/26, USED [released](#) proposed regulations to implement the new Workforce Pell (WFP) program created by the One Big Beautiful Bill Act. Because the negotiated rulemaking committee [reached consensus](#) on regulatory language, the text of the new proposed regulations is consistent with that consensus.

The proposed regulations would, for the first time, allow very short programs offered by accredited and Title IV eligible institutions to be eligible for Pell grants (beginning on 7/1/26). To be eligible, the programs must include between 150–600 clock hours or 8–15 weeks of instruction. The programs must prepare students for jobs that are “high-skill and high-wage” and must confer a recognized credential. They must also have at least a 70% completion rate, a 70% job placement rate, have existed for at least a year, and program graduates must earn wages that exceed 150% of the federal poverty line—with tuition limited to only the difference between the wages and 150% of the federal poverty line.

Although these represent numerous requirements that WFP programs must meet to be eligible for Pell grants, USED's consensus regulatory language places nearly all the responsibility for determining eligibility on states. OBBBA requires USED to ensure that several of the metrics are being met. However, as a practical matter USED will allow the program to be eligible so long as the state certifies it is meeting nearly all the requirements, including the completion rate, job placement rate, credential requirements, transferability and "stackability" of credentials, and that the program prepares students for "high-skill and high-wage" jobs. The only elements of WFP that USED will independently verify are that the earnings of program graduates exceed 150% of the poverty level and that the program's tuition does not exceed students' "value-added earnings" (i.e., the amount earned above 150% of the poverty line). As a result, program quality may vary widely across states. It also creates an oversight mismatch: outcomes metrics drive federal eligibility, but the gatekeeping function sits largely with state processes that vary widely in capacity, transparency, and susceptibility to influence by WFP providers' influence.

Most states—through their governors' offices and state workforce/labor boards—are currently working to finalize the definitions and details needed to approve programs for eligibility in advance of the 7/1/26 launch. Programs that have already existed for a year will be immediately eligible to apply, though it is not yet clear how many such programs will be ready by 7/1/26 given the state and accreditor approval processes required before applying for eligibility to USED.

## 2. Court Temporarily Pauses College Admissions Data Collection

On 3/13/26, a federal court in Massachusetts extended the deadline for institutions of higher education (IHEs) to submit newly required admissions data to USED as part of the Admissions and Consumer Transparency Supplement (ACTS) survey component of the IPEDS data collection. The temporary restraining order pushes the data submission deadline set by USED from 3/18/26 to 3/25/26 to provide the court time to consider a [lawsuit](#) filed by a coalition of 17 state attorneys general. The states argue that USED's new data submission requirements violate the Administrative Procedure Act in multiple ways, object to the "scope, breadth, and rushed process of implementing" the new requirements, and warn that IHEs will be subject to "costly investigations based on unreliable data" given the Administration's stated goal to use the data to investigate IHEs' compliance with the Supreme Court's decision in *SFFA v. Harvard*. (See our [8/21/25 Alert](#) for more information about the ACTS data collection. For more on challenges with the ACTS survey's design and implementation, see this Institute for Higher Education Policy [blog post](#).)

## 3. Administration Launches First USED Grant Competitions Co-Administered by the Department of Labor

On 3/17/26, USED and the U.S. Department of Labor (DOL) jointly [announced](#) a new grant competition for the [Talent Search Program](#), the first such competition administered via one of the nine [interagency agreements](#) (IAAs) that the Administration is using to shift functions and funds from USED to other federal agencies. (For more on the IAAs, see our analysis, [Beyond "The Maximum Extent Permitted By Law"](#).) One of the [Federal TRIO Programs](#), Talent Search "identifies and assists individuals from disadvantaged backgrounds who have the potential to succeed in higher education." It has previously been administered by USED's Office of Postsecondary Education. The press release emphasizes that the grant competition is part of the Administration's efforts to "break[] up the Federal education bureaucracy" and notes that other TRIO grant competitions will "follow later this spring and summer."

#### 4. USED Articulates its Anti-DEI Positions in Letters to Accreditation Agencies

On 3/16/26, Under Secretary of Education (serving in the capacity of Senior Department Official) Nicholas Kent issued decision letters to the Middle States Commission on Higher Education (MSCHE) and the American Physical Therapy Association (APTA) on renewal of recognition. The letters outline the requirements these accreditors must meet to retain full USED recognition as accrediting agencies, including fully rescinding any DEI standards. The letters are accessible [here](#), in the “NACIQI Meeting Date: 10/21/2025” section’s “Senior Department Official / Secretary’s Decision Letter” column. The DEI discussions appear on pages 2-6 of MSCHE’s letter and pages 5-9 of APTA’s letter.

Notably, the letters include extended commentary about the Administration’s significant concerns with accrediting agencies’ “standards related to diversity, equity, and inclusion (DEI).” Despite acknowledging that both agencies had already suspended enforcement of their DEI standards, USED found there is still more work to be done to remove standards “that violate federal law.” Kent argues that the standards constituted racial discrimination under the 5th and 14th Amendments to the Constitution as well as under Title VI of the Civil Rights Act of 1964. Ultimately, Kent approved the renewals pending submission of two additional monitoring reports that demonstrate to USED’s satisfaction that those agencies are not pursuing standards that “violate federal law.”

USED may apply the same anti-DEI arguments to other education policies including upcoming higher education actions such as the [upcoming accreditation rulemaking](#), ongoing changes to the Administration’s [approach](#) to the “Minority-Serving Institution” designation, use of the ACTS admissions data (discussed [above](#)), and the design of various discretionary grant competitions. They may also inform future debates over the collection and reporting of disaggregated data, given Kent’s objections to MSCHE (formerly) encouraging its institutions to “reflect deeply and share results on diversity, equity, and inclusion (DEI) in the context of their mission.” Kent interprets this as a “subliminal message” that the accrediting agency expects its institutions to illegally award benefits on the basis of race (“Of course, to ‘share results’ you must have a result in mind and take concerted action to achieve such results.”).

#### 5. Executive Order Establishes a Task Force to Eliminate Fraud

On 3/16/26, President Trump signed an [Executive Order](#) establishing the Task Force to Eliminate Fraud, a federal government-wide initiative aimed at investigating alleged misuse of federal funds across benefit programs. (An accompanying fact sheet can be found [here](#).) The task force, led by Vice President Vance, has been directed to develop a national anti-fraud strategy within 90 days, expanding the Administration’s earlier efforts that focused on specific states. The task force’s strategy must include, among other things, measures to improve eligibility verification, implement pre-payment controls, enhance data-sharing between federal and state entities, disrupt “fraud networks,” and audit benefit programs for compliance. The taskforce will also examine and recommend ways to withhold federal funds from jurisdictions that do not have anti-fraud measures in place that the Administration judges to be “adequate.” The EO also directs the Attorney General to “take appropriate action to promote” lawsuits brought by third parties under the False Claims Act regarding alleged fraud.

## 6. Other Significant Updates

All recent updates will appear in the [Executive Actions Chart](#), but some of note include:

**Updates on State ESSA Waiver Proposals:** On 2/18/26, USED [approved](#) the Louisiana Department of Education’s (LDOE) application for Ed-Flex authority through the 2029-30 school year. The authority permits LDOE to grant district- or school-level waivers of certain statutory or regulatory requirements related to the Carl D. Perkins Career and Technical Education Act of 2006 and to ESSA’s Title I, Parts A, C, and D; Title II, Part A; and Title IV, Part A. There are also several provisions for which the state is not permitted to waive any requirements including, but not limited to, IDEA requirements; ESSA’s standards, assessments, and accountability requirements; distribution of funds to states or to districts; and maintenance of effort requirements. While Ed-Flex authority does not apply to any state-level requirements, the public comment period for LDOE’s related draft [ESSA waiver application](#) for state-level flexibilities closed last month.

Additionally, on 3/4/26, the Indiana State Board of Education (SBOE) [approved](#) a new K-12 accountability model, which keeps an A-F grading system for schools but changes how the scores are derived. The Indiana Department of Education (IDOE) previously [submitted](#) an ESSA waiver request to USED, which among other things seeks to waive federal accountability requirements in favor of the unified school grading system administered by the SBOE. Last month IDOE [asked](#) USED for “a brief and temporary pause” in their review of their waiver request [while](#) they “work[ed] through the final touches in our accountability model.” With the model now approved (pending review by the Office of the Attorney General and the Governor’s signature), IDOE may soon resume USED’s waiver review process.

**OCR Finds School District’s Trans-Inclusive Policies Violate Title IX:** On 3/13/26, USED [announced](#) that its Office for Civil Rights (OCR) completed a Title IX investigation into Jefferson County Public Schools (JCPS) in Colorado, concluding that the district’s policies violate Title IX by permitting students to access facilities and participate in athletics based on their gender identity. OCR’s proposed resolution agreement would, among other things, require JCPS to publicly align its policies with USED’s definition of “sex.” Notably, OCR asserts that JCPS must also agree that this definition “applies irrespective of state law or regulation and the policies of sports governing bodies,” despite explicit protections in these contexts for transgender and nonbinary students under Colorado state law. JCPS has ten days to accept the agreement or risk administrative proceedings by OCR or a referral to DOJ.

**California State University Sues USED over San Jose State University Title IX Investigation:** On 3/5/26, the Board of Trustees of the California State University [sued](#) USED, after a recent OCR [investigation](#) into San Jose State University (SJSU) found that the school’s gender-identity policies related to athletics and access to facilities violate Title IX (see our [2/4/26 Alert](#) for additional information). The incidents OCR examined in its investigation involved the participation of a transgender player on the women’s volleyball team from 2021-2024, before President Trump [issued an EO](#) on 2/25/25 seeking to exclude transgender players. The university contends that SJSU’s policies were consistent with relevant federal legal precedents and the federal guidance in effect at the time the incidents took place.

**OPM Issues Proposed Rule for Reductions in Force:** On 03/05/26, the Office of Personnel Management (OPM) [published](#) a proposed rule to modify Reduction in Force (RIF) and related processes across the federal government. The Administration has used RIF proceedings to terminate the employment of more than 300,000 federal workers since taking office, including [significant numbers](#) of USED staff. One of the most significant changes in the proposed rule relates to how agencies determine which employees are retained and which are separated during a RIF—the rule would revise the calculations to deemphasize veteran status and length of service and to make performance ratings the primary factor. When taken alongside recent [proposed](#) changes to

the federal performance rating system that would limit the number of employees who can receive top ratings, shifting the dominant factor to performance ratings could significantly change who is retained and who is let go during a RIF, including by making the process more subjective.

The proposed regulations would also change “transfer of function” processes that currently allow an employee to move with their position if their work is transferred to a different office within the agency. Other changes included in the proposed regulation would exclude from the protections of the formal RIF processes additional categories of employees, such as employees with less than a year of service, and certain types of actions, such as demoting employees to lower-level positions if the duties of their position have “eroded” over time. These proposed changes to the RIF process are in addition to [other](#) recent proposed and final rules from OPM that impact the civil service. Comments on the proposed rule are due by 05/04/26.

**New Office of Head Start Director at HHS:** [Lizbeth Casco White](#) recently joined the U.S. Department of Health and Human Services (HHS) as the new Director of the Office of Head Start. She most recently served as the Deputy Secretary of Labor in Virginia under Governor Youngkin. Casco White previously worked in Washington, D.C., implementing Head Start standards in centers and family child care homes.

**Medical Schools Agree to Provide Nutrition Education:** On 3/5/26, USED and HHS jointly [announced](#) that 53 medical schools from 31 states have agreed to require “at least 40 hours of nutrition education, or implement a 40-hour competency equivalent, for students starting in the fall of 2026.”

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*DISCLAIMER: Consistent with our mission, EducationCounsel is working to update and support the field as federal actions consequential to education are unfolding. The information provided above does not serve as legal counsel and, given the pace of action, could be outdated quickly. Nonetheless we hope this information is helpful. If you have any suggestions or feedback please send it to [info@educationcounsel.com](mailto:info@educationcounsel.com). Updates in this Alert are current as of March 19, 2026 at 8:00 am ET.*