PRWORA Compliance FAQ for Perkins

What is the new federal interpretation of PRWORA, and how does it affect the Perkins program?

The U.S. Department of Education has issued a Notice of Interpretation stating that:

- Programs funded by Perkins V are now classified as "federal public benefits" under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA).
- As such, only U.S. citizens, noncitizen nationals, and certain "qualified aliens" may participate.
- The interpretation rescinds the 1997 Dear Collegue Letter, which had exempted career and technical education (CTE) and adult education programs from PRWORA restrictions.

This interpretation stems from Executive Order 14218 (*Ending Taxpayer Subsidization of Open Borders*) and took effect August 9, 2025.

1. Who qualifies as a "qualified alien"?

Qualified aliens under PRWORA generally include:

- Lawful permanent residents (green card holders)
- Refugees and asylees
- Persons granted withholding of deportation or parole
- Condition entrant into the U.S.
- Cuban or Haitian entrant
- Amerasian immigrant
- A battered immigrant spouse, battered immigrant child, immigrant parent of a batter child or an immigrant child of a battered parent
- COFA Migrant

2. Are undocumented students allowed to participate in postsecondary CTE programs funded under Perkins V?

No. Perkins V is now considered a federal public benefit, and undocumented students are ineligible, regardless of enrollment status or academic standing.

3. Are undocumented students allowed to participate in postsecondary CTE programs not funded under Perkins V?

Yes. This guidance only applies to Perkins V-funded programs.

4. Can secondary students (in K-12) who are undocumented still participate in Perkins-funded programs?

Yes. K-12 education remains protected under the Supreme Court's *Plyler v. Doe* decision, which requires access to a basic public education for all children regardless of immigration status. Since most Perkins-funded secondary CTE programs fall under this umbrella, undocumented students can continue participating at the secondary level. *See question 6 for K-12 concurrent enrollment students.*

5. How does this affect concurrent enrollment?

Concurrent enrollment programs are affected if the postsecondary institution uses Perkins funds for that program. While undocumented students may have a legal right to a public education under *Plyler*, ED is now interpreting that precedent to mean only a "basic public education" – not postsecondary education (to include concurrent enrollment or early college experiences).

- If a student takes college credit courses through a community college and that program is supported with Perkins dollars, even if the course occurs at the high school, their eligibility will depend on their citizenship or immigration status.

- However, if a concurrent enrollment course is being used to fulfill offer-and-teach, then the course would fall under one's basic public education and undocumented students would remain eligible for these courses. *IAC chapter 281-12.*
- If a high school offers CTE classes that do not award college credit, those students remain eligible regardless of immigration status.

6. Do institutions need to report citizenship or immigration information?

No. Institutions are not required to affirmatively report citizenship or immigration data to the U.S. Department of Education. However, institutions should be prepared to demonstrate that ineligible students are not being served using Perkins funds during U.S. Department of Education routine monitoring, audits, or compliance visits.

7. If students aren't directly receiving Perkins funds, how is this considered a federal public benefit?

Although funds are typically used for programming, not direct payments to students, the new guidance makes clear that these programs should not benefit individuals who are ineligible under PRWORA. The U.S. Department of Education and Department of Labor have stated that:

"Supporting instruction, job placement, or services that benefit undocumented individuals – even directly – may violate funding rules."

"Institutions should review funding use and ensure reasonable safeguards are in place."

Institutions are encouraged to consult legal counsel to determine how to implement this guidance in the institution's specific context.

8. When does this take effect?

The Notice of Interpretation became effective August 9, 2025. However:

- No active enforcement is expected on day one.
- The U.S. Department of Education and Department of Labor will include this in broader oversight reviews.

Institutions should begin aligning policies and practices immediately.

9. What steps will the Iowa Department of Education take with the new PRWORA interpretation?

The Iowa Perkins grant application process will require grantees to affirm that they understand and acknowledge the updated PRWORA guidance regarding eligibility for federal public benefits.

This assurance does not require reporting immigration status, but it confirms the institution's awareness of federal funding restrictions.

10. Who can institutions contact for clarification or support?

Please direct questions to:

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Note: Other federal programs, including AEFLA (Adult Education and Family Literacy Act) and WIOA (Workforce Innovation and Opportunity Act) are also impacted. Please contact Iowa Workforce Development for specific questions regarding these programs.