



July 16, 2020

Assistant Secretary Robert King
Office of Postsecondary Education
U.S. Department of Education
LBJ Building, 400 Maryland Avenue, SW
Washington, DC 20202

RE: Docket ID ED-2020-OPE-0078

Dear Assistant Secretary King:

On behalf of the Association for Career and Technical Education (ACTE), the nation's largest not-for-profit association committed to the advancement of education that prepares youth and adults for career success, and Advance CTE, the nation's longest-standing not-for-profit that represents State Directors and leaders responsible for secondary, postsecondary and adult Career Technical Education (CTE) across all 50 states and U.S. territories, we write to express our opposition to RIN 1840-ZA04 regarding the eligibility determination of students at institutions of higher education for funds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

As stated in the regulation, the CARES Act, Public Law 116-136, uses the broad term "students" to reference individuals that can be provided grants under Section 18004(c). There were no restrictions on this term included in the legislation, leading postsecondary institutions to believe during the initial implementation of the law that they could provide aid broadly to any students on their campus who needed support. This rule would severely restrict the ability of our members – primarily at community and technical colleges and area CTE centers, to allocate resources effectively to their students most in need.

By using the Title IV eligibility standard for administration of the CARES Act's provision on the Higher Education Emergency Relief Fund (HEERF), a wide swath of students for whom the coronavirus has immeasurably impacted will be barred from assistance, even though the challenges they face are identical, if not oftentimes more exacerbated, than other eligible students. Specifically, use of the Title IV eligibility standard means that students enrolled in noncredit, short-term or dual enrollment programs, along with other students who do not have a high school diploma or equivalent, will not have access to this much-needed aid as they work to increase their skills and prepare for employment.

The HEERF provision specifically cites things like food, course materials, health care, child care and technology as eligible expenses for which funding can help support students. These expenses do not discriminate as to whether a student, and the program in which they are enrolled, meets the Title IV eligibility requirements. Unemployment is high and the economic burden of the coronavirus has fallen

hardest on those at the bottom of the economic ladder. Now is not the time to punish those who are working hard to better themselves by pursuing CTE, regardless of their existing education credentials or the type of program they pursue. The very purpose of the Emergency Financial Aid Grants was to provide much needed financial relief for students who need it most. This rule unquestionably conflicts with these goals. Non-credit, short-term and adult education students are more likely to be non-traditional students, such as adult learners, low-income students, and language minority students. This means they are likely to be working and supporting family members and facing unprecedented challenges during the transition to remote learning, likely to a greater degree than other, eligible students. Aid to these populations should be prioritized, not restricted!

We are concerned that the Department's primary justification for the rule is that a different standard "would require the Department and institutions to wade through a litany of specific questions about which groups of potential students do or do not qualify for 'grants to students.'" Such justification implicitly acknowledges that the eligibility requirements are not based on reasoned public policy or the likely needs of students in response to the coronavirus. We reject the idea that this is an acceptable reason to make some of the most impacted and disadvantaged students forgo much-needed aid. While we recognize, appreciate and understand the desire to streamline and simplify administration of these funds, it should not be at the expense these students, many of whom have already overcome seemingly insurmountable obstacles. The additional rationale provided, that it will help to prevent "waste, fraud and abuse," is frankly an insult to the educators around the country that have been working diligently to serve students during these unprecedented times. If program quality is truly the concern, institutional accreditation or other proxies could be used to address this issue, without unfairly penalizing students who may not be in programs that are Title IV eligible.

We urge you to reconsider the eligibility requirements so that students pursuing noncredit or short-term programs, along with adult education and dually-enrolled students without a high school diploma or equivalent, can access this federal aid.

Thank you for your attention to this matter and for your consideration of our concerns. If you have any questions, please feel free to reach out to Kimberly Green, Advance CTE's Executive Director at kgreen@careertech.org or Alisha Hyslop, ACTE's Director of Public Policy at ahyslop@acteonline.org.

Sincerely,



LeAnn Wilson
Executive Director
ACTE



Kimberly A. Green
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