

January 22, 2024

Federal TRIO Programs Subcommittee
Program Integrity and Institutional Quality Committee
United States Department of Education

RE: Expanding TRIO Programs Eligibility to Undocumented Students

Dear members of the Committee and fellow members of the Subcommittee:

As I stated at the subcommittee meeting on January 12, 2024, I strongly support the Department's proposal to expand eligibility for TRIO college access and success programs. I would like to address concerns about the proposal raised by my fellow subcommittee members and offer technical suggestions for making the rule even more inclusive.

Washington state's experience is important to understand in the context of the concerns raised over the political climate in the country surrounding immigration and individual status issues. I'm not going to discuss the debates we hear on various media outlets or the broad reaching political debate at the national, state, or local level. That conversation is not relevant and did not seem to be the focus of the comments made by subcommittee members who opposed the rule change.

What was raised was the fear of backlash against TRIO programs that might endanger their ability to serve currently eligible students. There is relevant experience that indicates that these broader and contentious policy discussions have not affected the ability of community-based programs to serve the needs of all students in an inclusive way.

The reality on the ground across the country is far more nuanced and complex than what one sees in the national media. Some might lump entire states in one camp or the other on this issue. That does not reflect the differences that exist at the community level. In some states that might be perceived as hostile political environments on this issue there are many communities that do not adhere to that perspective. And the opposite is true. In Washington, there is no monolithic perspective, and it certainly varies by geography.

Washington has a long history in educating undocumented students in our colleges and universities – and supporting them with our state financial aid programs that WSAC administers. In SY 2023, we provided WA College Grants to almost 2,800 undocumented students.

WSAC manages our state GEAR UP program which provides student supports like those provided by TRIO programs. We serve undocumented students in our GEAR UP programs. In SY 2022, we served a total of 5,593 students in 34 schools in 26 high-poverty districts. Many of these school districts are in rural areas where large scale agriculture dominates the labor market. This has drawn large numbers of undocumented residents to these communities and children to their schools.

We have not experienced a backlash at the community level to the inclusion of all students in these programs. And we have not seen any attempts at the state level to roll back the policies that support serving all students. This is the dynamic that will determine if there is any backlash that is detrimental to TRIO or other programs that help students succeed in the communities where they live. Vitriolic debates over other aspects of immigration policy will not cross over to jeopardize these programs. We should not allow these fears to get in the way of serving students.

Washingtonians know that to build strong local economies across the state, we must provide onramps to prosperity for all our residents. That's why we have taken an inclusive approach to serve students in GEAR UP, WA College Grant and on the campuses of our colleges and universities. We are proud of what we're doing in Washington, and I know we're not alone among states.

I encourage the Department to ensure all students have reliable paths to prosperity, including the completion of high-quality secondary and postsecondary education. Expanding eligibility for federal TRIO programs, which serve over 800,000 students across the country, is one tool for doing just that.

In 2021, a broad coalition of education and immigration stakeholders wrote to Secretary Cardona, urging the Department to "eliminate the regulatory requirement that participants in the Federal TRIO Programs be U.S. citizens or permanent residents to access TRIO's life-changing college access and completion services." A copy of that letter is attached for your reference.

I am pleased the Department took this encouragement seriously, and that the Department proposed to act on it in the 2024 negotiated rulemaking process. I was encouraged enough that I wanted to serve on the subcommittee to support and, if possible, strengthen the proposal.

To that end, I am also attaching a new letter with many education and immigration stakeholders urging the Department to "support the expansion of eligibility for Federal TRIO programs to include undocumented students."

Signatories include AASCU, Atlanta Public Schools, The Education Trust, FWD.us, HACU, NACAC, NEA, National Immigration Law Center, Presidents Alliance on Higher Education and Immigration, University of California System, UC Student Association, United We Dream, Voto Latino, and dozens more.

In addition to joining these organizations' call for the Department to move forward with its proposal to expand TRIO program eligibility, I'll address some substantive issues from the subcommittee meeting.

Some negotiators argued against the proposal on the grounds that permitting undocumented students to receive Upward Bound (one of the TRIO programs) services, but not stipends (the Department reasons that providing stipends would violate PRWORA), is an "equity issue." First, the stipends issue is not relevant for all programs so should not be a deal-breaker for the overall proposal. Second, one of the negotiators raised a practical solution: grantees could use non-federal funds to provide stipends to students prohibited from receiving federal stipends. Someone could do the math to estimate how many undocumented students Upward Bound programs would serve and what that would require in non-federal stipends. I'm optimistic that private philanthropy would step up to fill the gap.

Another critique negotiators offered was that TRIO grantees serving undocumented students would perform worse on measures such as college enrollment of program participants because of admissions

and financial aid barriers undocumented students face in some states, and this would hurt grantees' chances of receiving future grants, which are, in part, graded on measures of "prior experience." While this wouldn't be an issue in Washington or many other states where undocumented students can enroll in and receive financial aid to attend higher education institutions, it is true that there are some states that make it difficult for undocumented students to pursue and pay for higher education. But the Department addressed this critique in the meeting. Grantees are held to progress against self-set objectives, and the Department would take enrollment barriers into account when approving project objectives and reviewing performance. The "prior experience" concern among grant-seekers is a non-issue.

Finally, I encourage the Department to expand eligibility for all TRIO programs – not only Talent Search, Upward Bound, and Educational Opportunity Centers – and add "previously attended high school in the U.S." to the list of TRIO program eligibility criteria to make the eligibility expansion even more inclusive. While I agree with the Department about the importance and iron-clad legal basis for educating all children in primary and secondary schools, the impact of the Department's eligibility expansion would be substantially greater if EOC, Student Support Services, and the Ronald E. McNair Post-Baccalaureate Achievement program could serve any student who previously attended high school in the U.S., if the student didn't meet other eligibility criteria. The Department has already established policy rationale for this more inclusive approach by including Student Support Services in the current Performance Partnership Pilot ("P3") for Disconnected Youth it granted California and Oregon to serve undocumented students in TRIO programs.

Thank you for including me on the TRIO subcommittee and for your consideration of the above. I would appreciate the opportunity to brief the full negotiating committee on these issues to support their consensus-seeking process.



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