

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
NEGOTIATED RULEMAKING TRIO SUBCOMMITTEE
SESSION 1, DAY 1, MORNING
JANUARY 12, 2024

On the 12th day of January 2024, the following meeting was held virtually, from 10:00 a.m. to 12:00 p.m.

P R O C E E D I N G S

MS. K. SMITH: Good morning, everyone, and welcome to session one of the Federal TRIO Program Subcommittee Meeting. My name is Krystil Smith, and along with my colleague Cindy Jeffries, I will be facilitating this session and the February session for the subcommittee. At this time, though, I would like to turn it over to our lead subcommittee member, who is Aaron Washington with the Department.

MR. WASHINGTON: Hello, everybody. My name is Aaron Washington and I will be the subcommittee team lead. And welcome to day one of the TRIO Subcommittee. Before we get started, we have a brief word from the Assistant Secretary of the Office of postsecondary education, Dr. Nasser Paydar.

DR. PAYDAR: Good morning. And on behalf of Secretary Cardona, Undersecretary Kvaal and the staff at the Department, welcome to the first session of the subcommittee on TRIO. I'd like to thank those of you at the table and the individuals who are observing online who have supported TRIO Programs, which are really essential for providing opportunities for our most vulnerable students for to find pathways from middle school through post baccalaureate programs. The Federal TRIO Program supports over 800,000 students from sixth

grade through adult education to overcome academic, financial, and social barriers in order to successfully transition from secondary and postsecondary education. We know that socioeconomic status and social capital can determine the types of opportunities a student has for social and economic mobility. Students who are the first in their family to attend college, or who come from low-income backgrounds, face barriers in navigating the complex financial aid and college admissions processes. Approximately 70% of student adults with at least one parent who has a bachelor's degree or higher have completed a bachelor's degree, compared to only 26% of adults who don't have a college educated parent. And among first-time full-time students in 2012 cohorts, only 22% of Pell Grant recipients have earned bachelor's degree after eight years, compared to 47% of non-Pell Grant recipients. Through TRIO, the Department funds over 3,000 grantees to provide services to thousands of students who are first in their family to go to college, who come from low-income backgrounds, who have a disability, or who are learning English. Programs like Talent Search provide students in the middle school and high school with information about college admissions requirements and financial aid options. Upward Bound, provides academic instruction to prepare students for

higher education, in addition to mentoring and guidance as they prepare for the admissions and financial aid process. As a result, 84% of Upward Bound participants enroll in postsecondary education soon after high school graduations. These programs were created with the intention of serving students from disadvantaged backgrounds who are underrepresented in higher education, and our intention is to expand participation in the middle school and high school to reach even more students to align with the goals of the Higher Education Act. The proposal that the Department has put forward would expand TRIO services to the most underserved students in K-12 to achieve the basic level of education guaranteed to be equally available to all students and open the opportunity to a higher education. We look forward to hearing from you on this proposal. Before I wrap up, I want to thank the Department staff who have worked hard to make these sessions possible and will continue to work on these issues over the next several months. Thank you again to the members of the subcommittee who have volunteered their time to help us craft an eligibility proposal for TRIO Programs that will only help to expand opportunities for more disadvantaged middle school and high school students in this country. We deeply appreciate the work that will happen over the next couple

of months. Thank you very much.

MS. K. SMITH: Thank you very much, Dr. Paydar, for taking the time out of your schedule to be here today and for giving us some more information on the very important TRIO Programs. Thank you very much. At this time, I would like to introduce the subcommittee members. We have six members of the subcommittee, and we'll begin with representing the current or former participants in the Federal TRIO program, we have Wade Williams. Wade and Wade is here. If you can just state your name or just say that you're here as a roll call.

MR. WILLIAMS: Here.

MS. K. SMITH: Alright. Thank you, Wade. Good morning. Representing institutions of higher education, we have D'Angelo Sands.

MR. SANDS: Good morning.

MS. K. SMITH: Good morning, D'Angelo. For the public or private agencies or organizations, including community-based organizations with experience in serving disadvantaged youth, we have Emalyn Lopus.

MS. LAPUS: Hi. Good morning.

MS. K. SMITH: Good morning. Representing secondary schools, including local educational agencies with secondary schools, we have Geof Garner.

MR. GARNER: Good morning. Glad to be here.

MS. K. SMITH: Good morning, Geof. We do have a recent addition to the committee, representing state officials, including state higher education, executive officers, state authorizing agencies and state regulators of institutions of higher education. Michael Meotti has been appointed. Michael will not be able to join us for the 10 to 12 session. He will be able to join us at, beginning 1:00 pm eastern today. And to round us out, we do have the lead of our subcommittee, who represents the Department, and that is Aaron Washington. At this time, I will turn it back over to Aaron. Aaron will introduce himself and others along with him representing the Department. Aaron?

MR. WASHINGTON: Thank you, Krystil. So, you've already met me, but my name is Aaron Washington again for, like, I think, like the fourth time. I've been at the Department for about 11 years now in the same office, office of postsecondary education Policy, Planning, and Innovation. We call it PPI. I know everybody has acronyms at their job. So, if I say PPI Policy, Planning, and Innovation. I wanted, you know, I wanted to try and provide like a fun fact. I know this is a very small subcommittee, so I thought that'd be kind

of, I don't know, just to get to know each other a little better so the public viewing can know us a little better. We can just say something about ourselves that may not be totally apparent just based on the conversations we'll have, but I actually had the honor of participating in the McNair Scholars Program when I was an undergraduate in college. So, I do have a unique familiarity with the TRIO Programs, and they really help me out a lot in my journey through postsecondary education. So again, I'm really excited to be here with you all. I'm really looking forward to robust conversation about the Department's proposal, and I will turn it over to Gaby.

MS. WATTS: Good morning, everyone. I am so excited. Hi everyone. Hi, Emalyn, hi D'Angelo, hi Wade. I am so excited to be here this morning. You know I love my TRIO community and I love whatever's going to help us to move forward. And I thank you all for participating today. One fun fact about me. Well, one thing is that I am TRIO eligible, we were back in the day. I would be TRIO eligible. But another thing is, one of my favorite foods. Well, my favorite food is a french fry. I love a french fry. And I hope if you can see my cup, it says, exercise? I thought you said extra fries because I love a french fry. So thank you all for being with us today.

MR. WASHINGTON: Go to Hannah.

MS. HODEL: Hi, my name is Hannah Hodel. I am the attorney representative for the TRIO Programs. I've been with the Department since 2012, and with the Division of postsecondary education since about 2019. And a fun fact about me is that, I track how many books I read and I read, I realized about 50 books a year. So if you ever need a book club recommendation, I'm always happy to provide one.

MR. WASHINGTON: I'm trying to get to like one a year, so I need to like, step my game up. Maybe I might need some recommendations. And last but certainly not least, Vanessa Gomez.

MS. GOMEZ: Good morning, everyone. I'm Vanessa Gomez. I've worked with the Department for just under four years. I work under, well, in the same team as Aaron. So you guys have a great lead with you. My fun fact is, prior to joining the Department in 2020, I was in China. So I was a Peace Corps volunteer in China. Happy to meet you all and I will be screen sharing. So that is my duty for today. Thank you.

MR. WASHINGTON: Vanessa will be doing so much more, I think, once we get into it. She was actually really integral in developing of the issue paper that you all are- that you all see that we all will go

through. And she'll be taking notes throughout, like throughout trying to keep up with all of the conversations. So thank you very much, Vanessa. Krystil, did you want to, I mean, the whole subcommittee can do a fun fact. I mean, that's.

MS. K. SMITH: I think so, and I think it's appropriate. I will start off and then I'll go through the rest of the committee, and I'll turn it back over to you. But I guess to keep it related to the Department, I think reading, just did a lot for me in education. So I'll follow Hannah's lead. I am an avid reader, and I probably read about 50 books also a year, but this is the first year that I, and I'm sorry you all, I love an e-book. I used to love a good physical book, but I like ebooks. But this is the first time I've just recently read the book, the physical book, the e-book, as well as the audiobook and the graphic audiobook, where they kind of act it out. And so I'm looking forward to doing that more this year. Alright. So I'll go in order that we originally. Well, no, I'm going to turn it over to my co-facilitator and then we'll go to Wade. Cindy?

MS. JEFFRIES: Okay, thanks. Welcome everyone. I'm Cindy Jeffries, and like Krystil said, we both work for FMCS, and Krystil is going to be your lead. And I am here as, backup, follow up support, and assist

where needed. A fun fact, and Gaby, you stole my thunder. But, this is the link that we have. I sit out on my lanai every morning because I'm in Florida and have that luxury too. But I have a sign out there that is a motivational sign to get me going for the day that says, today I will be as happy as a seagull with a french fry.

MS. K. SMITH: I like it. Thank you, Cindy. Wade, a little about yourself and your fun fact.

MR. WILLIAMS: Yeah. So, I am here as a representative of TRIO alum. I'm a proud student support services alumni. I also served 15 years as a- I had three Upward Bound math science and three regular Upward Bound programs as a director, as well as then three years as an EOC director after that. So, my fun fact is, I suffer from an unofficial, undiagnosed, condition called musical Tourette's. So anything that I hear that is a song lyric it is out and about and you better believe I'm singing it. So.

MS. K. SMITH: I like it. Thank you, Wade. We'll go next to, I believe it's, What order did I call? I think we'll go with Emalyn.

MS. LAPUS: Hi, everyone. Good morning, again. My name is Emalyn Lapus. I'm here in San Francisco, so yeah, it was quite a bit early morning. I'm a Filipino immigrant. I was born in the Philippines, and

then I came here when I was seven. So I'm first generation. Fun fact actually, so to popcorn off what Gaby said, so I was like, I have to find something to eat this morning because I'm going to be here at my office for a while. So once a month I try to treat myself to McDonald's. So I got a McDonald's sausage McMuffin, sandwich this morning. So yeah, thank you.

MS. K. SMITH: Nice. Thank you, Emalyn. D'Angelo?

MR. SANDS: Good morning again, everybody. D'Angelo Sands. And I am here in Corpus Christi, Texas. I work with Federal TRIO Programs being a part of TRIO for in the working capacity for about a decade. Wasn't eligible, because I was born and raised in the Bahamas. Nassau, Bahamas, to be specific. Fun fact. Don't hold it against me. I am a Dallas Cowboys fan. America's best team. For the record. Thank you.

MS. K. SMITH: Alright. Thank you, D'Angelo. And finally, Geof on the committee.

MR. GARNER: Good morning. Geof Garner from icy cold Portland, Oregon. I've been a TRIO director almost 20 years. My program's fortunate to serve all alternative high schools in the Portland metro area. And over the last ten years, we've been able to send over 150 students overseas to study abroad, low income, first gen

alternative high school students earning up to 24 credits through Portland State University. Sampling french fries all over the world is what we're going to be known for. Gaby, I love fries and I love musical Tourette's, Wade. Great to meet you all and hear your fun facts.

MS. K. SMITH: Well this is great. Thank you. Great suggestion, Aaron. It's, I think, a wonderful way to get this very small, but highly, you know, knowledgeable of the TRIO Programs subcommittee off. I'll turn it back over to you, Aaron.

MR. WASHINGTON: Alright. So I wanted to just give you all, like kind of start with some, like, logistics and an overview of the TRIO- well of the subcommittee and negotiated rulemaking in general. This is going to be a bit of a speech. So buckle in. If your eyes start glazing over, you can just say, Aaron, we've had enough, you know, but, I'll just give you like a very high level, very high-level overview of what we're here to do today. Like I said, I started at Department 11 years ago. So I've been in every capacity of rulemaking you could possibly think of. At one point, I was making copies when we were in person, you know, all the way up to being here with you today, writing regulatory language. So, really excited to get started. But, so negotiated rulemaking. And if you're already all familiar

with this, I apologize. This is also for the folks that are like that might be watching, that just don't really have an idea of what negotiated rulemaking is. It's the process by which the administration, the Biden administration, currently adds, changes, or mends regulations. It's required by the Higher Education Act. And that is the law that authorizes the TRIO Programs. Historically, the Department has brought together experts that represent constituencies. So if you had a chance to watch the first four days of the rulemaking of the main rulemaking committee, you'll see that there is financial aid administrators represented, students represented, different sectors of colleges represented, like four-year publics, four-year nonprofits. So there's like a wide range of experts on the main committee. They represent their constituency by providing feedback, actual regulatory text suggestions. So sometimes they'll just say like, well, I think the Department should do this, or sometimes they'll actually say, hey, move that, change that sentence, move that comma, move that semicolon, make the and or make the or an and. There are two people on the main committee that represent a constituency, a primary and an alternate. The primary supports or opposes consensus. And I'll talk about consensus in a moment. And the alternate does not unless the primary is not in

attendance. Everyone on the main committee must say yes to a proposal in order for the Department to publish what we call a notice of proposed rulemaking with the exact text. So if everybody says yes, if everybody says yes, we want to say consensus for whatever language is proposed, then we'll publish that as a note of proposed rulemaking. I also want to apologize. I think there may be some construction going on in the building, and I'm hearing some, like, drilling behind me. If it gets to.

MS. K. SMITH: We can't hear it.

MR. WASHINGTON: You can't hear it? Great. Alright. If it gets bad, I can just find another room. So we'll publish a notice of proposed rulemaking with the exact text. Thank you, Krystil, for that. If consensus is not reached. So if everybody on the main committee, I think there's about 15 members of the main committee. Well, 16, including the Federal negotiator with Gregory Martin. If everybody doesn't say yes, then Department is not bound to publish notice of proposed rulemaking that follows the subcommittee's recommendation or any recommendation from the committee. The NPRM is just that. It's a proposed rule. Once the NPRM is published, the public will also have additional time to comments on it. So our regulations are published to this site called the Federal Register and through the Federal

Register. Folks, can, folks from- anybody from the public can comment. Those comments are published to a website called Regulations.gov. And so that's even more feedback. So the negotiated rulemaking process is really a process of getting as much feedback from the public as we possibly can in order to, you know, make decisions going forward about whatever the final rule would be. So if we- the Department could potentially depart from language and the proposed rule, the notice of proposed rulemaking due to compelling public comment. And usually you'll see that if we do depart, especially if we get consensus, if we do depart from something in the final rule, we always explain it in great detail why we decided to make that change based on some compelling public comment. So the subcommittee has gathered here today to make a recommendation on regulatory language for the main program, Integrity and Institutional Quality Committee. That's the name of the main committee, and we hope to achieve consensus on the subcommittee's recommendation. I mean, that's always the goal in negotiated rulemaking is to obtain consensus. We want the folks in the public that are, you know, providing us feedback, our experts to all agree on the path forward. And, you know, sometimes we always say, like the Federal negotiator will always say, you know, everybody has a different perspective. You

know, everybody represents a different constituency. And, you know, you might not get exactly what you want out of a proposal, but if you can live with it, you know, that could also be a reason to vote, not to vote, but to approve consensus on the main committee. So while the primary negotiator for the main committee supports or opposed the consensus, the subcommittee does not have a say in consensus. So we just make the recommendation to the main committee, it only advises. D'Angelo is on- and I also wanted to say too, if anybody doesn't, if anybody wants to be called something different, if there's like a prefix like Dr. or, just let me know. So D'Angelo's on the main committee as an alternate. So consequently, D'Angelo is not charged with supporting or opposing consensus unless the primary negotiator for his constituency was not in attendance on that day. So during the second and third sessions of rulemaking, a member of the subcommittee who is to be determined unless somebody wants to just go ahead and volunteer now, will present the progress of the subcommittee and ultimately the final recommendation of the subcommittee. And so generally in the past, we've had 1 or 2 members of the subcommittee present to the main committee, the but the entire subcommittee can actually watch. The public is also welcome to watch the main committee meetings by

registering on our website. Of course, as the subcommittee, you all can say, we all want to be there, we all want to present, but generally it's 1 or 2 people so that the main committee can just focus on those 1 or 2 voices and ask them questions. Presentations in the past have varied. Some subcommittees have done PowerPoint presentations. Some subcommittees have provided, like a one-page overview of the progress, some subcommittees. So the last subcommittee that I represented, I think we did I think they did a PowerPoint. They did a PowerPoint presentation. Some subcommittees just provide the regulatory text and kind of just talk through it verbally. One time we had like a, like an interview like type thing where like there was like they sat on the stage when we were doing it in person and they like, kind of like were volleying back and forth. It was really interesting. The sky is really the limit with the subcommittee. And I heard that somebody I think, Wade, I believe you said that you are like really into music. So honestly, we've never had a song before. So, I mean, if y'all want to do a song or a feature length movie, I'm totally down for that as well. I'd be willing to sing. I can't sing, but you know, I'd be willing to participate. So my role is simple. It is to listen to your feedback, answer questions when I can. I will not be able to answer

every question. I can say that right off the bat. Sometimes I just won't know the answer. Or sometimes I'll need to take it back to the Department. So when I can't answer a question, I'll ask our general counsel, Hanna, to step in, or Gaby, our director of student support services. And like I said, at times we just won't have an answer. We'll have to take it back. And I know that's kind of frustrating sometimes, I can understand, but sometimes I will have to say, we'll just have to take that back. Vanessa, as I noted, will share her screen, no recommendations. And so if the subcommittee if a subcommittee member wants something put on the screen or if FMCS, Krystil wants something put on the screen, or if me, Hannah or Gaby, wants something put on the screen, we'll just let Vanessa know. And Vanessa also can, you know, take liberty to, like, put relevant things she hears on the screen as well. And that could be in a comment bubble. Or sometimes we'll just cross language out and put new language in there. That doesn't mean that it'll be like the final subcommittee recommendation. That just means that we're just trying to take notes and, like, keep up with the discussion. I'm almost done. I know I've been going for quite some time. Like we said, limit to five minutes and I've been going on forever. But, so I will assist you all in coming up with a

recommendation for the main committee. We'll go through the language that the Department has recommended as a starting place and the issue papers, so that you have an idea of the Federal Government's perspective. However, I don't control your recommendation. And you'll present what you want to the main committee. And one thing to keep in mind is that there are 15 negotiators and an additional Federal negotiator that gets to weigh in on consensus for the proposals as well. I am not a federal negotiator. The only Federal negotiator for this committee is Gregory Martin. And if you watch in February, if you didn't get a chance to watch the last four days, if you watch in February, you'll see who Gregory Martin is. I can't tell you. Yes, the Department agrees or no, we don't wish to go in that direction. But I may at times after a lunch break or during the second session in February, be able to relay a general direction that the Department could decide to explore based on the commentary that we hear today. At the second session in February of the subcommittee, you may see different proposals or different amendatory language from the Department. And again, as the subcommittee, you can accept or reject them and go to the main committee with your own proposal. Once this information is presented to the main committee, they will have a chance to question

the subcommittee's rationale and even change the language prior to the consensus vote. I will break today at 12 noon, and then we'll resume at 1 p.m. Please keep your cameras on for the duration of the meeting. But if you need to step away or take a break, you can, you know, from just staring into the camera the whole time, you know, you can turn it off, but, you know, just for the public's sake, I think it helps to see folks and just get to know us a little better. So I also want to say I talk very fast. I know that. I am from Buffalo, New York. I don't know if it's Buffalo thing or not but if I start to, like, kind of go too fast, like somebody, anybody can just, you know, Krystil, as a facilitator, anybody can like, you know, raise their hands and say, hey, Aaron, we need you to slow down, you're just talking way too fast. So with that. Do you all have any questions?

MS. K. SMITH: Okay. Hearing none.

Alright. Hearing none, I will just go over- first of all, thank you so much, Aaron, for all of that, for going over and giving us, you know, a general overview of negotiated rulemaking, what the main committee does and what here at the subcommittee we're tasked with doing. I do just want to briefly explain my role again as a neutral third-party facilitator. Cindy and I work at the Federal Mediation and Conciliation Service. It is a very small agency. It

is independent. We are trained in facilitation skills. We are here to help this process. You all are the subject matter experts about TRIO Programs. And we are here to make sure that the discussion flows, that we're timely and that we, to the best of our ability stay on topic and on track. So Cindy and I will be helping with that. There are a few things that I want to point out. First is, and Aaron did mention this, you all may not know because we don't see it, but there actually is an American Sign Language interpreter right now that is interpreting everything we say for those that are watching in the public. So to the extent that we can, those of us from Buffalo or Houston that, you know, we tend to talk a little fast, if we can be mindful and just, you know, talk at a mindful pace, right? So that the interpreter, can ensure that everyone understands everything that we're saying. The second thing is, it's a small group. If you've watched, you know, if you watched the last committees or anything earlier this week, it was three times the size. So we are smaller. But we'll still want to make sure that we abide by the same, you know, zoom etiquette. So if you have something to say, everyone here has a seat at this subcommittee table. And you're welcome to say, you know what you like. We just ask you to raise your virtual hands. That does help us know who did it

first. It also kind of highlights it on the screen. So you can just raise your hand. It's at the bottom. It says raise hand. It's pretty simple. If you can't find it, just send me a text and we can point that out to you. The other thing is, when you are addressing and talking and providing information or asking questions, we ask that you, you know, be concise in your statements. Do try to stay on topic. We'll be here to assist with that. The other thing is, while we don't have a set time limit, we're probably going to start breaking it around five minutes. If your remarks go over five minutes, we'll just, you know, bring that to your attention and ask you to wrap up just so that other people may have an opportunity to speak. And that just kind of facilitates more of a conversation of back and forth. It doesn't mean that you can't rejoin the queue. But we are asking you to be mindful of that. With that said, Cindy, can you think of anything else, any other housekeeping or?

MS. JEFFRIES: No, I think between you and Aaron, you've done an excellent job covering everything.

MS. K. SMITH: Alright. Excellent. With that being said, I do think we are ready to turn it over to Aaron now. Aaron mentioned- Aaron is not timed. He is the lead of the subcommittee, so he may have to

speaking a little over five minutes, right, to kind of explain or give us an overview. So we won't really be looking at his timing, so to speak. But with that being said, Aaron, we'd like to turn it over to you, to give us an overview of I think we're going to begin first with a summary of the three TRIO Programs that are at issue today. Correct?

MR. WASHINGTON: Yeah. So my next section is about two hours. No, I'm just joking, it's not two hours. So, yeah, I just wanted to, so for the public, I know that you all are experts in this area, but for the public that may be watching, I just wanted to give a super high level brief overview of the three TRIO Programs that we'll be discussing today. I do also want to turn it back over to Krystil when I'm done to, you know, just in case somebody from the subcommittee might want to offer more with their personal experience about the TRIO programs or anything that you'd like to add to the discussion about what the TRIO Programs actually do or like some real-world examples of how they've been implemented. And also Gaby, of course, you know, as the Director of Student Support Services can jump in at any time to provide any more information that she would like to add. A lot of this information is publicly available on our website. So the Talent Search Program identifies

and assists individuals from disadvantaged backgrounds who have the potential to succeed in higher education. The program provides academic, career, and financial counseling to its participants and encourages them to graduate from high school and continue on to complete their postsecondary education. The program publicizes the availability of financial aid and assist participants with the postsecondary application process. Talent Search also encourages persons who have not completed education programs at the secondary or postsecondary level to enter or reenter and complete postsecondary education. The goal of Talent Search is to increase the number of youth from disadvantaged backgrounds who complete high school and enroll in and complete their postsecondary education. So it's kind of a high-level overview of Talent Search. Did anybody else want to talk about their personal experience? Gabby, did you have anything?

MS. WATTS: No, thank you. No, Aaron, I think you covered it. Just another fact. Currently we are- the Talent Search Program is serving over 300,000 eligible participants. So we're making an impact. But, no, that's all I have to say about that, Aaron.

MR. WASHINGTON: Thank you, Gaby. Alright. Next up is Upward Bound. Actually, I don't know if I said this, I actually participated in Upward Bound

as well. You know, when I was in high school in Buffalo. But Upward Bound provides fundamental support to participants in their preparation for college entrance. The program provides opportunities for participants to succeed in their pre-college performance and ultimately in their higher education pursuits. Upward Bound serves high school students from low-income families and high school students from families in which neither parent holds a bachelor's degree. The goal of Upward Bound is to increase the rate at which participants complete secondary education and enroll in and graduate from institutions of postsecondary education.

MS. WATTS: Aaron, the thing I would like to add about Upward Bound is we call that our flagship program. It was the very first program that started out, in 1964. Currently, we serve about 74,000 students in our regular Upward Bound program. As time progressed, from 1964 up until now, we've had a couple of programs added on. As part of an Upward Bound program, we have the Upward Bound math and science program that focuses basically on encouraging students to pursue degrees in college in the math area so they can get careers in math. And we have about 15,000 participants we're helping with that. And then we also have our Veterans Upward Bound that assist our Veterans who have

served our country over the years. And we have about 8000 programs with that. So Upward Bound has been going strong. What's that? If you were in 64 for what, almost 60 years? Almost 60 years. So thank you for that.

MR. WASHINGTON: Thank you, Gaby.

Anybody else on the subcommittee want to add anything to Upward Bound and your personal experiences or? Well, Krystil, do we have anybody? I can't see them.

MS. K. SMITH: No, we don't.

MR. WASHINGTON: Alright. Okay.

Alright. And the final TRIO Program that that the Department is proposing to discuss today is the Educational Opportunity Centers. So the Educational Opportunity Centers Program provides counseling and information on college admissions to qualified adults who want to enter or continue a program of postsecondary education. The program also provides services to improve the financial and economic literacy of participants. An important objective of the program is to counsel participants on financial aid options, including basic financial aid, basic financial planning skills, and to assist in the application process. The goal of the EOC program is to increase the number of adult participants who enroll in postsecondary education.

MS. WATTS: Yes. You know, Aaron, we

did not want to leave our adults out because we all need assistance. And that's exactly what EOC does. We work on providing information for college enrollment, the college application process, financial aid. We try to assist those adults who did not pursue or maybe they thought they could not pursue. You know, our main goal here is to always provide the motivation and support that is necessary for our participants to succeed. Currently, we are serving over 200,000 participants in the EOC program. So we're making an impact. Thank you.

MS. K. SMITH: Does anybody else want to add anything about EOC? Alright, Aaron, I think you're free to move on.

MR. WASHINGTON: Alright.

MS. K. SMITH: That brings us to the- our- the overview, right?

MR. WASHINGTON: That's it. We're into the overview of the issue papers. So I think maybe would be a good time for Vanessa Gomez. Krystil, do you want?

MS. K. SMITH: Yeah. Vanessa, can you- do you mind sharing the screen for on page one? There we go.

MR. WASHINGTON: Thank you so much, Vanessa. Let's see. So let me move this out of the way. I have so many screens up. So. I know you've all had a

chance to read the issue paper. I think we- I think they've been published on our website for quite some time now. So as you can see there, the subcommittee is tasked with one topic, and that's what the Department is proposing. It's one topic, and that is to review eligibility of TRIO participants in the three postsecondary programs that I just discussed, the three TRIO Programs that we just gave a high-level overview of. Currently, each of these programs outlines that participant eligibility must include a review of citizenship. So participants must be U.S. Citizens, U.S. Nationals. U.S. Nationals are individuals that were born in American Samoa or the Swains Islands. They can also be a participant in the three programs can also be lawful permanent residents. That lawful permanent resident is also sometimes I'll be like using terms that are listed in statute the law. And so I know that our language in 2024 has progressed a little faster than some language that may be in the statute, but these are legal terms. These are not terms that like, we've just created for this subcommittee. But lawful permanent residents are also eligible to participate. These are individuals that have been granted, lawful permanent residency in the United States by the U.S. Department of Homeland Security or DHS. So I'll probably refer to the agency as DHS

throughout the rulemaking. Residents of Freely Associated States. There's a compact of Freely Association that Governs the relationship between the United States and individuals from the Republic of the Marshall Islands, the Federal states of Micronesia and the Republic of Palau. And also, eligible non-citizens are able to participate in TRIO. This appears in the TRIO regulations as individuals that are in the United States for other than a temporary purpose and provide evidence from Immigration and Naturalization Service of his or her intent to become a permanent resident. So the regulations still say, Immigration and Naturalization Services, which is INS, but the agency is- the name of the agency changed to DHS? So that's the agency that they're referring to in the regulations. And so I know that was, I know that we've gone to a lot of information. So I just wanted to stop here, to see if there are any questions. I did not go through every single category of eligible non-citizens. There are several categories of individuals who are here for other than a temporary purpose that are eligible to participate in TRIO. So I can go through those if you like to provide an explanation if you're not familiar with them. Or maybe the public might want an explanation. I mean, I don't know how we would know if the public wanted an explanation, but, you know, if

you're hearing from the public that they want an explanation. So I'll pause there.

MS. K. SMITH: Okay. So, thank you, Aaron, for the summary of the issues. And before we actually get to the proposal and your overview of what the Department is proposing. I do just want to point some things out before we start making comments from the subcommittee. One, you are able to use the chat feature. And that will become part of a transcript. So everything that we say will eventually be transcribed as well. So we can help out the people that are going to be typing and also speaking slowly and clearly. But you can put things in the chat box. So, if there is something that said that you agree with, that's great. You don't have to raise your hand just simply to say, I agree with what has just been said. That you can put support for in the chat box, that there is a record of it. The Department will see that, you know, there are a number of people that agree. So that will just, help us on time and still creates that record. So do feel free to use the chat. You can also share links, you know, if there's other information that you want people to look at that's helpful, you can put that there. Just know that eventually anything that is in the chat box in zoom right now will be, you know, can be made available to the

public. So, and it will become part of the record for this. Is there any questions about that before we move on to hearing the overview of the proposal? Okay seeing no hands. Aaron, I think we are free to move on.

MR. WASHINGTON: Alright. So the Department proposes to expand participant eligibility for those who do not meet the citizen or non-citizen requirements to better align with the goals of the Higher Education Act, which I said earlier was the law of the statute that authorizes the TRIO Programs. So I highlighted earlier in my brief overview of the three- in my brief overview of the three programs and question that they were authorized and have served students from underrepresented backgrounds, which include homeless or unhoused individuals, individuals with disabilities, individuals who are limited in English proficiency, and individuals who are in foster care or are aging out of foster care, and also lower income individuals. We propose that if- we propose that if a prospective participant does not meet the existing requirements, then the individual would be able to qualify for some of the three trial programs if they are enrolled in or seek to enroll in a high school in the United States, the Freely Associated States or one of the U.S. Territories. So by seeks to enroll, we're referring to students who are in

sixth, seventh, or eighth grade and students that may have dropped out and are re enrolling in middle school or high school. Otherwise, stated a participant that is not a U.S. Citizen, national or eligible non-citizen would be able to participate in the three TRIO Programs under discussion if the prospective participant is enrolled in or seeks to enroll in high school in the United States. Since we're limiting changes to the programs that- since we're limiting changes to the programs that serve students at the high school level, McNair and student support services are not included in our proposed changes. In deciding to expand services in a world of limited resources, the Department has determined that the most vulnerable populations are children who do not yet have a basic education, which is a necessary step on the pathway towards postsecondary education. We also believe that these changes will help simplify program administration. Simpler and broader eligibility criteria will especially help programs where a TRIO grantee may be providing a range- where the trial grantee may be providing a range of services to students with differing levels of intensity and involvement. Because there's an overlapping purpose of the TRIO Programs to support students from the most disadvantaged backgrounds and prepare them for a postsecondary education, we believe

that expanding TRIO- expanding the TRIO grant programs to provide supports for additional underserved K-12 students to achieve this most basic level of education will further the statutory purpose of these programs.

MS. K. SMITH: Alright. Is there any questions or comments about that portion of the proposal?

MR. WASHINGTON: Yeah, we'll get down, Krystil- we'll get down into, like, the actual, like, reg language soon, but like, you know, thank you for pausing here. Because, well, you know, for, like, asking- because I just wanted to, like, I just want to take a deep breath. I know, like, it's a lot of, like, me reading and a lot of, you know, so I just want to just- if anybody has like general comments so far.

MS. K. SMITH: Alright. It looks like everyone is tracking. I think we're free to move on.

MR. WASHINGTON: Alright. So I do- we know and I know that there are many issues in the TRIO space that you will likely want to bring to the table beyond participant eligibility. Things like technical fixes, changes to definitions or anything beyond the scope of participant eligibility that appear in other parts of the TRIO regulations. The Department has proposed this issue paper to limit the topic to participant eligibility, so keep that in mind when

developing proposals for the main committee that may greatly deviate from the area we have proposed here. I think another thing to keep in mind is that the main committee has, I don't know, I can't see the screen, but maybe with a show of hands. Did anybody get a chance to watch the last four days of rulemaking? Not even all day, every day, but just any of the days?

MS. K. SMITH: I'm seeing some head nods.

MR. WASHINGTON: Alright. So the main, thank you, crystal, the main committee has topics related to accreditation, return of Title IV aid, state authorization, distance education, and cash management to discuss an addition to this topic. And so if you had a chance to see it or you watched the main committee sessions during February, I think the Department also publishes- they're not up yet. They're not up yet. But, I think we'll also publish them at some point to our website. So you can just take a look at them if you're interested in looking at other topics. You'll see that each topic has kind of an allocated time, like one- I can't remember, Krystal what is it like one two hours for each topic per day? I think that's what we did. Or like some of the topics also have a day, right?

MS. K. SMITH: We have- accreditation

had a little bit more but that's about right.

MR. WASHINGTON: Yeah. So you know just keep that in mind that there are other topics that the main committee has discussed. That is not to say that this topic is not extremely important to you all, the Department and the public and ask the participants that participate in TRIO. It's just to keep in mind that there are other topics discussed, and we will have to allocate time during the second session for one of you or two of you to present to the main committee on TRIO. And there could be a lot of discussion about this one topic. So I'm only intending to caution the subcommittee from submitting proposals that the main committee would not be able to take and that will limit the ability to reach consensus. Because that's the whole goal, right? Like the whole goal is to try and I guess persuade the main committee to reach consensus on what we present to them. And we do believe that this proposal, even here, even pre, you know, discussion will greatly expand access to the TRIO Programs.

MS. K. SMITH: Alright, so does everyone understand the scope that Aaron is presenting for what we're discussing? Okay. So at this time, Aaron, I think we are ready to go into what we call the reg text, right? The proposed amended language. We will start

with 643.3, who is eligible to participate in a project? With Talent Search. And it is shared on the screen now.

MR. WASHINGTON: Thank you. So we'll just take Talent Search and the EOCs together. I know they are totally different programs, different goals, but we can take them both together. I think staying on Talent Search Vanessa is fine, because the language we're proposing to add is exactly the same. So, you know, let's see. We're proposing to add one paragraph and you'll see that in red. I think it's five. Let me see. Alright. Six. Paragraph six. And that paragraph reads, so basically, you know, we're maintaining the citizen non-citizen requirements, right? So you'll still see, like I talked earlier about, you know, participant would have to be a U.S. citizen, permanent resident, national or eligible non-citizen or a resident of a freely associated state. But then we're proposing to add that if an individual does not meet one of these requirements, then the individual is enrolled and or seeks to enroll in high school in the United States territories or Freely Associated States. So and that is for- so that's the same as- Vanessa, can you- would you be able to scroll down to Education Opportunity Centers? That's it there. So you can see it's the same language for both those programs. I'll pause there.

MS. K. SMITH: Okay. And if we can, just be specific, since we're- Aaron has proposed that we look at both of them together. Just say, you know, these are either related to both Talent Search and EOC or just one or the other. Okay, so we see Aaron has provided us with the Department's goal as well as the proposed reg text, reg language. Are there any comments?

MR. WASHINGTON: And, you know, we're looking for, I mean,- it doesn't- so basically like how's rule making has gone is like, you can provide general feedback like, you know, from what you've heard in the community. You can just say, I like it. You can- it doesn't have to be like specific regulatory proposal like language proposals. You can just provide whatever is on your mind.

MS. K. SMITH: The feedback as well as anything that we certainly- the subcommittee wants the main committee to consider when they're looking at this language as well. Alright. So we do have Wade. Wade?

MR. WILLIAMS: Has the Department with this proposal, while I agree that it would expand access to many more students. Has the Department thought through because, for instance, I'm in Missouri. I'm in a state that has pretty restrictive, if not prohibitive access for undocumented students. So and I realized that the

language is saying that it allows them to serve- programs to serve these students if they, you know, if they choose to it doesn't mean that they have to, but they can. But, I'm just thinking through has the Department thought through then what the ramifications would be on changing? Because that would also affect prior experience, like I'm thinking in the state of Missouri because if we serve those students, they come through our programs, we serve them, they complete, you know, Upward Bound talent search. Then they go to college. Then they're faced with their having to pay international tuition rates and all these other obstacles. They're limited to resources that they have available at the postsecondary level. A lot of them tend to not go or continue on if they can do a semester or two. And then those students are in, you know, they're in those cohorts that you're being graded upon on your annual performance report. So has the Department thought through, kind of some domino effects of making this regulatory change for?

MS. K. SMITH: Aaron, are you? Okay. Alright. Thank you, Wade. Aaron looks like you have a response.

MR. WASHINGTON: Sure. Yeah, well, thank you for that. So, you know, the first part- so in adding the in proposing to add paragraph six to the

regulations that would mean so a program could- if the language is adopted by the main committee, a program could not choose to serve a student that was eligible for participation in the three TRIO Programs we're discussing. So if the student- if the prospective participant met all the criteria, like if they were not a U.S. citizen or eligible non-citizen but did seek to enroll or seek to enroll in high school, the program could not deny them admission if they met the eligibility criteria. I think there are some other eligibility criteria for each of the programs that we're discussing that Gaby can get more into, but as long as they meet all of the eligibility criteria, a program, obviously this is not a final regulation yet but if this were to become a final regulation, a TRIO Program couldn't deny them access to the programs based on their undocumented status as long as they did meet that criteria of enrolling or seeking to roll in high school in the United States. So I think- I hope that answers your first part. I did- we are aware that there are some institutions that as an admissions policy, like some postsecondary institutions as admissions policy, do not accept undocumented students and so that- the Department itself, as the Federal Department, generally does not have authority over admissions requirements for schools. There is one like

interesting place that we do. I won't get into like it's kind of like related to service members, but, we generally don't have authority over admissions requirements, so we wouldn't be able to comment on the, you know, the admissions requirements for a postsecondary institution in the state of Missouri. So you are correct, a student, if the proposal were adopted and to become final regulation, there could be, let's say, an Upward Bound student that met all the criteria, under the proposal, an undocumented student that enrolled or sought to enroll in a high school in the United States and then, subsequently sought to enroll at a college in Missouri, that did not accept undocumented students for postsecondary education. But, you know, the Department itself has authority over the Federal Title IV Federal student aid and the Federal programs that it administers, including the TRIO Program. So that's- and I turn it to Hannah or Gaby if they had anything more to add to that.

MS. WATTS: I will yield to you Hannah if you want to go first if you had anything to add.

MS. HODEL: I don't have anything to add at this time.

MS. WATTS: Okay, well, you know, Wade, you're absolutely correct. We would look at the annual performance report to determine how we would still

be able to capture that information if a student, say for instance, is not, if this is an Upward Bound program is not able to say that that participant went on to college because they did not enroll. But also keep in mind that when you are establishing an objective, you sort of keep all those barriers in mind when you are establishing that objective. So you could still perhaps meet the objective based upon how you've done your research and your strategizing for that objective. And you can still meet that objective. But of course, for our programs, we always want to know what happens to a student. So it is perhaps we would have to adjust the APR, maybe add another field where we say unknown or some other thing on there. But we would take all of that into consideration for the APR.

MS. K. SMITH: Thank you, Gaby.

Emalyn?

MS. LAPUS: I just wanted to say, well, and sorry to oppose, I mean, have a contradictory comment as to what Wade said, but in California, I think this added language will be significantly beneficial for our programs. You know, we are fortunate California being a little bit more liberal, maybe the Bay area specifically, that our colleges do accept undocumented students. The challenges with the financial aid support

that they are limited to. But, I do want to say for California, this will be very helpful. I know a lot of my TRIO colleagues would appreciate this. So thank you.

MS. K. SMITH: Thank you, Emalyn. Any other comments about the proposed changes to either the talent search or the EOC? D'Angelo?

MR. SANDS: Hi. Thank you so much. I do want to say, you know, I do appreciate the Department.

MS. K. SMITH: Oh, D'Angelo. If you can speak maybe a little closer because it sounded like we lost you. Yeah.

MR. SANDS: Is that better?

MS. K. SMITH: It is.

MR. SANDS: Okay. I do want to express my appreciation to the Department for considering surveying or adding an additional population to the group. We know that TRIO Programs have a large group of diversity that we currently serve. Where my concerns lies, though, is really on the collegiate level is once the language is added and students then transition or graduate from high school. Where do they go next? And so my question is has the Department considered language that would allow or is pursuing anything that would allow this particular population in the near future to have access to higher Ed? Or is there anything in the works

that would give TRIO Programs some kind of idea how to guide students from where they are now to where they go next, and so forth? I hope that makes sense.

MS. K. SMITH: Alright. Aaron?

MR. WASHINGTON: Thank you. Just a clarifying question. Are you referring to access to higher Ed in, like, kind of, like trying to for the Department to like, dictate admissions policies of postsecondary institutions. Are you talking about access to higher Ed, like the higher Ed TRIO Programs like Student Support Services and McNair?

MR. SANDS: Yeah, in reference to Student Support Services and McNair.

MR. WASHINGTON: Yeah. So, am I on mute? Am I- I'm not on mute.

MS. K. SMITH: We can hear you.

MR. WASHINGTON: Alright. So, the expansion, so I have, you know, the expansion of the eligibility in the pre postsecondary programs is based on the fact that it is unlawful to deprive children of a basic education. But a state has chosen to make available to U.S. Citizens based on the children's immigration status. We believe that children who are constitutionally guaranteed equal access to basic K-12 education should also be eligible to receive TRIO services to assist in

their achievement toward the path of postsecondary education. This proposal also aligns TRIO with the treatment of students without documentation and other K-12 and other Federal K-12 spending programs that allow participants, such as state education agencies and local education agencies to spend funds on students without regard to immigration status. So, because high schools seek to graduate students who are ready for college and career, there is an overlapping purpose for the TRIO Programs to support students from the most disadvantaged backgrounds and prepare them for a program for postsecondary education. So while the primary focus of the TRIO Programs remains postsecondary achievement, all high school students should receive college preparation as a foundation to meeting the primary goal of TRIO. So we are definitely- D'Angelo, thank you for your comments, we're definitely open to hearing your input on the, you know, on the policy of expanding eligibility to three programs now. So if you're making a proposal to extend programing to populations, we're definitely interested in hearing that. We want to hear if there's already Federal funding, education spending on any population that you propose to reach. I think, you know, a lot of times you'll hear at rulemaking, which we encourage, absolutely folks making proposals or, you know, providing their

opinion, their relevant opinions from their background and their expertise in the field. And that's why we do this. I think, you know, when making proposals, we also would need some sort of, something to base that on. So likely could not just be, I want it to be this way, you know, we would want like okay is there already Federal education spending on these populations. Can you provide some statute or something that you're aware of that would provide the basis of expanding eligibility to the Student Support Services and McNair? I can just- so we've done subcommittees a lot so I can just provide like a quick example. Vanessa will remember this. So during the Prison Education Program subcommittee, the Department proposed to approve prison education programs. And so we had to base- but that wasn't necessarily in statute. But we did have to base it on something, some sort of something in the history of the Title IV programs. And so we based it on- we the Department does approve a lot of programs like direct assessment programs or short time programs. And so that's what we based our rationale on. So we would just need you know, and all that is in regulation already. So we would so, you know, D'Angelo when you go back and think more you know about that expansion. If you could provide like some, maybe some like rationale based in statute or like anything that you can find in the history

of other Federal programs that would, you know, that would, that could be persuasive and expanding the eligibility beyond the three TRIO Programs that are at hand.

MS. K. SMITH: And if I, before I get to Geof, I can just add, if, you know, along with any proposals as Aaron was saying, if you do wish to make proposals, about anything, you know, adding on to the existing three or getting support for looking at any of the other TRIO Programs. You can do so by sending that information to us, your proposal over to us to myself at FMCS. We will distribute that out to everyone, including the Department. And as Aaron said, just try to the best of your ability, you know, add some rationale or some reasoning as well as any reg text if you're going to be posing any language, make sure that that's clear. So that could be sent over to us and we'll make sure that everyone has an opportunity to see it. We'll also be sharing that with the main committee. So with that said, I'll go to Geof first.

MR. GARNER: Thank you so much. You know, I wanted to mention just and a question. I really applaud the decision to serve all of our students in postsecondary education. Thank you for that language. You know, in the 60s, the civil rights movement, TRIO was a

champion and had battles and fought really hard to gain bipartisan support for specific language that we're serving low-income first-generation students. I'm wondering, you know, in the historical light of civil rights achievements and bipartisan support, has the Department considered this change in how it might affect our ability to get reauthorized funding from bipartisan Congress? You know, with a shifting of partisan lines of inquiry, we are and with race consideration and being rejected by the Supreme Court and, you know, postsecondary education. I'm wondering just what kind of thought the Department has put into keeping our programs safe with funding and for the Department and TRIO in general?

MS. K. SMITH: Aaron, did you have a response?. Go ahead Aaron and then we'll.

MR. WASHINGTON: You know, I can't speak for what Congress would do. You know, just the legislative branch, the executive branch were tasked with totally different things. So I would like to- I don't want to say I'm going to pass on that one, but I would like to kind of, you know, at least from my responses stick to what the executive branch can do. We- certainly the Department supports this proposal. And, you know, we believe that expanding access in this way is going to

help a lot of disconnected youth. So, that, you know, so I can leave that there, Hannah, Gaby, anything?

MS. K. SMITH: They say no. But, Geof, that is something you can put into the chat, your question. For the Department's consideration.

MR. GARNER: Thank you.

MS. K. SMITH: Thank you, Geof. Wade?

MR. WILLIAMS: This is not as much the TRIO alumni hat as the former EOC director hat. Question that I have, but, can you guys talk through maybe the- I'm just curious here. I understand, the language and the proposal for Upward Bound and for Talent Search. And I realize that, you know, those are pre-college. And I realize EOC is also considered pre-college as well. But when you also are looking at regulations for EOC and who can participate, you know, there's the whole being over the age of 19, they can be under the age of 19 as long as they're not eligible to be served by a Talent Search Program. And as long as they wouldn't dilute services. And I know for EOCs, there's kind of, you know, having dealt with program officers and stuff before, it can be a little tricky. Some of those conversations about, you know, technically it's not written anywhere, but I was always told, you know, no more than 10% of my total number should be, you know, high school students or high

school seniors within the number that I'm serving in the year. Is there a specific, I mean, I guess has that been thought through as well as how would this dilute or is this going to dilute services for EOC programs as they're trying to serve adult students?

MR. WASHINGTON: I'd like to turn that to Gaby. And if we don't have answer right now, we can come back to you maybe after lunch.

MS. WATTS: No, I can go ahead and answer now. Wade, I'm not sure whether 10%, came from regarding that's the only percentage you can have of talent search eligible type of individuals in your EOC. But keep in mind, the main purpose of EOC is for that adult population 19 years of age or older. Projects are allowed to serve talent search eligible type of participants, if there is no basically no talent search in the area and they desperately need service. You're not really- a project is not really going out to recruit those students, nor to really serve a target school. It's just, you know, if they hear about it, they come, you can do that. So adding this eligibility, expanding on this eligibility, really won't be a deficit for EOC. We see it as really an enhancement because there are adults that 19 years of age are older who still need that guidance in terms of college enrollment, financial aid and all of

that. So we don't see it as really diluting the services for EOC. The EOC program is still the EOC program. You can still serve those talent search eligible, but they should not be the main focus of your EOC.

MS. K. SMITH: And it looks like, did you have something to add, Wade?

MR. WILLIAMS: Well, I was wondering if, no, because I think because the language is focused on more about youth and not necessarily the adult undocumented adults. So I won't go there yet unless it- I'm just trying to think it through. Is there a better way to write something to broaden eligibility for EOC adults? But this is more focused on the youth I believe so.

MR. WASHINGTON: Yeah. And I, you know, I can just add a little bit if that's okay, Krystil? So, you know, I kind of mentioned earlier that there are- we do have limited resources for the TRIO Programs. And, you know, I think, while we are expanding the universe of eligible participants, we wanted to moderate the expansion due to the limited resources. So, in determining how to expand, we are focusing on the most vulnerable populations we believe and determine that the most vulnerable populations is children who do not yet have the basic education that comes from high school

completion, which we think is necessary, a necessary step towards postsecondary education.

MS. K. SMITH: Alright. Any other thoughts on the proposed text and Talent Search and EOC? Is your hand still up, Wade? No. Okay. Alright. Is there anything else from either Hannah or Gaby before we go on to the last proposal, the last regulatory text?

MS. WATTS: Not from me.

MS. K. SMITH: Okay. Aaron, I think we can go on to our final one, which I believe is, the Upward Bound project. Oh, you're on mute.

MR. WASHINGTON: I'm on mute.

MS. K. SMITH: And Vanessa has shared the screen.

MR. WASHINGTON: Alright, so let's continue the conversation with the amendatory language of Upward Bound. Here, we're proposing to add a paragraph that reads, if an individual does not meet the requirements of paragraphs one through five, the individual is enrolled in or seeks to enroll in a high school in the United States, territories are Freely Associated States provided further that an individual who is eligible to participate under this paragraph is- participate under the subparagraph is not eligible for a direct cash stipend. And so under 34 CFR. The CFR is the

Code of Federal Regulations. That's where like the Upward Bound regulations are. You all know that this is for the public. 34 CFR 645.42. Upward Bound may provide a monthly stipend to a participant who participates on a full-time basis. And the amount of stipend is outlined in regulation in the law. Before I return it back over to Krystil, I just wanted to ask Gaby, did she want to say anything about the stipend? I want to make sure I said that right. They're eligible for the monthly stipend and it's outlined in the regulation in the law. Anything to add to that?

MS. WATTS: No. According to our- the regulations, you know, on the academic year, they can receive \$40 a month, and during the summer they can receive \$60 per month. But I think what we're saying here, if they are selected for the program and they are not a U.S. Citizen or documented, then they would not be eligible to receive a stipend.

MR. WASHINGTON: Yeah. Sorry. I don't even know if I finished, like, explaining it. Like, thank you Gaby. Yeah. So basically. So. Yeah. So if they don't meet, if they don't meet- I have like all these notes, you know what I'm saying. And I'm like, did I get everything in the notes? I don't know, but yeah. So like Gaby said, thank you for saving me there. If they don't

meet all of the non-citizens- if they're not a U.S. Citizen, national lawful permanent resident, like asylee refugee, you know, Cuban Haitian entrant, all those eligible non-citizen categories or citizen of the Freely Associated States, then they would have to- then they would- they don't have to meet those criteria as long as they're enrolled or seeking to enroll in high school. United States. The only caveat for this one is that they can't receive the direct cash stipend. So that's- so sorry. Thank you for saving me. And you'll see that was like the one difference. That's why we separated out EOCs and Talent Search. Because, you know, EOCs and Talent Search don't come with a direct cash stipend and Upward Bound does. And so they would if let's say I guess, for example, if the- like we've been talking about the undocumented population, undocumented participants, were to meet all other eligibility criteria to enroll an Upward Bound. They would be able to participate but they would not be able to receive the \$40 or \$60 I believe Gaby was referring to.

MS. K. SMITH: Okay. Wade.

MR. WILLIAMS: Sorry. I just like to ask questions. May I ask the reason why they wouldn't be provided a stipend? Because my thought is if we're a- if a program is able to spend other funding on other things

for them and to provide other services what is the- I'm just curious as to the reasoning behind that by the Department.

MS. K. SMITH: Aaron?

MR. WASHINGTON: This just like shows like how good I am with computers. I'm like, let me look over, let me look over. Alright. So we believe that. Oh, Hannah, did you want to go first?

MS. HODEL: Yeah. I think I'd be happy to speak to part of that. I think that, part of our concern here was the Personal Responsibility and Work Opportunity Reconciliation Act PRWORA, which restricts the eligibility of non-qualified aliens, that's the term under that statute to receive any Federal public benefit, which is defined to include benefits for which payments or assistance are provided to an individual. And so that is why these stipend payments, we have currently drafted this to not include payments under Upward Bound to individuals who overlapping would not meet the qualified alien definition.

MS. K. SMITH: Okay. Looks like Wade is thinking about that, too. Thank you. Aaron, did you want to add anything to that before I went to Emalyn?

MR. WASHINGTON: No. Thank you.

MS. K. SMITH: Alright. Emalyn?

MS. LAPUS: Two points. One is, I think, Hannah, if you could provide us with the name of the act that you just mentioned. Because, I mean, I would have to- if this does pass through, which I, you know, on one hand, it's good. Again, expanding accessibility eligibility for us to help more Upward Bound students. But then I would have to explain to my team why that certain group of students would not be eligible to receive the cash stipend. So that's one, if you could send me that info or just the link. Two, I mean, I understand the rules and what has to be followed given our current political situation. But in reality, it would be- it is kind of a divisiveness because we're going to- if I have like five students that meet that criteria and my other ten students meet the other criteria and then it's going to be like, it's going to be hard to like, well, you guys can't get that money, but you guys can. So, you know, that's the reality. But yeah, I just wanted to make that comment.

MS. K. SMITH: Okay. And Emalyn, it looks like she did put it in- the name of the act in the chat box.

MS. LAPUS: Thank you.

MS. K. SMITH: And I'll just say it's
Personal Responsibility and Work Opportunity

Reconciliation Act of 1996 for anyone else that's interested. Aaron? Thank you, Hannah.

MR. WASHINGTON: I do want to say that, thank you for that, Emalyn. We are you know; we do have people like, you know, taking note, listening. There's a lot of people listening in from the Department taking notes. And we hear your concern. Did you have any proposal for the Department, or did you want to take some time to, like, read through PRWORA and make suggestions later?

MS. LAPUS: At this point, no because I'm not- I don't- would not have enough of the legal ease to I guess argue against this act. I mean, again, I understand, in theory and given the current situation with, you know, providing certain benefits to, you know, undocumented families. But like I said, when it comes time to implementing and in reality and practice, it'll be difficult. You know, so that's all. But thank you for that offer.

MS. K. SMITH: Okay. Aaron?.

MR. WASHINGTON: And certainly if this, I mean, this is, I mean, we're not even at the proposed rule. You know, phase of this yet. But if this were, let's say, this were this exact language were to become a final rule where that would have to be enforced,

the Department would certainly provide, you know, guidance to TRIO participants on the, you know, the requirements and to up to and including, you know, the messaging for, you know, the rationale as to why the individual would not be eligible for direct cash stipends. We do this a lot in the Title IV space. Like there's like a whole volume in the Federal Student Aid handbook on noncitizen eligibility for Federal student aid. So.

MS. K. SMITH: Okay. Thank you, Aaron, for that. And Emalyn.

MS. LAPUS: Well, I just, I guess just a thought that came to mind is that I would probably then have to work closely with my fiscal agent to seek outside funding so we could find another pot of money or other external funding so that we would be able to offer that stipend to this other group of students. And so that's just something I'm thinking, okay, if this does pass, I would have to, you know, that's something that I would just have to, you know, try to do with my fiscal director.

MS. K. SMITH: Thank you, Emalyn. Okay. Any other comments? D'Angelo?

MR. SANDS: Thank you so much. Well. Again, I do appreciate what the Department is doing and

looking to expand services for students. And really, and I think it's something that is a great gesture. I think it's something that we can look at. Right now, at the moment, I'm not sure it would be the best time to approach it. And that's just- and hear me out on this, you know, across campuses for TRIO Programs, we are constantly fighting for support on some of our campuses. We are very much aware of the climate the political climate and the TRIO Programs have been a target. One of the concerns I have is, with expanding eligibility, that TRIO funding beyond today or beyond just proposal being targeted and future legislative approaches as well as on campuses. In today's climate too there are some campuses that do provide additional support, for TRIO Programs. But I just wonder if would adopting this language and opening up what kind of ramifications will follow thereafter? And I don't know if that's more of a statement. But if you have anything that you can provide to help TRIO professionals, the TRIO Programs, think along those lines, on what we can expect or maybe check the temperature on the timing of providing this type of language. If we could simultaneously maybe address the collegiate portion of it at a later date. That's just a thought. But I welcome any feedback on that from anyone. Thank you.

MS. K. SMITH: Aaron?

MR. WASHINGTON: I think a comment was made a little earlier about, you know, what could happen with TRIO funding in the future. I kind of, I don't know if I said it, I can't, you know, because like Congress is authorized with, you know, like, you know, drafting a budget, you know, and establishing a budget for the Federal expenditures. I can't from the executive branch. I mean, the president, of course, has a budget proposal, but I cannot speak to what Congress might do from here, from my position, from the executive branch. All I can say is that the Department is extremely supportive of this proposal. I've said it several times. We think that it will help expand access. And I think you agree, D'Angelo, I hear what you're saying. Is it the right time to do it? And maybe addressing all TRIO programs at the same time in the future. If that is a proposal, if, you know, if that- Well, I'll ask you, is that a proposal that you would like to discuss more like not doing this at all? Not expanding access?

MR. SANDS: Well, I would like to discuss maybe adding other suggestive texts to what it currently exists for all programs. Something that can be applied across the board that benefit TRIO students. Maybe better make the- or remove any obstacles for TRIO

professionals. You know, for example, if you're looking at like, stipend increase, adding Pell Grant language, you know, those type of things we can put together and submit to the committee and we can discuss those. And then we can still further discuss the language that currently exists. But really talk through it. Right? Because there's so much work that we're currently doing as TRIO professional TRIO programs, and we do have a large number of students population that we serve. Again, I'm an immigrant myself, here, and so I understand the need and I've been in a position where I needed help and I received that and I want to make sure that TRIO was always poised to serve as many students we possibly can, but also have things added or put in place to provide additional support for those on the ground that's providing these services where we don't overextend ourselves, where we don't increase turnover, or we feel like we're our officers are truly burdened with good work. Right? And so, yeah, I would be open to if the Department would be open to receiving some information that we can share some proposal language, maybe some changes or adjustments. I would love that if we can do that.

MS. K. SMITH: Alright. Thank you, D'Angelo. I'll allow Aaron to respond. You're responding

to?

MR. WASHINGTON: Yeah, well. Thank you, D'Angelo. Thank you for that. I think we are certainly open and receptive to receiving any proposals. I know Vanessa Gomez stands ready to put the issue papers on the screen if you want to, you know, we have until 3 today, so , you know, you can- I don't want to put you on the spot. You know, we have lunch and what 20, 30 minutes. So, you know, thank you, Krystil. So maybe after lunch, if you want to come back and talk through some language. You know, I just want to make sure I didn't interpret what you were saying. For some reason, I thought you were saying maybe hold off on certain things, but, and then I did hear you say, you know, that you wanted to consider some other issues, you know, like stipend increases. Now, I will say to that. So I think it's really important like to- so I know you all are all familiar with this. And so I'm really saying this for the public's benefit. But I think it's, Gaby will correct me, section 402 (a) of the Higher Education Act kind of is where the TRIO Programs are authorized by the statute, the Higher Education Act. That is the law that authorizes all this stuff in postsecondary education at the Federal space. Well, not all of it, but at least the stuff at the Department. I think, you know, it might be helpful to

look at the statute to see, like, you know, well, we want an increase in the stipend for Upward Bound. Just to look at the statute to make sure that- and I'm not I don't know, Hannah or Gaby can talk to this, better than I can but if the statute says, well, Upward Bound students receive \$40 per month or they receive \$60 per month, you know, that's something that, you know, Congress has mandated, the president has signed it and it's made it into law. So, you know, we'd have to- you'd have to weigh whether the Department through its regulatory powers, can actually change the amount of a stipend through regulating if the statute is already dictating how much, you know, money, folks can get. And I know you talked a little bit about, Pell Grants. I think I understand what you were talking about. Like there was a comment yesterday during the public comment period of rulemaking, you were there, you know, asking to expand the definition of a low-income individual to include Pell Grant recipients. Again, there, I would also say, you know, it might be helpful to look at the statute and see like if there is a definition which I believe there is a definition. I'm not saying that we can't talk about it after lunch, but just to see like, hey, if there's already a definition about, you know, 100%, 50% of the poverty level or things like that, you know, how you see

the Department changing a definition that's in statute. But yeah, but for sure, submit everything through to Krystil and Cindy. And we can also throw it up on the screen and Vanessa can type some stuff after lunch or now if you want, it's up to you.

MS. K. SMITH: Alright. I just want to pause here and see if Gaby or Hannah had anything additional to say before we go to Wade. Does not look like they do. Okay?

MR. SANDS: I just want to say thank you. And I will look at possibly sending something during the lunch hour. Thank you.

MS. K. SMITH: Okay. Thank you, D'Angelo. Wade?

MR. WILLIAMS: Sorry, I didn't realize if I hadn't clicked the button, but, I just wanted to say, like I wholeheartedly agree with everything that D'Angelo had said. And I think, you know, when I got the email saying that I was going to get to be a part of this, and I got the first session papers and I saw that, I mean, I'm excited about the language. I'm excited that the Department is looking at ways to expand participation. But I'm wondering, while this is a good start, are there other ways that we could- Are there things that we could do that would make it to where it

could expand for all TRIO Programs or, you know, what other options do we have out there? I mean, I'm just I don't know, I just. I love TRIO. I love everything that that TRIO does. I love the impact that it has made on my life over the nearly 18 years. What I've seen it do for other students and people in my area. I just want to look at all options we have available to expand for everybody. And maybe not just specific programs.

MS. K. SMITH: Aaron?

MR. WASHINGTON: Yeah. So okay, so what I'm hearing is basically from the committee that you would like to see the language expanded to students for services and McNair. Would that be correct?

MR. WILLIAMS: Yeah.

MR. WASHINGTON: Alright. So I get, you know what, you know, Vanessa, would you mind sharing the document? We can- Thank you, Vanessa. I think what we can do is just like Vanessa, maybe at the top. Like, scroll up a bit. And it's going, keep going up. Keep going up. Let's see. Let's just throw, like just throw up, you know, a comment bubble. You know what? Put in a comment bubble just to say like expand to student support, you know, think about ways to expand to student support services and McNair. And then are you- so did I get that right, Wade? Did you have- were you saying,

like, maybe I misinterpreted? Maybe you're saying that you [interposing] outside of citizenship?

MR. WILLIAMS: Well, I mean, if we're going to consider- yeah, but I'm just thinking, are there other ways, you know, if the- taking the citizenship piece out, if we're just looking at ways, what are things we can do to expand participation that could blank it out across more programs. You know, is this the only thing that we can do, or is this the best option at the time? Like, what else, you know, what other things have been maybe proposed? I'm just trying to kind of wrap my head or get a better idea.

MR. WASHINGTON: So maybe we can edit that, Vanessa. Just to say, can the Department think through ways to expand access beyond just an alternative- beyond an alternative to meeting the citizenship requirements.

MS. K. SMITH: Yeah, I think.

MR. WASHINGTON: Now, Wade, does that capture a little better? Or no? Okay. Thank you. Yeah. And I, you know, I can just say that that's kind of like why we're here, like, you know, to, you know, get your feedback, you know, and I think, you know, we've tried to select you as experts in the field to provide us with that information. So, Wade, when you go back to your

constituents that you represent and, or just, you know, amongst the subcommittee, now or after lunch, if you have suggestions that we can add to this comment bubble, you know, this is the Department's, you know, proposal, right? This is what we've thought through in our discussions. But we want to hear from you. Are there other ways as well? So we're more than welcome- we're more than welcoming of your thoughts there.

MS. K. SMITH: Great. Yeah. I think it sounds like D'Angelo is working on something over lunch. And, you know, we beseech others to do and think the same. Emalyn?

MS. LAPUS: Yes. Hi. So, Geof posted something on the chat. And I don't know- So we, you know, of course, having support from COE, we were provided some other recommendations that we wanted to present. I didn't know if that was going to happen after lunch. And I know I sent something; Krystil I sent something to you. But one of the items that COE proposed was language that would be applicable for all the TRIO Programs, in terms of providing access to more services. Whereas one- like for example, it was an example of Upward Bound has certain language that- it was allowed cost to say, buy t-shirts or fees to certain events. And then that language would be applicable to all the other TRIO Programs. So

that was one of the proposed language- proposed- the recommendations. But I don't know if we want to discuss that further after lunch or do you also want us to send you a copy of the paper that helps, beautifully written, that helps indicate the language?

MS. K. SMITH: So just so you know, Emalyn, the Department and everyone on the committee has received the information that you sent over. So if there is anything else you would like to send, you know, do send it to Cindy and I and we can get that disseminated. If you think it's a- if you would like to bring up the recommendations. I mean, we have another 25 minutes before we go to lunch. And as Aaron, I believe, you know, he stated he- it's something that they can consider. We know they've submitted the proposed language and text. But if there's something else, it's- I do- Aaron has mentioned that it's something that they're willing to listen to and we can- and it can be discussed.

MS. LAPUS: I mean, I could send this to you and Cindy over lunch and then at the afternoon meeting, we could screen share. And again, it was- these proposed recommendations were presented by our COE president, Ms. Kimberly Jones. So and I think, there are some that are specific to certain TRIO Programs, but, there's a few that are also- that's applicable to all the

TRIO Programs. So I don't know if that helps, and I'll definitely send that to you.

MS. K. SMITH: Thank you. Okay. Aaron.

MR. WASHINGTON: Thank you, Emalyn. Yeah. And I, you know, yeah, I'd be more than happy. I think we'd all be more than happy to. I don't want to speak for everybody, but I'd be more than happy to, like, hear your, you know, hear you go through the paper as you send it so we can, you know, hear your thoughts and maybe be able to like, you know, the subcommittee can ask you questions about the proposals and, yeah. So if you want to wait till after lunch like Krystil said, you can- we also still have 22 more minutes. 23 more minutes as well. So it's all up to you. But and then also I just wanted to go back to Wade. Just, you know, maybe think through like during the lunch break like what other populations that you would want to expand or that you would want to reach, to expand access to and maybe, just some like, ideas about that after the lunch break, like, so we can just get, I guess, more concrete examples of like, you know, to take back to talk about it.

MS. K. SMITH: Okay. Did Gaby or Hannah- when you all sometimes come back on camera I'm not sure if that's. Okay. Alright. Geof?

MR. GARNER: Hi there. I just wanted

to point out some of the testimony that President Kimberly Jones gave yesterday from the counsel for Opportunity and Education specific to what D'Angelo was saying about the stipends. It's a really important one. I think just if we can address the updating our \$40 stipend a month, and having it be more of an incentive versus a disincentive when a participant's thinking about they can make, you know, \$40 an hour or \$30 an hour interning versus working with our TRIO Programs nowadays. That would be, you know, an excellent starting point. And I think adopting the whole slate of recommendations from COE that has already been submitted, but, specifically, we would want the Department to look towards that Bipartisan, Bicameral Education and Success Act of 2023 as the model for guidance and adjusting the student stipends within our TRIO program. I think that one was really pertinent to this thread of our conversation. Thank you.

MS. K. SMITH: Thank you, Geof. Okay. Any other comments? I know it looks like. Oh, Aaron?

MR. WASHINGTON: So, Geof, it sounds to me like what you just said was, is going to be part of what Emalyn has, is that right? Emalyn, is that part- are you going to be talking about the COE recommendations? Oh okay. Alright. Just making sure. Alright.

MR. GARNER: Thank you.

MS. K. SMITH: Okay. Any other thoughts or comments, that we have right now about any of the information that Aaron so, expertly walked us through. Thank you for that. I have 11:40. We will, if we remember, we do have a member of the table that's not here. So we will come back for lunch. And look at some of the proposals, that we may receive. If you can get those over. Just remember word format, you know, highlight any proposed changes, etc. We'll get that out. If, Aaron, do you have anything at the Department? I think we can break a little early for lunch. And, Cindy?

MS. JEFFRIES: Yeah. I just want to double check. Aaron did, I mean, you did say that Vanessa has the capability of making changes, and making notes and things live, right? You know, a couple of things. You can- if you can come up with your suggestions or things that you'd like to see you could do just like what Aaron just did with I believe it was Wade's idea and put it in as a comment so that they can take a look at that. You can actually write a proposal that you send to them, however you choose to do it. We do have two hours yet this afternoon. I also want to say that if any of the committee members want a need- want or need a space to work together because it seems like, at least a couple of

you have, you know, said yeah, I'm along those same lines. If you need a space so that you all can sit down and work on your thoughts together we can put you- give you a breakout room to do it. Just let us know what your needs are.

MS. K. SMITH: Okay. Aaron and.

MR. WASHINGTON: You know what? Let D'Angelo go first. I'm sorry.

MS. K. SMITH: Okay. D'Angelo?

MR. SANDS: I was going to request a breakout room. I think that'll be a great idea for us to meet if my other members are comfortable with that, okay with that? So we can talk through- just so that we're not repeating the same pieces when we get back on the call and maybe help with efficiency there. If that's okay.

MS. K. SMITH: So would you like to go to that breakout room after the lunch break or did you want to do it now?

MR. WILLIAMS: I'm open to now if my colleagues are okay, they're open.

MS. K. SMITH: Okay, okay, we can do that. We can do that. Anything else? Cindy, just correct me if I'm wrong, we're still coming back at 1 p.m. eastern. Okay? We're still going to come back at 1 p.m. eastern. Officially. Back live. But for now, it's 11:42.

If we don't- if there's nothing else, we will adjourn for your meal. I know it may not be lunch for others. And we will put you all in the waiting room. I mean, we'll put you all in a break room, so we will adjourn for a meal. Assemble back at 1 p.m. eastern. Thank you.

MR. WASHINGTON: Did you all want the Department in there? Just so, I don't. I mean, you don't have to. You don't have to have, you know, you can do it by, you know, I don't.

MS. K. SMITH: Right. Let us know who you'd like to put in there and we'll make them- we'll send them an invite if they.

MR. WASHINGTON: Maybe it's just a subcommittee thing. You know what I'm saying? Y'all, Y'all brainstorm. Okay? See, D'Angelo is like, no. He was like, I want to say it, but I was like, alright.

MS. JEFFRIES: Aaron, I think what I heard was that they want to kind of align their thoughts to better use of time so things aren't getting repeated and repetitive.

MR. WASHINGTON: Yep. Yeah okay. That sounds good. Perfect. Alright. Thank you.

MS. K. SMITH: Alright. So we'll end this part of the session, if it hasn't already.

Zoom Chat Transcript

TRIO Subcommittee- Session 1, Day 5, Morning, January 12, 2024

***Chat was copied as presented, as a result minor typos or grammatical errors may be present.**

From Krystil Smith | FMCS Facilitator to Everyone:
Please send any proposals in Word format, with red-lined text for any regulatory language, and rationale to myself and Cindy Jeffries. We will ensure it is disseminated properly

From Cindy Jeffries - FMCS Facilitator to Everyone:
Replying to "Please send any prop..."
cjeffries@fmcs.gov

From Cindy Jeffries - FMCS Facilitator to Everyone:
Replying to "Please send any prop..."
ksmith@fmcs.gov

From Hannah Hodel, ED to Everyone:
Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)

From Wade Williams, TRIO Alum Rep. to Everyone:
I agree with Emalyn

From Geof Garner Secondary Schools to Everyone:
The submitted comments from The Council for Opportunity in Education addresses some of D'Angelo's comments. Please see President Kimberly Jones' comments from yesterday's testimony for more information.

From Wade Williams, TRIO Alum Rep. to Everyone:
Reacted to "The submitted commen..." with 👍