

Delivered via electronic mail

February 5, 2024

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

RE: Expanding TRIO Programs Eligibility to Undocumented Students

Dear Members of the Program Integrity and Quality Committee and Federal TRIO Programs Subcommittee:

The one hundred (100) undersigned organizations and institutions, including current TRIO grantees, wholeheartedly support the expansion of eligibility for Federal TRIO programs to include undocumented students as proposed by the Department of Education through its 2024 negotiated rulemaking.¹ We are encouraged by the Department's willingness to propose these changes to support these students' educational access and success and now encourage the TRIO Subcommittee and full Committee to support the expanded eligibility criteria and reach a favorable final consensus.

The Federal TRIO Programs' current exclusion of undocumented students is counterproductive and arbitrary.² The proposed regulations would enable Federal TRIO programs to continue to serve the disadvantaged students that the Higher Education Act established Federal TRIO programs to assist. They would enable Federal TRIO programs to serve eligible undocumented students enrolling in high school every year and pursuing postsecondary education. They would also align federal regulations with the policies of many states that recognize the importance of supporting access to higher education for undocumented students.³ Currently, 24 states and the District of Columbia have extended in-state tuition to undocumented students through their legislatures and policies, and 18 states and the District of Columbia also provide access to in-state financial aid.⁴

We encourage the Subcommittee not to treat certain benefits of TRIO programs that undocumented students may be barred from receiving, like stipends, as stumbling blocks to expanding eligibility for TRIO services overall.⁵ Colleges, states, and TRIO practitioners are eager and have proven adept at finding ways to support undocumented students while complying with this statutory restriction. Indeed, the greater equity issue and barrier for these students is access to the program itself, which the Subcommittee and Committee as a whole now has the opportunity to rectify.

¹ Off. of Postsecondary Educ., Dep't of Educ., Issue Paper No. 6: Federal TRIO Programs (Jan. 12, 2024), www2.ed.gov/policy/highered/reg/hearulemaking/2023/trio-subcommittee-issue-paper-session-1.pdf.

² See Letter from Organizations to Sec'y Cardona, Dep't of Educ. (July 1, 2021), www.schoolcounselor.org/getmedia/cee6bced-c236-4db7-90b5-06ed9cdff62c/federal-trio-programs.pdf.

³ Am. Immigration Council & Presidents' Alliance on Higher Educ. and Immigration, Undocumented Students in Higher Education How Many Students Are in U.S. Colleges and Universities, and Who Are They? 10-11 (Aug. 2023), www.higheredimmigrationportal.org/wp-content/uploads/2023/08/07.23-Undocumented-Students_v3.pdf.

⁴ Portal to the States, Higher Ed Immigration Portal, www.higheredimmigrationportal.org/states (last visited Jan. 18, 2024).

⁵ See, e.g., 34 C.F.R. § 645.42.

Through the Performance Partnership Pilot (“P3”) for Disconnected Youth, the Department waived immigration status requirements that are barriers to achieving improved outcomes for

TRIO programs in California and Oregon, including the Talent Search, Classic Student Support Services, and Classic Upward Bound programs. The California P3 agreement became effective in November 2022 and is in effect until September 2026. Projects participating in the P3 demonstrate that students have exceeded expected outcomes in maintaining their grade point averages and academic good standing, as well as persistence to their diploma. Undocumented students have been able to contribute to and benefit from the high level of effectiveness of these programs. TRIO practitioners have reported an easing of administrative burden by extending services to undocumented students, rather than barring them from participation.

Support for both TRIO programs and Dreamers is consistent and bipartisan.⁶ Allowing TRIO programs to serve undocumented students accords with this support and would buttress states’ goals for increasing the percentage of their residents obtaining postsecondary education.⁷ States recognize the benefits that investing in students’ access to postsecondary education yields for their local economies.⁸

The undersigned, members of negotiated rulemaking committees, and the Department have all invested in undocumented students for over a decade. The opportunity now presents itself to ensure they can receive more of the support they need to access postsecondary education, thrive, and graduate. We respectfully urge you to come to a favorable final consensus on the proposed changes.

Sincerely,

Achieve Twin Cities
Adelante Education Coalition NC
Aliento Education Fund
American Association of State Colleges and Universities
American Federation of Teachers
American Immigration Council
Asian Americans Advancing Justice | AAJC
ASPIRA Association. Inc
Association of Independent California Colleges and Universities
Atlanta Public Schools
Blue Mountain Community College

⁶ Maureen Hoyer, Council for Opportunity in Educ., House Subcommittee Level Funds TRIO in Bill That Cuts Overall FY24 Funding by 28% (July 18, 2023), www.coenet.org/news-impact/advocacy-update/house-subcommittee-level-funds-trio-in-bill-that-cuts-overall-fy24-funding-by-28; Press Release, Council for Opportunity in Educ., Record Number of Bipartisan Representatives Call to Prioritize Funding for Federal TRIO Programs (Apr. 27, 2022), <https://coenet.org/news-impact/press-releases/record-number-of-bipartisan-representatives-call-to-prioritize-funding-for-federal-trio-programs>; Press Release, Presidents’ Alliance on Higher Educ. and Immigration, Voters Agreed on Urgent Need for Legislative Solutions for Dreamers: Recent Polling Shows a Strong Majority of Americans Across the Political Spectrum Support Action (Nov. 9, 2022), www.presidentsalliance.org/press/voters-agreed-on-urgent-need-for-legislative-solutions-for-dreamers-recent-polling-shows-a-strong-majority-of-americans-across-the-political-spectrum-support-action.

⁷ Nat’l Governors Assoc., Governors Prioritize Postsecondary Education Pathways In 2023 State Of The State Addresses (Mar. 27, 2023), www.nga.org/news/commentary/governors-prioritize-postsecondary-education-pathways-in-2023-state-of-the-state-addresses.

⁸ Am. Immigration Council & Presidents’ Alliance on Higher Educ. and Immigration, *supra* note 3, at 4, 11.

Border Network for Human Rights (BNHR)
Breakthrough Central Texas
Building Skills Partnership
Bunker Hill Community College Foundation
California Community Colleges Chancellor's Office
California State University Channel Islands
California Student Aid Commission
California Undocumented Higher Education Coalition
Casa Azul de Wilson
Center for Law and Social Policy
Center for Popular Democracy
CHILDREN AT RISK
Coalition for Humane Immigrant Rights (CHIRLA)
College Advising Corps
Colorado Department of Higher Education
Communities In Schools of Chatham County
Donnelly College
Downtown Magnets High School
Durham Public Schools Foundation
Eastern Oregon University
Education Leaders of Color
Education Trust - Midwest
Education Trust Louisiana
EduOptimists LLC
El Vínculo Hispano
Estrella del Paso (Formerly Diocesan Migrant and Refugee Services)
Faithaction International
First Gen Empower
FWD.us
Golden Door Scholars
Hispanas Organized for Political Equality
Hispanic Association of Colleges and Universities (HACU)
Illinois Dream Fund
Immigrants Rising
Immigration Hub
ImmSchools
Kids in Need of Defense (KIND)
LatinxED
Los Angeles County Office of Education
Make the Road Nevada
Make the Road NJ
McHenry County College
Metropolitan State University
MSU Denver
NASPA - Student Affairs Administrators in Higher Education
National Association for Bilingual Education
National Association for College Admission Counseling (NACAC)
National College Attainment Network
National Education Association

National Immigration Law Center
National Migrant Seasonal Head Start Association
NavigateED Solutions LLC
New America, Higher Education Program
Northern Illinois University
Peak Education
Presidents' Alliance on Higher Education and Immigration
Rutgers University-Newark
Salt Lake Community College
SALUD! Multicultural Health Coalition
San José State University
Southeast Asia Resource Action Center (SEARAC)
Southern California College Attainment Network
Teach For America
The California State University
The Education Trust
The Education Trust- Tennessee
The Education Trust, Massachusetts
The Institute for College Access & Success
UC Berkeley
UC San Diego
UC Santa Barbara
UC Santa Cruz
UCLA
UndocuScholars LLC
United We Dream
University of California Graduate and Professional Council
University of California Student Association
University of California System
University of California, Merced
University of Hawaii
University of Southern California
Villanueva Consulting
Voto Latino
Wesley Foundation Serving UCLA
Western Oregon University
Wind of the Spirit Immigrant Resource Center
Young Invincibles
YWCA Greensboro
YWCA High Point

cc: The Honorable Nasser Paydar, Ph.D., Assistant Secretary for Postsecondary Education