

June 1, 2009



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Hubert H. Humphrey Building
1990 K Street NW
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Washington, DC 20006-8544

RE: 34 CFR Parts 668, 686, 690, and 691

Docket ID: ED-2009-OPE-0001

Document ID: ED-2009-OPE-0001-0001

Document Title: "Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access to Retain Talent Grant Program"

RIN: 1840-AC96

Electronic comments submitted through the Federal eRulemaking Portal <http://www.regulations.gov>.

On behalf of the more than 100,000 bipartisan members of the American Association of University Women (AAUW), I write to share AAUW's comments in response to the following U.S. Department of Education interim final rule: "Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access to Retain Talent Grant Program"

AAUW urges the Department to adopt the interim final rule, which would implement provisions of the Higher Education Act of 1965, as amended by the Ensuring Continued Access to Student Loans Act (ECASL) of 2008 and the Higher Education Opportunity Act (HEOA) of 2008. AAUW strongly supported these pieces of legislation that Congress passed last year, which included a necessary expansion of both the number of higher education grants as well as the number of students who were eligible to receive them. The interim final rule proposed by the Department would implement and enforce a number of statutory provisions that will help more students and families achieve access to higher education. In these economic times, such help is needed now more than ever.

AAUW's Position on Access to Higher Education

AAUW believes that every American should have access to higher education. This position stems from AAUW's 2007-09 Public Policy Program, which advocates: "a strong system of public education that promotes gender fairness, equity, and diversity...adequate and equitable funding for quality public education for all students...[and] increased support for, and access to, higher education for women and other disadvantaged populations."¹

AAUW is committed to making the dream of higher education a reality for all women and men. By 2016, an estimated 9 million new jobs will likely require postsecondary education.² As the skill requirements of jobs continue to increase, so too should access to postsecondary education.

AAUW is pleased that the Obama administration has made an early commitment to increasing access to higher education. AAUW has long called for increases to the Pell grant program; the economic recovery package provides for a vital increase in the maximum Pell grant award of \$500 for the 2009–2010 school year, as well as additional funds for work-study programs, helping millions of students go to college—and stay in college.³ In addition, the legislation provides for an “American Opportunity Tax Credit,” a \$2,500 tax credit for college tuition and other expenses.⁴ This targeted investment will encourage individuals to retrain and retool through higher education—which will in turn improve their earning potential and career competitiveness.

The omnibus appropriations act also includes funding to increase Pell grant awards and financial aid.⁵ All told, thanks to the Obama administration’s concerted efforts to help 6.9 million families pay for college, the maximum Pell grant will rise to \$5,350 for the 2009–10 school year.⁶ In addition, the omnibus appropriations act includes a host of other financial aid opportunities to help 1.4 million students go to school.⁷

The Obama administration’s budget would take a number of additional steps. The budget proposes an AAUW-supported change that Pell grant funding be made mandatory to ensure a regular funding stream, and the maximum awards will be increased and indexed to the Consumer Price Index plus 1 percent to address inflation.⁸ Further, the budget proposes eliminating entitlements for financial intermediaries under the Family Federal Education Loan Program.⁹ For years, private lenders under this program have received taxpayer-funded subsidies to make risk-free student loans; the administration would end this practice, representing a key cost savings. The budget also proposes the creation of a new College Access and Completion Fund.¹⁰ This funding would go directly to states to create and encourage college completion programs for students.

In 2008, AAUW supported the passage of ECASL and HEOA. ECASL guaranteed that student loans would remain available even when financial markets tightened. The legislation included AAUW’s priority of expanding ACG and National SMART Grants to part-time students, the majority of whom are women. HEOA reauthorized the Higher Education Act after a five-year delay, and included numerous AAUW priorities such as year-round Pell grants, increased access to on-campus child care, updated reporting requirements for hate crimes on campus, and fellowships to help diversify the professoriate. AAUW supports the interim final rule that would implement these changes, and in particular supports the following provisions:

Definitions (§ 691.2)

The interim final rule amends § 691.2(d) to define the term “annual award” as the maximum ACG or National SMART Grant amount a student would receive for enrolling on a full-time, three-quarter-time, or half-time basis and remaining in the enrollment status for one year. AAUW supports this definitional change, which will ensure compliance with the statutory provision that non-full-time students can be eligible to receive these grants.

The interim final rule further amends § 691.2(e) (1) to define the terms “first-year,” “second-year,” “third-year,” “fourth-year,” and “fifth-year” as a student’s grade level. These definitions will implement that statutory change from use of “academic year” to “year,” thereby increasing the amount of time for which a student would be eligible for receiving grant funding. Further, a new § 691.2(e) (2) is also being proposed to provide that a student’s grade level for the purposes of awarding these grants must be the same grade level used for determining annual loan limits under the FFEL and Direct Loan programs. This will ensure the consistent treatment of students in all Title IV programs under HEA.

Enrollment Status and Student Eligibility (§§ 668.32, 691.2, 691.15, 691.76, and 691.80)

The interim final rule removes from § 691.15(a) the requirement that a student be enrolled full-time to be eligible to receive an ACG or National SMART Grant. Instead, ACG and National SMART Grant would be added to the list of programs that require students to be enrolled at least half-time, an AAUW-supported change that will better reflect the needs of nontraditional students, the majority of whom are women. Prior to passage of the HEOA, the National SMART Grant program denied help to students who were part-time, often as a result of work or family responsibilities that they must fulfill while they pursue higher education. The new statutory and regulatory provisions would implement this much-needed change, in addition to making the regulations in this area consistent with Federal Pell Grant Program regulations.

Conclusion

The Obama administration estimates that the interim final rule, if adopted, would result in 538,000 additional educational awards totaling \$448 million over award years 2009-2010 and 2010-2011.¹¹ More specifically, expanding eligibility to part-time students, eligible non-citizens, and students at certificate programs would increase American Competitiveness Grant awards by 209,000 in 2009-2010 and 241,000 in 2010-2011, and increase National SMART Grant awards by 43,000 in 2009-2010 and 45,000 in 2010-2011.¹² In short, hundreds of thousands of students, and through them our country, stand to reap the benefits from the final rule. AAUW strongly urges its adoption.

If you have any questions, please feel free to contact me at 202-785-7720, or Adam Zimmerman, regulatory affairs manager, at 202-728-7617. Thank you for the opportunity to submit comments on these important regulations.

Sincerely,



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¹American Association of University Women. (August 2007). *2007-09 AAUW Public Policy Program*. Retrieved April 8, 2009, from http://www.aauw.org/advocacy/issue_advocacy/upload/2007-09-PPP-brochure.pdf.

²Bureau of Labor Statistics. (2008). *Occupational Projections and Training Data, 2008-09 Edition*. Retrieved Aug. 11, 2008, from www.bls.gov/emp/optd/optd001.pdf.

³U.S. Department of Education. (March 7, 2009). *The American Recovery and Reinvestment Act of 2009: Saving and Creating Jobs and Reforming Education*. Retrieved May 27, 2009, from www.ed.gov/policy/gen/leg/recovery/implementation.html.

⁴U.S. Department of the Treasury, Internal Revenue Service. (April 9, 2009). *American Opportunity Credit*. Retrieved May 27, 2009, from www.irs.gov/newsroom/article/0,,id=205674,00.html.

⁵U.S. House of Representatives Committee on Appropriations. (Feb. 23, 2009). *Summary: Labor, Health & Education Appropriations, Consolidated Appropriations Bill*. Retrieved May 27, 2009, from <http://appropriations.house.gov/pdf/LHEFY0902-23-09.pdf>.

⁶U.S. Department of Education. (March 7, 2009). *The American Recovery and Reinvestment Act of 2009: Saving and Creating Jobs and Reforming Education*. Retrieved May 26, 2009, from www.ed.gov/policy/gen/leg/recovery/implementation.html.

⁷U.S. House of Representatives Committee on Appropriations (Feb. 23, 2009). *Summary: Labor, Health & Education Appropriations, Consolidated Appropriations Bill*. Retrieved May 26, 2009, from <http://appropriations.house.gov/pdf/LHEFY0902-23-09.pdf>.

⁸Office of Management and Budget. (2009). *FY2010 Budget: Department of Education*. Retrieved May 27, 2009, from www.whitehouse.gov/omb/assets/fy2010_new_era/Department_of_Education.pdf.

⁹Office of Management and Budget. (2009). *FY2010 Budget: Department of Education*. Retrieved May 27, 2009, from www.whitehouse.gov/omb/assets/fy2010_new_era/Department_of_Education.pdf.

¹⁰Office of Management and Budget. (2009). *FY2010 Budget: Department of Education*. Retrieved May 27, 2009, from www.whitehouse.gov/omb/assets/fy2010_new_era/Department_of_Education.pdf.

¹¹Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access to Retain Talent Grant Program, 74 Fed. Reg. 20210-20225 (May 1, 2009).

¹²Ibid.