

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

On the 12th day of January, 2024, the following meeting was held virtually, from 1:00 p.m. to 3:00 p.m.

## P R O C E E D I N G S

MS. SMITH: Alright. Welcome back. I hope everyone had a great meal. It is 1:02 EST time, so we will get started. I first want to point out that our final member of the subcommittee has arrived, Mr. Michael Meotti. He was recently appointed to the subcommittee, and he is representing the state officials, including state higher education, executive officers, state authorizing agencies, and state regulators of institutions of higher education. Welcome, Michael. Michael, we did have an opportunity to bring Michael up to speed on exactly where we are right now. So, the one task that we have for him is to briefly introduce himself and provide his fun fact.

MR. MEOTTI: Thank you. I'm Mike Meotti, and I'm the executive director of the Washington Student Achievement Council, or WSAC, as we say in the state of Washington. We do have the most unusually named state higher education agency in the country. Usually, you're going to be familiar with groups like the Texas Higher Education Coordinating Board or the Tennessee Higher Education Commission, the Kentucky Council on Postsecondary Education. About a dozen years ago, Washington changed its higher education coordinating board to the Washington Student Achievement Council. We

are a state agency. I serve on the governor's cabinet. We work on all sorts of higher education issues, including being a state-regulating authority and state authority. My fun fact, I'm actually in the other Washington today. I'm in Washington, D.C., not the state of Washington. It's a city that I have a long attachment and connection to. And it started many, many years ago as a college student. And while I was a college student here, I'm actually at Georgetown now, I was selected to be an extra in the filming of the movie The Exorcist, which is getting a lot of buzz. I can't remember whether it's 10 years ago or 20, but there's a much longer number than that you can Google if you don't know it. But I was selected to be an extra and then when I was scheduled for the scene I was shooting in, it turned out to conflict head on with a mid-term exam in a course I was taking with a rather intimidating professor. Back then, I was still young enough and I decided I would not even ask to see if I could do a makeup in order to be in the scene. I just passed on being an extra so, my Hollywood career ended before it even started.

MS. SMITH: Oh, I was really looking forward to going back to the movie and trying to spot you.

MR. EOTTI: Don't look anything like

this so.

MS. SMITH: Well, welcome Michael, to the subcommittee. We're very grateful that you were able to participate. With that being said, we know when we broke for lunch, we were able to get through at least the Department's overviews. And we were able to go over all of the suggested red line text. So now I will return it over to the subcommittee to see if they had anything prepared. If they had any updates or wanted to make any additional comments on what we went over this morning or any additional proposals. Alright, Geof.

MR. GARNER: Thank you. I wanted to just share a comment that, you know, as- in my current role, I serve as the past president of the NAEOP region in TRIO, that's Oregon, Washington, Alaska, and Idaho. We are fortunately one of two states in the country that received Department, a waiver to serve undocumented students in our state. I'm really proud of that fact. In my role, as well as serving on the COE board of directors, I just wanted to offer up that what I'm hearing across the country as I talk to TRIO practitioners is that the expanding eligibility right now to undocumented students is a dangerous advancement, given our current political climate and so much so that, I would recommend that we don't approve these eligibility

expansions at this time and affirm that TRIO eligibility as it stands in the future, in a less polarized landscape TRIO folks would all appreciate being able to serve more students who need our support. And I can put that statement in the chat. And I'll do that now.

MS. SMITH: Just as a process reminder, for those that have support for anything that someone else says, do feel free to put that in the chat to acknowledge your support. Aaron?

MR. WASHINGTON: Thank you. Thank you for your comments, Geof. I know you're going to be pulling up a lot of different things. I guess that was another kind of proposal. So, I'm kind of going along with the proposal that we posted for Wade. Would you mind pulling that up like the issue paper and capturing Geof's comment? Now, Geof, do you have any more parameters around that? Like I know you said hold off now.

MR. GARNER: Great question, Aaron. When is the best time? I just think right now, you know, having a target on our backs with the political climate. I know a lot of states in my region, might have problems if TRIO were to be able to serve undocumented population. Those schools and TRIO programs would definitely be faced with funding shortfalls or the

potential to lose funding for TRIO programs, whereas now we enjoy bipartisan support in Congress for reauthorizing. So, I think when the time is better politically, I would love to see an expansion. For now, I'm excited that Oregon and California, possibly Washington in the near future, are able to serve a larger population in TRIO programs.

MR. WASHINGTON: Thank you.

MS. SMITH: Thank you. Was that enough Vanessa and Aaron? You got what you-

MR. WASHINGTON: I think Vanessa captured it. Vanessa, do you feel comfortable?

MS. SMITH: We can't quite see the last part of that, but as long as she understands.

MS. GOMEZ: Yeah, I got it. Thank you.

MS. SMITH: Thank you. Alright. Any other comments? Okay, Wade?

MR. WILLIAMS: I was just going to say, I agree with Geof. And while this does create this proposal, I think it increases eligibility. I don't know that it increases equity with everything that is proposed with students. And so, I struggle with it as well. I just wonder what else could be done or if anything else could be done that would expand participation across all

programs if we're going to address that, so.

MS. SMITH: Aaron?

MR. WASHINGTON: I think we're going to soon get into Emalyn's presentation. I did want to ask Gaby if she could talk a little bit about applicants or TRIO participant eligibility as it currently stands. And, like, what groups are eligible for participation?

MS. WATTS: Thank you, Aaron, and I still don't know what groups are currently eligible. We might need for you all to say expand the population. What's your actual ideas for that? Because right now TRIO would be able to address almost all disadvantaged youth. You know, we currently serve the low-income, the first-generation. We serve individuals with disabilities, we serve homeless youth, we serve limited English-speaking youth. So, when you say how to expand it to all, what are you exactly meaning? Because right now we feel that it is capturing just about everyone. And if we expand the definition, it would definitely be everyone. So, you all could perhaps expand upon that.

MS. SMITH: Any thoughts in response, Wade or anyone else?

MR. WILLIAMS: If I could say, so, I guess what I was trying to say is how can we expand? I said, I understand what you're trying to do with Upward

Bound, with Talent Search and kind of with EOC. I'm wondering across the board on all of them, is there anything else that I don't know. And I don't know the answer to that, but what else could be done to expand it? To expand participation, because some of that isn't regulatory. That's more law, you know. And I know that's not you all and your purpose and stuff. But I think until some of the legislative changes happen, it's going to make it difficult for the regulatory changes to happen. So, I don't know if that helps or makes sense.

MS. SMITH: Thank you. Aaron?

MR. WASHINGTON: Thank you, Wade.

Yeah, thank you, Gaby. We can definitely take your ideas back, Wade, and talk more about them between sessions, and come up with a response for you.

MS. SMITH: And just a reminder, you know, we'll probably say it a couple times. At any point, if there's anything you hear experts say here at the table can propose to help them, I think Aaron definitely has made it clear that they're willing to accept and consider it. Okay, so, Emalyn, I think the Department has received your paper. Did you want to address it? Highlight anything in it specifically? Oh, you're on mute. Yeah.

MS. LAPUS: Well, it was as a



committee, we all did discuss and worked on this and agreed. So, I mean, yeah, we could go ahead and present it. I think it would be helpful. Well, since we have the time and then it does show some of the language that either we'd like to include or strike out. So that would be helpful. Now that we have the opportunity, we should just proceed with it then and have that screen.

MS. SMITH: I'm sorry. Thank you.

MS. LAPUS: Yeah, that's the right one. I'm actually going to defer either to Geof, and maybe you want to take the lead to explain, because again, him being a former NAEOP president, you know, he could speak on all of our behalf, if that's okay with you.

MR. GARNER: And I'm just looking at the definitions and what we're recommending is highlighted here. I don't want to rehash what you can see, but I would ask Aaron or Gaby, do you all have any questions about what we're looking at here in the Talent Search proposals?

MS. SMITH: Aaron?

MR. WASHINGTON: You know, I can't speak for Gaby, but for me, I know where the definition is coming from, and I'm sorry, Gaby does too. I think it'll be helpful. Go ahead, Gaby.

MS. WATTS: No, so, Geof, you are referencing here, you want students who are eligible for free and reduced lunch? Is that what this one is addressing?

MR. GARNER: Just some clarity on-determining that all students are eligible who are on free and reduced lunch.

MS. WATTS: Free and reduced, not just free lunch? Free and reduced. Okay.

MR. GARNER: Correct. Thank you.

MS. WATTS: Okay.

MR. WASHINGTON: Yeah. I mean, Geof, we can obviously see on the screen and everything, but just for the sake of the public, just for the sake of the record, the transcript, everything, I think it would be helpful just to provide a high-level couple of sentences. It doesn't have to be extensive, but just high-level overview for the public watching, for the Department staff listening on what the proposal is and maybe rationale. If you don't have both of those things, that's totally fine. But I think that would be helpful for everybody.

MR. GARNER: Sure. I think just with each individual school's definitions of what is free, what is reduced, that can be muddled. And we just wanted

to make it clear, blanket free and reduced. And that makes it easier for us as we're collecting data points to select our target schools in TRIO. I hope that helps out. Okay. Great. Thank you.

MS. SMITH: Did you want to go to another point?

MR. GARNER: If you want to scroll, I can make some general comments about this.

MR. WILLIAMS: Well, a Talent Search program can serve a whole school, you know, if a predominant number of the school is free and reduced lunch.

MR. GARNER: Yeah. Exactly right. Thanks, Wade.

MS. WATTS: Excuse me. Wade, so you mean, you mean the whole school? If it's a free and reduced lunches, anybody in the school can receive service if that school is classified as free and reduced lunch? Is that what you're saying, Wade?

MR. WILLIAMS: Yeah. I mean, that's my personal opinion, I think.

MS. SMITH: And yeah, I think it's good to get it out there for the Department to consider. Alright. Do want to continue on, Geof?

MR. GARNER: Sure. Yeah. Are

allowable cost, admission fees, transportation, t-shirts and other costs necessary? You know, there's always been the discrepancy with Talent Search and Upward Bound. Upward bound has always been able to buy t-shirts to identify your students in the program. This would be helpful here as an allowable cost where it's specific that t-shirts are listed. There's always confusion with TRIO directors and programs about understanding that. Just some clarity about that and attending educational activities, museums, and cultural visits. I think that adding that in would help our programs percentage of enrolled students who are identified students. The Richard B. Russell would be for identifying students that meet the threshold. That's pretty clear. If you go a little bit further, 644.30, admission fees, transportation, and other costs necessary to participate in field trips, ed activities, etc. That helps us with getting students into these different programs which can lead to internships, other aspects of our intentional field trips and events that enhance programs for students.

MS. SMITH: Go ahead. Did you want to finish that up?

MR. GARNER: Keep scrolling. Thank you.

MS. SMITH: Okay. Well, Geof, I think, Hannah has something. I want us to go past if she had some comment to say. Hannah?

MS. HODEL: Yeah, no, I did just want to note as we're going through this, that the TRIO statute does provide a definition of low-income individual. And so, we might want to take a look at that the definition as well since that is- a statutory framework.

MS. SMITH: Alright. Thank you, Hannah. Alright, Geof and I think, you know, we'll pause after each section just to make sure the Department doesn't have anything. Aaron, did you have something?

MR. WASHINGTON: Yeah, I think I just wanted to point out that Vanessa projected the definition of a low-income individual on the screen. Vanessa, do you want to bring that back up so folks can take a look at it?

MS. SMITH: Yeah, and it looks like they were- they had proposed reg text for that.

MR. WASHINGTON: Yeah, so that's just pointing back to what you know, Hannah. I don't know if the proposals were based on the regulatory language because I think they were? It sounds like, Geof, correct me if I'm wrong, it sounds like you all were doing the

red lines off of the reg language as opposed to saying-  
oh yeah, okay. Yeah, so, thank you.

MS. SMITH: Oh, you went back on  
mute, Geof.

MR. GARNER: Thank you. Sorry about  
that. Back to Hannah's point about the- qualifying as  
low-income individuals, if we were able to use the Pell  
Grant recipients, and use that expanded definition to  
include the Pell Grant, that would provide administrative  
relief for our TRIO undergrad programs. I just wanted to  
put that out there as well. Thank you. Okay. I think  
we discussed this one, 644.30, other requirements,  
documentation. That's pretty clear. If we can keep  
scrolling. Okay, here we are in Upward Bound. Emalyn,  
did you want to take over on the UB? I have a brand new  
Upward Bound program.

MS. LAPUS: Okay. Yeah. So again,  
as a committee, you know, I initially introduced this,  
but we did discuss it. It's just given over the years,  
for trying to collect data for dropout rates to  
demonstrate need for our program has been challenging.  
One, you know, obviously, schools are not as transparent  
with their dropout rates because, of course, if they show  
a high dropout rate, it doesn't look good. I mean, to be  
direct, it does affect the funding for the school. And

then, you know, point number two. I believe that over the years, our many Upward Bound programs being at certain schools have helped students to graduate given that's one of our objectives. So they graduate from high school, middle school. For the Talent Search graduate, middle school, Upward Bound graduate from high school and go on to college. So, you know, we have contributed to lowering the dropout rates. Again, this has been challenging to collect data and demonstrate it in a way that would help us show need. So, it was a recommendation to basically eliminate this one section in demonstrating this one data point in demonstrating need. So, I don't know if there was another section in Upward Bound. Oh, and then again, just take out dropout. And if you could scroll again, I think that might be it. Oh, okay. Then the second point, for objectives we wanted to propose recommendations to take out this objective to the academic performance especially since after the pandemic, a number of states or districts have removed the standardized testing. And so, again, trying to address and meet this objective has been very challenging. Not only does it not help with demonstrating need, but also in terms of being able to demonstrate program effectiveness, it's not necessarily beneficial at this time in helping the programs. And then as you can see,

the recommendation was if we take out the academic performance objective, which is one point, then that one point could be added on to GPA. So, the objective for the GPA would now be worth two points instead of one. With the stipends, I'm not sure who we want to propose increasing the amount. The current amounts are not up to pace with current living standards nationally. So for us here in California, many of our students have chosen to prioritize working or participating in paid internships. So, if we were able to increase our monthly stipend amount that would be a great incentive for our students to participate. Again, here in San Francisco, we wouldn't have to compete with other similar college access programs that do provide stipend or some kind of payment that is much higher than the current \$40 per school year, the \$60 during the summer, and then definitely for work study. Increasing that amount, tripling it to 900 would definitely be more as an incentive. With our students, a lot of them work or do what they need to do to get paid because it not only to help themselves, but also they help out their families. So, those dollar amounts are what we are proposing. Thank you.

MS. SMITH: Alright, any comments?

Okay, Hannah?



MS. HODEL: Thank you. I just wanted to note one quick statutory thing, which is the contents of outcome criteria for the Upward Bound program are specified under 20 USC 1078-11 F3B, and I did want to just note that consideration of a student's academic performance, as measured by standardized tests, is something that is included within the statutory framework.

MS. SMITH: Thank you, Hannah.  
Alright. Wade?

MR. WILLIAMS: Sorry. We were talking about the stipends earlier when I talked about the proposal that you guys had said about increasing eligibility. This increases eligibility but doesn't quite increase equity for students. And that's kind of what I was thinking of in regard to the stipend. Whenever the proposal can be in the program, but they're not- they're not going to be able to receive the stipend like the other students. I'm not trying to mean anything bad., it's just almost like a degrading thing to a student. You can be in the program, but you can't get the full benefits of all the other students that are in the program, if that makes sense.

MS. SMITH: Okay. Aaron?

MR. WASHINGTON: Thank you for that,

Wade. We hear what you're saying. I think I failed to mention when we started that after the presentation is done, the Department is going to call for a brief caucus with Department staff to just talk through your presentation. I don't think it should be more than hopefully 10, 15 minutes. And then hopefully I'll be able to come back and respond to a lot of the things that you've said. Of course, I won't say, no, you can't do this or yes, you can present this to the issue. You can present it to the main committee. Again, that's your recommendation. But I think I'll hopefully be able to give you some overarching feedback on the proposals once we get through them. So, I just anticipate a brief caucus just with the Department staff after the presentation is done.

MS. SMITH: Thank you, Aaron, for that update. And you all, the subcommittee, can also go into a breakout room if you need to as well. Okay. Did we want to continue or were there any other thoughts? I think student support services were next.

MR. SANDS: So, I'll take this one.

MS. SMITH: Alright, D'Angelo.

MR. SANDS: I'll go ahead and take that one. As I previously mentioned, regarding the-

MS. SMITH: D'Angelo can [inaudible]

yeah, if you can, you have to get close to your mic because we lose you a little bit and we want to make sure we hear every word. Thank you.

MR. SANDS: Okay. Alright. Thank you for that. Here under Student Support Services, one of the things that we want to bring up again, I think I referenced it earlier, regarding Pell Grant eligibility for our student support services. In addition, it would help with recruitment with some of our programs when it comes to the administrative pieces, that there also have been some challenges where students who are at the institution but their parents live in different cities. And if a student puts down information like gross income versus the taxable income and the parent is in a whole other city, that has shown to be some difficulty and obtaining proper documentation or signatures for that. So that would alleviate some challenges there. If you could scroll down a little bit more to 646.30 in section (e), transportation. When it comes to allowable costs, we're proposing that we strike the language with prior approval of the Secretary, and then change where it says meals and lodging for participants and staff during approved educational and cultural activities. Additionally, down in section (g), we're looking to strike the language, except that these costs may not

exceed four percent of total project salaries. The Secretary may adjust these percentages if the applicant demonstrates to the Secretary satisfaction that a higher percentage is necessary and reasonable. And so, these are some areas- if you drop down a little bit more, I don't know if that's everything. And then the addition to (n) and (k) are the cost that's necessary to participate in educational activities, visit museums, and attend other events that have as their purpose their intellectual, social, and cultural development of participant. This will make it a little bit more across the board for two-year programs, including some of our programs in SSS. And I think- the same here, is no different than the one above regarding Pell eligibility. McNair, was advocating for the same for the McNair programs. We are asking for a stipend at least up to 4000 per year. We'd love to get feedback on that from others. And if we scroll down a little lower, section (e) other costs, we would like to add, there's other costs necessary to participate in educational and scholarly activities and attend other events that have as their purpose the intellectual, social, and cultural development. So, we're looking to add those particular languages specific for [inaudible] and McNair. So, we have some of the similar opportunities for students,

that's both pre-college and collegiate. And the last is Pell eligibility as well.

MS. SMITH: Okay. Did anyone else want to add any additional comments to this? I know that we're going to be taking a caucus. Okay. Hearing nothing, Aaron, how many minutes do you think you'll need? Did you want to do the 15? That'll put us either at 45 or 50. 45 is 10 and-

MR. WASHINGTON: Let's do 50 and that way we have more than enough time then, if we need more time, which I don't believe we will, then we can let folks know.

MS. SMITH: Okay. So, did you all need to also go to a breakout room or you're good? We're just going off camera and coming back on at 1:50 EST time. Alright. Looks like everybody's good so at this point, we will break, take a quick caucus and we will reconvene at 1:50. Yes, Cindy?

MS. JEFFRIES: Krystil, just a question for the Department. Let us know if you want us in with you or if you want to send us a message, or if you need us?

MR. WASHINGTON: Well, I'll send you a message.

MS. SMITH: Okay. So, 1:50 EST time.

It's approximately 14, 15 minutes from now.

MR. WASHINGTON: Yes, perfect.

MS. SMITH: Alright. Welcome back.

Thank you for coming back. We were a little behind.

Aaron, do you have anything to add or anything to update?

MR. WASHINGTON: Alright. Okay, so Hannah's going to go first and walk through some of the statutory implications for the proposal.

MS. SMITH: Okay, Hannah?

MS. HODEL: Great. Thank you. So, we appreciate you flagging some of these proposed changes for our attention. We did want to flag, though, that the definition of low income is provided within the statute. And so that is a definition that Congress has provided and cannot be changed through the regulatory process. Similarly, the stipend amounts are also set out within the statute and are set at an amount that was set the last time that the Higher Education Act was reauthorized. So, we do not have the ability to alter those amounts without congressional action. The last thing that I wanted to note that also has a statutory framework that we need to work within is related to the objectives that I flagged, which is the Upward Bound program does have as one of its objectives that's set out in statute, consideration of academic performance through

standardized test scores. And I could drop that site within the chat if anyone would like. But that is something that I do not think that we could strike, since it's set out specifically within the program statute.

MS. SMITH: Okay. Thank you, Hannah. Emalyn?

MS. LAPUS: So, yeah, Hannah, thank you for providing that extra information. If you look back to the document that we shared earlier, I don't think we're saying to strike out the definition. I think we wanted to add that definition in red so it would broaden the definition of low income. And then regarding the objective for Upward Bound academic performance, then perhaps if it is defined as you said in law, but could there be that a broader definition of what other testing performances or tests, tools, or whatever could be used that would help us to address that objective?

MS. HODEL: Just speaking to the definition of low income, I do not think that we are able to expand beyond the specific definition that Congress provided. I would need to take another look at the objective language that you flagged or maybe we could discuss alternate ways that standardized test achievement might be measured.

MS. LAPUS: Thank you. That would

help.

MS. SMITH: Aaron, did you-?

MR. WASHINGTON: You know, I guess I can speak to the other pieces of the proposal. In my opening statement, I did mention that we are aware that the committee was likely going to want to bring issues beyond the scope of participants' eligibility. Some of these things are criterion for application, for application approval, points on applications, things like, Secretary approval for things that might be permissible to spend funds on and the student support service program. And I just want to go back to that caution. Again, this is your recommendation, but you also want to think about the main committee, the people, the folks who have to vote. And I mentioned that, you know, we make the recommendation here, but no one on the subcommittee has the power to weigh in on consensus. And we want to think about what the expertise on the main committee is to dive this deep down into the weeds of the TRIO program right now. The time that we have to formulate a proposal and also support that proposal with rationale. I had mentioned also that a lot of times when we change regulations, there has to be some sort of rationale for why we're doing that. So, a lot of times with the Department, we are required under the



Administrative Procedures Act to put rationale into what we call the preamble of the regulation. So, for example, under the Student Support Services, transportation and with the prior approval of Secretary, so you had proposed to strike that. So, there was a reason that was put into the regulation. So, I would encourage the subcommittee to definitely read the preamble to that regulatory language to see the rationale for why it was there. And, you know, it has to be able to be supported beyond the rationale for why we chose to include it in the first place. And the financial aid, well, the main committee is going to be very familiar with citizen and non-citizen requirements. Keep in mind that a lot the TRIO program participant requirements in regard to non-citizen eligibility mirror the Title IV eligibility requirements. So you're going to have schools in the financial aid administrator and you're going to have multiple constituencies on the main committee that are extremely familiar with what the Department has proposed on participant eligibility. You may not have people that are that familiar on the main committee with, you know, stipends which Hannah already spoke to or, you know, allowable costs for, or, you know, points in the application- or actual points in the application for, you know, a TRIO application. So that could be something

that, you know, the main committee could choose not to take on because of the lack of familiarity in that area. And I like I said, I know that there's desires to go beyond the scope of what the Department has proposed, but I would caution the committee going beyond that scope and trying to really focus on specific eligible-participant eligibility in the actual TRIO programs. I wondered, does anybody have any comments on what I'm saying? I know we seem like we have a lot of time. We still have one more session in February, but thinking of the other topics on the main committee that they have to get through and get through amended regulatory language for the other topics as well. There could be a lot of discussion about these things that is unresolved. And then, you know, ultimately doesn't reach consensus, unfortunately.

MS. SMITH: Yes, Mike?

MR. MEOTTI: Yeah. And I'm a newcomer to the process. I'm curious as to having missed the morning. I'm happy to share some perspectives. Now, I don't know if this is the point in the process to do that but maybe the facilitators can let me know if that is appropriate now.

MS. SMITH: Did anyone have anything to say in response to what Aaron just said before we go

to Mike on any subject? Okay. Hearing nothing, Mike, you have the floor.

MR. MEOTTI: Okay. Thank you very much. Yeah, so I think there are a number of issues that are important to the perspective I would bring to this conversation. And one of which I would say is that I think this was mentioned or referred to at some point earlier, even earlier when I was here, so not this morning, but it might have been from Gaby if I'm getting pronunciation of her first name right I have long noticed and can speak in a moment to some research or evaluation work done on this. When we work with secondary students, we find that one of the quickest results, positive results that achieved and one that seems to be pervasive in any kind of work with secondary students that's looking forward to what they do after graduation, whatever that might be, is that it increases high school graduation rates and increases success within the K12 experience. So of course, the students that the administration is seeking to include with this proposed change is they have a right to be where they are in local public schools and that many of the services provided by these programs in our agency. We run a number of SHEEO agencies around the country. We run the state Gear Up Program and have done so for, I think, decades now. And

we have a very inclusive model of service in that program. But on a on the broader sense of these services helping achieve success within an educational pathway which these students have a right to be in. If you look at the evaluation done of programs such as the Pittsburgh Promise, the Kalamazoo Promise, there's also a promise in some rural counties in Arkansas that have been rigorously evaluated. There's more. There's a growing body of work. The Promise Program is probably ballpark 20 years or so old. It's been evolving over time and every Promise Program I'm aware of, including some of the early ones, starting with the legendary Eugene Levy's proposal to his middle school, to his MS or PS 109 in Brooklyn or wherever it was which happened 30 plus years ago, they start off with the offer of financial aid, and they realized that is not really the game changer they think it is. And they realize they need to support students more broadly across an array of needs, which is, of course, where, Gear Up and TRIO and all sorts of other programs come into play and every one of those programs. It's not just necessarily the financial aid and the lure to maybe go on to formal postsecondary education, it's all the other programmatic supports and interventions help increase student success, increase adolescent development and growth. We've seen it anecdotally in

Washington. We are working, in addition to the Gear Up programs, we work with about 12 regional collaboratives or partnerships around the state, and every type of community. And by the way, we do span even though, you know, states have these reputations on certain political spectrums, we span the full political spectrum on the ground in the communities of Washington. And we have regional partnerships in rural parts of the state that are working on issues. Sometimes when I talk to my colleagues in other states, I understand the different political contexts. I've been an appointed public official in two States, an elected public official in one state. I understand the context that people have to deal with. But, you know, we have been able to successfully deal with a commitment to equity, closing the gap and including populations normally excluded from these success pathways in parts of the state that were in some other state. Their own voting patterns are not what the national media would have consistent with the state of Washington overall, or Seattle, where I happen to live or, you know, whatever. But these communities are committed to this work. They support the work. And, you know, it is very tied into local and community needs. It is a recognition that the young people that are serving are part of their community, are part of their future

labor market, which we desperately need, you know, so there are just so many reasons across, K-12 success, community success, economic needs and whatever for this country to be more inclusive in serving the people who are here, who are our fellow community members and helping them achieve success. So I would be supportive of the administration's proposal, you know, and happy to engage in deeper conversation about how to, you know, make that a reality while recognizing the context that different states have to deal with and not have it impose any arbitrary evaluation standards or others- or other types of things on programs around the country.

MS. SMITH: Thank you, Mike. Any additional comments? Okay, so just as a process check, we've gone through the entire issue paper. We've- everyone has had an opportunity to weigh in and give some thoughts. We've looked at a proposal. We do know that the Department is open to additional proposals, additional language, that you can either put in the chat box now or you can email to both Cindy Jeffries and I, and we will get that to the Department, the rest of the subcommittee members as well as the committee members. It is 2:00, a little after 2:00 right now. Emalyn? Oh, you're on mute.

MS. LAPUS: I wanted to bring up what

my colleague Wade mentioned, and I was thinking there's been references that some of our proposed recommended languages cannot be changed due to the law. So, as Wade said, will there come a time when there is a negotiated rulemaking for the Higher Ed Act? since Or has- I mean, he said the last time was in 2008. I'm wondering if the Department or if Hannah would know that, because that would be great.

MS. SMITH: Aaron? Hannah?

MR. WASHINGTON: If Hannah wants to go first.

MS. HODEL: I mean, I can't say when Congress is going to reauthorize the Higher Education Act. It is overdue for reauthorization. But laws often go several years overdue without reauthorization before Congress is ready or able to take them up again. There's really no way to predict when Congress will reauthorize the Higher Education Act - it's very difficult to predict.

MS. LAPUS: What would it take, a senator or congressman to bring it up? And there has to be a vote? I don't know if you can do a brief summary of what that takes because just like other things, it's tied to the law, so we can't change it.

MS. HODEL: It's Congress's

responsibility and authority to take up again when it chooses to. We are just tasked with implementing the law as it stands. So, I don't have more insight than that.

MS. LAPUS: Okay. Thank you.

MS. SMITH: Aaron?

MR. WASHINGTON: No, let Michael go first. It's okay.

MS. SMITH: Alright, Michael?

MR. MEOTTI: I was just going to offer one person's perspective I worked for the US House of Representatives for several years. I've been through far too many cycles of reauthorization, not only of HERA, but the higher education also- I assume this is this has got to be in HERA, right? Right. Let me offer some comments that probably would not be an appropriate role of staff of a federal agency. There was a cycle that these core authorizing legislations of many Federal government activities was done more or less on a regular time cycle and there might be a delay here or there. We're in a very different world now in the United States, in which there is such a divide, and it is increasingly difficult, for common ground to be found. This has been my experience in dealing with legislators in Washington and dealing with this issue. You know, not to be a political prognosticator, but it is probably going to



take some major changes in the political climate of the United States or unified control across all of the three decision makers, the White House, the Senate, and the House. The Senate you have the issue with the cloture, that the likelihood of things like this coming up for reauthorization is just very dicey. The law is what it is and could stay that way for some time. And that's just my opinion.

MS. SMITH: Okay. Thank you, Michael. Okay. So, if we don't have anything else to add about the language, we did get through the issue papers, we can adjourn this session. I mean-

MR. WASHINGTON: Krystil, I'm sorry. Krystil, give me just two seconds.

MS. SMITH: Well, yeah, we would definitely need more [interposing]

MR. WASHINGTON: Alright. Can we just do one more break? I'm sorry, I know, I just wanted to do one more break. Hopefully the subcommittee can hold on a little bit longer, and then we'll caucus with the Department and come back. So, can we do 10 minutes?

MS. SMITH: Oh, sure, absolutely.

MR. WASHINGTON: Thank you so much, Krystil. And so-

MS. SMITH: Okay. Thank you for your

patience. We're back from the break. And we'll turn it over to the Department.

MR. WASHINGTON: Thank you, Krystil. And thank you all for waiting a little bit longer than we anticipated. We want to apologize for that delay. I just wanted to start with reengaging with Michael's comments. I think a lot of the comments that he made were the basis for the rationale for why the Department decided to put this proposal forward. And I had stated throughout my opening comments that we think it is a good thing to expand eligibility in this way, as we have proposed, and it will help realize the goals of the TRIO programs to engage with and offer services to disconnected participants. We heard extensively leading up to the negotiated rulemaking that we put out an intent to negotiate, and we get public comments in there, and then we do public hearings, and we get public comments there. So, people can either write in or actually come to the mic, well, virtual microphone to present to us. And we heard extensively from the community that the Department's proposal to expand eligibility in the ways that we have proposed were something that community wanted, expand eligibility to participants, that our role- are seeking to [inaudible] in high school if they don't meet the non-citizen requirements. It's something

that the community really wanted. And we have that documentation that we heard from many members of the public that this is something that would be welcomed by the TRIO community. I know we have 30 minutes left. I wanted to open the space and Krysti manage that space. But I wanted to open up the space for members of the subcommittee to respond to Michael's comments on how he saw what he saw were the benefits of the Department's proposal and what we have expressed with the rationale for expanding eligibility in this way. I know we've already heard that there are some concerns and fears, but I just wanted to get comments from the other subcommittee members on what Michael said.

MS. SMITH: Thank you, Aaron. With that being said, are there any additional comments in response to Michael's comments about the proposals as written? Well, looks like Geof.

MR. GARNER: Thank you so much. And thank you, Michael, well-articulated points. I just posted in the comment section it is a great policy. Wholeheartedly agree with it, hearts are in it. The fighter in me thinks that this is a tough time to go to battle and have an unforced error or a target on our backs and TRIO with just given the contentious nature of immigration policy right now. Our responsibilities to

protect all of our TRIO students that we're currently serving, with this being an extra possibility for a decreased funding for our TRIO students. We just think right now is not the best time for this proposal, as much as it breaks my heart to say that out loud and in public.

MS. SMITH: Thank you for your comments. Aaron, did you want to respond?

MR. WASHINGTON: You know, I need to wait. Would anybody from the subcommittee like to offer? Essentially thank you for that, Geof. And I hear your concerns and we had heard those throughout the meeting. Are there any other concerns other than what you had just expressed or that's essentially the main concern of the subcommittee?

MS. SMITH: Alright. Looks like I've got some- okay, Wade?

MR. WILLIAMS: I think that is the biggest concern. I 100% agree with what Geof has said. I think it would increase eligibility, but it's still that equity piece. And here's the thing, my biggest fear has been doing what we can as the person that's representing current and former participants is doing what we can to protect them, and the resources that they have available for them. I think potentially, we keep going back to the whole political climate. I think it

puts a target depending on how things turn out in the next election coming up and so what's going to happen? We don't know. So, I would worry about what kind of target that puts on TRIO programs and what we're able to do. You know, I think we have worked so well with TRIO programs and with the Department, to build what we are today and some of the changes we've been able to make. And those have not been easy to get through with Congress. I still feel that this, what Geof said, it's not the time, I don't think right now, so.

MS. SMITH: Thank you, Wade. Does anyone else desire to provide additional comments?

MR. WASHINGTON: Okay. Oh, sorry, Krystil.

MS. SMITH: I think we have no hands.

MR. WASHINGTON: So, Wade, quick follow up. I know you talked a bit about eligibility versus equity. In the current proposal to expand access beyond those that meet the citizen/non-citizen requirements. How can we expand equity just within the framework of the proposal that the Department has put forward?

MR. WILLIAMS: So, you're saying within the framework of what you have proposed?

MR. WASHINGTON: Yeah, just the

framework of what we proposed because as you said, it's not getting to the equity piece for you. I hope I'm not mis-

MR. WILLIAMS: Yeah, the biggest thing that sticks out with equity is that stipend piece and I realize that's law. But if I were and I'm not in TRIO anymore as a director, but if I were a director, I would have had the hardest time not giving students a stipend and a resource that would be so beneficial that I'm giving to the majority of all the other students. I struggle with that. That's the piece where I'm talking about the equity, that's the one that I keep going back to.

MR. WASHINGTON: This is not a pushback on your comments or to diminish your comments at all. Do you see a benefit in the idea that students would not have been able to participate in the actual program without the proposed regs? Without proposed regs, the student wouldn't be able to proceed at all. So, would you say without the stipend, I couldn't support it because it would be disparate treatment.

MR. WILLIAMS: I totally understand what you're saying. I'm sorry, I'm trying to process and think of the best way to say this. But I keep going back to second-class citizen. I just struggle with it. I

can't do something across the board for everybody. And I don't know how to fix that without changing the law, because I realize it's in the law, but I don't know how to fix that without changing the law.

MR. WASHINGTON: Okay, well, we're reaching the end of the day. What I wanted to do prior to us wrapping up is I wanted to do something we call a temperature check, right? So, it's just to see your proposal, of course. You know, like, we have all of what you've all put together, what Emalyn has put together, and you all presented on. But just for the Department's proposal, just adding to the Talent Search at EOC opportunity and Education Opportunity Centers and Upward Bound. Just adding a sixth clause for enrolling your [inaudible] enrollment. So, we do this thing at rulemaking. It's a do a thumbs up on your screen. Well, Krystil, do you want to explain it? This is your temperature check. Can you run that?

MS. SMITH: Yes, I can show how we can do a temperature-

MR. WASHINGTON: Sorry, I was [inaudible] temperature check on-

MS. SMITH: Right, make sure that they're clear, we can only make a recommendation, right? So, this is not-

MR. WASHINGTON: So, let's see. Do you all want Vanessa to put the language back up and so you can see it again? I know we're probably familiar with the language at this point, but I'd like to take a temperature check. Geof, you got the language? So, alright, cool. So, I'd like to take a temperature check, Krystil separately: Talent Search, Upward Bound, and Educational Opportunity Centers. Then you'll explain the thumbs, right?

MS. SMITH: I can explain what they mean. So, thumbs up means you're in favor. You agree with it. Sideways means, you know, you may have some issues with it, but you can live with it, right? You can live with it as it is and thumbs down means that you disagree. And you would not have any recommendation at all. So, we can do that one by one. It will be very clear, and we'll just see. Again, this is just to see where you all are. Because of course this is a non-voting subcommittee. But this will give the Department an idea so they can take the temperature of what you all feel. So, we can put that up. Thank you, Vanessa. Okay, so for our first one, it's on section 643.3, expanding the Talent Search project to include individuals enrolled in or seeks to enroll in a high school in the US, territories, or freely associated



states. How do you feel about this provision? By thumbs, a show of thumbs. Oh, and I can't see. Okay. Actually, y'all are going to have to tell, Wade what you're doing. I can't see your thumb at all, D'Angelo. Okay. Okay. So, they're all down, but one. Okay for the next one. And it is the same red line language. Okay, so this one is the same language. I think that it covers Education Center. Okay. Same language, but for EOC. How do we feel? What's the temperature here? Okay. Same result. And for the last one.

MR. WASHINGTON: And for Krystil, for this one, it's just that ineligibility for the stipend, if they- if they're- the individual is not a- the law says qualify [inaudible].

MS. SMITH: Okay. Does everyone understand this provision? Alright. Looks like there are head nods here. Alright, let's look at the temperature check on the Upward Bound programs. And it's the same as [inaudible] with the language as written. Is that enough information for the Department?

MR. WASHINGTON: Yes, that is enough information. What we'll have to is probably adjourn here, unless a member of the subcommittee has anything further to add, and I will or FMCS will be in contact with the subcommittee on the next steps. Will there be

a report out to the main committee and through what format that would be? So I will be in contact. This is how we've always done it, so it's not like we have a whole list of things that you have to prepare to do. So FMCS will be in contact with the subcommittee about the next steps. And I think it's time for a thank-you for everybody, right? Krystil, unless you had something before that.

MS. SMITH: Just to be clear, you all will be informing us and we'll quickly get that same information out to the members of the subcommittee so that they know the next steps in terms of a report and when that report might be. I do just want to reiterate to everyone that even during this time, is there a deadline if they wanted to send proposals before the next session?

MR. WASHINGTON: I honestly cannot remember when the next session is. I know it's in February.

MS. SMITH: February 4th, I believe, is when it starts, February 5th. So, the next session, is on the 9th, February 9th.

MR. WASHINGTON: Oh, no. The main committee.

MS. SMITH: The main. So, they start

on the 5th.

MR. WASHINGTON: Okay. Alright. The 5th or the 8<sup>th</sup>? Okay. Yeah. I think you can submit it well before then. But for the main committee, we asked that new proposals to be submitted by January 18<sup>th</sup> or close of business next Thursday. Hopefully you'll all be able to do that. If you need more time, like just let FMCS and Krystil know. And we might be able to work with you on that, but otherwise if you could try and get proposals in by January 18<sup>th</sup>, that would be helpful to get- to circulate them throughout the committee, because I think we have to publish all of them to our web page and do a whole host of things. Yeah, and we will endeavor to get back to you with the next steps ASAP as well.

MS. SMITH: Okay. Alright. So just so we're clear what our next steps will be. And the manner is still you all can work on any proposal or anything else that you'd want to send over to the Department and the rest of this committee, as well as the main committee. And with that, I think if you had more statements, I think we can have anything else to add, Aaron?

MR. WASHINGTON: No, thank you all. I really appreciate you all for coming and taking your

days out. And I know everybody has a very busy agenda. These are very important topics, and we really appreciate your time and expertise. It's been a pleasure working with you all today. We will be in contact with you very soon. If you have any questions, you know you can reach out to Krystil. I mean, if you have like a question about just the rulemaking process in general, you can well, [inaudible] I don't want to say email me because they're the facilitators. So, yeah, but we'll endeavor to get back to you as soon as possible. But again, thank you so much. There is so much work that went into this, so much work behind the scenes that went into this. And, yeah, I hope you have a great rest of your day and we will talk soon.

MS. SMITH: Yes. Alright. So, with that said, I do send my thanks as well, and we will adjourn this session at 2:48 EST time. Thank you all.

MS. LAPUS: Thank you. Bye, everyone.

MR. SANDS: Thank you.

**Zoom Chat Transcript**

**TRIO Subcommittee- Session 1, Day 5, Afternoon, January 12, 2024**

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

From Geof Garner, Secondary Schools to Everyone:  
Expanding eligibility to undocumented students at this time is a dangerous advancement, given our current political climate. That climate has to be factored into consideration when making this decision.

I recommend that we do not approve these eligibility expansions at this time and affirm TRIO eligibility as it stands. In the future, in a less polarized political landscape, TRIO practitioners would all appreciate being able to serve more students who need our support.

From Wade Williams, TRIO Alum Rep. to Everyone:

Regarding the stipend discussion earlier, we understand that much of this is outlined in the law, but the law hasn't been reauthorized since 2008. We encourage the Department to explore how it may use its authority to provide updated changes that maintain the spirit of the law.

From Geof Garner, Secondary Schools to Everyone:

The political high winds that our colleague from Washington State spoke of earlier are precisely why we believe the Department should not move forward with its TRIO proposal now. It has the potential to jeopardize all of TRIO, given the contentious nature of immigration policy at this time. Our responsibility is to protect the students we are currently serving.

From Wade Williams, TRIO Alum Rep. to Everyone:

I agree

From Wade Williams, TRIO Alum Rep. to Everyone:

9th