



Name: Eligibility of Students at Institutions of Higher Education for Funds under the Coronavirus Aid, Relief, and Economic Security Act

Docket ID: ED-2020-OPE-0078-0001

July 17, 2020

The Texas Legislative Education Equity Coalition submits this comment in response to the U.S. Department of Education's interim final rule regarding the eligibility of students at institutions of higher education to receive federal Coronavirus Aid, Relief, and Economic Security (CARES) Act relief funds, published June 17, 2020 (Federal Register No. 2020-12965).

The Texas Legislative Education Equity Coalition urges the Department to rescind this interim final rule and instruct institutions of higher education to use Higher Education Emergency Relief Fund resources to provide critical support to all students regardless of lawful immigrant status.

The Texas Legislative Education Equity Coalition (TLEEC) is a collaborative of organizations and individuals with the mission to improve the quality of public education for all children, with a focus on racial equity. We advocate for high-quality teaching, curriculum and instructional practices and bilingual/biliteracy education for English learners, as well as fair funding and enhanced college access and success. The coalition convenes organizations and individuals who advocate in the interest of public-school students at the local, state and national levels.

The Department's rule should be rescinded for the following reasons:

1. This rule affects the academic progress, socio-economic success and mental well-being of 450,000 students across the United States. Undocumented and DACA students are essential to our nation's well-being and success and are our nation's future leaders and professionals who will continue to positively impact our economy and communities. These students and their families face unique challenges posed by the economic and public health crises. Immigrant families are more likely to have lower median incomes, limited access to health insurance and care, and jobs that do not allow them to work from home, increasing their risk of infection.
2. The rule creates an unwelcoming and hostile environment for hundreds of thousands of students. Prior to COVID-19, undocumented students and their families already faced higher levels of stress, worry and uncertainty in their everyday lives. It should be the role of our education agencies and Institutions of Higher Education (IHEs) to support these students and not penalize them. This rule creates an unwelcoming environment and refuses to recognize the importance of diversity in our communities. Instead of creating additional barriers there should be a focus on supporting students who have the opportunity to receive a higher education and want to pursue this opportunity.
3. This rule will harm students, their families, and, ultimately, Texas economically. The rule excludes DACA students and undocumented students who, like their peers, are experiencing financial, academic and other hardships due to the global pandemic. If these

students are not able to receive critical emergency relief funds, they may not be able to purchase digital learning devices, and internet access, and other necessary instructional materials, buy groceries, or cover childcare and health care costs. This could compromise their education and their ability to weather the economic downturn that is impacting all communities. Given the underlying changes in the US workforce, immigrants, both documented and undocumented, will become a more crucial source of labor over time. Moreover, many DACA recipients are highly educated and possess skills that are in high demand.¹ Crippling undocumented and DACA students from receiving much needed assistance could impact the long-term prosperity of our state and jeopardize our workforce.

4. The rule places unnecessary and harmful limitations on IHEs, including colleges, and the students they serve. Many IHEs will attempt to meet their mission to support all students and may struggle to do so with the rule's student eligibility limits. Additionally, IHE budgets and course offerings may be severely negatively impacted if students are forced to withdraw from school due to financial hardship. This rule could also drive students out of higher education and cripple their ability to find jobs that don't meet their potential. Estimates indicate that Texas receives \$11.5 billion in output, \$7.2 billion in income, and more than 108,000 jobs from DACA recipients alone. To not support this vital portion of the Texas economy in their pursuit of higher education will harm the state overall.² This harm will also adversely affect the local economies of the communities where IHEs are located.

The rule violates the original intent of CARES Act relief funds to alleviate the financial burden of the pandemic on postsecondary students. When the U.S. Congress passed the CARES Act, it did not intend for the HEERF financial aid grants to be distributed to students based on lawful immigration status. The Department's interpretation of this provision is an arbitrary and capricious administrative action – it is not consistent with the letter or spirit of the law and fails to consider the real-world implications of denying critical relief funds to hundreds of thousands of students during a global pandemic. The CARES Act was passed to provide emergency aid to the educational institutions and students who most need support during the pandemic. This rule is contrary to that purpose and the Texas Legislative Education Equity Coalition urges the Department to rescind it. Many students need support and it is unacceptable to not help during this crisis.

Should you have any questions, please contact Ana Ramon at Ana.Ramon@idra.org or Fatima Menendez at FMenendez@maldef.org.

Sincerely,

The Texas Legislative Education Equity Coalition

BreakThrough Central Texas
Center for Public Policy Priorities (CPPP)

¹Obed, Manuel. "[Here's how many Dreamers are graduating from Texas high schools every year, according to new study](#)" *Dallas Morning News* 24 April 2019

²Perryman, Ray. "DACA: An Economic Imperative" 18 January 2018

Dr. Hector P. García G.I. Forum
Easterseals Central Texas
Intercultural Development Research Association (IDRA)
Mexican American Legal Defense and Educational Fund (MALDEF)
Mexican American School Board Members Association (MASBA)
National Association for Chicana and Chicano Studies (NACCS) – Tejas Foco
San Antonio Hispanic Chamber of Commerce
Texas American Federation of Teachers
Texas Association for Bilingual Education (TABE)
Texas Association for Chicanos in Higher Education (TACHE)
Texas Association of Latino Administrators and Superintendents (TALAS)
Texas Association of Mexican American Chambers of Commerce (TAMACC)
Texas AFLCIO
Texas Center for Education Policy at the University of Texas – Austin
Texas Hispanics Organized for Political Education (HOPE)
Texas League of United Latin American Citizens (LULAC)
Texas NAACP
The Education Trust
McNeil Educational Foundation for Ecumenical Leadership
UnidosUS (formerly known as NCLR)
Houston Community Voices for Public Education