

NASFAA's "Off the Cuff" Podcast – Episode 150 Transcript

Speaker 1:

"Off The Cuff" is supported by the annual dues, paid by NASFAA members at nearly 3000 colleges, universities, and career schools across the country. Not a NASFAA member yet? Head to naspas.org/join today to learn more about our member only benefits. That's nasfaa.org/J-O-I-N.

Justin Draeger:

Hey, everyone. Welcome to another edition of "Off The Cuff." I'm Justin Draeger.

Allie Arcese:

I'm Allie Arcese with our communications team.

Megan Coval:

I'm Megan Coval with our policy team.

Jill Desjean:

I'm Jill Desjean also with our policy team.

Justin Draeger:

Welcome back everyone. We were just talking before this podcast kicked off, do we have anything interesting to talk about? I do not because every day seems the same to me. Every day.

Jill Desjean:

Yeah.

Justin Draeger:

Yeah. I wake up. I put on similar clothes. I do the same routine. Sometimes I shower at 4:00, sometimes at 9:00, sometimes it's 7:00, but besides the showering time, it's all the same.

Allie Arcese:

Yeah. Pascal and I were saying Monday through Friday just blurs together. By Friday night, I don't even remember what I did all week. That's how much of a blur it is and then the weekends are just sleeping, eating.

Justin Draeger:

Well, especially for everybody on this podcast, because I do feel like we're all connected morning through night. There's new stuff breaking for you, Allie, Megan and Jill. There's like eight, there's calls with our policy colleagues and things going on in Congress. It does sort of feel like all day long, you're sort of connected and then you fall asleep and then there's kids and stuff in there too.

Megan Coval:

Yeah. It's all the same. I feel like I'm running out of my loungey clothes or getting bored with them, which is usually my favorite thing in the world. When you're in work clothes all week to come home and be like, "Oh, hey." This week I'm like, "I don't even, I'm sick of these yoga pants." Low point when you say that.

Justin Draeger:

When you have external meetings right now in Zoom, are you dressing up for those?

Megan Coval:

I had a nice top. Yesterday, I put on my pearls for the first time.

Justin Draeger:

I did see that. Yesterday we had a board meeting and you, I mean, it looked, was the shirt casual or was that professional too?

Megan Coval:

I mean, I would not have worn it to present in person, but it's more than what I've, it's more than my old sweatshirts. Yeah.

Justin Draeger:

I did notice the pearls.

Megan Coval:

Yeah. It kind of made me feel better. I was like, this is it's, more about me actually. Okay. I'm feeling like a normal thing. I don't know.

Justin Draeger:

Yeah. Jill, I noticed last week you were on an external call with me and you didn't even turn your video on. You just left your picture up the whole time.

Jill Desjean:

Yeah. I hope I don't need to explain.

Justin Draeger:

I assume you were not dressed up for that meeting.

Jill Desjean:

Yeah. Considering what I'm willing to go on camera looking like.

Justin Draeger:

Yeah.

Jill Desjean:

Use your imagination.

Justin Draeger:

The first week when I had an external meeting on Zoom, I dressed up. I had the shirt and the jacket and I haven't since. I'm wearing what I wear. I wear a ball cap to almost all meetings now. I sort of feel like we can all get away with that. I don't feel like there's an expectation of people being professionally dressed up this point. Right?

Jill Desjean:

No.

Justin Draeger:

I mean, you can't look like you just came in from a run.

Megan Coval:

Who are we all kidding? We all know we're at home. I hear your point. Can we just all agree that's what you're saying.

Justin Draeger:

Yeah. Everybody relax. If there's one norm that we can change coming out of all of this, it's that we can bag the suit forever. The suits are done.

Megan Coval:

This has been your thing, this is your moment.

Allie Arcese:

I noticed on that HELP committee hearing this week, the senators weren't necessarily, they weren't dressed down, but they definitely weren't as dressed up as they normally were. They all have beards.

Justin Draeger:

Yeah. Real quick on that hearing, it was bizarre. I mean, it was weird, but fine. We were watching it on YouTube. I don't know. That's where I watch it. Senator Tim Kaine. Most people are wearing masks that go from the bridge of your nose to your chin. Senator Tim Kaine looked like he was robbing a train.

Allie Arcese:

He had a bandana.

Megan Coval:

Oh, I didn't see that.

Justin Draeger:

Yes. It went all the way down to his chest.

Allie Arcese:

I saw someone tweet about that and they were like, "Tim Kaine looks fierce."

Justin Draeger:

All right, let's jump right in. We have some member comments. We have some updates on CARES Act. We have some benchmarking that might be helpful for folks. We have some new legislation introduced in the house. I think we ought to talk a little bit about professional judgment. First, let's get into member comments. Allie, what are we hearing from folks?

Allie Arcese:

Yeah. Last week, we asked you guys what you're looking forward, where you're looking forward to eating when things actually get back to normal. First, I wanted to read this comment from Patrick Gorman, just about in general and this taps into something we'll talk about shortly. But he said, "What troubles me about CARES emergency grants is that it has become a full time job at exactly the wrong time. Instead of fretting over who gets a share of 690,000 at the end of 2019, 20, my small staff and I should be devoting full time to set up and prep for timely delivery of 60 million in Title IV aid for the coming year. It's ironic that a grant program for disruption expenses has become disruptive." I think that's something that has been echoed a lot by our members.

Justin Draeger:

Yeah. We'll circle back around to that because I think a lot of members are expressing frustration around CARES grant administration. What else?

Allie Arcese:

In happier news, we got a comment from Lori Weber who said that we remind her of the Bobby Bones show of the financial aid world and we had a conversation about that this week too.

Justin Draeger:

I didn't know what this was. I've never heard of Bobby Bones.

Allie Arcese:

Very, very big video show.

Justin Draeger:

It can't be that big. How big?

Allie Arcese:

It's countrywide. Yeah. He and Bobby himself is the most recent winner of Dancing with the, or no, sorry. Right before, two ago, he was Dancing With The Stars champion.

Justin Draeger:

Is this like a Sirius XM thing or where would I find?

Allie Arcese:

It's iHeart radio, I think.

Justin Draeger:

Oh, okay. iHeart radio. Megan, you've seen, what's his name? Bobby Bones?

Megan Coval:

Bobby Bones.

Justin Draeger:

You've seen him in person.

Megan Coval:

Yeah. He does comedy. We've seen him twice actually. Yeah.

Justin Draeger:

He has a whole gang of people. Is it like the lunchbox crew or what? I saw something-

Megan Coval:

One of them is nicknamed Lunchbox.

Justin Draeger:

Who's Lunchbox on our team?

Allie Arcese:

I think we, I think you proclaimed yourself Lunchbox.

Justin Draeger:

Oh, all right. I'll be Lunchbox. I have no idea what that means.

Megan Coval:

No. I feel like Justin is Bobby Bones.

Justin Draeger:

Oh. All right.

Megan Coval:

I've read a couple of his books and I'm like, are we doing audio books? I listened to them like, "That's Justin. That's Justin."

Justin Draeger:

Is he a germaphobe?

Megan Coval:

He is. But there's a lot of, he's a pretty cool guy. He's pretty interesting.

Justin Draeger:

He does sound like me. Yeah, yeah.

Megan Coval:

Tell me more.

Justin Draeger:

All right. What else, Allie? Any other comments?

Allie Arcese:

Yeah. Moving into the listener question about where you want to eat. Some of these just made me hungry. David Sheridan, ah, from Columbia said Shake Shack or Blue Smoke Barbecue or the Detroit style pizza and Belgian fries at Mets games, Korean tacos, salami and cheese plate.

Justin Draeger:

It sounds like he's listing all foods.

Allie Arcese:

Yes. Like, I mean, well, just reading his comment. I was like, I want to go on a restaurant tour with David Sheridan. I'll just say that.

Justin Draeger:

Yeah, all that sounds great. All right. Last week we sent out a survey to NASFAA members asking them how the administration of the CARES Act grant was going. I think there are several notable things in here and Allie, we will have an article in today's news in the coming days.

Allie Arcese:

On Friday.

Justin Draeger:

On Friday. Great. That will summarize some of the results. People can dig in for all the nitty gritty, including a breakdown by sector. Some of the things that I wanted to highlight here, and this goes back to one of the member comments you just focused on, just in terms of the burden and how concerned people are. One of the questions we asked is, "Are you concerned about how your institution will be held accountable related to the administration of CARES Act emergency grants to students?" We put it for example, audits, 50%, half the people who responded to our survey. We had just under 600 responses. 50% said that they were greatly concerned. Very, very concerned. Then another 34% said somewhat concerned. Another interesting data point here, would your institution have awarded only students who met Title IV eligibility requirements, regardless of EDs guidance that limits CARES Act emergency grants to those students.

Justin Draeger:

It's basically saying, "Would you have given this to everybody or only limited it to Title IV recipients?" 76% said they would have opened it up beyond Title IV. Three quarters of our respondents said they would have given it to more people. Some other interesting data points here. How would you rate the department's rollout of the CARES Act guidance for students under the question relevant and guidance

was issued in a timely manner, 78%. Four out of five people disagreed that the department was issuing guidance in a timely way. Then 90%, nine out of 10 respondents said they disagreed that guidance was consistently clear from the department.

Justin Draeger:

A lot of frustration there, one final data point that I'd share is, how has the release of multiple versions of guidance from ED for the CARES Act affected your institution's ability to disburse emergency grants? 92% of people said that it delayed their disbursement in some way. Nearly half, 50%, said it greatly delayed. They could have gone out sooner except for the iterative guidance. I think that that says a lot sort of, Megan, what we expected, right? That this has caused delays on campus. It's been confusing. Even now it's continuing to cause some delays.

Megan Coval:

Yeah, it's what we expected. This type of thing is always really helpful to us to have quantify because we, of course, were curious to see the numbers. We also are taking the results of this survey up to folks on the Hill that are working on the next COVID relief package to make a point to them how botched this rollout was and how it really interfered with their intent to get this money to students as quickly as possible. It's really helpful to a lot of our advocacy work. Also, sent it over to the Government Accountability Office who right now is looking into CARES implementation. This is going to really help inform their work too.

Justin Draeger:

Just a couple of things here on process if schools were trying to benchmark against one another. We asked whether schools are requiring a completed FAFSA in order to get an emergency grant, 78%. Again, we're near four out of five said that they are requiring a FAFSA. Then for those who said that they would award emergency grants to students who have not completed a FAFSA, we asked if ED issues additional guidance that they are allowed to self-certify, that they meet Title IV eligibility requirements, would they accept that. Only a third said, "Yes." Another third said, "No." Then the final third said they didn't know yet. I think that's probably more the let's see exactly what they say and if there's a safe harbor or what safe harbors, if any, exist for the student or the school.

Megan Coval:

Yeah.

Justin Draeger:

Some interesting benchmarks there. You just talked a minute ago about how we use some of this in our advocacy work, Megan. To some extent, that advocacy work appears be paying off. We had a bill that was just introduced that addresses some of these issues at least, right?

Megan Coval:

Yes. This week, earlier in the week, the house introduced their fourth COVID relief package, which we knew was coming. It's called the Heroes Act, which is short for the Health And Economic Recovery Omnibus Emergency Solutions Act. That's a long title there. To your point, Justin, included in that piece of legislation was a provision that would prohibit the Department of Education from placing any eligibility requirements on CARES funds. The provision is retroactive. Going back to the date of enactment. Effectively, what that would do is if any school, we can talk later about whether this bill is

going anywhere, but this language would make it so that if a school had any CARES funds left, they would be able to give it to any students. Also, would protect those schools who may have sent out funds early on before we knew about the Title IV eligibility piece from having any findings.

Justin Draeger:

Let me catch up on a couple of things before we dig deeper into that bill. The results of our survey, what we were hearing from schools, this all informed part of the Op-ed that we did this last week, it was published on Tuesday maybe in Inside Higher Ed, that talked about the timeline that the department came out with their guidance and how it interfered with institutions getting money out. Then we see that backed up in this survey. Then we take that up to the Hill. Megan, I know you and your team have been talking to folks on Capitol Hill.

Justin Draeger:

Even if this provision, even if not the entire bill, but a provision gets through this, would at least provide them a safe harbor that if schools took that risk, which some schools did. In our survey, it shows some schools went forward and disbursed with the guidance they had at the time, and took a risk on giving it to what they thought were Title IV eligible students who hadn't completed a FAFSA, that they would have a safe harbor. What else is in this bill besides the provisions related to the CARES Act grant? What else do we see in here?

Megan Coval:

Yeah. It was a big bill. It was 1,800 pages. We talked so much about how the first bill was the most expensive stimulus bill that Congress had ever passed. This bill would be a three trillion dollar bill. The last one was two trillion so it gives you a sense of sort of the scope of the bill in terms of its spending. Key points for higher ed, so I'll touch on some of the funding pieces and then, Jill, I think you're going to jump in with some others. It provides an additional \$37 billion for higher education. The community had asked for about \$46 billion. It doesn't get up there, but is inching up that way. \$27 billion of that would be reserved for public institutions and that money would be funneled through the states the way that this bill is set up. That's obviously different than the current structure that we with the higher education emergency relief fund. Then there would be an additional seven billion set aside for private, not for profit, institutions and then some other, I think, \$1.7 billion for MSIs.

Megan Coval:

Then there's this sort of one \$1.4 billion, I've heard it called probably not so favorably, slush fund, for schools who have unmet need. It's very vague, very vague, but big difference here, I think is just the funding stream. They aren't dumping any additional money into the higher education emergency relief fund. They're going through the states and for the not-for-profit institutions, they're going through FIPSE, which is the fund for the improvement of post secondary education. That's a departure and I think a big part of the intent there was taking some of this away from the department and placing more on the states and FIPSE is through the department, but it's sort of this other kind of separate project specific grant fund.

Justin Draeger:

All right. The bulk of the money though, is going to the states. Does that mean it's going to the governors and the governors have to then develop their own process or is there an allocation formula sort of speak?

Megan Coval:

Yeah. Yeah, the good question is it all is going through the governors and the funds will be given to this public institutions in the form of sub grants, but there is an allocation formula and it's the same one that we saw in the Cares Act, which is 75% based on Pell enrollment and then 25% based on your overall enrollment. One difference here is they're focused on head count versus FTE. Students that were part-time didn't favor as well into the allocation formula.

Justin Draeger:

Yeah. Part-time students will now count as one as opposed to .5.

Megan Coval:

Yeah.

Justin Draeger:

Or whatever.

Megan Coval:

Yeah. Some groups have been advocating for that. That's a change there, but otherwise, there's an allocation formula and then it'll just pass through the states.

Justin Draeger:

Okay. That has some pros and cons. The not-for-profits have to go through a FIPSE grant and then there's some additional money in there for MSIs and then a little bit of a slush fund. All right. What else is in this bill?

Megan Coval:

Well, I mentioned earlier that there's a lot. The other thing I was going to mention I already hit on was just that prohibition against the department making eligibility, determinations for CARES fund. That's obviously a really important thing and then a whole other set of non funding issues related to higher ed. I think Jill, you're going to walk us through those.

Jill Desjean:

Yeah. One thing they do is they brought in the allowable use of funds for the institutional share of those higher education emergency relief funds from the CARES Act. The old language, I get tired of hearing myself repeat this sentence, but to cover any costs associated with significant changes to the delivery of instruction due to coronavirus. The new language would be much broader. It would just be to defray expenses incurred by institutions of higher education. That link to the significant changes to the delivery of instruction is taken out.

Jill Desjean:

It would allow institutions to use the institutional share of the funds more broadly. The Heroes Act would also codify some ED guidance that they had issued earlier. ED had come out and said that emergency grants would not be included as income and assets for the EFC calculation. Also, wouldn't be counted as estimated financial aid in the students need analysis. The Heroes Act would codify that, put it into law and also broadly defines emergency financial aid grants beyond just the emergency SEOG the

HERF funds from CARES and state and federal emergency aid. It would actually expand that to include institutional aid and aid from a scholarship granting organization, if that was awarded to provide relief to students due to a qualifying emergency. In addition to being exempt from the EFC calc and from EFA, the emergency aid would also not be taxable.

Jill Desjean:

The IRS had already said that CARES funds weren't taxable, but this would extend it to all of that emergency aid that I just mentioned.

Justin Draeger:

All right. Obviously lots of things that we like in here. Anything else?

Jill Desjean:

Yeah, lots more. Let's see. Lots of students borrower relief, the interest in payment suspensions would apply to more loan types. Remember that the loan types that were included before were just federally held FEL loans and direct loans. The Heroes Act would expand that to include Perkins loans, institutionally held Perkins loans as well. HHS loans made under the Public Health Service Act and commercially held FELL loans as well. It would also treat those new categories as if they'd been included in CARES. Going back to March 27th, those students would be eligible for the payment suspension and the interest suspension. There'd have to be some backend math done by the department to figure it out how much those students had to pay that they wouldn't have otherwise.

Jill Desjean:

That would then get paid either to their loan holder, or if the student didn't have a balance remaining, it would just get paid out directly to the student. The payment suspension would be extended. Right now, in CARES, it's until September 30 of this year, 2020. They would extend it further one more year to September 30th of 2021 and the interest suspension as well for all of these loan types. The old ones that were included in CARES and the ones that have been added that would be either to September 30, 2021, or possibly even later. They added this link to a stat that the Bureau of Labor Statistics uses based on the unemployment rate. There'd be like a trigger that kind of shows that there's been a recovery. If September 30, 2021, came and went and that indicator didn't show that there had been some recovery, the interest suspension could continue beyond that.

Justin Draeger:

Lots of favorable things in here for students and schools. The funding mechanism is a little bit different than in the last stimulus bill. But Megan, I think you said this has a \$3 trillion price tag.

Megan Coval:

Yes.

Justin Draeger:

I can imagine what the other side of the aisle, what they thought of this as soon as it was unveiled by Democrats in the house.

Megan Coval:

Yes. Mitch McConnell, Senate majority leader said this was dead on arrival. Those were the words that he used.

Justin Draeger:

I think he called it, didn't he call it like a democratic wishlist?

Megan Coval:

No, it sounds right.

Justin Draeger:

I think he said it was a democratic wishlist and that's not realistic in its current form, but that doesn't necessarily mean all the provisions in here wouldn't make it into another stimulus bill.

Megan Coval:

Yeah. Right. I mean, I think there's a lot of things in here that could realistically be accepted by the Senate. This is just, the Dems putting out a high watermark and even for that overall funding level of \$37 billion, we won't get that probably in the final bill, but I think them setting up so high to begin with is a good starting point for negotiation.

Justin Draeger:

Great. We'll be advocating that this bill continues to have life in it, at least as it's negotiated out in the Senate and presumably they'll come together in some fashion in the coming weeks, maybe months. We have a bit of a road ahead, I imagine.

Megan Coval:

Yeah. Yeah. I'd say it would at least be into June at this point. I don't know if anyone else saw this, but I also saw the Senate majority leader McConnell kind of saying like, "Hey, we just need to see what's going on with all this CARES stuff first and how that's working.", which that type of language signals to me it could be a pretty long process.

Justin Draeger:

Maybe just as long of a process, the community colleges in California this week announced that they are suing the Department of Education over their CARES grant administration. Allie, you want to catch us up here?

Allie Arcese:

Yeah, that's right. Earlier this week, I believe it was on Monday, they filed this lawsuit alleging that the Department of Education's change in eligibility requirements or interpretation rather to limit the emergency grants to Title IV eligible students was arbitrary and capricious. The California Community College system is actually the largest one in the entire country. They together, there's like 115 different colleges and campuses and they together serve over two million students each year. About 70,000 of those are undocumented students and many of them have DACA status, but yeah, they are suing the department saying that just in California alone, this change would exclude as many as 800,000 students. Among those are more than 150,000 low income students, more than 26,000 students with disabilities,

more than 12,000 veterans and 1,750 active duty service members. About a hundred thousand students training for essential work in health services. That is just in California.

Allie Arcese:

Again, reading through the lawsuit, they sort of demonstrated at specific districts how this is playing out, just so you can really see the impact of it. In the Los Angeles Community College district, for example, the lawsuit said that that change in eligibility requirements lowered the number of recipients that the district was planning to give grants to from 66,000 down to 44,000. That's a drop of 16,000 students. It also noted that the remaining students who are going to get grants are only going to get grants of about \$300. In the Los Rios Community College district, which is near Sacramento, their initial plan would have given grants to 58,000 students who had demonstrated financial need, but after the guidance, the district changed its model to only give awards to FAFSA filers. That dropped that number all the way down to 21,000 from 58,000.

Justin Draeger:

This is consistent with what other schools told us in our survey, when they said four out of five said they would have given this to non Title IV recipients. 60% of our respondents said they had to completely overhaul their methodology for giving out these emergency grants after the department's April 21st guidance, that limited it to Title IV students.

Allie Arcese:

Like you've said before, and like you wrote in the Op-ed and Inside Higher Ed, that that eligibility requirement takes out whole chunks of other students, aside from those who are not US citizens.

Justin Draeger:

Yeah. I was in a conversation with several aid directors yesterday. One of the things that we were talking about was this idea that all of these CARES Act grant funds are going to be auditable in the future. They were trying to figure out like, where will auditors spend their time? We're probably a little ways out from being able to squarely focus on that because some schools gave out money before the April 21st guidance came along. Other students, or schools are trying to figure out whether they can give money to students who have graduated, but they did incur an emergency expense at the time that the law was passed. All of these schools have to kind of find their own way with the risk the department will come out with guidance after the fact limiting them. One of the things we were trying to calculate was how many things are going to happen between now and when those funds are audited.

Justin Draeger:

We have the community colleges that are suing the department in courts. There's a court case pending. We have an election that will happen that might change the administration entirely. The view that another administration might take about all these emergency grants. We have guidance that might still be forthcoming from the Department of Education. We have a bill that's now pending in the house of representatives that might change some of this. As you map out all the ways, all the different variables between now and when schools are held accountable, it just becomes, I think, a really ... there's just so many variables at play that for the schools that decided to take the risk, I respect the fact that they went forward and tried to help as many students as they could in a timely way. I know not all schools can take that risk. But there's just a lot happening between now and when these funds will actually be accounted for. All right. Anything else on this topic?

Megan Coval:

The only thing I'll say is I'm just, hopefully it turns out in favor of the institutions, but I think this would be our first opportunity to really see in the decision that's handed down, the arguments or the department, excuse me, their legal arguments as to what they're pointing to when they publicly say the statute clearly says. I think selfishly kind of. I just really want to see that. What are they going to say?

Justin Draeger:

That's a good point, Megan. The only other thing I would say is that when the Democrats and Republicans up on the Hill were called on to comment on the department's decision to limit this to Title IV, Democrats cried foul immediately and said, "That's not at all what we intended." Republicans didn't necessarily say the department reached the right decision. What they said was that it was the department's decision. They weren't saying there was a legal basis for them that that's what the law required, because that's what the secretary has said. She said, "Well, this is what the law requires." The Republicans didn't say that. The Republicans on the Hill, her allies said, "No. It was the department's decision." I think what they were saying was, "Yeah. It was the department's decision. They made a decision."

Justin Draeger:

I guess all of that is to say, even if the community colleges lose in court, I would say the department still made the decision to limit this to Title IV funds and they didn't have to. The Republicans on the Hill didn't say they had to. They just said it was the department's decision. Either way that court case goes, I would say you still didn't have to. That wasn't required.

Megan Coval:

Yeah. Good point.

Justin Draeger:

But I'm with you. I mean, I hope the courts find in favor of the community colleges, but even if they don't, I still think this rest with the department. All right. The other thing I think conversations that have been happening a lot among schools, and certainly we've taken a lot of press calls about this is we have more than 30 million people who have filed for unemployment in the last eight weeks. More are expected in the coming weeks. This all leads to financial aid appeals and professional judgments. Yesterday, Megan, we engaged in a conversation with the NASFAA board of directors about professional judgment. I know a lot of folks on Capitol Hill are asking about this. One of the things that we're looking at is an old Dear Colleague Letter back from 2009. Jill, you want to catch us up on this and just remind us what that Dear Colleague Letter says. Then we can kind of talk a little bit more about professional judgements.

Jill Desjean:

Sure. Yeah. The big thing behind professional judgment is that it has to be done on a case by case basis. Even if you have students in exactly the same circumstances. They have to individually document how they've been impacted in the school has to evaluate them case by case. There was a little bit of relief given on that back during the, about a decade ago during the financial crisis that came out of the subprime mortgage lending situation. It was a Dear Colleague Letter Jen0905 and that came out in May of 2009. It was to help schools deal with students who were impacted by the recession that followed the

subprime mortgage lending crisis. There's been some question recently about whether that DCL is still active. It was issued a long time ago, but it was never rescinded by the department.

Jill Desjean:

It clearly refers to the economic crisis that was happening at that time. It has dates. It refers to the current economic crisis, this period of economic hardship is the language they use. But ED has said as recently as at the 2019 FSA conference, that this guidance is effective. We do believe that it is and what the DCL says is it broadly reminds financial aid administrators of their authority to use PJ. They were referring to another time of widespread unemployment and families facing real hardship in paying for college. They wanted to remind financial aid administrators that they have this authority and that they should be using it. It specifically permitted institutions to take a copy of a state unemployment agency letter, or some other evidence that the student is receiving unemployment insurance benefits as documentation that the student's income is zero for the need analysis calculation.

Jill Desjean:

Schools could use estimated income of zero for income earned from work, and they would also be allowed to not count the unemployment insurance benefits in the need analysis. They could treat that as zero as well. This was just for this student. This wasn't for parents of dependent students. ED just kind of said in response to that, if there are other members of the student's family who you have evidence of getting unemployment, they would encourage them to look at the totality of the situation.

Justin Draeger:

It doesn't preclude schools from zeroing out dependent student parents, but that just has to be done on a case by case basis at the school.

Megan Coval:

Right. The broad authority was given for students only. Then schools could obviously case by case decided that the appropriate action to take would be to zero out income and to not counting unemployment benefits.

Justin Draeger:

Okay.

Jill Desjean:

I think the Hill is also very interested in this DCL. I think we have pressed ED for confirmation that it's still in effect, and I know they said it November of 2019, but I think given the circumstances, it would be really good I think for them to just come out and say that, and for some reason that's been a little bit tougher of a thing to do. I think the Hill is happy if the department does it, if they don't, I think it's likely they will include something in their fourth bill.

Justin Draeger:

As of right now, we would advise schools that they can use this guidance in their own professional judgment processing. One of the parts that's still unclear is whether part of that DCL was about the fact that the department wasn't going to be using these increases in professional judgments and their metrics to decide who they were going to, where they were going to perform program reviews. Now we

don't have confirmation whether they're using those professional judgments as a metric in deciding where to do program reviews now. Back to your point, Megan, we still are pressing them to say this is all still valid, including how you're deciding where to perform program reviews. We'll see if we get anything more out of the Department of Education there. Until then we're saying this DCL was never rescinded. If they want to use it for independent students and then come up with a case by case basis for their dependent parents, they should do that.

Justin Draeger:

Speaking of professional judgment, I just want to draw folks attention to our [Summer Training Series](#). Of course, we aren't able to have our annual conference as we had planned in Las Vegas, but we are putting together and have put together a summer training series. One of them is on professional judgment. It'll feature a panel of eight directors. It's the third in our summer training series. We're doing about one a week from mid-June through July. Myself, Megan Coval, Jill, you'll all be part of this series. We're tackling everything from what's the state of financial aid today? We're looking at the class of 2021 and beyond with NASFAA's president, Kevin Krueger, our student affairs counterpart. We'll be doing some income share agreements with Jill, I, an attorney and an aid director from Utah. We'll be talking about retention. We're looking at the future of higher education with ACE president, Ted Mitchell, Southern New Hampshire president, Paul Leblanc, and bestselling author, higher ed author, Jeff Selingo.

Justin Draeger:

Then we'll be doing a session on enrollment decisions and enrollment management in light of COVID-19. Those are just some of the sessions that we're offering this webinars series. It's obviously less expensive than our annual conference. There's no travel expenses and anyone from the institution can watch. I'll also add there are two authorized events as part of this session. People who want to at the institution attend those authorized events and then sit for their credential for free afterwards are able to do so. All in all a pretty good package that the NASFAA staff and board of directors have put together. Check it out on our website. I think we're going to go ahead and bring this one to an end. Remember to send us your comments. Remember to subscribe. Tell a friend. Until next time.