

NASFAA Off the Cuff Podcast – Episode 154 Transcript

Intro:

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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:

And I'm Jill Desjean, also the policy team.

Justin Draeger:

Welcome back, everyone in what I think has been, I think we can all probably agree. We've had some pretty dark days over the last, I don't know, couple of weeks. Everything with the pandemic, and then of course dealing with continued racism in our country. This week we've saw some I guess rays of sunshine coming directly out of the Supreme Court. The first was on LGBTQ equal protection dealing with employment. Breaking right now, we have news out of the Supreme Court barring the administration, the Trump administration from rescinding DACA. So we're going to talk about all that in just a moment, but before we get into all of that, we have a very important recognition. We have a special guest with us today.

Justin Draeger:

Just a couple of weeks ago, I think it was Allie, right? We published a list of NASFAA award winners and we usually do this at our national conference, or you don't have a national conference this year. So this year we're bringing folks onto the podcast to accept their awards. The first one that we want to do on the podcast is the Allan W. Purdy Distinguished Service Award. And this is awarded by the NASFAA board of directors. It's one of the highest awards that NASFAA bestows and it's awarded for significant contributions in the furtherance of NASFAA goals over a sustained period of time. And this year's award winner has certainly done that.

Justin Draeger:

Joining us today is David Sheridan. He's the director of financial aid at Columbia University School of International and Public Affairs. He's the director of financial aid there, and he has a, I think 30 plus year career in financial aid. Worked with both undergraduate and graduate students in the private and public sectors. He's overseeing the offices of the registrar, admissions, bursar and student orientation in addition to financial aid. He was also a member of our Higher Education Committee of 50, which was a

prominent group of people from all across the college landscape. From college presidents, to provost, to boards of trustees and has served on numerous NASFAA, ISFAA and NJASFAA committees. So David, thank you for joining us and congratulations.

David Sheridan:

Thank you very much, Justin. This is so flattering. It's a real honor just to be considered for an award like this. When I see some of my friends and mentors who I have won this in the past, for my name to be added to that list is... I'm still trying to wrap my head around it to be honest.

Justin Draeger:

I think it's well deserved. And I think anybody that's known you and worked with you knows your passion. I think that's probably one of the things you're known for in our profession. Speaking out on behalf of our students, one of the things that people might not know about you is that you are probably one of the very few financial aid administrators who got into this with a, am I right? With a music degree?

David Sheridan:

Yes, yes. I went to college to learn to become a starving artist. So I got a bachelor's degree in music theory and composition. Most people don't make money composing music until they're dead. So I have been working at a magazine that's specialized mostly in kind of like punk and new wave kind of music to date myself. It went out of business. So I was going to employment agencies looking for a job and one of them just said, "Oh, you have a degree in music. Here's a job at a music school." That happens to be the Manhattan School of Music, and it happened to be in the financial aid office. So that's how I wound up and years later-

Justin Draeger:

Fast forward at least three decades, and you've been at this a long time. So I really have two questions. One is, what do you think it takes to last in financial aid? So for all those who are new to the profession, or have only been in for a couple of years, if you had to identify the thing that keeps someone in the profession and focused on students, what is it? The second question I'm going to ask you is the thing you feel most passionate about in our profession. So how about the first?

David Sheridan:

Well, I mean, if you want to do something challenging and rewarding, there's never really a dull moment in those things are always evolving and changing. We play an important role in the lives of students and in the strategies of the schools that we work in. We get complaints obviously, because we can't give everyone the answer that they want to hear, but those students who we are able to help genuinely appreciate what we're doing for them. So, there's a lot of reward in that and I hope younger people in the profession can be focused on that and can understand that and it will help them stay with it.

David Sheridan:

As far as what I feel most passionately about in this, I often come back to something I learned from George Chin, a past NASFAA national chair and also a previous recipient of this award. George helped me understand that this whole business is not one student transaction at a time. It's also part of a whole process. It grew out of the civil rights movement, and LBJ's war on poverty. That's where we saw the beginnings of publicly funded need based financial aid that's still the cornerstone of much of what we

do. And especially with the events of the past few weeks, what a perfect time for our industry to seize on that legacy on behalf of our students. And that's what I feel the most passionately about.

Justin Draeger:

And I think David, that passion comes through for anybody that knows you and works with you. What I'm hearing you say is our work is social justice work. Our work is work of equality. It's all the things that we're rallying around right now that our profession has been doing for decades. So thank you for being a part of that.

David Sheridan:

Oh, you're welcome. I mean it's a noble fight. There's obviously no one single solution to everything that we're facing as a country as we strive towards the real equal opportunity that this country promises, but access to higher education has got to be high up on that list and we play such a key role in this. And I hope that motivates everyone in our industry.

Justin Draeger:

Couldn't agree more. Thank you, David. And for folks that want to get in touch with you, can we include your email in the show notes and maybe your Twitter handle or...

David Sheridan:

Oh yeah, Twitter, email, I'll talk to anybody about anything. On Twitter, I'll warn you, you're going to hear about the Mets and about why the 13th floor elevators should be in the rock and roll hall of fame and things like that. But I get financial aid in there as a topic too.

Justin Draeger:

Okay. So Allie, we'll drop those in and folks should definitely drop David a line, congratulate him. And if you don't know David, make a connection. Really glad to have you as part of the financial aid family, David. Thanks for all you've done.

David Sheridan:

Thanks to everyone at NASFAA.

Justin Draeger:

All right. As we talked about at top of the podcast, breaking news today, as we're recording the Supreme Court just weighed in on DACA. Allie, you want to catch us up?

Allie Arcese:

Sure. So this is a long awaited decision. We've known for a while that it would be coming at some point this month, most likely. I think I could speak for some of us at NASFAA when I was not expecting this outcome. I think we had been hearing a lot from reports in the news and elsewhere that the Supreme Court was going to rule in favor of the Trump administration's rescission of the program and the exact opposite happened. The court ruled that the rescission of the program violated the Administrative Procedure Act and it was arbitrary and capricious. But they didn't go so far as to rule on whether the program itself was legal. And instead just kicked that back to the Department of Homeland Security and kind of just said, "Try again." So that's where we're at.

Justin Draeger:

Yeah. So first of all, a major victory. One of the things that attracted me to NASFAA, so I've been employed here for 13 years, and one of the things that attracted me to NASFAA that stood out to me was NASFAA's position on the DREAM Act. This used to be a nonpartisan issue, but when I started in communications at NASFAA in 2007, we used to get member comments voicing concern about the DREAM Act and it started to become a very divisive issue. But the thing about the DREAM Act that always stood out to me was these were children. And there's something about this country where it is we don't hold children responsible for the actions of their parents. To me, that's just a basic tenet of where we live in terms of opportunity and freedom.

Justin Draeger:

And so here I am, no action on my own born into this country. And here are these other kids who were brought to this country, but again, by no choice of their own, and yet we find ourselves in very different circumstances. That always stood out to me as an area of inequality. And so I can remember Dallas Martin calling me late at night one night having me dictate... He was dictating to me a statement about the DREAM Act. We worked on it for just a minute. We pushed it out, and Dallas really took along with the NASFAA board a principled stand that was unqualified on the DREAM Act. And I can remember for me that feeling like I am in the right place because this aligns so closely to my personal beliefs. So we have supported this as an organization for 20 years.

Justin Draeger:

Allie, the one thing I do want to pick up on is that, for people that... I think most people know this, but in terms of DACA, the program applies to childhood arrivals. When it was first introduced in 2012, it was for anybody who is under the age of 31. It was expanded after that, but they had to have continuously resided here since 2007 when it was first introduced. So that would have been five years that they had been continuously in this country. They had to have completed high school. They could be honorably discharged veterans, which means they've literally put their lives on the line for our country and our freedoms. They could not have been convicted of any serious crime in order to qualify for deferred action, and they can't be a threat to national security. So these are the exact people we would want in our country. And just the idea that we would try to rescind that in some way, just doesn't make any rational economic or moral sense to me. So-

Allie Arcese:

Yeah.

Justin Draeger:

Yeah.

Allie Arcese:

And I was going to say, I was reading some of the dissent from the court opinion, and I haven't read the entire thing yet, but I don't believe any of the justices fully dissented from the opinion. They dissented with parts of it, and one common theme that I saw in some of the dissents was we should figure something out on this, but it's not the responsibility of the court and Congress is at fault here. So it didn't really sound to me like anyone was questioning that some sort of solution should be found, but just that this was not the place to do it and the way that this has gone through the courts was not appropriate.

Justin Draeger:

Yeah. I'll quote directly from the opinion here. It said, "The dispute before the court is not whether DHS may..." This was written by Chief Justice, John Roberts. And he says, quote, the dispute before the court is not whether DHS may rescind DACA. All parties agree that it may. This dispute is instead primarily about the procedure the agency followed in doing so. The APA sets forth the procedures by which federal agencies are accountable to the public and our actions subject to review by the courts.

Justin Draeger:

So the court is saying the Trump administration did this very sloppily and it didn't follow APA guidelines and it's not being upheld. But behind that then is the moral argument of, are we really going to rescind deferred action? And what? Tomorrow start sending dreamers back to countries that they might not have any recollection of? That is not really their country of origin for all intents and purposes? But my major point is the Trump administration probably doesn't have enough time between now and November to actually navigate APA to rescind DACA again. But I don't think this fight is over. It does require congressional action if we're going to put this to rest.

Allie Arcese:

And it's complicated too, because DACA has a lot of Republican support in Congress as well. So as you approach an election season, and I think there's just a lot of different factors at play. I think it's safe to say it's sort of a problem now for the Republican party before the election. And by problem, I just mean it's sticky to come to a resolution.

Justin Draeger:

It's a problem issue for sure. The latest Gallup poll showed that 80% of U.S. adults support DACA. 80%, that's about as nonpartisan as you can get on any single issue.

Allie Arcese:

Yeah.

Justin Draeger:

And so whether you're a Democrat who really needs to champion this because it's a progressive touchpoint issue or Republican who has to answer for why the administration would try to rescind it. I mean, the public supports it and find me something else the public supports other than Apple Pie or Mom northward of 80%. I mean those are off the charts approval ratings for this issue. So we will see... The good news is that colleges and universities, we've been part of a very large coalition supporting this. Colleges and universities are not going to have to worry about hiding DACA students in the fall.

Justin Draeger:

One other point about this which made it so insidious to me is, when the Obama administration did this in 2012, the idea was is that if undocumented students came forward and signed up for the program, we would protect them. They would make case by case... They would be basically deferred action. They would have the ability to work. They could go to college without fearing for deportation, and they could pay into, which they were already doing, pay into and potentially receive social security benefits.

Justin Draeger:

The problem with the Trump administration's action here is that then they would use the same roles that people used to sign up for to turn around and potentially harm them. I mean, talk about breaking a trust and just the insidious nature of that. So whether it's procedural or moral, we can't get inside the head of the justices but for now the rescission is barred. So, we'll see where we go.

Megan Coval:

I guess the one other thing I'll just say is that I'm just so happy for the relief that these people must feel because can you imagine living in that kind of purgatory for three years?

Justin Draeger:

Oh no, I can't.

Megan Coval:

It's just... I'm grateful.

Justin Draeger:

Yeah. Taken in the aggregate, with the CARES Act and the emergency distribution to undocumented students, which we'll talk about in just a few moments, take it in the aggregate and it just seems like there's something not right here about how the administration is treating undocumented students in general. And they try to make it about other things. Like this is about the power of the presidency and what can be... Forget it. I mean, this is really about protecting a vulnerable population that is part of the fabric of our society. So, all right, well hallelujah on the Supreme Court this week and we'll deliver more information as we have it.

Justin Draeger:

We're going to talk about the CARES Act and some of the court cases. I think it's awfully difficult at this point to try to figure out which guidance applies to who. Megan, you're going to help us sort this out. So I think part of the question here is how much of this applies to who, and that relies on, have schools already distributed the money? Is this all coming in post facto at this point or what? Megan, what did we find?

Megan Coval:

Yeah, that's a great question to start with when we think about all of this. And so we surveyed schools in the beginning of May about their funds and whether they had distributed. And at that point in time, and that was early May and I'm sorry, I don't have the exact date, but only 28% of schools had distributed any funds. That's how he worded it. And so we sent out a quick survey just last week. Thank you all for who filled it out. And by early June, 94% had distributed at least some funds. So, that's a huge jump. Obviously a lot happened within the month. And the other interesting piece was we also asked what percentage was already distributed because we know that some schools were holding part of the funds and pushing some out. So 77% of institutions said that they had distributed 50% or more of the funds and 57% had distributed 75% or more. So I think that's pretty telling as to where schools are and what decisions have already been made.

Justin Draeger:

And I don't remember if we said this on the podcast, but when we knew that the IFR was coming, this interim final rule, which is now part of this entire equation. I mean, I think we were saying, it's the schools that were asking, "If you were me, should I get my money out?" The answer would have been yes, because this will be prospective in nature. And for a lot of schools, it's sort of like, it's done, we did it. Alright, so catch us up. We've got two judges ruling on lawsuits filed against the department of education on their student eligibility aspects. Where do we stand with all of this?

Megan Coval:

Yeah. So I'm going to tie this into with where the rule is right now. So just a quick overview of the timeline. This has all unfolded within the last week. Last Thursday, the department issued a preview of the interim final rule. On Friday, a judge in Washington state, a federal judge, came out and issued a preliminary injunction saying actually for schools in Washington State, you don't have to essentially pay attention to the final rule as it pertains to students needing to have Title IV eligibility in order to receive the funds. So that was nearly one day after. That judge, I will say in Washington state did not issue an injunction on the undocumented and international student piece. And so that's an important distinction that we're going to want to parse out here.

Megan Coval:

Then on Wednesday, so just yesterday, a California judge also issued a preliminary injunction blocking the California community colleges from having to abide by the title for eligibility piece, and also the undocumented student piece. Yesterday was also the same day that the rule was issued in final form on the federal register. So what do you make of that?

Justin Draeger:

So, it almost is like you need a decision tree, right? And the first question may be might be, "Have I already dispersed all of my CARES Act emergency grants?" And if you had, and you answered, yes. It's like... Done. Okay? Right? Because the IFR is forward looking and, the previous guidance from the department on student eligibility, they said they wouldn't enforce.

Megan Coval:

Yeah.

Justin Draeger:

Okay. So that's the first question. The second question then might be, "Where do I live?" Is that right? If my college is in Washington, then as of last what? Last Friday?

Megan Coval:

Last Friday for Washington State, all colleges.

Justin Draeger:

Right. So in all the colleges in Washington as of last Friday do not have to abide by the Title IV eligibility requirements for the emergency grants?

Megan Coval:

Yes.

Justin Draeger:

Okay.

Megan Coval:

They do have to abide by the undocumented international piece?

Justin Draeger:

Okay. Right. So the undocumented piece holds in Washington. If I live in California, then as of yesterday?

Megan Coval:

Yesterday.

Justin Draeger:

Which for us is as of Wednesday.

Megan Coval:

June 17th.

Justin Draeger:

Uh-huh. As of Wednesday then, is it community college or all colleges?

Megan Coval:

Only community colleges.

Justin Draeger:

Okay. Community colleges in California, then I don't have to abide regardless of the interim final rule or any preliminary. I don't have to abide by the Title IV or undocumented requirements.

Megan Coval:

Right.

Justin Draeger:

Okay. And if I live in any other state, let's say I live in Texas, then none of those rulings impact me, and I am beholden to the interim final rule that was published on Wednesday.

Megan Coval:

That's right.

Justin Draeger:

Which basically says these grants can only be given going forward to Title IV eligible students.

Megan Coval:

Yes.

Justin Draeger:

There's your decision-

Megan Coval:

There's your decision tree, and then I would add on probably this bottom towards the roots of the tree question about just what risk your institution is willing to assume, even for the California community colleges and for the Washington state schools. Because I think it's important to know that the injunction itself is just sort of a temporary relief while we wait for the whole court process to play out. And so basically the court is ruling in both of these cases that, while we wait for the final decision, it is likely that there could be harm caused to the plaintiffs. So Washington State and the California community colleges in the interim. And so that's why we're issuing this temporary halt.

Megan Coval:

But I talked to a few friends that are attorneys in the higher ED space, and they sort of felt like each school should really consider the risks that they want to take to even award now to Title IV students if you're in Washington state or award to an undocumented student if you're a California community college, because it is possible that the court could come back and rule on ED side. Unlikely it seems from these preliminary decisions that have been handed out but I don't know. I talked to somebody who was self-described as a very risk averse attorney who said, "I don't even know that I would tell them to do that."

Justin Draeger:

I have never met an attorney that's not risk averse.

Megan Coval:

I know. She did assure me there were some in the other camp who would, but I thought that was an interesting point because I think I first thought, "All right." Because I heard, I don't know where I read it, but that the California community colleges had set aside a piece of their funding, hopeful that this would work out in their favor. And so I sort of thought, "Alright, maybe the next day they'll hit send," and I think it's probably a little more complicated than that.

Justin Draeger:

Well, I imagine those decisions are going to be made up at the system office about whether they're going to distribute. And to some extent maybe... What's that?

Megan Coval:

I was going to say, but even if they end up not doing that or holding off, I just think the decisions themselves say something.

Justin Draeger:

So this is a temporary injunction, but there could be a ruling though that is applicable then to the entire rule that the department has put out.

Megan Coval:

Yes.

Justin Draeger:

So that would be nationwide. We're not to that point yet. The judges have just issued temporary injunctions as they sort through the case.

Megan Coval:

Yes. And I think it could be like another, excuse me, three or so months until these actually wrap up in a final form. So it is sort of this temporary piece could last a little while as courts obviously sometimes move very slowly, so.

Justin Draeger:

Yeah. I don't know about you, but I'm getting the sense from our members that they have CARES Act fatigue at this point.

Megan Coval:

Yeah.

Justin Draeger:

All right. Anything else on this, Megan?

Megan Coval:

The only other thing I was going to say is that I don't know for sure of course, but I think we can expect to see more states follow suit here in filing cases. I think there were probably a lot that were watching to see what happened in Washington and California. So that's something that we'll keep our eye out for.

Justin Draeger:

All right. And we'll deliver the news as we get it. Thank you, Megan. Also happening this last week, Jill, some additional guidance was released by the department on what was it? June 16th? Was that earlier this week? It all sort of bleeds together anymore.

Jill Desjean:

Yeah. June 16th. I think that was Tuesday.

Justin Draeger:

Okay.

Jill Desjean:

ED updated two guidance documents that day. Their March 5th guidance was updated to extend the applicable timeframe for the standard term flexibility that had been granted back in March. Institutions will now be permitted to have adjacent terms overlap and still be considered standard terms through the end of the academic year, that includes December 31st, 2020, or the end of the national emergency. Whichever occurs later.

Justin Draeger:

A question on that, do they usually declare ends to national emergencies? I guess that never dawned on me.

Jill Desjean:

I guess if you've declared that there is one, you do have to declare that it's over.

Justin Draeger:

Oh, okay.

Jill Desjean:

Yeah. It'll be interesting to see-

Justin Draeger:

I can't wait to see when that happens.

Jill Desjean:

When that happens. Yeah.

Justin Draeger:

Okay.

Jill Desjean:

Great question. Yeah, so previously this flexibility on the standard term stuff only applied to interrupted study abroad or interrupted experiential learning or when institutions had to temporarily close like cease providing instruction. And was limited to the payment period that included March 5th which was the date of that first piece of guidance, and the immediately following payment period. It now applies to all programs, not just the interrupted study abroad, interrupted experiential learning, et cetera, and extends across multiple payment periods. So that's where this is a welcome change because the previous guidance didn't allow for institutions to restructure a future term without going to this non-term structure potentially.

Jill Desjean:

For instance, we heard from schools that wanted to start fall early and end the fall term early. Send students home around Thanksgiving break and not come back in an attempt to mitigate the COVID-19 risk, but their fall term would end up overlapping with their summer term by making it start earlier and they didn't have the flexibility to be able to do that, to have those terms overlap unless they went non-term which is messy and complicated to administer and I just didn't want to go there. So this new guidance is going to let schools have those overlapping terms into the next academic year. Still be able to treat them as standard terms so they can use scheduled award here for their direct loans, they can use Pell Grant formula 1. So that's a good thing.

Jill Desjean:

And the other update was to the May 15th piece of guidance. And so this update was to the R2T4 waiver of the requirement to return unearned funds. The covered period for that waiver had initially just been for payment periods that included March 13th, 2020 and this updated guidance now expands the

covered period to also include payment periods that began between March 13th and the later of December 31st, 2020, or whenever this national emergency is declared over. Also great news because the previous guidance excluded quarters and non-term payment periods that began after March 13th. So there was this different treatment between students in a quarter based program versus students in a semester based program who otherwise didn't look very different.

Justin Draeger:

And this sort of just includes all of those. There's no break. If you're on a break, it doesn't matter. It's just the updated guidance is what? March 13th forward?

Jill Desjean:

Yeah, yeah.

Justin Draeger:

Right.

Jill Desjean:

ED also clarified that an institution can't automatically apply that R2T4 waiver to all students who withdraw during a payment period or period of enrollment, unless a disruption to instruction occurred during that payment period. So that should kind of be assumed, but it didn't need to be stated before, but now that the guidance applies to more than one term, you have to explicitly say the interruption also has to have happened in that term. So if your campus experienced a COVID-19 related disruption in the spring, you couldn't treat all of your fall withdrawals as COVID-19 withdrawals and not return any funds for them. The disruption would have had to have occurred in the fall for you to use that blanket authority. However, still get the student attestation.

Justin Draeger:

Let me ask you a question. So it seems pretty clear to me that if a school starts up in the fall, then they go online again, there's a disruption.

Jill Desjean:

Right. Right.

Justin Draeger:

What about a school that is normally in person, but they just start online like online and in person, like they're doing a hybrid, is that by itself a disruption because it's out of norm from what they would normally do, but that's the status. That's going to be the status for the semester. Do you see what I'm saying?

Jill Desjean:

Yeah. I'm not certain. I would say it's not a disruption. I think of disruption as being something unexpected. If you planned to have your semester be hybrid, and you went ahead and did that even if it's not what you normally did. I would not consider that instruction, but I don't think that we have a definite answer on that so I wouldn't say that that is the end all be all. And for all I know, TRA may be seeing the opposite, so don't quote me on that.

Justin Draeger:

Alright. Well, we'll continue to dig into these issues. Thank you, Jill, for the update. Just as a question, we have our timeline that we issue out there that has all the rolling guidance. Our timelines being updated with this latest guidance?

Jill Desjean:

Yeah. This is already updated on the web.

Justin Draeger:

Great. So people can check that out and Allie maybe we can include that in the show notes. All right, moving on. We've talked a couple of times in here about GEN-09-05, which is now becoming quickly the infamous colleague letter on professional judgment and giving schools some broad authority for independent students in particular who are on unemployment. Do we have any updates here, Jill?

Jill Desjean:

We do.

Justin Draeger:

Oh yay. What are they?

Jill Desjean:

We keep having new developments none of which ever actually answered the one question that you have as to whether this guidance is still effective.

Justin Draeger:

Okay. So if people want to zip ahead? The answer is still, we don't know the answer to that.

Jill Desjean:

Still don't know but there is new information. Super exciting. So on June 12th, ED removed from the 2020/21 application and verification guide. So the brand new one that was just released, not that long ago. They removed a reference in there to DCL GEN-11-04 which is an active dear colleague letter that references GEN-09-05 and says that GEN-09-05 is effective until further notice. 09-05 has been archived for quite a long time, but 11-04 sort of continues to make it active until further notice. And as far as we know, no notice has been given.

Jill Desjean:

And 09-05 is the one that gives financial aid administrators this blanket authority to treat all students who can prove that they're receiving unemployment benefits the same way which you usually can't do. You usually have to do PJ case-by-case. And so this would say anyone who gives you documentation of unemployment income can have their income and their unemployment benefits zeroed out in the [inaudible 00:33:11].

Justin Draeger:

So Jill, you and I talked about this just a little bit more this last week. One thing I think people miss about GEN-09-05, and that I've actually pointed out to folks over at the department is there's this question about like, do schools... So there were three parts of that DCL, but focusing just on the part that was like, there was a notification part to state unemployment agencies or the department of labor. There was this other part about whether this is included in your calculation that determines whether you get a program review and that's obviously important. And then there's this third part which is the broad authority to just zero out income.

Justin Draeger:

So the question from the department officials to me was, "Do schools really need this in order to zero out income?" And the answer is there's nothing that prohibits them from doing that, but it does come down to this thing that the department released guidance saying that they could do this broadly. A lot of schools might not be comfortable doing that without that guidance. And by the very fact that department put out guidance, it now sort of sets a precedent that schools feel like, "Well, if this isn't valid, can I even do it?" And as I talked to different aid directors this week, some are saying, "To hell with that. I'll do it. I can do PJ. That's my realm, not the departments."

Justin Draeger:

I talked to a lot of others who say, "If I don't have that sort of blanket, I don't need a program review. And I don't need people that are program reviewers digging into my PJ's either." So I think there's a bit of an issue here that highlights something we've talked about a ton in this profession, which is you can't take 15 years of aggressive, overly aggressive enforcement from federal student aid and the culture that creates and then just say, without any guidance or any safe space, say, "It's fine. Do what you have to do. We won't come after you."

Jill Desjean:

[inaudible 00:34:58]

Justin Draeger:

Yeah. There's a culture created and the culture has real impacts on how eight administrators implement their day-to-day jobs to help students.

Jill Desjean:

Yeah. Yeah. It leaves some questioning themselves, even when they are pretty confident what the right thing to do is.

Justin Draeger:

Right.

Jill Desjean:

Yeah. So end of the day this new development, removing the reference to this GEN-11-04 really doesn't do anything. The document itself is still active. So the fact that they just don't mention it anymore in the handbook, it's not action. They say they removed it, it's an errata notice and they say it's outdated, but they didn't [inaudible 00:35:37].

Justin Draeger:

Yeah. If best case scenario at this point, it seems like they're racing their tracks here back to GEN-09-05.

Jill Desjean:

Yeah.

Justin Draeger:

So here's what I would say it might be a best case scenario. It seems like there's some resistance for the department just re-upping and saying that this guidance is still enforced because they could have done that.

Jill Desjean:

Right.

Justin Draeger:

I think though, what we might hear from the department is parts of that. Maybe they're not going to go back out to the state unemployment agencies. Maybe they're not, maybe they'll still include increased PJ's. Exclude, excuse me, increased PJ's from a program review triggers. The broad authority, I don't know. That's probably still being debated. Remember President Trump said, this is going to be a short term recession. So anything that contradicts that might be seen as contradicting the president. So I don't know what kind of debates are happening over at the department, but I wonder if aspects of this will be picked up and other aspects will be dropped. We don't know. We'll have to wait and see.

Jill Desjean:

Yeah, yeah, yeah. Making the whole thing active right now would actually be confusing. Because there were references to certain aboard years under the things, but there are certainly lots of elements that could literally just take and put into a new piece of guidance and make us all really happy.

Justin Draeger:

All right. Well, making us happy is priority numero uno over at the department. So let's see what happens. Alright. We have a listener question this week about loans. It's COVID related, let's hear the question

Colleen Mulrooney:

This is Colleen Mulrooney calling from Sacred Heart University. And we have an associates degree nursing program that really got disrupted with the COVID situation and they were not able to complete their spring Nursing 101 due to the clinicals being canceled. They have to come back with summer and try to finish it up. They currently just have an incomplete and then we're not able to offer them a fall semester because the professors are not teaching those courses at that time. So they can't return until the following spring 21. And so they have to do exit counseling and they're going to use their grace period and go into a month or two of repayment possibly. It would be nice if there was some exception due to COVID where their grace period and their repayment would not be used for the disruption to their program plan. That's my question. Again, my name is Colleen Mulrooney, Sacred Heart University. Thanks so much.

Justin Draeger:

So Jill, can you answer Colleen's question from Sacred Heart?

Jill Desjean:

Yeah, yeah. It's not a super satisfactory answer, but acknowledging that's a really tough situation for the students, the situations she describes. And I'm glad you shared it because it wasn't a scenario I had considered. And it will definitely help us with our advocacy efforts. Unfortunately there hasn't been regulatory or legislative action to address this particular situation. We did see the House Democrats fourth COVID relief bill proposal, which included payment suspension through September of next year. So that would help these students a lot by not requiring them to make a couple of payments once their grace period expires. But we don't even know if that provision would make it into the final legislation, and even if it did, these students would still have exhaust the onetime grace period. So they still are worse off than they would have been if they'd been able to continue in the fall and not had this temporary break in attendance that caused them to go into grace and then repayment.

Jill Desjean:

So, as things stand now, I think that the recourse these students have would be to either apply for IDR if they have low income or no earnings and just get basically payments of zero for the couple of months that it seems like there'll be in repayment or alternatively to apply for a forbearance for those couple of months. And I just wanted to know that it's going to be really important when those students get back to campus for the financial aid office to work with whomever reports enrollment statuses if it's not you to make sure that we report it as enrolled right away, because they will have been in repayment. And so you want to make sure that there isn't even a couple of weeks gap that could make them make one extra payment that they shouldn't have to make sure that they're reported as enrolled as soon as they're back on campus.

Justin Draeger:

Thank you, Jill. And thank you Colleen, for submitting your question. Others who want to submit questions directly to us and be on the air, Allie, how do they do that?

Allie Arcese:

You can call 202-785-6954, and leave your name, your institution and your question.

Justin Draeger:

And we might put you on Off The Cuff. All right. A really packed agenda, lots happening this week. Here's a question. So real quick, we haven't seen each other in person in I don't know, months? Oh, that's not true, Allie, I did bike over to your house one day and dropped off your wedding gift that was nine months late. So I'm curious about the Zoom thing, okay, because I just read something this last week. It's great seeing you all on Zoom. I mean, I think this kind of works. We can't have back and forth like we normally do, but a psychologist was in the New York Times saying that Zoom calls are especially exhausting because we are not meant as humans to be staring at one another or staring at ourselves as the case may be.

Justin Draeger:

Staring at somebody so intently and so closely that Zoom does, so it's good to be able to see people, but in a real life situation, you kind of look around you glance at someone. That's how humans have evolved over 200,000 years to not be so intense and threatening. But in Zoom, I'm literally just looking, like Allie, I've never been this close to you in real life. You're taking up my entire screen. Now Megan is.

Allie Arcese:

Change it to grid view.

Justin Draeger:

No, I'm going to keep it just like this. It's the level of intensity that keeps me on the edge. But it's exhausting, right? Five hours of Zoom calls to me feels like I just ran a marathon compared to when we were in the office and doing five hours, it felt like... It wasn't the best time, but I could do it.

Megan Coval:

Yeah. I've also noticed that people that I would have phone calls with prior to the pandemic and they would just be phone calls, now people want to do video calls? And I don't know if that's sort of this pressure of-

Justin Draeger:

Are you passive aggressively talking about me?

Megan Coval:

No, no. I'm not. Because I do find-

Justin Draeger:

Because I do Zoom. I've given up the phone calls. Because I don't know who has a phone. You don't have an office phone, do you?

Megan Coval:

No. No, I actually wasn't talking about you. I meant more people that I talk with outside of our organization. It was typical that I would just give them a ring before. And now-

Justin Draeger:

Now you're doing Zoom calls.

Megan Coval:

Yeah.

Justin Draeger:

It's a lot of pressure.

Megan Coval:

Yeah.

Justin Draeger:

So anyway, there's the good and the bad. Megan, I'm not going to call you though. I'm going to continue to do Zoom calls.

Megan Coval:

No, no. I like that in the office.

Justin Draeger:

Yeah, that came across loudly and clearly. All right. Thanks everybody for joining us for another edition of Off The Cuff. Send us your comments. Remember to subscribe. Tell a friend and we will see you again next week.