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September 21, 2009

Ms. Jessica Finkel
U.S. Department of Education
1990 K St. NW, Room 8031
Washington, DC 20006-8502

Docket No. ID-ED-2009-OPE-0005

Dear Ms. Finkel,

On behalf of the American Association of State Colleges and Universities (AASCU), representing 430 public four-year institutions and systems, and over three million students, we write in response to the Notice of Proposed Rulemaking on General and Non-Loan Programmatic Issues published in the Federal Register on August 21, 2009.

We strongly recommend eliminating provision *690.67 (a) (1)* in the section on “Receiving up to two Scheduled Awards during a Single Award Year.”

Section 690.67 (a) (1) would require that the full complement of credits defining an academic year be earned prior to beginning the extra term in the award year in which the student could receive a second scheduled Pell Grant award. This provision, which is not required by the statute, would unnecessarily limit the financial resources authorized by Congress for Pell Grant recipients, who are for the most part, very low-income students with limited financial resources.

The statute authorizes the Pell recipient to receive up to two Pell Grants during a single award year if the student is enrolled on at least a half-time basis for a period of more than one academic year, or more than two semesters during a single award year. Thus the statute authorizes the institution to award a second Pell Grant to recipients who change enrollment status between their first and second academic terms, and then enroll in the summer, or who enroll in the summer as a leading term and as a result have enrolled for more than the equivalent of one academic year. We do not agree that Congress intended the determination to be based on courses completed, but rather as the statute clearly states, on enrollment status.

By attending in the summer on at least a half-time basis, a student is accelerating or advancing the student's actual graduation date, even if not meeting what the NPRM calls an

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“objective standard.” Helping the student attain a degree objective in a shorter time frame than what the student might have done without the benefit of a year round Pell is the obvious goal of the statute.

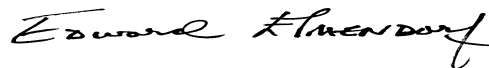
In authorizing this provision, we believe Congress intended to help students in low-income circumstances reduce their time to degree by providing financial support beyond the historic one year per award year limit on receipt of Pell Grant funds to facilitate enrollment in more than the usual number of terms defined in an academic year. The proposed rule, as constructed, severely inhibits the national effort to reduce the educational attainment gap between those from low-income circumstances and those from more economically fortunate situations.

This proposed rule also introduces complexity in educational and financial planning where the choice between options for funding the summer term can result in a shortfall of Pell funds in the spring term, which can cause the student to skip enrollment for the term resulting in increased time to earn the degree for the student. The lapse in enrollment also increases the risk the student will never return to school, undermining the national goal of increased educational attainment.

Even though the NPRM states that the proposed regulations would allow exceptions to the requirement in *690.67 (a) (1)* on a case-by-case basis for illness or inability to register for required courses, the strictest interpretation of the proposed regulation would apparently not allow a student who switched to part-time status because of financial exigency to receive the second Pell, and the most generous interpretation would put the burden of proof on the institution to justify its action. Therefore, it is of little value in efforts to mitigate the impact of the earned credit approach to determining eligibility for a second Pell Grant award within the award year.

We would be supportive of a rule that determines student eligibility for a second Pell Grant in an award year based on student enrollment effort that would be more comprehensible to the student and transparently facilitate student effort to maintain a pattern of continuous enrollment.

Sincerely,



Edward M. Elmendorf
Senior Vice President
Government Relations and Policy Analysis