



HISPANIC EDUCATION COALITION

Submitted by email to heaa2014@help.senate.gov

August 28, 2014

The Honorable Tom Harkin
Chairman
Committee on Health, Education, Labor and Pensions
731 Hart Senate Office Building
Washington, DC 20510

RE: Discussion Draft of the Higher Education Affordability Act

Dear Chairman Harkin:

We write on behalf of the Hispanic Education Coalition (HEC), which unites more than 20 organizations dedicated to improving educational opportunities and outcomes for the more than 54 million Latinos living in the United States and Puerto Rico. On behalf of its member groups, HEC welcomes the opportunity to comment on the released discussion draft of the Higher Education Affordability Act. This bill is an important step toward the reauthorization and further strengthening of the Higher Education Act of 1965 (HEA) to provide access to higher education for all.

As the census has shown, Latinos are now the nation's largest minority group. Latinos are enrolling in post-secondary education at a rate comparable with other groups, but are lagging far behind when it comes to college completion.¹ This bill presents the opportunity to ensure that the America's largest minority group persists and more fully contributes to the nation's welfare and prosperity.

While no bill is perfect, there is much in this bill that HEC welcomes. Specifically, HEC commends you for drafting a bill that:

- (1) provides incentives to states to offer in-state tuition for students who would be eligible for the DREAM Act, known as DREAMers;
- (2) expands the need-based Pell grant program by making it available year-round;
- (3) simplifies the procedure for homeless students to file financial aid applications;
- (4) allows private educational loans to be discharged in bankruptcy;
- (5) increases income protection allowances to better determine financial need;
- (6) requires that the Department of Education perform a needs analysis of the use of private debt collection services;
- (7) creates a minority serving institution innovation fund; and
- (8) simplifies income-based repayment (IBR) options and automatically enrolling eligible delinquent borrowers in IBR.

¹ Mark H. Lopez and Richard Fry, *Among recent high school grads, Hispanic college enrollment rate surpasses that of whites*, PEW RESEARCH, <http://www.pewresearch.org/fact-tank/2013/09/04/hispanic-college-enrollment-rate-surpasses-whites-for-the-first-time/> (finding that in 2012, among 18-24 year olds who have completed high school, 49 percent of Latinos, 47 percent of Whites, and 45 percent of African Americans enrolled in college, however, 14.5 percent of Latinos aged 25 or older have earned bachelor's degrees, as compared to 34.5 percent of Whites, and 21.2 percent of African Americans).

Our coalition looks forward to working with you to improve the bill in the following ways:

- (1) allowing states to give DREAMers in-state tuition by incorporating the S. 744 provision “Restoration of State Option to Determine Residency for purposes of Higher Education” into HEA;²
- (2) clarifying immigration law to ensure all persons authorized to work, including DACA holders, can sit for state teacher and administrator licensing exams, by incorporating the S. 744 provision “Professional, Commercial, and Business Licenses” into HEA;³
- (3) allowing DREAMers direct access to federal financial aid;⁴
- (4) increasing supports for need-based programs such as HEP-CAMP, GEAR UP, TRIO, and Title V supports for Hispanic Serving Institutions;
- (5) giving formerly incarcerated persons access to federal financial aid;
- (6) requiring schools to develop a plan to assist their pregnant and parenting students, including Latinas/os, with access to affordable childcare, housing, and additional resources particularly needed by student parents;
- (7) requiring the recruitment and retention of sexual assault coordinators and survivor advocates who are culturally competent to address the various needs of Latina/o victims of campus crime;
- (8) requiring institutions of higher learning to conduct campus-wide annual, anonymous climate surveys and publically report the results in the most common language formats of students and parents;
- (9) reversing the harmful Supreme Court decision in *Gerber v. Lago Vista* by making clear that the standard students have to meet to recover damages in peer-on-peer harassment lawsuits is the same as the standard employees have to meet to recover damages from their employers for workplace harassment;
- (10) ensuring that the public service loan forgiveness study collects and reports data by race, ethnicity, gender, state of residence, whether the recipient is the first of his or her family to attain the level of degree attained, and ensuring that these factors are cross-tabulated;
- (11) creating a new public service loan repayment plan for borrowers who are working toward the public service loan forgiveness program, which would be based on IBR but whose payments would be five percent of discretionary income and under which unpaid interest would not accrue; and
- (12) improving IBR by:
 - a. waiving unpaid interest for Pell grant recipients,
 - b. reducing the IBR marriage penalty to 50 percent of the combined household adjusted gross income for married borrowers filing their taxes jointly, and
 - c. removing the new IBR marriage penalty for married borrowers who file their taxes separately.

Thank you for focusing on the need for improvements to our higher education system. We look forward to working with you and your staff on improving the Higher Education Affordability Act in the weeks ahead. If you have any questions, please feel free to contact the HEC co-chairs: Adam Fernandez of the Mexican American Legal Defense and Educational Fund, at afernandez@maldef.org, or Luis Torres of the League of United Latin American Citizens, at latorres@lulac.org.

Sincerely,



Luis Torres
HEC Co-Chair
League of United Latin
American Citizens (LULAC)



Adam Fernandez
HEC Co-Chair
Mexican American Legal
Defense and Educational Fund (MALDEF)

² See S. 744, 113th Cong. (2013), § 245D (d), page 202, lines 11-21, available at <http://www.gpo.gov/fdsys/pkg/BILLS-113s744es/pdf/BILLS-113s744es.pdf>.

³ See *id.* at § 3105 (a) (8), page 642, lines 1-5, (also known as the Coons 10 amendment, DAV13371).

⁴ See *id.* at § 245D (f), page 203, lines 1-17 (also known as the Hirono 21 amendment, BOM13213).