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## NCHER Webinar Providing Federal Update for Fall 2024, Including Student Loan Forgiveness and Impact of Loper Bright; Register Today!

On Tuesday, September 10th from 2:00 to 3:30 pm ET, NCHER will hold a webinar to review and discuss upcoming federal developments for Fall 2024 with a focus on the policy, political, regulatory, and legal developments impacting the higher education

finance community that took place in late summer and what we expect to take place in the Fall as we head into the November election. The webinar is also expected to provide a legal and regulatory update impacting the U.S. Department of Education's federal student loan forgiveness program and other administrative actions, and discuss the impact of the Loper Bright decision, which overturned Chevron deference, and its impact on federal regulatory action impacting our industry. This is a member-only event, which means that you will need to be logged into the NCHER website to register for the event. [Register Today!](#)

## Eight Circuit Refuses to Clarify Recent Ruling Blocking SAVE Plan, States File Response to Emergency Motion With Supreme Court, Tenth Circuit Holds Hearing on Similar Lawsuit

On Monday, the U.S. Court of Appeals for the Eight Circuit issued a one-sentence [decision](#) denying an [emergency motion](#) from the U.S. Department of Justice (DOJ) to clarify its recent order blocking the U.S. Department of Education from implementing the Saving on a Valuable Education or SAVE Plan. Earlier this month, the Eighth Circuit issued a nationwide injunction in *Missouri v. Biden* blocking the Department from providing student loan forgiveness or changing the payment calculation under the final rule creating the SAVE Plan. Since the injunction was issued, the Department has halted new enrollment in the SAVE Plan as well as enrollment in income-contingent or income-driven repayment plans. DOJ has said that the injunction bars loan forgiveness for borrowers enrolled in any income-driven repayment plan, not just SAVE, because the final regulations that created the plan also included some changes to the other income-contingent repayment plans. The emergency motion attempted to clarify and narrow the scope of the injunction. "For example, borrowers enrolled in an [income-contingent repayment] plan may become eligible for Public Service Loan Forgiveness," DOJ wrote. "But the injunction could be understood to prohibit forgiveness because those borrowers' loans are governed at least in part by the final rule. The Department does not believe, however, that the court intended to sweep so broadly." The Eighth Circuit's decision raises concerns about the Department's authority to forgive any federal student loan under the income-contingent plan and is likely to end up at the U.S. Supreme Court.

Separately, the State of Missouri filed a [response](#) to the emergency motion filed by DOJ asking the Supreme Court to overturn the injunction issued by the Eighth Circuit. In its filing, Missouri said that DOJ is not likely to succeed on the merits as the states easily

have standing and the Secretary of Education lacks authority to forgive principal or interest under the income-contingent plan provision of the Higher Education Act. The state also said that the final rules' revised payment amounts are unlawful, the circuit court's relief in issuing an injunction was appropriate, and the equities favor the states. The brief concludes by urging the Supreme Court to either reject the emergency motion outright or do the same thing it did in *Biden v. Nebraska*: grant certiorari and defer ruling on the application until after oral argument.

Yesterday, the U.S. Court of Appeals for the Tenth Circuit heard oral arguments in a separate motion filed by DOJ asking the court to overturn the Eighth Circuit's injunction using a separate case, *Alaska, South Carolina, and Texas v. Biden*. However, the judges assigned to the case indicated that there might not be much the court can do in the lawsuit. "We can't decide whether the Eighth Circuit erred," Judge Carolyn McHugh, an Obama appointee, said at the hearing. "I, for the life of me, cannot understand how there is anything we can do that has any impact in the real world." The states' lawyers said any opinion from the Tenth Circuit would only serve as an advisory opinion to the Supreme Court, which is mulling a request to overturn the injunction. Judge David Ebel, a Reagan appointee, said he did not understand how the states could have standing and pointed to a district court opinion that determined Alaska only lost \$100,000 in interest over two years because of the SAVE plan. But the state, the judge said, is not legally entitled to that money. "They will lose interest. We all agree on that," Judge Ebel said. "But they don't have a right not to lose interest because every buyer has the right to change, payoff, leave or refinance anytime they want." During yesterday's arguments, DOJ continued to argue that the Department of Education has authority to set payment amounts and, ultimately, forgive loans under the Higher Education Act. The states continued to argue that the Department would need approval from Congress to implement the program, citing last year's Supreme Court case that struck down the federal student loan forgiveness program.

For additional coverage, see this article from [Inside Higher Ed](#).

## Department of Education Report Finds Number of Colleges and Universities Shrunk Last Year

Yesterday, the U.S. Department of Education's National Center for Education Statistics released a new [report](#) that found the number of Title IV institutions - those eligible to participate in federal financial aid programs - fell from 5,918 in the 2022-2023 academic year to 5,819 in the 2023-24 academic year, a net loss of 99 colleges and universities or

almost 2 percent. The report found that the four-year public sector was the only sector to see an increase in institutions - that increase included 16 institutions that were two-year in 2022–2023 and became four-year for 2023–24. Of the total number of colleges and universities, 2,691 were classified as four-year institutions, 1,496 were two-year institutions, and 1,632 were less-than-two-year institutions. The report also showed around 2.5 million high school students were enrolled in college courses for credit during the 2022 –2023 academic year, and shed light on tuition and fees and unduplicated enrollment head counts in 2023–2024. Key findings include the following:

- Between the 2022–2023 and 2023–2024 academic years, adjusting for inflation, average tuition and fees for full-time, first-time degree/certificate-seeking undergraduates decreased across all sectors:
  - Public four-year institutions reported a 7 percent decrease for in-state students to approximately \$9,000 and an 8 percent decrease for out-of-state students to approximately \$19,300.
  - Private nonprofit four-year institutions reported a decrease of approximately 5 percent to approximately \$32,600.
  - Private for-profit institutions reported a decrease of approximately 8 percent to approximately \$18,700.
- Of the roughly 3.6 million students receiving degrees or certificates at four-year Title IV degree-granting institutions in 2023–24, about 54 percent overall received a bachelor’s degree, though the percentage varied by institutional control:
  - Approximately 58 percent of the 2.2 million students at public four-year institutions received a bachelor’s degree.
  - Approximately 49 percent of the 1.1 million students at private nonprofit four-year institutions received a bachelor’s degree.
  - Approximately 40 percent of the 246,000 students at private for-profit four-year institutions received a bachelor’s degree.
- The 12-month unduplicated headcount enrollment of undergraduate students increased between the 12-month periods of July 1, 2021, through June 30, 2022, and July 1, 2022 and June 30, 2023. This was the first increase in this head count since 2010–2011.
- The 12-month unduplicated headcount enrollment of students enrolled exclusively in distance education courses between July 1, 2022 and June 30, 2023 varied by

institutional control. Of the approximately 5.8 million undergraduate students enrolled exclusively in distance education:

- Around 4.1 million were enrolled at public institutions.
  - Around 935,000 were enrolled at private nonprofit institutions.
  - Around 755,000 were enrolled at private for-profit institutions.
- About 2.5 million students reported in the unduplicated head count enrollment were high school students enrolled in college courses for credit, with approximately 1.1 million of them enrolled at four-year institutions, around 1.4 million enrolled at two-year institutions, and 11,000 enrolled at less-than-two-year institutions:
    - Public two-year institutions enrolled the most high school students for credit.
    - Approximately 57 percent of high school students enrolled for credit were women.
    - White students made up the majority of high school students enrolled for credit at approximately 52 percent, followed by Hispanic or Latino students at 19.6 percent.

For further coverage, see this article from [Inside Higher Ed](#).

## Democrats Release Party Platform with Support for Doubling Pell Grants and Student Loan Relief

Earlier this week, the Democratic National Committee released its [Final Party Platform](#) as Vice President Kamala Harris prepares to take over as the party's nominee for President. The 92-page document is largely in line with the Biden Administration's priorities and hits on many of the familiar themes seen over the last four years. On higher education, the platform calls for doubling the maximum award for the Pell Grant program by 2029, a priority that has appeared in recent budgets submitted to Congress by the White House, and expanding the program to 7 million more students. It also calls for subsidizing tuition at minority-serving institutions for students whose families make less than \$125,000. The platform also touts the U.S. Department of Education's student loan debt relief efforts and the new Saving on a Valuable Education or SAVE Plan. "Meanwhile, its new SAVE plan is the most affordable student-loan repayment plan in history, helping 8 million Americans – including more than 4.5 million who now have a \$0 monthly payment," the platform says. "These savings will transform lives, freeing people to buy a house, to start a family, or to launch a business with new hope." Finally, the platform says

that a four-year college is not the only pathway to a good career, so there must be an investment in other forms of education as well, including career and technical education.

## EAB Study Finds Parents Top Concern Over College Choice is All About Cost

EAB, an enrollment management consulting firm, recently released its new [2024 Parent Survey: Understanding Top Parent Concerns in College Search](#), which found that parents and guardians helping students decide where to attend college are concerned mostly with cost and debt.

The report, based on a survey of over 1,600 parents, guardians, and other primary caregivers, offers insight into the ways that parent priorities and anxieties have shifted in recent years and the increasingly dominant role affordability plays in their thinking about college choice. Sixty percent of respondents said cost was their top concern when sending their children to college, and the next two most common answers were also cost-related: 40 percent listed scholarships and 39 percent named debt as top priorities. The survey also found that most parents' perceptions about students' top college concerns are wrong. Respondents thought students would be most concerned with career success and whether the college is a good fit for them; in reality, EAB data shows that students' concerns are the exact same as parents': cost, debt, and scholarships.

Parents across the socioeconomic spectrum also said that they value communication about affordability from prospective colleges, but it is especially true of lower-income families. While 44 percent of parents from families making less than \$90,000 a year and 42 percent of those making under \$150,000 said they would appreciate earlier outreach about how to pay for college, only 31 percent of those with annual household incomes over \$150,000 said the same. Fifty-two percent of respondents also said they had issues submitting the FAFSA [Free Application for Federal Student Aid] with their child, and 49 percent said they did not receive their student's financial aid package in time to make an informed college decision.

For additional coverage, see this article from [Inside Higher Ed](#).

## U.S. Department of Education News

For today's Federal Register, click [here](#).

[Press Release: Secretary Miguel Cardona Announces 2024 Back to School Bus Tour](#)

[Comment Request; Federal Family Educational Loan Program-Servicemembers Civil Relief Act \(SCRA\)](#)

The following announcements were posted to Federal Student Aid's Knowledge Center:

- [\(GRANTS-24-08\) Third and Final Pell Grant Administrative Cost Allowance Payments for 2022-23 Award Year](#)
- [\(GRANTS-24-07\) Second Pell Grant Administrative Cost Allowance Payments for 2023-24 Award Year](#)
- [\(COD-24-06\) 2024-25 COD System Peak Processing Reminders](#)

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## Member News



College Foundation, Inc. (CFI), a nonprofit corporation of 140 employees serving North Carolina students and families since 1955, is searching for a President. As the senior leader at CFI, the President oversees the administration of student financial assistance programs, including education loan programs, several major grant and scholarship programs, a

residency determination service, a tax-advantaged "529" college savings program, and an outreach program which promotes access to NC higher education and assists students and families with education planning, career planning, and applying and paying for college. The President will provide strong leadership by working with the Board of Trustees and the senior leadership team to establish short and long-term goals, plans, and strategies. The ideal candidate will have a participative management style and possess the ability to establish and maintain effective working relationships. Minimum BS/BA degree with at least 7 years of financial and operations management experience. Contact [human.resources@cfi.org](mailto:human.resources@cfi.org) for additional information.

## General News

The Federal Trade Commission released a [blog post](#) about how borrowers can get legitimate information about their federal student loans.

[The Hill](#) publishes an op-ed saying that many students still have not received their aid packages for this coming school year and some have chosen to drop out of the application process as a result of the botched rollout of the Free Application for Federal Student Aid - and what colleges and universities can do now.

[The Wall Street Journal](#) reports that there is a new problem with four-year degrees: the surge in college closures.

An online version of this Daily Briefing is available to view and print from the [Daily Briefing Section](#) of the [NCHER e-Library](#).

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