

Federal Legislation Impacting Higher Education

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Passed Legislation

- VAWA/Clery Re-Authorization – July 1 Implementation
- Affordable Care Act-SCOTUS results Impact

Issues Facing Higher Education

- Campus Accountability & Safety Act (CASA), Sexual Assault Issues
- Higher Education Reauthorization Act
- FERPA
- Gainful Employment
- Future of Student Aid/Pell Grants
- The Community College Proposal
- Student Debt
- College Costs/Accountability
- College Rating System
- Immigration-DHS Funding
- Medical Marijuana
- FY16 Education Budget
- Political Landscape impacting all federal legislation

2015 TOP STATE ISSUES FACING HIGHER EDUCATION

- Tuition Policies
 - Agreements linking State Funding & Tuition Policy
 - Campus Sexual Assault-CASA like bills for attorney support
 - Veterans Benefits
 - Vocational & Technical Education
 - Undocumented Students
 - Guns on Campus
 - Secondary-Postsecondary Education Standards Alignment (Common Core)
 - State Student Aid Programs
 - Free Community College
 - AASCU Policy Matters
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LEGISLATIVE PROCESS

- Member champions issue, leg counsel writes a bill
- Submits to Chamber, either on the docket or read once and goes to jurisdictional committee
- Rarely fast tracked
- Committee either moves to subcommittee or sits on it
- Typically moves through a hearing process then voted on
- Moves to full Committee, then hearings at full committee level
- Could be pulled onto the floor schedule, but has to pass through Rules committee
- Floor action
- Many bills are introduced knowing they will never be voted on as a stand alone bill but to be rolled into another bill

VAWA/CLERY RE-AUTHORIZATION (2013)

- Sexual Assault
 - VAWA - SAVE Provision
 - Challenges
 - Best Practices
- Require institutions to maintain statistics about the number of incidents of dating violence, domestic violence, sexual assault, and stalking that meet the definitions of those terms;
- Clarify the very limited circumstances in which an institution may remove reports of crimes that have been “unfounded” and require institutions to report to the Department and disclose in the annual security report the number of “unfounded” crime reports;

VAWA/CLERY RE-AUTHORIZATION (2013)

- Revise the definition of “rape” to reflect the Federal Bureau of Investigation’s (FBI) updated definition in the UCR Summary Reporting System, which encompasses the categories of rape, sodomy, and sexual assault with an object that are used in the UCR National Incident-Based Reporting System;
 - Revise the categories of bias for the purposes of Clery Act hate crime reporting to add gender identity and to separate ethnicity and national origin into separate categories;
 - Require institutions to provide to incoming students and new employees and describe in their annual security reports primary prevention and awareness programs. These programs must include: a statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in these final regulations; the definitions of these terms in the applicable jurisdiction; the definition of “consent,” in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention; information on risk reduction; and information on the institution’s policies and procedures after a sex offense occurs;
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VAWA/CLERY RE-AUTHORIZATION (2013)

- Require institutions to provide, and describe in their annual security reports, ongoing prevention and awareness campaigns for students and employees. These campaigns must include the same information as the institution's primary prevention and awareness program;
- Define the terms "awareness programs," "bystander intervention," "ongoing prevention and awareness campaigns," "primary prevention programs," and "risk reduction;"
- Require institutions to describe each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;

ACA IMPLEMENTATION


Student Workers

- IRS excluded work-study employment from any count of work hours, but the administration did not provide an exemption for student workers overall. Institutions will be required to provide health insurance to teaching and research assistants who work more than 30 hours a week. IRS will not allow FLSA definition.
- Work of the Consortium with Treasury and IRS
- SCOTUS Ruling
- Legislative Fixes: House Passed bill in January to reinstate a 40 hour work week. The Senate has a bill “Forty Hour Fulltime Work Act”. The bill has bipartisan support with Susan Collins (R-Maine), Joe Donnelly (D-Ind.), Lisa Murkowski (R-Alaska) and Joe Manchin (D-W.Va.) as sponsors and 30 other Senate sponsors. If passes the Senate and sent to President for signature – will be vetoed.

CASA LEGISLATION: CAMPUS ACCOUNTABILITY AND SAFETY ACT

- Reintroduced in Senate – 12 Senate Cosponsors
- McCaskill, Heller, Blumenthal, Grassley, Gillibrand, Ayotte, Warner and Rubio
- **CASA Provisions**
 - Establishes New Campus Resources and Support Services for Student Survivors
 - Requires Fairness in Campus Disciplinary Process:
 - Ensures Minimum Training Standards for On-Campus Personnel
 - Creates New Transparency Requirements
 - Campus Accountability and Coordination with Law Enforcement
 - Enforceable Title IX Penalties and Stiffer Penalties for Clery Act Violations

HIGHER EDUCATION REAUTHORIZATION

- Timing
 - Issues
 - Student Debt
 - College Costs/Accountability/Senator Warren
 - Community College Program
 - Campus Safety & Sexual Assault (CASA)
 - Student Financial Aid
 - Streamline Regulations/Senator Alexander
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FEDERAL ISSUES IMPACTING HIGHER ED

- ***Gainful Employment***

- US District Court for DC dismissed the legal challenge filed last year by the Association of Private Sector Colleges and Universities stating that ‘gainful employment regulations – including the current debt-to-earnings test and disclosure, reporting, and certification requirements – survive the court challenge as they have in other courts’.
- This final ruling is expected to cause 1,400 programs, 99% of them for profit colleges to be put at risk for losing their federal financial aid.

FEDERAL ISSUES IMPACTING HIGHER ED

- **FERPA**

- Several bills on changing student data access
- Protecting Student Privacy Act – Sen. Markey (D-Mass), Sen. Hatch (R-Utah)
Prohibits the use of students' personally identifiable information for advertising and marketing purposes and seek to minimize the amount of such information that is transferred from institutions to private companies.
- Student Privacy Protection Act – Sen. Vitter (R-LA)
Expand the type of student information covered under FERPA
- Student Digital Privacy and Parental Rights Act – Rep Polis (D-CO), Rep Messer (R-IN)
Prohibit ed-tech vendors from selling student data or using info to target students with advertisements. It would also require vendors to meet new requirements related to data security, breach notification and contracts with third parties.

FEDERAL ISSUES IMPACTING HIGHER ED

- ***College Rating Plans***

- The US Department of Education has backtracked on the large college-ratings system proposed last year. It had a two prong approach planned for reporting ratings to the government and one for consumers.
- Later this summer, the Dept is promising to produce a customizable, consumer-oriented website that wont include any of the evaluations of colleges but will but will contain as described by one official as “more data than ever before”. A ratings system with no ratings. The system will allow students and others to compare colleges on whatever measures are important to them.

FEDERAL ISSUES IMPACTING HIGHER ED

- *Immigration*


- The Dream Act still has not passed Congress and parts of the comprehensive plan appear in several other pieces of legislation. It is not predicted to be revisited as an entire plan in the Congressional Session.
- The President's DACA plan is still in place. However, the plan for it to be expanded was blocked by an injunction.

- *Medical Marijuana*

- 20 states and DC have approved the use of medical marijuana, public-opinion polls show that about 80% of Americans think it should be made legal.
- Impact on Student Affairs – ADA – the Controlled Substances Act still classifies it as a schedule 1 drug, ADA can't offer any protections for students with disabilities claiming it is needed.
- Possible federal shifts? 2009 the Attorney General Office issued a statement saying that law enforcement should deprioritize the use of federal resources to pursue those who use/sell marijuana or use it in compliance within their state laws. Could this pose a hint of a change at the federal level? If Congress seeks to legalize use of medical marijuana, students may be able to seek protection under ADA to use the drug as an accommodation.


FEDERAL ISSUES IMPACTING HIGHER ED

- ***FY16 Budget***

- House Appropriations Labor, Health, Human Services & Education Subcommittee approved the FY16 budget.
 - Cuts were not as large as originally predicted.
 - Higher Education programs mostly remained at flat level spending more so than the number of programs in K-12.
 - Maximum Pell – from \$5775 to \$5915. The change reduces Pell by \$370 million, the funding comes from an existing program surplus and doesn't come from a cut in aid to students.
 - Trio increase of \$60.2 million and Gear Up increase of \$32 million.
 - Preserves at existing levels SIOG and the Work-Study program.
 - Blocks funding for the President's college ratings plan
 - The Senate should introduce its version soon. The House and Senate bills are expected to have many differences. Currently the Senate Democrats are blocking all floor action on appropriations bills.
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FEDERAL ISSUES IMPACTING HIGHER ED

- **Political Landscape**

- Current make up of House/Senate and the White House
 - Funding battles
 - Sequestration numbers to kick in 2016
 - ACA and the SCOTUS ruling, focus on portions to be repealed
 - Pressure on College Costs
 - Push Back to States for incentives
 - 2016 Presidential and Congressional Elections
 - Senate has 26 Republicans up for Re-election and 10 Democrats
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LEGISLATION IMPACTING STUDENT AFFAIRS

H.R. 210 – Higher Education Student Worker Exemption Act – Rep. Meadows (R-NC)

- Amends the Internal Revenue Code to exclude students who are employed by an institution of higher education (IHE) and carrying a full-time academic workload at the IHE from being counted as full-time employees in calculating the IHE's shared responsibility regarding health care coverage under the Patient Protection and Affordable Care Act.

H.R. 937 – Fast Track to College Act – Rep. Reuben Hinojosa (D-TX)

- The purpose of this Act is to increase secondary school graduation rates and the percentage of students who complete a recognized postsecondary credential by the age of 26, including among low-income students and students from other populations underrepresented in higher education.


LEGISLATION IMPACTING STUDENT AFFAIRS

H.R. 529 – To amend the Internal Revenue Code of 1986 to improve 529 plans – Rep. Jenkins (R-KS)

- This bill amends the Internal Revenue Code to: (1) allow payments from qualified tuition programs (529 plans) for the purchase of computer or peripheral equipment, computer software, or Internet access and related services to be used primarily by the beneficiary while enrolled in an eligible educational institution; (2) eliminate the requirement that distributions from a 529 plan be aggregated for purposes of determining the amount includible in a taxpayer's income; and (3) allow a tax-free recontribution to a 529 plan of amounts refunded to a student by an eligible educational institution if the recontribution is made not later than 60 days after the date of such refund and does not exceed the refunded amount.

LEGISLATION IMPACTING STUDENT AFFAIRS

H.R. 467 – STEM Opportunities Act of 2015 – Rep. Johnson (D-TX)

- Purposes- The purposes of this Act are as follows:
 - (1) To promote research on and increase understanding of the participation and trajectories of women and underrepresented minorities in STEM careers at institutions of higher education and Federal science agencies, including Federal laboratories.
 - (2) To raise awareness within Federal science agencies, including Federal laboratories, and institutions of higher education about cultural and institutional barriers limiting the recruitment, retention, promotion, and other indicators of participation and achievement of women and underrepresented minorities in academic and Government STEM research careers at all levels.
 - (3) To identify, disseminate, and implement best practices at Federal science agencies, including Federal laboratories, and at institutions of higher education to remove or reduce cultural and institutional barriers limiting the recruitment, retention, and success of women and underrepresented minorities in academic and Government STEM research careers.
 - (4) To provide grants to institutions of higher education to recruit, retain, and advance STEM faculty members from underrepresented minority groups and to implement or expand reforms in undergraduate STEM education in order to increase the number of students from underrepresented minority groups receiving degrees in these fields.
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LEGISLATION IMPACTING STUDENT AFFAIRS

H.R. 970- Supporting Academic Freedom through Regulatory Relief Act – Rep. Foxx (R-VA)

- To prohibit the Secretary of Education from engaging in regulatory overreach with regard to institutional eligibility under title IV of the Higher Education Act of 1965, and for other purposes. Repeals Gainful Employment, Definition of a Credit Hour and State Accreditation

H.R. 938 – Garrett Lee Smith Memorial Act – Rep. Jolly, Rep Davis (D-ILL)

- Program Authorized- The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall establish a research, training, and technical assistance resource center to provide appropriate information, training, and technical assistance to States, political subdivisions of States, federally recognized Indian tribes, tribal organizations, institutions of higher education , public organizations, or private nonprofit organizations concerning the prevention of suicide among all ages, particularly among groups that are at high risk for suicide.

LEGISLATION IMPACTING STUDENT AFFAIRS

S. 108 – Financial Aid Simplification & Transparency Act – Senator Alexander (R-TN)

- Amends title IV (Student Assistance) of the Higher Education Act of 1965 to require the Secretary of Education to make a free application available for individuals to use in applying for a Federal Pell Grant or a loan under this Act's One Loan program. Requires specified identifying information and, in the case of Pell Grant applicants, income and family size information to be included in the application.
- Requires the Secretary to provide an applicant under the One Loan program specified information regarding the terms of the loan, including the anticipated monthly payment.
- Makes a student automatically eligible for a Pell Grant if the student or the student's family received benefits under a means-tested federal benefit program at some time during the previous 24 months.

LEGISLATION IMPACTING STUDENT AFFAIRS

H.R.921 -- Sports Medicine Licensure Clarity Act of 2015 – Rep. Guthrie (D-KY)

- To provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

S. Immigration Innovation Act (I-squared Bill) – Sen. Hatch (R-UT)

- To amend the Immigration and Nationality Act to authorize
- Additional visas for well-educated aliens to live and work
- in the United States, and for other purposes.

Senate Bill (no number yet) – American Dream Grant Program

Senator Patty Murray

- \$750 M grant program
- states that offer in-state tuition & state financial aid
- 15 states offer in-state tuition, but no financial aid
- 5 states offer both – WA, CA, NM, TX, MN



What is happening in your state?

Questions?

Contact

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