



August 14, 2014

## **FEDERAL LEGISLATION SIGNED BY THE PRESIDENT**

### **H.R. 3230: Veteran's Access, Choice, and Accountability Act**

On August 7<sup>th</sup>, President Obama signed HR 3230 which easily passed the House and Senate and was written to provide resources and address the Veteran Administration's healthcare crisis, as well as provide other services for veterans. It includes a provision similar to **H.R. 357 the Veteran's Tuition Fairness Act** to provide in state tuition for veterans using the Post-9/11 GI Bill, and the Montgomery GI Bill. Section 702 in HR 3230, requires the Veteran's Administration to disapprove courses provided by a public institution of higher learning for purposes of Post-9/11 GI Bill and Montgomery GI Bill education benefits, if the institution charges tuition and fees at a rate that is higher than residents. This section is effective for any quarter, semester or term that begins after July 1, 2015.

### **Workforce Investment Act Reauthorization Bill Signed by the President**

On July 22<sup>nd</sup>, President Obama signed into law the Workforce Innovation and Opportunity Act. This bipartisan, bicameral bill reauthorizes the Workforce Investment Act, and contains a number of positive aspects for community colleges. It places a greater emphasis on career pathways and the attainment of postsecondary credentials. It also eliminates the current sequence of services, creates common performance indicators across programs, and allows local areas increased flexibility to contract with institutions of higher education. Passage of this reauthorization only marks one step in this process however. Both the Department of Labor and Department of Education will be developing significant regulatory guidance following passage, and during implementation.

## **INTRODUCED BILLS/HIGHER EDUCATION ISSUES AT THE FEDERAL LEVEL**

### **White House Summit on College Opportunity**

The White House announced that the President and First Lady will host its next Summit on College Opportunity on December 4, 2014. The goal of this conference is to build on the work from the first College Opportunity Summit held in January, while launching initiatives in new areas. This year's summit will focus on building sustainable collaborations in communities with strong K-12 and higher education partnerships. The intent is to encourage college attendance, and support colleges to work together to dramatically improve persistence and increase college completion, especially for first generation, low-income, and underrepresented students.

### **U.S. Department of Education Delays College Ratings**

The creation of a system that will rate more than 5,000 campuses on graduation rates, student debt and other outcomes has been delayed until fall 2014. The U.S. Department of Education has held at least 80 meetings with more than 4,000 participants in the year on college ratings. The concept has split support among colleges with private colleges opposing it and public colleges generally supportive, particularly those colleges that already participate in similar ratings in their state. Despite the delay, the federal ratings system will still adhere to the President's core metrics: access, affordability and outcomes.

### **Federal prosecutors issue subpoena to Corinthian Colleges**

The U.S. attorney's office in Los Angeles has ordered Corinthian Colleges to turn documents relating to job placement, graduation rates, advertising and marketing materials, and student loan defaults. This comes on the heels of last month's announcement that it would sell 85 of its 107 campuses and online programs. The closures are a result of the U.S. Department of Education actions to limit Corinthian's access to federal financial aid dollars.

Corinthian operates schools under the Everest College, WyoTech and Heald brand names. Nearly a quarter of the company's campuses are based in California — more than any other state. California and three other states already prohibit veterans from using their education benefits to attend schools operated by Corinthian Colleges.

### **Congress Addresses Campus Safety in Two New Bills**

Eight Democratic and Republican senators have authored S. 2692 (McCaskill-MO) the Campus Accountability and Safety Act. It would mandate the annual publication of an anonymous survey on students' experiences with sexual violence and would increase the current \$35,000 penalty for a Clery Act violation to \$150,000. The bill also includes provisions that will require more training for campus officials, and includes provisions to increase transparency of how cases are handled and increase coordination with local law enforcement.

Senator Barbara Boxer (D-CA) and Congresswoman Susan Davis (D-San Diego) introduced S. 2695 and H.R. 5277 the Survivor Outreach and Support Campus Act (S.O.S. Campus Act). These measures would require colleges and universities to establish an independent, on-campus advocate to support survivors of sexual assault. The legislation would require every institution of higher education that receives federal funding to designate an independent advocate for campus sexual assault prevention and response.

## **CONGRESSIONAL COMMUNITY COLLEGES BILLS OF INTEREST PREVIOUSLY INTRODUCED**

### **House and Senate Release HEA Reauthorization Proposals**

Following numerous hearings in the House and Senate, both chambers have released priorities for the upcoming reauthorization of the Higher Education Act (HEA). Democrats on the Senate's Health, Education, Labor, and Pensions (HELP) Committee released a comprehensive discussion draft reauthorization bill in late-June. Additionally, House Education and Workforce Committee Republicans issued a white paper on their principles for reauthorization. Both proposals provide good insight on what priorities the parties wish to pursue for reauthorization, as well as areas of agreement.

**Senate** - The HELP Committee Democrat's discussion draft, known as the Higher Education Affordability Act (HEAA), creates a fairly comprehensive reauthorization framework for the HEA. The bill includes a number of priorities for community colleges. It creates a new authorization for competitive grants to support community college and industry partnerships. It also reinstates Pell Grant eligibility for Ability to Benefit students enrolled in career pathway programs, and brings back the year-round Pell Grant for full-time students who have successfully completed at least one full-time course load. HEAA also extends the inflationary period for the Pell program through 2021. Additionally, it provides for an early notification of financial aid options for students as young as 8th grade, and expands access to dual enrollment programs.

HEAA makes the standardized financial aid award letter (also known as the shopping sheet) mandatory, and authorizes the college scorecard website. For borrowers in repayment, the bill creates a single income driven repayment option, automatically enrolls delinquent borrowers into an income driven repayment plan, and allows private student loans to be discharged in bankruptcy. The bill also increases oversight of federal student loan servicers, especially those caught violating service requirements. Additionally, the bill permits 'prior-prior year,' allowing students to use family income data from two years prior to the date of the FAFSA application. It also requires institutions to certify new private student loans before funds can be disbursed. HEAA provides a new authorization for State-Federal College Affordability Partnership block grants to states as incentive for state investment in college affordability and support for low-income students. The bill proposes a funding stream to encourage states to offer in-state tuition to DREAMers.

**House** – the House put its proposals into legislation. HR 3393 (Black-TN), the Student and Family Tax Simplification Act passed the House by a vote of 227 – 187. H.R. 3393 consolidates existing tax credits into a simplified and permanent American Opportunity Tax Credit. It also increases refundability for students and provides better coordination with the Pell Grant program. Additionally, the House passed HR 4984 (Guthrie-KY), the Empowering Students Through Enhanced Financial Counseling Act. This bill requires students that participate in the federal loan program receive counseling each year and when they exit their program.

**H.R. 359: CAMPUS Safety Act of 2013**

This bill, introduced by Representative Robert Scott (D-VA) would establish and operate a National Center for Campus Public Safety. The Center would: (1) provide quality education and training for public safety personnel of institutions of higher education and their collaborative partners, including campus mental health agencies; (2) foster quality research to strengthen the safety and security of institutions of higher education; and (3) serve as a clearinghouse for the identification and dissemination of information, policies, protocols, procedures, and best practices relevant to campus public safety, including off-campus housing safety, the prevention of violence against persons and property, and emergency response and evacuation procedures. This bill is in the House Judiciary Committee and was referred to Subcommittee on Crime, Terrorism, Homeland Security, and Investigation.

**H.R. 803: The Support Knowledge and Investing in Lifelong Skills Act (SKILLS Act)**

H.R. 803, also known as the SKILLS Act relates to statewide and local workforce investment systems and activities, identification of eligible training services providers, and use of funds for employment and training activities. As for community colleges, this bill would facilitate greater collaboration with community colleges by allowing states to determine the standards required for eligible training providers and allows local boards to contract with community colleges directly to provide training to large groups of participants instead of on an individual basis. H.R. 803 would also consolidate 35 existing streams of funding into a single Workforce Investment Fund. This bill was signed by the President on July 22, 2014.

**H.R. 1949: Improving Postsecondary Education Data for Students Act**

This bill, sponsored by Representative Luke Messer (R-IN) passed out of the House and was referred to the Senate on May 23, 2013. It would direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency. Specifically, the task force will explore factors that students and families have, want, and need when researching their postsecondary education options. This bill is being considered in the Senate Committee on Health, Education, Labor and Pensions.

**H.R. 2637: the Supporting Academic Freedom Through Regulatory Relief Act**

H.R. 2637 introduced by Representative Virginia Foxx (R-NC) was amended in the House Committee on Education and the Workforce. This bill repeals: 1) the gainful employment regulation; 2) the state authorization regulation, which forces states to follow federal requirements when deciding whether to grant an institution permission to operate within the state; and 3) the credit hour regulation, which establishes a federal definition of a credit hour and increases the government’s control over institutions’ academic affairs. In addition, the bill amends the incentive compensation regulation to ensure third-party service providers are allowed to enter into tuition sharing agreements with nonprofit colleges and universities to aid in the development of distance education platforms. It would also prohibit the Department of Education from issuing related regulations until after Congress reauthorizes the Higher Education Act. This bill was amended in the House Committee on Education and the Workforce on September 10, 2013, and was placed on the House Union Calendar.

**S. 3: Strengthen our Schools and Students Act**

Senate Bill 3 introduced by, by Senator Harry Reid (D-NV), S. 3 would build on recent efforts to continue to make higher education more affordable and to improve access and success for all students. It would also provide all teachers with the support they need to ensure student success, including the creation of a new

national Science, Technology, Engineering, and Mathematics (STEM) Master Teacher Corps to recognize and help retain STEM teachers and strengthen STEM education in public schools in the United States. This bill is in the Senate Health, Education, Labor and Pensions Committee.

**S. 216: Tyler Clementi Higher Education Anti-Harassment Act of 2013**

Senator Frank Lautenberg (D-NJ) introduced Senate Bill 216 on February 4, 2013, which would prevent harassment at institutions of higher education. It would authorize the Secretary of Education to award grants, on a competitive basis, to eligible entities to enable them to carry out authorized activities such as counseling or redress services to students who have suffered from harassment or students who have been accused of subjecting other students to such harassment; or to educate or train students, faculty, or staff of institutions of higher education about ways to prevent harassment or ways to address such harassment if it occurs. This bill is waiting to be heard in the Senate Health, Education, Labor and Pensions Committee. The House version of this bill is H.R. 482 and is currently in the House Subcommittee on Higher Education and Workforce Training.

**S. 1990: Eligibility for Postsecondary Education Benefits**

S. 1990 by Senator David Vitter (R-Louisiana). This bill would prohibit states from offering in state tuition to undocumented immigrants unless they offer in-state tuition to all Americans. The author contends that 15 states have exploited a loophole in federal immigration policy to extend in state tuition to undocumented immigrants. States are currently prohibited from granting postsecondary education benefits to undocumented immigrants on the basis of residency. However, through the use of a different criteria, such as graduation from an in-state high school (similar to California's AB 540), states have been granting in state tuition regardless of immigration status. If enacted, this bill would force states to either grant in state tuition to Americans from every U.S. state or deny in state tuition to undocumented immigrants that are currently considered residents.