

September 1, 2015

## OVERVIEW

At the federal level, the congressional committee hearing process for policy legislation and the federal budget moves at a much slower pace than at the state level. As a result, the status of bills may not change for months. In addition, disagreements and posturing during the federal budget process can sometimes result in continuing resolutions that maintain the prior fiscal year's funding levels and requirements, setting aside major changes proposed earlier in the year. The status of some the federal legislation we are monitoring has not changed since the July 2015 Federal Legislative Update, and the federal budget battle for 2015-16 is just starting.

### Funding Bills

Before Congress began its annual recess during the month of August, the Appropriations Committees of the U.S. Senate and the House of Representatives approved and passed their respective Labor, Health and Human Services, and Education (LHHS-ED) funding bills for Fiscal Year (FY) 2016. Both measures included significant cuts to higher education programs, including cuts to the Pell Grant program. For example, while the maximum Pell Grant award will increase for the 2016-2017 school year, the Senate bill rescinds over \$300 million to support Pell Grants next year. The Association of Community College Trustees (ACCT) notes that this will lead to a shortfall for the program in FY 2017.

### Corinthian Colleges Closure

While California has taken legislative steps to assist the students who were affected by the Corinthian Colleges closure, students should also be aware of the ongoing actions by the U.S. Department of Education. For students whose schools were closed, the Department has extended debt relief eligibility to students who withdrew from a Corinthian College after June 20, 2014. Former Corinthian College students seeking forgiveness of their federal debt will also have the option of placing their federal loans into forbearance. The Department's Federal Student Aid office is providing impacted student borrowers information on their website: <https://studentaid.ed.gov/sa/about/announcements/corinthian>

## COMMUNITY COLLEGES BILLS OF INTEREST

### Reauthorization of the Higher Education Act

The deadline to reauthorize the Higher Education Act of 1965 (HEA) must be extended by September 30, 2015. In July and August, the Senate Committee on Health, Education, Labor, and Pensions (HELP) continued its series of hearings regarding the reauthorization of the HEA. The HELP Committee hearings included: "Exploring Barriers and Opportunities within Innovation" on July 22, 2015, "Combating Campus Sexual Assault," on July 29, 2015, and "Opportunities to Improve Student Success" on August 5, 2015. According to the American Association of Community Colleges (AACC), the Senate may pass a bipartisan bill by the fall, but the same activity is not likely to occur in the House.

### Campus Climate and Safety

#### **HR 2680 HALT Campus Sexual Violence Act**

The Hold Accountable and Lend Transparency on Campus Sexual Violence Act or the HALT Campus Sexual Violence Act amends the Department of Education Organization Act to require the Department of Education to make publicly available on its website:

- a list of the institutions of higher education (IHEs) under investigation, sanctions or investigation findings, and a copy of program reviews and resolution agreements
- the letter terminating the Department's monitoring of such agreements

The bill also amends the Clery Act to direct the Department to develop a biennial sexual violence climate survey and include statistics from the survey in the annual campus security report provided to current and prospective students and employees. It would allow an individual to allege a violation of the Clery Act in a judicial proceeding and increase the maximum penalty for substantially misrepresenting the number, location, or nature of the crimes required to be reported under the Clery Act. Lastly, the bill would make changes to the annual statement IHEs prepare regarding their policies on domestic violence, dating violence, sexual assault and stalking, and would direct the Departments of Education and Justice to create a joint interagency Campus Sexual Violence Task Force.

### **S. 590 Campus Accountability and Safety Act**

This bill by Senator Claire McCaskill (D-Missouri) and co-sponsored by a bi-partisan group of 12 Senators will establish new campus resources and support services for student survivors, ensure minimum training standards for on-campus personnel, create new transparency requirements, require a uniform discipline process and coordination with law enforcement, and establish enforceable Title IX penalties and stiffer penalties for Clery Act violations. This bill was referred to the Senate Committee on Health, Education, Labor and Pensions.

### **S. 706 Survivor Outreach and Support Campus Act**

Senator Barbara Boxer (D-CA) introduced the Survivor Outreach and Support on Campus Act (S.O.S. Campus Act). 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. This advocate would be responsible for ensuring that survivors of sexual assault – regardless of whether they decide to report the crime – have access to: emergency and follow-up medical care, guidance on reporting assaults to law enforcement, medical forensic or evidentiary exams, crisis intervention, and ongoing counseling and assistance throughout the process. Congresswoman Susan Davis (D-San Diego) introduced H.R.1490, a version of this bill in the House.

### Tuition, Fees, Financial Aid

#### **S. 1716 and H.R. 2962: America's College Promise Act of 2015**

Senator Tammy Baldwin (D-WI) and Congressman Bobby Scott (D-VA) introduced legislation, S. 1716 and H.R. 2962, modeled after President Obama's America's College Promise proposal. These bills would make two years of community college free through a federal-state partnership. Federal grants would be awarded to states that agree to waive community college resident tuition and fees for all eligible students. The federal investment in the program would be \$79.7 billion over the next 10 years; however, no source of revenue has been identified to cover the cost. States would be required to commit to Maintenance of Effort equal to or exceeding their average spending per full-time equivalent student at institutions of public higher education for the three preceding years and contribute 25 percent of the average community college resident tuition and fees per student in all states in the 2016-2017 award year.

#### **S. 60: Eligibility for Postsecondary Education Benefits**

S. 60 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, using 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.

### **HR 1507 Investing in States to Achieve Tuition Equality for Dreamers Act of 2015 or the IN STATE Act of 2015**

The IN STATE Act of 2015, sponsored by Congressman Polis (D-CO), would amend title IV (Student Assistance) of the Higher Education Act of 1965 (HEA) to direct the Secretary of Education to allot grants to states to offer Dreamer students in-state tuition and expand their access to in-state financial aid. This bill is similar to its Senate version: S.796 IN-STATE for Dreamers Act of 2015.

### **HR 1959 College Options for DREAMers Act**

This bill sponsored by Congressman Hinojosa (D-TX) would amend the HEA to provide Dreamer students with access to student financial aid. This bill is identical to the Senate measure S. 1059 College Options for DREAMers Act

### **HR 1956 Pell Grant Protection Act**

This bill would amend the HEA to ensure funding for the Federal Pell Grant program by removing the program from the congressional discretionary appropriations process. This measure is identical to the Senate bill: S 1060 Pell Grant Protection Act.

### **HR 1958 Year-Round Pell Grant Restoration Act**

Sponsored by Congressman Hinojosa, HR 1958 would amend the HEA allow eligible students to receive additional Federal Pell Grants for payment periods that are not otherwise covered by their Federal Pell Grant award for that academic year. This bill is identical to the Senate measure S1062 Year-Round Pell Grant Restoration Act.

### **S. 1102 Protect Student Borrowers Act of 2015**

Sponsored by Senator Reed (D-RI) this bill would amend title IV of the HEA to require institutions participating in the Federal Direct Loan program to accept risk sharing requirements. The House version of this measure is HR 2364 Protect Student Borrowers Act of 2015.

### **S. 1373 College for All Act**

Sponsored by Senator Sanders (I-VT), the College for All Act would amend the HEA to eliminate tuition and required fees at public institutions of higher education by creating a grant program funded by a federal-state partnership.

### Workforce Training

### **HR 1503 Community College Energy Training Act of 2015**

This bill would require the Secretary of Labor to carry out a joint sustainable energy workforce training and education program. It also appropriates \$100,000,000 for each of the fiscal years 2016 through 2020. Not less than one-half of these funds shall be awarded to community colleges with existing sustainability programs that lead to certificates, credentials, or degrees in one or more of the industries and practices.

### **HR 2224: Youth Access to American Jobs Act of 2015**

This bill, sponsored by Congressman Rick Larsen (D-WA), would direct the Secretary of Education to award grants to 10 partnerships between a local educational agency (LEA), a community college, and a state apprentice program to carry out a program for students to:

- 1) take science, technology, engineering, and mathematics (STEM) courses and STEM-focused Career and Technical Education courses a during grades 11 and 12 at a secondary school that prepare them for community college;
- 2) enroll in a course of study related to the manufacturing field at the community college upon graduating from the secondary school; and

- 3) enroll, for a two-year period, in the state apprenticeship program or the joint-labor management training program upon receiving an associate's degree from the community college.

#### Miscellaneous

##### **HR 182: Centralized Report of Veteran Enrollment**

H.R. 182 by Congressman Ken Calvert (CA-42) would streamline the Department of Veterans Affairs (VA) processes for community colleges that have multiple campuses. Currently, the VA requires community colleges to certify that their veteran students are enrolled for a specific number of classes before the VA will disperse student benefits. These rules must be updated to account for multi-college Community College Districts, such as Riverside Community College District (RCCD). Without such an update, veterans that take classes at a multi-college District see their benefits delayed while colleges and the VA complete and shuffle unnecessary paperwork. H.R. 182 would direct the Secretary of Veterans Affairs to permit the centralized reporting of veteran enrollment by certain groups, districts, and consortiums of educational institutions.

##### **HR 937: Dual Enrollment Grants**

Congressman Ruben Hinojosa (D-TX 15) introduced The Fast Track to College Act of 2015. The bill authorizes the Secretary of Education to award matching six-year grants to local educational agencies (LEAs) that partner with institutions of higher education (IHEs) to establish or support dual enrollment programs, such as early college high schools, that allow secondary school students to earn credit simultaneously toward a secondary school diploma and a postsecondary degree or certificate.

##### **S. 649 Higher Education Reform and Opportunity Act of 2015**

The Higher Education Reform and Opportunity (HERO) Act would allow all 50 states and the District of Columbia to develop their own systems of accrediting educational institutions, curricula, apprenticeships, job-training programs, and individual courses, all of which would be eligible to receive federal student loan money.