

December 9, 2015

OVERVIEW

The congressional committee hearing process for policy legislation and the federal budget moves at a much slower pace than the legislative process at the state level. As a result, the status of bills may not change for months. Disagreements and posturing during the federal budget process often result in “continuing resolutions” (CR) that maintain the prior fiscal year’s funding levels, setting aside major changes proposed earlier in the year. On September 30, 2015, the last day of the federal fiscal year, the federal government avoided a shutdown by passing a CR that only funded the government through December 11, 2015. On October 26, 2015, outgoing House Speaker John Boehner announced he had reached an agreement—privately negotiated with House Minority Leader Nancy Pelosi, Senate Majority Leader Mitch McConnell and Senate Minority Leader Harry Reid—submitting a tentative budget agreement. The budget agreement increases federal spending by \$80 billion over two years and would be divided equally between defense and domestic programs. Budget talks stalled following the agreement in October. On December 1, 2015, it was reported that Speaker of the House Paul Ryan and House Minority Leader Nancy Pelosi held a private conversation regarding federal budget negotiations and subsequently exchanged funding proposals. Although uncertain at the time of this writing, it appears that Congress will pass a short-term spending bill to avoid a government shutdown at the December 11th deadline.

Reauthorization of the Elementary and Secondary Education Act (ESEA)

On December 2, 2015, the U.S. House of Representatives voted and passed a bill, the Every Student Succeeds Act (ESSA), to replace the No Child Left Behind law (NCLB) and reauthorize the Elementary and Secondary Education Act (ESEA). The bill subsequently passed in the Senate and was presented to the President on December 9, 2015. Unlike NCLB, signed into law by President George W. Bush in 2002, ESSA gives more autonomy to states and does not provide a single definition of proficiency, leaving each state to develop its own metrics to measure improvement. The passage of ESSA and movement on the reauthorization of ESEA signals that there may also be movement on the reauthorization of the Higher Education Act.

The Department of Education to Provide Federal Pell Grant Funds to Dual Enrollment Students

In October 2015, the U.S. Department of Education announced that it would be launching an experiment, granting access to Federal Pell Grants for high school students enrolled in college courses for credit through dual enrollment. The Department’s goal is to expand access to college coursework and promote academic success for low-income and first-generation college students. Research has shown that dual enrollment can lead to better grades in high school, increased enrollment in college following high school, higher rates of persistence in college, greater credit accumulation, and increased rates of credential attainment. Community colleges offer over 70 percent of the dual enrollment courses taken by high school students nationwide.

On November 3, 2015 the Department released a *Federal Register* Notice, inviting Title IV-eligible institutions of higher education, in partnership with one or more public secondary schools or local education agencies, to apply to participate in the dual-enrollment experiment. The experiment is expected to benefit up to 10,000 students across the country with the Department investing up to \$20 million in the 2016-17 award year will. More information and a Fact Sheet can be found on the Department’s website:

<http://www.ed.gov/news/press-releases/fact-sheet-department-education-launches-experiment-provide-federal-pell-grant-funds-high-school-students-taking-college-courses-credit>.

Education Secretary Arne Duncan Steps Down in December

Education Secretary Arne Duncan has announced that he will step down from his post in December 2015. Duncan is an original member President Obama’s cabinet and came with him to Washington from Chicago, where he served as the city’s schools chief. President Obama has selected Deputy Secretary of Education John

B. King, Jr. to replace Secretary Duncan. Dr. King is the Senior Advisor Delegated Duties of Deputy Secretary of Education, a position he assumed in January 2015.

Dr. King oversees all preschool-through-12th-grade education policies, programs and strategic initiatives, as well as the operations of the Department, which has more than 4,000 employees and a budget of more than \$60 billion. He also oversees the Department's work leading cross-agency collaboration for President Obama's My Brother's Keeper task force, which seeks to address persistent opportunity gaps faced by boys and young men of color and ensure that all young people are able to reach their full potential.

Prior to his arrival at the Department, Dr. King had served since 2011 as the commissioner of education for the state of New York. In that role, he served as chief executive officer of the State Education Department and as president of the University of the State of New York, overseeing the State's elementary and secondary schools (serving 3.1 million students), public, independent and proprietary colleges and universities, libraries, museums, and numerous other educational institutions.

Secretary Duncan's departure means Agriculture Secretary Tom Vilsack will be the sole remaining Cabinet-level secretary who has been with President Obama since 2009 (Office of Management and Budget Director Shaun Donovan started in 2009 as his Housing and Urban Development secretary).

Accreditation Reform

The U.S. Department of Education took action in November to influence the institutional accreditation process through a variety of means, including administrative action and legislative proposals. The Department's stated purpose is to require accrediting agencies to place greater emphasis on student outcomes, including graduation rates and job placement. The Department's executive actions also aim to increase transparency in the accreditation process. The Department will publish each accreditor's standards for evaluating student outcomes and post online all publicly releasable portions of accreditor's decision letters.

The Department's legislative proposals include a recommendation that Congress repeal the statutory prohibition on its ability to set and enforce expectations regarding student achievement standards in accreditor recognition. As a result of the sudden closure of Corinthian Colleges in April 2015, the Department also recommends that Congress establish recognition standards that require accreditors to request more complete teach-out plans from high-risk institutions and, to shield students and taxpayers, ensure that there are resources available to cover the costs of executing such teach-out plans. More information and a factsheet can be found on the Department's website: <http://www.ed.gov/accreditation?src=rn>

White House Announces Changes for FAFSA

The Obama Administration announced use of "Prior-Prior Year" tax information for the Free Application for Federal Student Aid (FAFSA) starting in October of 2016. This means that students will be able to submit a FAFSA earlier, and more FAFSA filers will be able to use the IRS data retrieval tool. Presently, students and families are often unable import their tax information into the FAFSA because their prior year tax information is unavailable. This change will make it easier for students and families to file a FAFSA. A fact sheet on the FAFSA changes may be viewed here: <https://studentaid.ed.gov/sa/sites/default/files/fafsa-changes-17-18.pdf>.

COMMUNITY COLLEGES BILLS OF INTEREST

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-LA). 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.