

June 24, 2016

OVERVIEW

We have reported in the past that the congressional process for policy legislation and passing a federal budget moves at a much slower pace than the legislative process at the state level. Consequently, the status of federal legislation may not change for months. While there has been no movement on the measures in the Bills of Interest section shown below since late last year, on June 22, the House Committee on Education and the Workforce approved five higher education bills on a bipartisan basis. These measures are summarized in the next section. These bills will be sent to the House floor where they may be considered and passed by the end of June 2016. However, advocates in Washington, D.C., do not expect the Senate will take up similar legislation before the end of the year. Also, because Congress will take a long break over the summer, if Congress does not act on the workforce or other measures soon, it is unlikely that there will be key education policy changes this year. The House is set to adjourn on July 15 and will not return until September 6, and the Senate will be on recess from July 18 to September 5.

Education and the Workforce Committee Hearing – Approves Higher Education Bills on June 22, 2016

H.R. 3178: Strengthening Transparency in Higher Education Act

This legislation would replace the current College Navigator on the U.S. Department of Education's website with a new College Dashboard, incorporating currently available information along with some new data that would need to be collected from institutions.

H.R. 3179: Empowering Students Through Enhanced Financial Counseling Act

The legislation expands counseling requirements and for federal student aid programs. This includes a new requirement that Pell Grant recipients receive counseling each year they receive a grant. Under the legislation, students must receive information about the possible need to repay a Pell Grant if they do not complete their studies in a given period of enrollment. Colleges would also provide information on students' remaining eligibility for the program. Colleges would also be required to perform annual loan counseling for federal loan recipients.

H.R. 5528: Simplifying the Application for Student Aid Act

This bill would authorize the use of "prior-prior" year tax return information to ease the completion of the Free Application for Federal Student Aid (FAFSA). Last year, President Obama took executive action to implement the use of prior-prior year tax information and this bill would make it law.

H.R. 5529: Accessing Higher Education Opportunities Act

H.R. 5529 expands the use funds for Hispanic-Serving Institutions. This includes authorizing Title V funds to be used for support programs that help students transition from baccalaureate programs into doctoral programs in health care occupations. This measure also allows Title V funds to be used for developing or expanding access to dual enrollment or early college high school programs.

H.R. 5530: HBCU Capital Financing Improvement Act

This bill would strengthen oversight of and promote access to the Historically Black Colleges and Universities Capital Financing Program.

Additional information on the actions of the Education and Workforce Committee may be found on their website: <http://edworkforce.house.gov/>

Senate Markup of Fiscal Year 2017 Funding Bill

On June 7, 2016, the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education (LHHS-ED) will markup its fiscal year (FY) 2017 funding bill. The bill was a bipartisan package proposed by subcommittee chairman Senator Roy Blunt (R-MO) and ranking member Senator Patty Murray (D-WA). The Association of Community College Trustees (ACCT) reported that it is the first time in seven years that there has been a bipartisan LHHS-ED bill in the Senate. The bill was reported out of the subcommittee and will be considered by the full-committee on June 9, 2016.

Although the bill language has not yet been released, ACCT reports that a provision for the restoration of the Year-Round Pell Grant is included in the package. The provision would provide an estimated one million eligible full-time and part-time students who have exhausted their Pell Grant eligibility with an additional award averaging \$1,650 during the 2017-2018 academic year. The maximum Pell Grant award would also increase by \$120 to \$5,935. The Appropriations Committee press release can be found here: <http://www.appropriations.senate.gov/news/majority/subcommittee-approves-fy2017-labor-hhs-and-education-appropriations-bill>

U.S. Department of Education Releases Foster Care Transition Toolkit

On May 26, 2016, the U.S. Department of Education (ED), in partnership with the U.S. Departments of Health and Human Services (HHS), Housing and Urban Development (HUD), Transportation (DOT), and Labor (DOL), and youth and practitioners involved in the child welfare system, published a Foster Care Transition Toolkit. The toolkit was developed to help youth access the resources needed to successfully transition into adulthood, continue on to postsecondary education and meaningful careers. The toolkit covers topics such as transition planning, money management, building a support network, securing housing, and taking care of physical and mental health. This report is on the ED website at: <http://www2.ed.gov/about/inits/ed/foster-care/youth-transition-toolkit.pdf>

COMMUNITY COLLEGES BILLS OF INTEREST

The congressional committee hearing process for policy legislation 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.

Campus Climate and Safety

H.R. 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.

H.R. 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.

H.R. 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

H.R. 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.

H.R. 1958: Year-Round Pell Grant Restoration Act

Sponsored by Congressman Hinojosa, H.R. 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 H.R. 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

H.R. 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.

H.R. 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

H.R. 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.

H.R. 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.