
MAY 2019 REGION III PUBLIC POLICY UPDATES



1. FEDERAL UPDATES

- ☐ The negotiated rulemaking committee reached consensus on all three regulation packages proposed by the Education Department after months of hearings and rounds of edits to the originally proposed regulatory language. The panel of negotiators agreed to changes on issues such as accreditation, federal distance education rules, competency-based education, federal aid programs for religious institutions and a change to the TEACH grant program that would provide teachers whose grants were changed to loans an opportunity to appeal.

In order to reach consensus, the Administration removed some proposals, such as changing the scope of regional accreditors and giving colleges receiving federal aid permission to outsource over 50 percent of a program to an unaccredited external entity. Now, the Education Department will publish the agreed upon regulatory language in the Federal Register and allow for public comments. The new rules must be finalized before November in order to be enacted in the summer of 2020. U.S. Secretary of Education Betsy DeVos put out a [statement](#) in support of the committee's consensus.

- ☐ The Senate Health, Education, Labor & Pensions Committee held a hearing last week on "Reauthorizing the Higher Education Act: Strengthening Accountability to Protect Students and Taxpayers." This hearing explored topics such as the role the federal and institutional roles in ensuring accountability and how data can better support all students. A video of the hearing and all witness testimonies can be found [here](#). HELP Committee Chairman Lamar Alexander's (R-TN) press release on the hearing can be found [here](#), and the statement from Ranking Member Patty Murray (D-WA) can be found [here](#).

- ☐ **Update on College Admissions Scandal:**

ED initiating investigation into 8 colleges named: Yale University, Wake Forest University, the University of San Diego, Stanford University, Georgetown University, the University of Texas at Austin, the University of Southern California and the University of California at Los Angeles <https://www.edsurge.com/news/2019-03-27-u-s-education-dept-starts-investigation-of-8-colleges-named-in-admissions-scandal>

- Congress has so far not shown significant interest in trying to address the scandal specifically
 - Senator Wyden released a statement indicating he may release legislation that would limit tax-deductibility of donations given by parents within an unspecified time period around application of a child: <https://www.bloomberg.com/news/articles/2019-03-13/senate-democrat-targets-college-donors-after-admissions-scandal>
 - Representative Shalala told ACE at a dinner last week she will continue to be a strong advocate for higher ed within Congress on this issue to defend the good work and practices of most institutions
 - HR 2006 (Shalala) / S 934 (Schatz) - College Equity Act: Introduced on 4/1 creates a competitive grant program for institutions to apply for to examine equity in their admissions process; following findings of inequity, can also apply for implementation grant to improve equity; also includes a role for accreditors to "help look at equity issues" <https://shalala.house.gov/news/documentsingle.aspx?DocumentID=340>

- ☐ The State Higher Education Executive Officers Association (SHEEO) [released](#) a report on State funding for higher education. The report found that, although State per student higher education funding has increased since the 2008 recession, it is still roughly \$1,000 below pre-recession levels. The report also found that State student financial aid has increased for the past four years, and that tuition revenue remained flat over last year.

2. TITLE IX UPDATES

- ☐ Senate hearing on Title IX was bipartisan, though Senator Alexander was the only Republican there who asked questions

ACE's Anne Meehan was a witness; NASPA assisted with providing her information on prevention programming via Culture of Respect; Anne is getting a lot of follow up emails with the staff looking for information about different types of campus disciplinary processes, especially non-hearing processes

- ☐ States continue to introduce sexual assault prevention and response legislation; (4/11) RPI blog post: <https://www.naspa.org/rpi/posts/whats-shaping-state-policy-sexual-assault-prevention-response-in-2019>
- ☐ Women's advocacy groups are challenging ED's temporary Title IX temporary [guidance](#) in court, saying the Administration violated the Administrative Procedures Act because it did not explain the need for new guidance or consider the effects of the new guidance. The outcome of this case is presently unclear, although it is likely that the outcome will have little consequence for ED's final Title IX rule, which when issued in final form, would replace the temporary guidance. Given the volume of comments the Department has received on its proposed rule, however, it will be months before a formal regulation can be published.

3. FINANCIAL AID

- ☐ HEA Reauthorization:
 - Bipartisan legislation to end the ban on Pell Grants for incarcerated students introduced 4/9; REAL Act (S 1074 (116)) introduced by Schatz (D-Hawaii) & Lee (R-Utah); a companion House bill was previously introduced and added two Republican sponsors (Bank (Indiana) & Hill (Arkansas))
 - SENATE: Alexander and Murray staff are working to draft at least parts of full HEA bill - not sure if they'll get a full bill done this year - not including other Committee members' staff, though, which is causing some concerns
- ☐ Many hearings happening in both chambers, looking at for-profit oversight, financial aid. Representative Foxx objected to the criticisms of the for-profit industry raised by many Dem members of Ed & Labor during last week's hearing which may signal that any bill that comes from the House will be partisan (and therefore unlikely to make progress in the Senate). So far, Senators Murray and Alexander seem to be making progress, but it's unclear if they're going to actually get to a comprehensive HEA bill or just get something through that tweaks in the areas where there's agreement.
- ☐ ED is planning to reorganize the Federal Student Aid (FSA) office by reducing the number of senior officials who serve on the FSA executive committee from 18 to 8, in an effort to improve the efficiency of the office. The Administration has already reorganized a number of internal offices at ED, although FSA's structure has largely remained unchanged to this point. The impact of these FSA changes on IHEs remain unclear at this point, but AASCU will continue to monitor the implementation of the reorganization.
- ☐ The Federal Student Aid (FSA) office [posted](#) recommendations for institutions of higher education (IHEs) regarding how they should present federal student aid and the cost of attendance to students. FSA recommends that IHEs avoid calling financial aid offers "awards" or "letters," list both the total cost of attendance and net cost of attendance (factoring in potential student aid), and list grants and/or scholarships, loans, and work-study aid separately, among other things.
- ☐ Speaking at a Bipartisan Policy Center [event](#), Diane Jones, the Principal Deputy Under Secretary at the U.S. Department of Education (ED), said that the Administration is considering piloting an expansion of the Federal Work-Study program through the [experimental sites authority](#). The pilot would allow Federal Work-Study funding to help pay students working in apprenticeships. Jones had discussed the Department's ideas on Work-Study with the AASCU Council of State Representatives last week.
- ☐ On April 10, ED [submitted](#) its final regulatory action on Gainful Employment (GE) to the Office of Information and Regulatory Affairs (OIRA) for review. We expect the final rule to be released from OIRA 30 to 45 days following its submission and expect that the rule will be a full rescission of the Obama-era GE rule.

4. STATE HEADLINES AND UPDATES

Alabama:

[AL: Alabama Senate committee approves record education budget](#)

AL.com (Date posted: April 30, 2019)

Florida:

[FL: In wake of UCF misspending, Senate joins with House to place new rules on university construction](#)

Orlando Sentinel (Date posted: April 18, 2019)

[FL: DeSantis at FSU stop: Universities shouldn't 'shield' students from free speech](#)

Tallahassee Democrat (Date posted: April 15, 2019)

Georgia:

[GA: Georgia board votes to increase college tuition and some fees this fall](#)

Atlanta Journal-Constitution (Date posted: April 16, 2019) **Kentucky:**

[KY: Governor vetoes pension bill, calls for special session](#)

College Heights Herald (Date posted: April 10, 2019)

Louisiana:

North Carolina:

South Carolina:

[SC: As state support increases, college tuition begins to level out, a new report says](#)

Greenville News (Date posted: April 16, 2019)

Tennessee:

Texas:

[TX: House approves expansion of free speech rights on campus](#)

Statesman (Date posted: April 30, 2019)

[TX: House Rep. challenges tuition deregulation](#)

The Daily Texan (Date posted: April 18, 2019)

[TX: Bills to help cops pay back student loans approved in Texas House, Senate](#)

Dallas Morning News (Date posted: April 16, 2019)

[TX: Campus Sexual Assault Bill Passes Senate Committee](#)

Dallas Observer (Date posted: April 11, 2019)

Virginia:

5. ANNOUNCEMENTS

Concern Gathering: Free Speech and the Inclusive Campus: Ever find yourself holding back from engaging in conversation regarding a controversial issue on your campus, or even amongst those closest to you? With research data indicating a nation evermore divided by political differences, it's no wonder why. To assist higher education stakeholders in having conversations across difference, NASPA is partnering with the Kettering Foundation to develop campus-based resources for dialogue and deliberation within and outside of the curriculum. In the months of April through June, NASPA is offering an opportunity for you to tell us what you really think are the

concerns and solutions for campuses to consider regarding controversial issues in higher education today. The first resource that we are seeking ideas in developing is related to the topic of Free Speech and the Inclusive Campus. You are invited to take part in one of the four two-hour Digital Concern Gathering sessions occurring on the follow dates:

- Monday, April 22nd - 2:00 PM - 4:00 PM ET / 1:00 p.m. – 3:00 PM CT
- Thursday, May 16th - 1:00 PM - 3:00 PM ET / Noon – 2:00 PM CT
- Wednesday, May 29th - 2:00 PM - 4:00 PM ET / 1:00 PM – 3:00 PM CT
- Wednesday, June 12th 2:00 PM - 4:00 PM ET / 1:00 PM – 3:00 PM CT

[Learn more and participate](#) in this session.

Policy Posts on the Blogs:

- [April 15 NASPA Policy Update](#) (4/15/19)
- [What's Shaping State Policy? Sexual Assault Prevention & Response in 2019](#) by Diana Ali, Assistant Director of Policy Research and Advocacy (4/11/19)
- [April 8th NASPA Policy Update](#) (4/8/19)
- [Top Reasons #SAPros Should be Tracking Broad Gun-Related Legislation](#) by Teri Lyn Hinds, Director of Policy Research and Advocacy, (4/4/19)
- [The Rise and Fall of the Bathroom Bill: State Legislation Affecting Trans & Gender Non-Binary People](#) by Diana Ali, Assistant Director of Policy Research and Advocacy, (4/2/19)
- [April 1st NASPA Policy Update](#) (4/1/2019)
- [Campus Free Speech: What #SAPros Need to Know About the Executive Order, State Legislation](#) by Teri Lyn Hinds, Director of Policy Research and Advocacy, (3/28/2019)
- [March 25th NASPA Policy Update](#) (3/25/19)
- [State Investment in Higher Ed: Free College and Promise Programs in 2019](#) by Teri Lyn Hinds, Director of Policy Research and Advocacy, (3/21/2019)
- [March 18th NASPA Policy Update](#) (3/18/19)
- [Catching Up on HEA: An Update for #SAPros & #SAadvocates](#) by Teri Lyn Hinds, Director of Policy Research and Advocacy (3/14/19)
- [#NASPAacts19 Policy Pop-ups at #NASPA19](#) (3/11/19)

32T32T3If you want to get more involved in public policy at the state level, the following states have State Public Policy Directors that you can contact. Here is the listing of State Public Policy Directors in Region III:

Dr. Jody Conway	Florida - University of South Florida	jodyconway@usf.edu
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This monthly newsletter is compiled by the NASPA Region III Public Policy Representative, Dr. Heidi Leming. If you would like to send suggestions for the next newsletter, please email heidi.leming@tbr.edu.

