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# OCTOBER 2018

## REGION III

### PUBLIC POLICY UPDATES

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#### 1. FEDERAL UPDATES

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- ☐ In early September, the Senate signed off on a massive spending bill that would fund the majority of the federal government for fiscal 2019. In a 93-7 vote, the chamber passed the conference report for the package, H.R. 6157 (115), that lays out updated spending levels for the departments of Defense, Education, Labor and HHS, and a continuing resolution providing temporary funding for any unresolved funds up for expiration until December 7. The package also extends consideration for the reauthorization of the Violence Against Women's Act (VAWA).
- ☐ The President signed the Fiscal Year (FY) 2019 Defense-Labor, Health and Human Services, Education and Related Agencies (LHHS) Appropriations package into law the last week in September. The bill also includes a continuing resolution lasting through December 7 that funds the agencies for which FY2019 funding has not been finalized. This should allow the U.S. Department of Education (ED) to put out grant notices and other program aspects that are contingent upon final appropriations being in place at an earlier point in FY2019 than in the recent past.
- ☐ Diane Jones, the Principle Deputy Under Secretary of Education and acting Assistant Secretary for Postsecondary Education, recommended to U.S. Secretary of Education Betsy DeVos that ED reinstate the Accrediting Council for Independent Colleges and Schools (ACICS) for one year, reversing the Obama Administration's decision to de-recognize the agency in accordance with the recommendations it received from the National Advisory Committee on Institutional Quality and Integrity (NACIQI). Secretary DeVos is expected to sign-off on the recommendation in the coming weeks.
- ☐ The College Scorecard has [stopped](#) publishing data that compares IHEs level data, such as net price, graduation rate, student loan repayment rate and typical earnings post-graduation, to national averages. Users will still be able to compare IHEs to one another, and by program. The Scorecard also stopped publishing threshold earnings data, which showed the share of former students of an IHE that earn more than the typical high school graduate.

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#### 2. TITLE IX UPDATES

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- ☐ *The New York Times* [reported](#) that an analysis conducted by the U.S. Department of Education (ED) found that its proposed Title IX rules addressing how schools investigate and adjudicate allegations of campus sexual misconduct would decrease the number of investigations by schools into complaints of sexual harassment, assault and rape, thus saving schools millions of dollars over the next decade. ED's proposed rules have yet to be published and are [currently](#) at the Office of Management and Budget (OMB).

Additionally, the U.S. Court of Appeals for the Sixth Circuit [ruled](#), in a lawsuit against the University of Michigan, that institutions of higher education (IHEs) must allow accused students

(or their representatives) in sexual assault cases to directly question their accuser in a live hearing.

A Federal judge dismissed a lawsuit against ED's temporary Title IX guidance, saying that the plaintiffs lacked standing and that because the guidance is only temporary, it does not constitute final agency action. ED's proposed Title IX regulations, which will take the place of the temporary guidance, are [currently](#) at the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). Once released, the proposed regulations will be subject to public comment. Those regulations are expected to resemble the New York Times [report](#) of the proposed rules.

### 3. FINANCIAL AID

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#### ☐ [Betsy DeVos Loses Student Loan Lawsuit Brought by 19 States](#)

*Bloomberg* (Date posted: September 12, 2018)

- ☐ The spending bill approved by the Senate in early September benefits the higher ed budget in a number of areas, with the exception of limits posed on the Office of Federal Student Aid's plan to overhaul the student loan servicing system:

- The maximum Pell Grant has been raised by \$100, to \$6,195
- Perkins Career and Technical Education grants will see a \$70 million increase.
- Funding was also allotted to the Public Service Learn Forgiveness (PSLF) program to fix eligibility errors caused by loan servicers.
- On student borrowers, in addition to the increase in PSLF funding, the bill includes a provision allowing students diagnosed with cancer to defer payments during treatment without accruing interest.

It has been reported that ED will [miss](#) the November 1 deadline to publish its new borrower defense to repayment (BDR) rule and rescind the Obama-era gainful employment (GE) rule. This means that the earliest a Trump Administration developed BDR rule and the rescission of the GE rule can become effective is July 2020, instead of July 2019 as originally intended. With regard to BDR, ED had delayed the Obama-era BDR rules, but a Federal judge recently [found](#) that delay to be improper and [gave](#) ED until October 12 to provide a stronger justification for the delay, otherwise the Obama-era rules will take effect. For GE, institutions of higher education (IHEs) will still be required to report GE data to ED, but because ED no longer has an agreement with the Social Security Administration (SSA) to share earnings data, ED will not be able to assess GE-related penalties to IHEs.

ED officially [launched](#) its full version of the Free Application for Federal Student Aid (FAFSA) mobile app, entitled myStudentAid. ED launched a beta version of the app in July, but now the full version is available for users to fill out the 2019-2020 FAFSA.

### 4. STATE UPDATES

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Alabama	No updates provided.
Florida	Florida updates can be found on the following website: <a href="https://www.flsenate.gov/Session/Bill/2017/00002">https://www.flsenate.gov/Session/Bill/2017/00002</a>
Georgia	No updates provided.
Kentucky	No updates provided.

Louisiana	
Mississippi	No updates provided.
North Carolina	
South Carolina	No updates provided.
Tennessee	Changes are being made in how some Mid-South colleges and universities handle sexual assault cases. Tennessee is one of four states impacted by a ruling from the 6th U.S. Circuit Court of Appeals that now allows students accused of sexual assault to cross-examine their accusers at disciplinary hearings.
Texas	No updates provided.
Virginia	No updates provided.

## 5. ANNOUNCEMENTS

[Follow the Money: Ins and Outs of Federal Appropriations](#) by Diana Ali, Policy Analyst (9/13/2018)

[How Student Affairs Professionals Can Impact College Affordability](#) by Alexa Wesley, Research and Policy Associate (9/6/2018)

[What You Need to Know About the Gainful Employment Rule Rescission](#) by Teri Lyn Hinds, Director for Policy Research and Advocacy (8/30/18)

[Learning to Listen in Public Policy and Advocacy](#) by Dr. Lawrence P. Ward, Vice President for Student Affairs, Babson College (8/29/18)

[Take-Aways on Title IX: Emerging Themes from NASPA's Title IX Listening Sessions](#) by Dr. Jill Dunlap, Director for Research and Practice (8/23/18)

### [National Student Affairs Day of Action Resources page](#)

If 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
Darryl Holloman	Georgia – Georgia State University	dholloman@gsu.edu
Neil Jamerson	South Carolina - Furman	neil.jamerson@furman.edu
Dr. Heidi Leming	Tennessee - TBR	hleming@tbr.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](mailto:heidi.leming@tbr.edu).