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Senate Increases Student Aid Funding

The Senate Labor-HHS-Education Appropriations Subcommittee wrote its FY 2015 spending bill providing increases for all student aid programs over last year’s levels. Despite a flat allocation, and two new major obligations, Senators made increases in student aid a top funding priority in the FY 2015 Labor-HHS-Education appropriations bill.

The draft bill provides a $100 increase in the Pell Grant maximum, and a $63 million increase across the other programs. Here are the highlights:

- Pell Grant maximum increased by $100, to $5,830
- SEOG increased by $15 million, to $748.1 million
- FWS increased by $35 million, to $1.0 billion
- TRIO increased by $8.4 million, to $847 million
- GEAR UP increased by $3 million, to $304.6 million
- Graduate Education increased by $1.7 million, to $31 million

In this bill, student aid must compete with funding for job training, health research, and special education. Given the current budget environment, we expected level funding of most student aid programs at best. New pressures were put on this bill, compared to last year, with two programs that needed additional unexpected funding – nonprofit student loan servicers (an additional $268 million), and unaccompanied alien children entering the U.S. (an additional $1 billion in HHS). We are pleasantly surprised that even with a flat budget and additional pressures, the committee went above and beyond to ensure low-income students have the aid they need to go to college.

These increases bring the student aid programs safely out of the hole dug by sequestration in 2013, but do not bring them back to the most recent high water mark of funding from 2010, with the exception of Federal Work Study.

Other programs of interest to private colleges also got increases in the bill:

- NIH funding was increased by $606 million, finally restoring the FY 2013 sequestration cut
- All Title III and Title V strengthening institutions programs were increased with an overall $8.7 million increase
- Teacher Quality Partnership grants were increased by $2 million
- International Domestic programs were increased by $9 million.
The Senate Full Committee has postponed further consideration of the bill this week. The House has not scheduled its Labor-HHS-Education mark up yet, but expects to have it before the July 4 recess.

For more information, contact Stephanie Giesecke, Stephanie@naicu.edu

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**Student Loans Gain Prominence as HEA Reauthorization Looms and Election Day Draws Near**

As the election year gears up, Democrats are once again putting the terms and conditions of student loans front and center with action coming from both the White House and the Senate. With control of the Senate, but not the House, legislative action is uncertain, but the White House is using its executive authority to ease the cost for borrowers with significant debt burden.

**White House**

On June 9, President Obama signed an executive order that would make more borrowers eligible for income-based repayment (IBR). The new Presidential Memorandum expands eligibility for IBR by allowing nearly 5 million additional federal direct student loan borrowers the opportunity to cap their student loan payments at 10 percent of their income. The proposal seeks to target borrowers who are at greater risk of defaulting on their loans.

**Senate**

The Senate Banking Committee, chaired by Senator Tim Johnson (D-SD), held a hearing on loan servicing hearing from witnesses who were concerned about difficulties borrowers face when repaying their loans, especially if they have loans with multiple servicers, or if their loan is sold to another servicer. Veterans found this an especially troublesome situation because of their unique military experiences and the fact that they receive funding from different agencies. Nancy Hoover, Director of Financial Aid and Student Employment at Denison University recommended that all servicers have the same processes, borrowers be able to access loan information from a single portal, and that servicers be judged on the number of borrowers who default and the dollar volume of those defaults. She also recommended that there be only two repayment options, standard and IBR.

The Senate Budget Committee, chaired by Patty Murray (D-WA), explored difficulties borrowers had in repaying their student loans and what this means for future life choices and the country’s economy. She and other Democrats on the Committee advocated for passage of S. 2432, a bill to enable borrowers of student loans to refinance both federal and private student loans at today’s rates. NAICU is supportive of the repayment section of the bill, authored by Senator Elizabeth Warren (D-MA)

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**Bi-partisan House Resolution Encourages President to Abandon his Plan to Rate Colleges**

Two members of Congress, who collectively have the largest numbers of colleges in their districts of any two districts in the country, have introduced a resolution in Congress calling for the President to reconsider his effort to rate colleges.

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In a rare bi-partisan effort, Representatives Bob Goodlatte (R-VA) and Michael Capuano (D-MA) joined together to oppose the President’s plan (also see below for the text of their statements). In issuing a public statement on their reasons for developing the resolution, Congressman Goodlatte referenced the number of college and university presidents he has spoken to who are concerned about the negative impacts the proposal could have on higher education. He also spoke eloquently about the diversity of institutions in America and the fundamental role of students to make the choice of which institution will best serve their needs. “In making this important decision, students and their families know best what will meet their educational needs. It is not the place of the federal government, through a ratings system, to attempt to measure the value of an individual’s education.”

Representative Capuano applauded President Obama for his commitment to the broad goals of access and affordability, but expressed concern about aspects of the rating system. He raised particular issue with the idea of rating success based on graduate earnings, saying “... judging the value – or the ‘value-added’ – of a college by the earning of its graduates could cause schools to discourage alumni from public service and a variety of essential, rewarding but unremunerative careers.”

Representative Goodlatte, in a Dear Colleague letter, and Representative Capuano are actively seeking additional co-sponsors for their resolution. To ask your Republican Member of Congress to co-sponsor H. Res 614, please have your representative contact Lindsay Yates in Congressman Goodlatte’s office. If your representative is a Democrat, please ask them to contact Andrew Eaton in Congressman Capuano’s office.

Full text of statements opposing President Obama’s rating system from Representatives Goodlatte and Capuano:

Congressman Goodlatte: “Personality, location, availability of a major, tuition rates – all factors students might use when choosing which college or university to attend. The opportunities and experiences available to students at our nation’s colleges and universities are as diverse as the students who attend these institutions. In making this important decision, students and their families know best what will meet their educational needs. It is not the place of the federal government, through a ratings system, to attempt to measure the value of an individual’s education. I have spoken with a number of college and university presidents who are concerned about the negative impact this proposal may have on higher education, and I share their concerns. The resolution introduced today strongly supports the quality and value of diversity in our higher education system and makes clear that the Administration’s proposed college ratings system is not feasible and if attempted, would decrease choice, diversity, and innovation. I urge my colleagues in the House to join us in voicing opposition to the Administration’s misguided ratings system.”

Congressman Capuano: “I share President Obama’s belief that everyone has the right to develop his or her potential to the fullest, and that for many students, post-secondary education will prove enriching in both intellectual and material ways. To achieve this ideal and help our students compete globally, we must make higher education more affordable and accessible, and I appreciate the President’s commitment to that goal. Nonetheless, I have a number of concerns about aspects of the “President’s Plan to Make College More Affordable.” Specifically, some of the criteria proposed for a new college ratings system strike me as short-sighted and even counter-productive. For example, judging the value – or the “value-added” – of a college by the earning of its graduates could cause schools to discourage alumni from public service and a variety of essential, rewarding but unremunerative careers. I hope my colleagues will join us in opposing this proposed ratings system.”

For more information, contact Susan Hattan, Susan@naicu.edu

McCaskill Holds Sexual Assault Roundtables
Senator Claire McCaskill (D-MO) has conducted two of three scheduled campus sexual assault roundtables. Hearing from survivors, administrators, law enforcement, and advocates, the roundtables have focused on the Clery Act, Campus SaVE, and Title IX.

Roundtable: Clery Act and Campus SaVE (May 19)
Focusing on the Clery Act and Campus SaVE, Senator McCaskill was joined by Senator Tammy Baldwin (D-WI) at the meeting. Specific topics covered included the varying definitions of “consent” across jurisdictions, the need for more prevention training, and whether there is sufficient enforcement activity by the Department of Education. Senator McCaskill and other participants also suggested that the $35,000 fine that may now be levied for Clery Act violations is not sufficient to deal with the problem. The participants also had an extended discussion of whether or not there should be mandatory reporting to law enforcement officials of rapes on campus.

**Roundtable: Title IX (June 2)**

Joined by Senators Jon Tester (D-MT) and Richard Blumenthal (D-CT), Senator McCaskill’s second roundtable was focused on the ways in which Title IX is enforced and the extent to which colleges should be required to adopt particular types of responses. Senator McCaskill expressed an interest in receiving proposals from the public for ways in which Clery Act and Title IX requirements might be combined. As in the previous roundtable, there was discussion of appropriate penalties for institutions found to be in violation of Title IX, and whether campus officials should be required to report rapes and similar crimes to local law enforcement authorities.

The third and final session, scheduled for June 23, will focus on the administrative process and the criminal justice system.

Senator McCaskill has announced her intention to introduce legislation addressing campus sexual assault issues by the end of June.

**Roundtable Information**

**May 19:** Clery Act/Campus SaVE Act forum: [Proceedings and preliminary transcript](#); Senator McCaskill’s [account](#) of the discussion

**June 2:** Title IX forum: [Proceedings and related documents](#)

**June 23:** Administrative Process and Criminal Justice System forum: [Webcast](#) will be available

**Additional Resources**

For an overview of federal activities related to sexual assault on campus, see: May 19, 2014, [Washington Update](#).

*For more information, contact Susan Hattan, Susan@naicu.edu*

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**Task Force Reviews and Analyzes Existing Regulatory Requirements**

During its second meeting, the Task Force on Government Regulation of Higher Education discussed regulatory requirements in the areas of student financial aid, campus security, data collection, disclosures, and accreditation and identified a number of specific requirements that are particularly problematic for institutions.

Of particular interest to NAICU, reform of the federal financial responsibility standards was among the issues highlighted by the group. Two years of intensive work by the NAICU Financial Responsibility Task Force identified serious flaws and inconsistencies in the application of these standards. Following the Department of Education’s decision to reject the reforms proposed by the Task Force (See July 2, 2013, [Washington Update](#)), we have explored legislative options for addressing these problems.
In addition to considering the specific requirements that should be drawn to the attention of Congress for reform, the Task Force on Government Regulation discussed possible broader reforms of the regulatory process. There are several overarching laws and Executive Orders that play a role in the process. Modifications in areas such as the law governing the Department of Education’s negotiated rulemaking process might provide needed regulatory relief.

The group will hold its next meeting this Fall and plans to issue a final report by the end of the year.

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**Report Details Schools Crime and Student Safety Data**

The National Center for Education Statistics, in partnership with the Bureau of Justice Statistics, released a report, *Indicators of School Crime and Safety*, on school crime and safety across the entire U.S. education system. The report, the 16th in a series of reports produced since 1998, covers topics such as victimization, teacher injury, bullying and cyber-bullying, school conditions, fights, weapons, availability and student use of drugs and alcohol, student perceptions of personal safety at school, and criminal incidents at postsecondary institutions.

The statistics on postsecondary crime and safety largely come from the 2013 Digest of Education Statistics and reflect data collected from institutions through 2011 in compliance with the Clery Act. Data show that overall campus crime is down; however, drug violations and forcible crimes have increased.

**Key higher education findings**

- In 2011, there were a total of 30,401 criminal incidents reported at postsecondary institutions representing a 5 percent decrease from 2010 and a 27 percent decrease from 2001.
- Between 2001 and 2011, both 4-year private and public institutions experienced a decrease in total on-campus crime incidents (28 percent vs. 22 percent, respectively). Of the total crimes reported in 2011, 35% were at 4-year private nonprofit institutions and 48.3% were at 4-year public institutions.
- The number of reported forcible sex crimes on college campuses increased by 52 percent between 2001 and 2011, only to be exceeded by the increase in drug violations (75 percent) during this same period. Four-year private nonprofit institutions saw a dramatic increase in the reporting of forcible sex crimes during this ten-year period (72 percent) in comparison to 4-year public institutions (31 percent).
- Of the 3,344 total forcible sex crimes reported in 2011, 91 percent occurred at 4-year institutions, with 4-year private nonprofit institutions accounting for 42 percent and 4-year public institutions accounting for 49 percent.

**Additional Resources**

Full NCES/BJS report on all education crime and safety statistics, and detailed statistical tables.

For more information, contact Wendy Weiler, Wendy@naicu.edu

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**Federal Appeals Court Rules in Hathi Trust Case**

The Federal Appeals Court in New York has ruled that the Hathi Trust Digital Library’s effort to provide a digital archive of books and other materials from libraries all over the world does not violate copyright law. Had the court ruled differently, it would have been read as a significant limitation on digitizing books.

NAICU had joined other major higher education associations in an amicus brief supporting the trust. The HathiTrust is a partnership of academic and research institutions, including many NAICU members.
Particular issues in the case involved creating a searchable database of the text of works in the Trust’s collection, and making texts available in different formats for readers with visual and other disabilities that make it difficult for them to use print.

In this and other legal issues, NAICU relied on advice from the volunteer group of higher education attorneys who serve on our Legal Services Review Panel.

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