

THE NATIONAL ASSOCIATION OF
GRADUATE-PROFESSIONAL STUDENTS

Legislative Letters

October 22, 2018

Updates in Higher Education

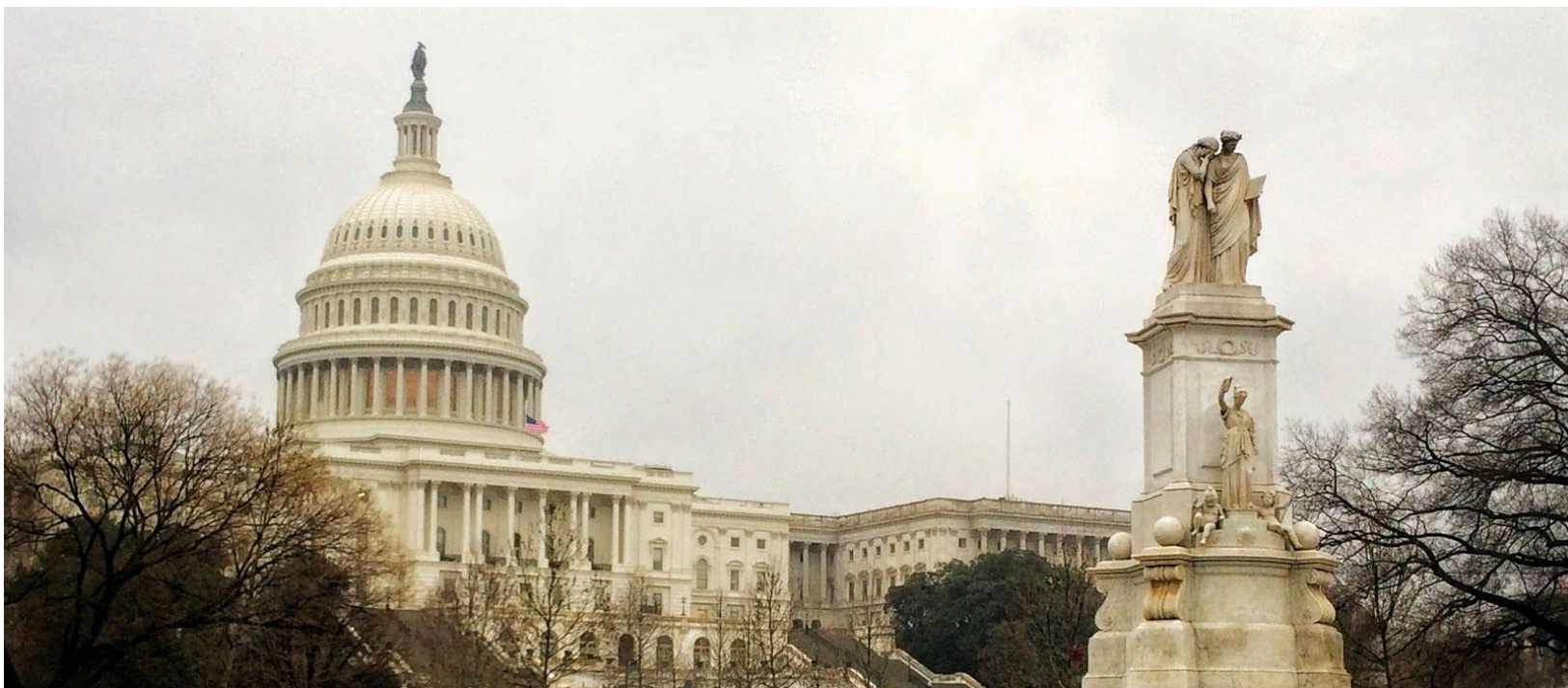


Image Credit: Kaylynne Glover, "The Capitol"

The Trump administration is proposing a lot of changes that affect graduate students. They want to limit how long International students can study in the U.S., they are proposing a new definition of sex that would exclude non-binary and transgender students, and they are making progress on their regulations for Title IX. Meanwhile, with midterms just two weeks away, House Republicans are proposing lame duck legislation while House democrats are preparing their game plan if they take the House, all while they try to finish up appropriations bills by December 7th and battle over the border wall. To find out more, check out the 10th edition of our *Legislative Letters!*

If you have questions, suggestions, or are interested in contributing to the newsletter, or would like to be a part of the Legislative Concerns Committee, please contact the Director of Legislative Affairs, Kaylynne Glover, at legislative@nagps.org. To provide feedback on the newsletter, you can also follow the link at the end of the Letter to fill out a quick survey. To find out more about the ratified NAGPS [Legislative](#) and [Advocacy](#) Platforms, be sure to follow these links.

THE EXECUTIVE BRANCH

DEPARTMENT OF EDUCATION

Title IX

The Department of Education's (ED) proposed changes to Title IX are currently in the Office of Management and Budget, whose officials have been meeting with civil rights and women's advocacy groups during its final review process before its release to the federal register. The leaked version of the rule change [included an analysis indicating that it would reduce costs](#); however, [other analyses claim the opposite](#).

Borrower Defense to Repayment

The deadline for the ED to provide an adequate justification for the delay of Obama-era regulations governing Borrower Defense [was extended until October 16th](#) by U.S. District Judge Randolph Moss while he considered a bid from for-profit colleges who argue that the regulations will harm their institutions. [Judge Moss ruled against the colleges, and the ED announced](#) that they would not pursue additional delays of the implementation. However, they haven't released information on how they will move forward in enforcing the 2016 rules.

College Accreditation

[Several Congress members have requested documents](#) related to the reinstatement of the Accrediting Council for Independent Colleges and Schools, an accreditor of for-profit colleges, after reports were released that stated that unsupported claims were made in the supporting documentation.

Public Service Loan Forgiveness

Even though Congress passed \$350 million dollars to fund a program that allows those rejected for Public Service Loan Forgiveness program to reapply, the ED had determined that [75% of the applicants were ineligible for reapplication](#). [One hundred and fifty congressional Democrats wrote a letter to Secretary DeVos](#) asking for more information and a plan to address these problems.

THE WHITE HOUSE AND OTHER AGENCIES

Protest Rule Change

The comment period on a proposed [rule change that would limit the ability of groups to protest at several D.C. locations](#), including the National Mall and the north side of the White House, has closed. Critics claim that the proposed rules would limit on free speech in especially iconic areas known for controversial speeches, including the location of Dr. Martin Luther King's, "I Have a Dream" speech.

Binary Sex Only Definition Change

According to a memo obtained by the [New York Times, President Trump is considering changing the legal definition of sex as used in federal programs](#) including education and health care. Coming out of the Department of Health and Human Services, this would propose a change to the definition found under Title IX, the law that protects students from gender discrimination in programs that receive federal funding. The proposed rule requires gender determination be based entirely on the genitals a person is born with and be either male and female, with no possibility of change. They argue this would be based “on a biological basis that is clear, grounded in science, objective and administrable.”

IMMIGRATION AND INTERNATIONAL STUDENT CONCERNS

Student Visas

The Trump administration has published two rule changes in regards to immigration that might affect students. The first was [proposed on October 10th, closing November 28th](#), and is a modified version of the “Public Charge” proposal released earlier this fall. This policy change adds several public benefits to the list of benefits previously barred from legal immigrants seeking permanent residency. This would [affect international students who seek to remain in the U.S. after finishing school](#). Not only would the students themselves be ineligible for permanent residency, but their children would be as well.

The second was [published October 17th, with a comment period closing on December 5th](#). This policy change directly affects all international students and changes the [maximum period of time a student can stay in the U.S.](#), changing the policy from “duration of status,” which allows a student to stay indefinitely as long as they are students, to a set period of unspecified time. This would go into effect September 2019.

These policy changes comes on the heels of other regulatory changes affecting international students, most notably one that went into effect in August 2018 that tightens flexibility for students staying in the U.S. in violation of their visas. Specifically, [students who have accumulated over 180 days of “unlawful presence” in the U.S. will be banned from re-entry into the U.S. for a minimum of 3 years.](#)

THE LEGISLATIVE BRANCH

LEGISLATION

Appropriations

[Seventy-five percent of the government is funded for FY19](#), and we're in a continuing resolution for the rest of the government until December 7th. However, [Senator McConnell has not ruled out the possibility of a government shutdown](#), which nods toward an upcoming fight to fund the remaining 25% of the government for FY19 in the face of the President's demands for his border wall.

Build the Wall, Enforce the Law Act of 2018 (H.R. 7059[115])

House Minority Leader Kevin McCarthy (R-CA) [proposed a bill](#) on October 12th that [allocates \\$23.4 billion to the Department of Homeland Security](#) to construct a wall along the U.S.-Mexico border, a significant increase from the [\\$1.6 billion currently allotted in the DHS appropriations bill](#) that passed earlier this year. It also includes \$5 billion for immediate use, which is in line with [Trump's request for 2019](#).

Combating Sexual Harassment in Science Act of 2018 (H.R. 7031[115])

Endorsed by sixteen science, education, and research organizations, [a new bill has come out of the House Science, Space, and Technology Committee](#) to tackle sexual harassment in research settings on college campuses. Ranking Member, Rep. Eddie Bernice Johnson (D-TX) [released a statement on the bill](#). The bill would encourage federal agencies to study the emergence and prevalence of sexual harassment in research institutions.

THE FEDERAL BUDGET

The Congressional Budget Office (CBO) released a report estimating that the [deficit increased 17% from FY17, a total of \\$782 billion this year](#), in large part due to increased spending with no corresponding increase in revenue. The Committee for a Responsible Federal Budget notes that [the revenue increase, of only 0.4%, is the eighth lowest in the the past 50 years](#).

MIDTERM ELECTIONS - 15 DAYS

With the scandal surrounding Justice Brett Kavanaugh's nomination to the Supreme Court [has come enthusiasm from the right](#), as they first defended his nomination and then celebrated his confirmation. However, [enthusiasm from the left is still stronger](#), which [jumped 10 points](#) and is sitting at around 77% to the right's 68%. Democratic women are also more enthusiastic ([an 11-point jump to 82%](#)) than Republican women (67%).

It still looks as though Democrats will take the House after eight years of being the minority party. [POLITICO](#) estimates that nearly three times the number of Republican-held seats are in danger compared to Democrat-held seats. A [CBS News poll](#) shows this is especially true with women, as Democrats have a 12-point advantage among them compared to the 7-point advantage the Republican party has with men. A [Washington Post-Schar School](#) poll shows a similar trend; while Kavanaugh's confirmation galvanized the red base, the female base still leans blue, with more women supporting Democrat candidates than Republican ones in battleground districts. Similarly, a [CNN survey](#) shows that nearly two-thirds of women disapprove of President Trump.

The Senate, on the other hand, [may end up turning red](#). The closest races are in [Arizona \(OH Predictive Insights\)](#) and [Nevada \(NBC News/Marist\)](#), both of which started [leaning to the right \(FiveThirtyEight\)](#) after Kavanaugh ([RealClearPolitics](#) has the most recent updates in other states). The Democratic strategy now is primarily focused on [minimizing losses as opposed to picking up seats](#).

No matter how the chambers end up, [this election cycle is going to see a huge turnover](#), as many seated members are choosing not to run for reelection or have lost their primaries. That means a very large group of new lawmakers on the Hill in 2019.

In preparation for their taking control of the House, [Democratic committee leaders are gearing up for the next two years](#). One thing on their minds: [looking into President Trump's tax returns](#).

All 435 Congressional Districts for the House and 35 of the 100 Senate seats are open. Senate Republicans currently have a one-seat majority, 218 seats are needed for control of the House, which will require the Democrats to [flip 23 seats](#) if they hope to become the majority. For more information, see these interactive maps of the [House](#) and the [Senate](#). Find out more about [who is running](#) and about current Congress members' [history](#), [voting records](#), [committee assignments](#), and [legislation](#). For more information on the issues the public cares about, go [here](#).

THE JUDICIAL BRANCH

LITIGATION

Students for Fair Admissions, Inc. v. President and Fellows of Harvard College

A long-awaited case involving affirmative action has begun. [Led by an anti-affirmative action activist, the lawsuit claims](#) that the University’s admissions process discriminates against Asian-American applicants. Affirmative action has been upheld in the Supreme Court before, but with a five-Justice conservative majority, its use may now be in question.

The student group [will argue that](#) the methods used by Harvard are outside what has been approved by the Supreme Court and that affirmative action itself isn’t necessary. To the first goal, they presented evidence that [Asian-American students living in sparsely populated states had to have higher standardized test scores than students of other races](#), and while the Dean of Admissions, Bill Fitzsimmons, admitted to this, he said that this did not count as racial discrimination. Instead, [Harvard’s attorneys](#) are arguing that the use of race in admissions could never negatively impact an applicant.

[The trial has revealed](#) a few potentially controversial items, including the possibility that donations - future or current - may influence admission decisions and that the “personal ratings” assigned to students typically tend to be worse for Asian-American applicants, a rating used to determine the impact of an applicant on those around them.

IN RELATED NEWS...

RELEVANT READS

[Promoting Gender Equity or Sexism](#)

[#MeToo inspires wave of old misconduct reports to colleges](#)

[Beyond the Numbers on Gender and Research](#)

[How America’s urban-rural divide is changing the Democratic Party](#)

[Supporting mental health, wellbeing and study skills in Higher Education](#)

[Recognizing the Importance of Access and Social Capital](#)

[Beyond undergrad: Putting graduate school in reach for underrepresented students](#)

[Graduate students make their case for unionization](#)

[Women earn the majority of advanced degrees](#)

[Public confidence in higher education continues to fall](#)

[The Racist History of Higher Education](#)

[The Interdisciplinary Delusion](#)

[Prioritizing Diversity in Graduate Education](#)

[What contribution has internationalisation made to HE?](#)

[Mindfulness for Stress Reduction for Graduate Students](#)

[Unaffordable Higher Education Leads to Low Graduation Rates](#)

[There's no room for hate crime in higher education](#)

[Why Does Graduate School Kill So Many Marriages?](#)

[Helping Minority Students Overcome Barriers to Graduate Education](#)

[Headwinds for graduate student borrowers: Rising balances and slowing repayment rates](#)

[Hundreds of Graduate Students Participate in Pro-Union Walk Out](#)

[The case that will destroy affirmative action in higher education](#)

[The public is losing confidence in higher ed — here's why](#)

[School health clinics could take a hit under rule to restrict green cards for immigrants who receive public aid](#)

[Pay-It-Forward Debt Relief \(University of Pittsburgh Program\)](#)

[Nepotism in the Academy Raises Serious Questions](#)

REPORTS AND PRESENTATIONS

[The Individuals with Disabilities Education Act \(IDEA\) Funding: A Primer, CRS](#): Since the enactment of P.L. 94-142, the predecessor legislation to the Individuals with Disabilities Education Act (IDEA), in 1975, the federal government has played a prominent role in encouraging the principle of educational equality for children with disabilities through a permanent, broad-scale federal assistance program. The IDEA is a grants statute that provides federal funding for the education of children with disabilities and requires, as a condition for the receipt of such funds, that states agree to provide a free appropriate public education (FAPE; i.e., specially designed instruction provided at no cost to the parents that meets the needs of a child with a disability) to every eligible child.

[Global Warming of 1.5 °C, IPCC](#): A special report on the impacts of global warming of 1.5 °C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty

[Data Snapshot: Contingent Faculty in US Higher Ed, AAUP](#): Over the past few decades, the tenure system in US higher education has eroded. At its best, the tenure system is a big tent, designed to unite a diverse faculty within a system of common professional values, standards, rights, and responsibilities. Tenure protects academic freedom by insulating faculty from the whims and biases of administrators, legislators, and donors, and provides the security that enables faculty to speak truth to power and contribute to the common good through teaching, research, and service activities.

[Student Outcomes at Colleges Approved by the Accreditor ACICS, Veterans Education Success](#): Veterans Education Success analyzed the most recent U.S. Department of Education (Department) data to determine student outcomes at the approximately 100 schools still accredited by the Accrediting Council of Independent Colleges and Schools (ACICS). ACICS was derecognized as an accreditor in 2016, but a senior political appointee at the Department recently recommended that ACICS be given another year to come into compliance with Department standards.

[Application Trends Survey Report 2018, Graduate Management Admission Council](#): For nearly 20 years, the GMAC Application Trends Survey has gathered intelligence on the current market for graduate business school applicants. The 2018 report contains analysis of data submitted by 1,087 graduate business school programs at 363 business schools worldwide—a new participation record. Participating programs are located in 44 countries, including 43 US states and the District of Columbia. More details about participating programs can be found in the participant profile section of this report.

FEEDBACK FOR LEGISLATIVE LETTERS

Our *Letter* is still new, and we would really appreciate your thoughts on it - after all, it's for you! So please follow [this link](#) to fill out a quick survey so that we can best meet your needs.

