

THE NATIONAL ASSOCIATION OF
GRADUATE-PROFESSIONAL STUDENTS

Legislative Letters

November 6, 2018

Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

Midterms are here, so head to the polls - right after reading up on the latest projections, of course. Here you'll get the latest on polling - who's ahead and where, and what we can expect once it's all said and done. Plus, you'll also get the latest on Title IX leaks, three additional upcoming rule changes regarding international students, and two new student loan bills. Meanwhile, both the Departments of Education and Homeland Security are being sued on behalf of students. Find out more - inside!

To view previous editions and to subscribe to our newsletter, check out our [Legislative Letters blog](#)! 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

[More information has leaked regarding the Department of Education's \(ED\) proposed changes to Title IX](#), and it appears as though the new rule will allow the accused student to question their accuser, though they do not have to face their accuser in person. Instead, it leaves the option open for the possibility of a neutral third-party to ask the questions on their behalf while in separate rooms. They also extend the right of appeal to the accuser, which before has been granted to only the accused and would limit a university's jurisdiction regarding on-campus sexual misconduct. The rule has yet to be released to the register though it is expected to be released this month after midterms. [Several student sexual abuse survivors have written a letter in opposition to the changes](#), and Senator Patty Murray (D-WA), the ranking member of the Senate HELP Committee, [voiced her own concerns](#).

College Accreditation

[The ED is taking nominations for individuals interested in serving on a rulemaking committee regarding University Accreditation and Innovation](#). Nominations will remain open until November 15th and will meet throughout the spring in the DC area. If you know anyone who is qualified and interested in serving on this committee that would represent graduate student interests, please consider nominating them (information regarding nomination procedures is in the above link).

[Meanwhile, the ED removed a metric from the "College Scorecard" last month, and four House Democrats are questioning the move](#), believing that it removed information that would be useful to college applicants. ED spokeswoman Liz Hill responded that the metrics were potentially "misleading for students" as institutional comparisons should only be appropriate between similar institutions and not a national average.

Agency Restructuring

In March of 2017, President Trump issued an executive order that directed agencies to consider restructuring their organizations, and [the ED is moving forward with internal changes that would go into effect in January](#). The Office of Public Education, overseeing private schools, will be relocated from the Office of Innovation and Improvement to the Office of the Secretary, reporting directly to Secretary DeVos. A new office would be created by combining two offices (Student Privacy Policy and Assistance Division and the Family Policy Compliance Division) into one, the Student Privacy Policy Office, which would oversee FERPA, if approved by a new rulemaking proposal. The budget office for the department would also move into a newly created Office of Finance and Operations which would also incorporate the Office of Management, the Office of the Chief Financial Officer, and Risk Management Service.

[A union representing federal employees, The American Federation of Government Employees, has criticized this restructuring](#) saying that it is an attempt “to force out dedicated employees,” as employees are being moved to positions for which they are unsuited and/or uninterested, and that the already dropping employee satisfaction scores for the department will continue to drop.

THE WHITE HOUSE AND OTHER AGENCIES

Binary Sex Only Definition Change

Several groups have spoken out in opposition to the announcement by President Trump that the [Department of Health and Human Services would redefine gender determination based entirely on a binary distinction of genitalia at birth](#). This includes the Human Rights Campaign, an LGBTQ advocacy group, who has issued a letter signed by 1,500 parents of transgender children, the leaders of Princeton, Rutgers, and the University of Wisconsin, and several major corporations, including Amazon, Coca Cola, and Nike. [A case involving employee discrimination regarding a transgender woman is currently in front of the Supreme Court and could impact how this moves forward](#). If adopted, this policy would impact the entire federal government and all public education institutions.

IMMIGRATION AND INTERNATIONAL STUDENT CONCERNS

Attorney General Authority

[Attorney General Jeff Sessions has announced the intention to release a rule change that would expand his power regarding immigration cases](#). Historically, the attorney general has only had authority to rule on a case after the Board of Immigration Appeals (BIA) has ruled. This change would allow the attorney general to intervene before a case reaches the BIA.

Birthright Citizenship

[President Trump indicated that he is interested in ending birthright citizenship](#), which grants citizenship to babies born in the United States. The Fourteenth Amendment, which grants birthright citizenship, was ratified in 1868 and was [upheld in a 1898 Supreme Court ruling](#) (*U.S. v. Wong Kim Ark*).

Electronic Registration Program for H-1B Visa Lottery

The Department of Homeland Security (DHS) will be releasing a [proposed rule that would change the lottery process for H-1B visas](#) that would potentially increase the number of H-1B visa holders with advanced degrees to better meet employer demand.

Definition Changes under H-1B Visa Programs

The DHS has released its intention [to change the definitions of “specialty occupation,” “employment,” and “employer-employee relationship”](#) as currently used in the H-1B visa program. Its stated intent is to increase attraction of highly qualified foreign nationals and to “better protect U.S. workers and wages,” as well as ensure that H-1B visa holders are paid appropriate wages.

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. [Senator McConnell has hinted that these bills may not pass the President's desk signed without funding for his border wall.](#) To find out where the remaining appropriations bills are, [be sure to check this tracker.](#)

Affordable Loans for Any Student Act of 2018 (S.3584)

Senator Jeff Merkley (D-OR) [released a bill last month with several provisions that benefit graduate students](#), including expanding loan counseling with an emphasis on transparency and the simplification and consolidation of income-based repayment plans, capping payments for all borrowers at 20 years. [The Council of Graduate Schools released a letter in support of several of its provisions.](#)

Student Loan Repayment Acceleration Act (S.3595)

Senator Cory Gardner (R-CO) introduced [legislation last month that allows employers to assist paying the student loans of its employees, up to \\$10,000 per year.](#)

Innovation Zone Act (S.3596)

[A bipartisan bill was introduced in the Senate that makes available data collected from several experimental initiatives](#) at different universities overseen by the Department of Education and coded within the *Higher Education Act*.

THE FEDERAL BUDGET

The 2017 tax cuts were advertised as a means to reduce the federal debt. However, [U.S. borrowing has increased to \\$1.3 trillion](#) as spending has not dropped in response. It is estimated that, [within the next decade, the debt will exceed the size of the economy for only the second time in U.S. history.](#) John Bolton, White House national security advisor, [referred to the national debt as a "threat to society."](#)

MIDTERM ELECTIONS - Today!

The Midterm Battle is closing, and voter enthusiasm is higher than it has been in decades ([The Associated Press](#)). Kavanaugh's confirmation has boosted enthusiasm for [Democrats](#) as well as [Republicans](#), and both [young and new voters are up in early voting](#). [Anger seems to be motivating Democrats](#) more than Republicans, and they also seem to be [relying on millennials](#) and [women](#) voting more blue than red. [Strong economic numbers seem to be motivating Republican voters](#), and [early voting shows good mobilization for Republicans](#). President Trump's announcement regarding ending birthright citizenship seems to have angered centrist Republicans, which [could make things worse for Republican party in swing districts while simultaneously giving GOP Senate candidates a lift up](#). (Check out the [most mentioned issues in each state](#).)

Meanwhile, President Trump's job approval rating has jumped since the Kavanaugh confirmation and, for a while, was sitting at its highest levels since taking office ([Gallup](#), [NBC News/Wall Street Journal](#), [RealClearPolitics average](#)). However, it dropped four points last week ([Gallup](#)), and things don't often play out well for a party with a President with an approval rating under 50 percent, usually losing 24 or more seats at midterm ([Cook Political Report](#)).

All in all, Democrats are expecting to take the House ([RollCall](#)), though [the outlook looks less sure](#) than it did a month ago, and [some are lowering their expectations for a "blue wave."](#) Still, the House is expected to turn blue, consistent with [history as well as early polling](#). It's currently sitting near an 85% chance ([FiveThirtyEight](#)), and several House races moving closer to blue ([The Cook Political Report](#)) ([Want to find out the top 10 seats expected to flip?](#)). Battleground districts are currently held mostly by Republicans and largely voted for President Trump in 2016, but [Democrats are holding a tight lead in those districts](#), suggesting that it will be a [tight race for several seats](#).

Still, the Senate race tightens ([Fox News](#), [CNN](#), and [it looks to be a toss-up](#). [Democrats are playing defense in ten states that voted for President Trump, while Republicans have only one vulnerable seat](#). Depending on the poll, Democrats lead the generic congressional ballot by 9 points ([Marist](#)) or 17 points ([Los Angeles Times](#)).

Congress is preparing for what is going to happen after Midterms. If Democrats take the House, there's talk [they'll subpoena the ED for records and conduct hearings with top officials](#). The House Committee on Education and the Workforce would be [chaired by Rep. Bobby Scott \(D-VA\)](#), but with a Republican Senate and White House, legislation will be tough to pass, though they will likely make several attempts. ([See here for more committee chairmen under a blue House](#)). Instead of abundant legislation, we should [prepare for lots of oversight and investigation into the federal agencies](#). [Nancy Pelosi is expected to be Speaker](#), if only ["transitionally,"](#) though support for her has wavered recently. [Republicans haven't spoken much about what they would do if they kept the House](#), but it's likely they'll continue to attempt to pass their own higher education, immigration, and health care bills.

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

[The lawsuit against Harvard University, claiming that the university inappropriately used race in admissions](#), continued until last week, when the weeks-long trial closed. Led by a student advocacy group, Students for Fair Admissions, they argued that [Harvard could do a better job of diversifying its campus by using socioeconomic means rather than racial ones](#), even though it would decrease the proportion of African-American students on campus. During the trial, it was revealed that [Harvard's "Sparse Country" recruiting method](#), that sends [recruitment emails to high-scoring students from underrepresented schools](#), requires Asian students to have higher scores than other students in order to receive a letter. [The judge offered the both sides the opportunity to present further arguments again, likely in the spring.](#)

SurvJustice, Inc., v. Elizabeth D. DeVos

[SurvJustice has amended their lawsuit against Secretary DeVos and the Department of Education](#) in regards to the interim Title IX rules released in 2017. The previous complaint was dismissed on the grounds that a lawsuit could not be filed against non-binding guidance. [The new complaint argues that Secretary DeVos and a Candice Jackson, the then acting head of the ED's Office for Civil Rights, had "discriminatory motivation."](#) They provide as evidence emails they received through the Freedom of Information Act that the officials solicited input from groups that use widely discredited statistics regarding false rape accusations and recommended a book that promotes similar ideas to her staff.

Guiliford v. Nielsen

[Several universities have filed a joint lawsuit against the Department of Homeland Security](#) for their [policy that changes how international students in the United States accrue "unlawful presence,"](#) claiming, among other things, that it violates Constitutionally-protected due process and did not go through the appropriate rule-making process before being implemented.

IN RELATED NEWS...

SOCIAL JUSTICE AND MENTAL HEALTH WATCH

[The U.S. Commission on Civil Rights has stated it has “grave concerns” regarding the direction the federal government has taken last year, and last week, it began its official investigation into several federal agencies.](#) This includes examining the Department of Education’s approach to Title IX, affirmative action, school discipline and diversity, and protections for students with disabilities.

Internal memos from the State Department have been leaked that [direct American diplomats to push back on U.S. resolutions that relate to sexual health and sexual harassment.](#) Specifically, they direct diplomats to stop using “gender” as well as the phrases “sexual and reproductive health,” and “comprehensive sexuality education,” suggesting that doing so promotes sexual activity in youth as well as abortion.

OPPORTUNITIES AND WEBINARS

Webinar - Election 2018: Impact on Science Funding and Policy Issues

When: Thursday, November 8, 2:00-3:00 PM EST

Host: Federation of American Societies for Experimental Biology (FASEB)

Summary: This webinar will review the results of the 2018 midterm Congressional elections and discuss the potential impact on science funding and policy issues. An analysis of expected changes in congressional committees and an overview of the legislative outlook for 2019 will also be presented.

[Register](#)

Webinar - Graduate and Professional Education: An Ever-Changing Environment

When: Wednesday, November 14th, 2:00 PM EST

Host: Inside Higher Education

Summary: The following topics and more will be addressed during this webcast: The impact of graduate training in research and teaching, the decline of full-time jobs in English and other languages, ranking errors by Temple and other institutions and the influence of a culture of ranking, the high cost of medical school and how some institutions are responding

[Register](#)

RELEVANT READS

[Putting my grad school angst to use](#)

[Racial animus moves to the forefront in midterm battle](#)

[For Your Health: Health implications of scared immigrants declining benefit programs](#)

[Ohio State shuts higher education policy center](#)

[Regardless of vote, UMass to maintain protections for transgender individuals](#)

[Children's hospitals bear largest brunt of Trump immigration crackdown](#)

[As Midterm Elections Approach, New NASFAA Chart Sheds Light on Higher Ed Proposals](#)

[Student-Loan Debt Is Crushing Young Americans](#)

[It's time to start worrying about graduate-student debt](#)

[New Graduate Center for Inclusive Mentoring to enhance faculty-student relationship](#)

[Graduate students are experiencing a mental health crisis](#)

[The impact of higher education on the living standards of female graduates](#)

[Mentoring program for minority graduate students receives national honor](#)

[Women shouldn't have to choose between motherhood and higher education](#)

[A college course: Shawsville students shown graduate school life](#)

[New Data Brings Daylight to the Graduation Gap in Higher Education](#)

[NSF suspends program allowing graduate fellows to study abroad](#)

[More Legislators With PhDs Might Be A Good Idea](#)

[How Americans Feel About Affirmative Action In Higher Education](#)

[6 key higher ed ballot measures to watch on Election Day](#)

[Access, Completion Outcomes Lag for Underrepresented Students](#)

[Proposed Public Charge Regulation Could Have Significant Coverage Impact](#)

[The Advocate Dean: Using Alumni Data to Make the Case for Graduate Education](#)

REPORTS AND PRESENTATIONS

[Racial Disparities in Student Debt and the Reproduction of the Fragile Black Middle Class](#), Sociology of Race and Ethnicity. Dartmouth researchers say racial disparities in student debt increase after young people leave college.

[When Many College Students Live Off Campus, Poverty Goes Up, United States Census Bureau](#). Both in small counties with a large university and in large counties with multiple universities, the presence of college students who live off campus raises the community's poverty rate.

[CGS Research in Brief: Trends in International First-time Graduate Enrollment](#). According to the 2018 CGS/GRE Survey of Graduate Enrollment and Degrees (GE&D), first-time graduate enrollment of international students at participating institutions declined by 3.7% between Fall 2016 and Fall 2017. This brief highlights some additional analysis pertaining to international graduate enrollment trends.

[Critical Steps toward Modernizing Graduate STEM Education](#), CGS. There has been a great amount of discussion and substantial agreement about the need to modernize U.S. graduate education generally and science, technology, engineering, and mathematics (STEM) education in particular. As an example, there have been over 20 reports since the National Academies of Sciences, Engineering and Medicine's major report in 1995[1] that highlighted how the US system was even then lagging behind trends in student interests and career plans and the ways STEM fields are evolving. Those reports and ensuing conversations have had significantly overlapping messages, and there has been some – but not much – progress made.

[Chosen Name Use Is Linked to Reduced Depressive Symptoms, Suicidal Ideation, and Suicidal Behavior Among Transgender Youth, Journal of Adolescent Health](#). After adjusting for personal characteristics and social support, chosen name use in more contexts was associated with lower depression, suicidal ideation, and suicidal behavior. Depression, suicidal ideation, and suicidal behavior were lowest when chosen names could be used in all four contexts.

[Characteristics of College Graduates, with a Focus on Veterans, NSF](#). The number of college graduates in the United States exceeded 61 million in 2017, with more than 48 million of these graduates employed. Nearly half (44%) of employed college graduates had earned their highest degree in a science and engineering (S&E) field or an S&E-related field. Among those whose highest degree was in a non-S&E field, 10% were working in an S&E or S&E-related occupation. Roughly 3.7 million college graduates had served on active duty in the U.S. Armed Forces in the past, with nearly 250,000 currently serving.

[SEVP publishes 2017 international student data, DHS](#). Interested in knowing where international students are studying? Or where students engaged in practical training are employed? The Student and Exchange Visitor Program (SEVP) published a series of data Thursday about international students studying in the U.S. during calendar year 2017. The data was extracted from the Student and Exchange Visitor Information System (SEVIS), which houses information about international students and exchange visitors while they are in the U.S.

[In Their Own Words: Higher Education, DACA, and TPS, TheDream.US Scholars](#). TheDream.US is the nation's largest college access and success program for immigrant youth, serving over 4,000 current and former Scholars. By collaborating with partner universities and community colleges, TheDream.US provides scholarships to undocumented immigrant students who currently hold or are eligible for Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS). In April of 2018, TheDream.US undertook a national, online survey of its Scholars, resulting in responses from over 1,400 Scholars. The survey results provide a unique picture of TheDream.US's Scholars, including employment and educational gains. The survey responses also paint a portrait of the uncertainty and

anxiety that Scholars face in a difficult immigration climate, particularly with the forthcoming end of DACA and TPS.

[Approaches to State Workforce Development Systems, Education Commission of the States.](#) This Education Trends report draws on interviews in four states and identifies the trending components seen in 2018 workforce development legislation. The five common components noted in workforce development legislation are: data utilization, coordination and collaboration, leadership, outcomes alignment and funding.

[Parental Education a Key Factor in Considering Grad School, AALS/LSAC/Gallup Survey.](#) College students are more likely to consider graduate or professional school if at least one parent has an advanced degree

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.