

THE NATIONAL ASSOCIATION OF
GRADUATE-PROFESSIONAL STUDENTS

Legislative Letters

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Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

Legislative bodies are still awakening from their brief hibernation, but last week several higher-education bills were introduced in the Senate. The House is opposing Betsy DeVos's loan forgiveness rule as well as her proposed changes to Title IX. We also have some more detailed information on both funding and costs of higher education.

This Legislative Letter is the first of 2020 and the first under the direction of new NAGPS Director of Legislative Affairs Mike Ford. In this letter—and throughout the year—he is assisted by Special Assistant for Legislative Analysis Ellie Johnson. We both look forward to an exciting year ahead!

Mike Ford, Director of Legislative Affairs, legislative@nagps.org

Ellie Johnson, Special Assistant for Legislative Analysis, sa_legislativeanalysis@nagps.org

THE EXECUTIVE BRANCH

DEPARTMENT OF EDUCATION

Borrower Defense to Repayment Program

The Department of Education (ED) has [announced](#) a new method for assessing claims for the borrower defense to repayment program, a program that grants loan forgiveness for students victim to predatory lending or academic programs. The method will identify the median public earnings data for programs at all comparable schools, and grant loan tiered relief for applications with lower earnings. This change comes amid pushback on the ED for its treatment of the program; Secretary DeVos recently [appeared](#) before the House Education and Labor Committee over the department's handling. DeVos' plan shifts the burden of proof to students to show that they have been misled by predatory schools. This standard is set to go into effect on July 1 of this year. However, Democrats in Congress have introduced resolutions in both the House and Senate disagreeing with these new regulations ([H.J.Res.76](#) and [S.J.Res.56](#)). They also are voting bill that would overturn the "borrowers defense".

THE WHITE HOUSE AND OTHER AGENCIES

Impeachment Updates

Now that other organizations have created their own impeachment trackers, we direct your attention there to keep up with the latest news and findings. We recommend [GovTrack.us](#) for the latest and for answers to (most) of your impeachment-related questions.

Speaker Nancy Pelosi (D-CA) [expects](#) to send articles of impeachment to the Senate this week, after withholding them since they passed in the House on December 18, 2019.

THE LEGISLATIVE BRANCH

LEGISLATION

Appropriations

Following the federal budget passed last month, [report](#) by Grapevine comparing FY2018-19 and FY2019-20, found that state-level funding for higher education is up 5%, with only three states (AK, NY, and HI) cutting back on HE funding. Four states (CO, NJ, SC, and UT) have increased funding by more than 10%.

State-level boosts in HE funding fortunately outstrips [HE inflation](#), which is at 2.5% for 2019.

Appropriation for the National Science Foundation also [increased 2.5% for FY2020](#). This is less than the 7% that the House requested, but comes as a relief in comparison to President Trump's request to cut NSF funding by 12%.

Staying with the topic of funding for a moment, a [Gallup survey](#) found that only 27% of US adults consider HE to be affordable to anyone who needs it. However, upon further breakdown, it emerges that among the 18-29 age group, that number falls to 22%.

The quarterly [report](#) of the Federal Student Aid office states that the outstanding federal loan portfolio now exceeds \$1.5 trillion. With international tensions mounting between the US and Iran, there was also a [scare](#) involving FAFSA's requirement for citizens assigned the sex of male at birth to register for the draft. FAFSA and the Selective Service System have [tweeted](#) reassurances that they are continuing business as usual and that Congress would have to pass legislation in order to re-institute a draft and that, even then, FAFSA status does not play a role in the drafting process.

Senate

Sen. Kelly [Loeffler](#) [R-GA] replaces the recently retired Sen. Johnny Isakson [R-GA] on the Committee on Health, Education, Labor and Pensions. He is replaced by Jerry [Moran](#) [R-KS] on the Veteran's Affairs Committee, which controls the GI Bill.

After the winter hiatus, a flurry of bills have been introduced in the Senate, including three education-related bills by presidential-hopefuls Sen. Elizabeth Warren [D-MA] and Sen. Cory Booker [D-NJ]. The text of [S.3163](#) is not yet available, but it aims to increase investment in medical research (it is sponsored by Sen. Warren).

Similarly, the text of Sen. Booker's [S.3168](#), on establishing grants empowering community colleges and minority-serving institutions to incubate child-care talent, is also yet to be made available. It is cosponsored by Sen. Warren, as well as Sen. Kamala Harris [D-CA], Sen. Kirsten Gillibrand [D-NY], and Sen. Martin Heinrich [D-NM].

Sen. Booker's [S.3158](#) aims to remove college cost as a barrier to every student by doubling the amounts to some TEACH grants. It is cosponsored by Sen. Warren, Sen Gillibrand, Sen. Harris, as well as Sen. Amy Klobuchar [D-MN], Sen. Edward Markey [D-MA], Sen. Jeff Merkley [D-OR], Sherrod Brown [D-OH], and Sen. Richard Blumenthal [D-CT].

More broadly, Democratic presidential candidates have [highlighted HE](#), particularly student debt, in their campaigns.

House of Representatives

Education and Labor Committee

In November of 2018, the Department of Education proposed changes to [Title IX regulations](#) which would include more narrowly defines sexual harassment only requires the school to act when something is reported to the Title IX office. It would, however, provide universal expectations for Title

IX across federally funded universities. This has become a growing issue since the [number of Title IX lawsuits being filed has increased over 11 times](#) since the Obama guidance letter came out in 2011. (These lawsuits were filed when students believed they were not given due process, there were breaches of the student contract, or administrators were biased while judging a case). A finalized draft was sent to the White House Office of Management and Budget in November of 2019, which reviews all regulations. There are meetings scheduled for February 2020 to decide if the changes will be implemented. In response to the Title IX changes, [Rep. Elissa Slotkin \[D-MI\] and several cosponsors](#) have introduced [H.R. 5388](#), To provide that the Secretary of Education may not issue or enforce certain rules that weaken the enforcement of the prohibition of sex discrimination applicable under title IX of the Education Amendments of 1972. Currently this bill is in the House Committee on Education and Labor.

IN RELATED NEWS...

GRADUATE SCHOOL AND CAMPUS CLIMATE

Graduate student workers at Harvard [ended](#) their four-week-long strike without reaching an agreement with the university administration, although the Harvard Graduate Students Union-United Automobile Workers reportedly claimed that the strike succeeded in creating a “new foundation to finish negotiations.” The two bargaining parties are struggling to reach agreement on three key aspects of the contract: compensation, healthcare, and grievance procedures for sexual harassment and discrimination. No less than 22 Harvard alums who currently serve in the House of Representatives [penned](#) a letter to the university administration, in which they noted the “fundamental human right” to unionize. They encouraged both parties to intensify negotiations and to seek mediation if a contract cannot be reached soon. Such an offer has been made by the university and the union has accepted: future negotiations will be done in conjunction with the Federal Mediation and Conciliation Service.

REPORTS AND PRESENTATIONS

Protecting Accused Students in Title IX

The Foundation for Individual Rights in Education (FIRE) [found](#) that 49 out of the top 53 universities surveyed do not give students basic due process protection when accused of sexual misconduct. Most universities received a grade of D or F by FIRE to protect the accused students’ rights. In November of 2018, Title IX rule changes will limit the definition of sexual harassment and give the accuser’s defense team the right to cross-examine the accused. Enacting this new policy would only raise the surveyed universities to a C-grade. ([The Center Square](#))

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