

November 12, 2019



Dear Colleagues:

For the first time since the Higher Education Act (HEA) was passed in 1965, Congress is seriously considering making a substantial change to the way federal student aid is distributed. For more than fifty years, federal student aid has followed the student, allowing them to choose the college or university that best meets their educational objectives. The College Affordability Act (CAA), introduced by Rep. Bobby Scott (D-VA), threatens to turn that model upside down and favor one sector over another by directing federal student aid directly to public institutions, in this case, community colleges.

I am writing today to ask every NAICU member to contact their Representative as soon as possible, preferably prior to Thanksgiving, to weigh-in on the CAA. Rep. Scott's bill was passed in the House Committee on Education and Labor Committee late last month. He would like to bring the CAA before the House for final approval by the adjournment of this session of Congress, which is scheduled for December 12.

Whether the bill comes to the floor in the next several weeks for final approval will very much depend on your advocacy efforts with your elected officials. I cannot stress enough how important your voice is in affecting this bill's outcome. As a local leader whose institution will be profoundly affected by this legislation, your Member of Congress will develop their view of the bill based on your input, and either seek to support, oppose, or amend the bill based on how it will affect their constituents. Every voice matters. As a constituent and employer, your voice carries significant weight with policy makers.

Highlighted below are NAICU's positions on several key CAA provisions. We have also developed a [summary](#) of the bill that passed in the Committee that provides more detail on the key provisions. Please review it carefully as there may be provisions that will favorably or adversely affect your institution, that are not included on the list below.

#### CAA Provisions we Oppose

- Spending billions of federal dollars to make community college free, including for students who are not low-income. Rather than making one sector of higher education free, Congress should further increase the Pell Grant program for all low-income students no matter where they choose to go to college. The federal government has always funded students over institutions, and we strongly support maintaining this funding focus.
  - ***If your state has an aid program for private, nonprofit colleges or a non-need based student aid program for your students.*** We are concerned that states could fund the free community college program by taking money from existing student and institutional aid programs that are available to our sector. While we appreciate that the bill protects need-based aid funding for our students, it should protect all existing state investments in student aid and institutional funding.
- The excessive focus on workforce participation, the creation of performance benchmarks that will lead to a less flexible accreditation system, and granting the Secretary of Education the authority to force accreditors to revise their standards. The accreditation language in the bill has been greatly improved since introduction, but these measures will still significantly impact colleges and universities.
- Extensive and excessive reporting requirements that will add greatly to institutional costs and require institutions to hire new administrative personnel. Areas with new requirements for colleges include hazing; expectant and parenting students; crimes committed during study abroad; establishing a coordinator position under Title VI of the Civil Rights Act; the creation of an Office of Accessibility; and an increase in Clery Act violations fees from \$25,000 to \$100,000. As

employers, colleges already have to follow all federal civil rights and employment rules, so many of these requirements are being layered upon those existing rules.

- Provisions in the bill in which private, nonprofit colleges are held to a higher performance or public service standard than state or community colleges, including under the new adjusted cohort default rates and for certain grant programs.
- ***If you have a teacher education program.*** Requirements for states to identify low performing teacher preparation programs by assessing the outcomes of students taught by graduates of individual colleges and universities. This “pupil-teacher-program” accountability tool is a dated vestige from *No Child Left Behind* that has been discredited by research and should not be included in any HEA reauthorization.
- ***If your institutions has a default rate around 10 percent or higher.*** The bill lowers the threshold for default rate cut-off to 10%, which is below the current national average. It also changes how the default rate cutoff is calculated, so it is almost impossible to know how this might impact institutions.
- The removal of the ban on student unit record data and the creation of a federal tracking system on individual students. While we appreciate the safeguards the bill now includes to help protect students, colleges still should protect the privacy of students and not turn over individually identifiable student files to create a central federal data base without a student’s consent.

#### CAA Provisions we Support

- Increases in the core student aid programs, including Pell Grants, Supplemental Educational Opportunity Grants (including the new emergency grant program for students in crisis), the restoration of Perkins Loans, and the improved loan benefits for students and parents.
- The Pell Bonus, which would reward and incentivize colleges to graduate low-income students on-time and with baccalaureate degrees. Baccalaureate degrees, the data show, are transformative. Similarly, we support the provisions that would allow students who have not used their full Pell eligibility as undergraduates to carry the remaining funding to graduate school and the restoration of the in-school interest subsidy for graduate students. Graduate degrees are increasingly important, and such degrees should not be reserved for the wealthy.

While a call or meeting are always the best means of reaching your member directly, we also have a [sample letter](#) you can send if you are unable to have a conversation or use as a follow up to such a conversation to ensure your key points were understood.

After you connect with your representative, please take a few minutes to complete our [Congressional feedback form](#) to let us know how the conversation went, what was discussed, and if there’s any follow up that NAICU can help you with.

As always, thank you for your efforts on behalf of our institutions and the students we serve. Please do not hesitate to contact me with any questions or if you would like the NAICU staff to follow up on any of your meetings and calls.

Regards,

Barbara

**Barbara K. Mistick, D.M.**

President

National Association of Independent Colleges and Universities

