COMMUNITY COLLEGE LEGISLATIVE PRIORITIES

BACKGROUND BRIEFING INFORMATION

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Priorities for Higher Education Act Reauthorization

Status of Reauthorization

On December 12, after years of hearings and preliminary work, the House Education and the Workforce Committee approved a comprehensive Higher Education Act (HEA) reauthorization bill, the Promoting Real Opportunity, Success, and Prosperity through Education Reform (PROSPER) Act (H.R. 4508), on a party line vote of 23 to 17. The PROSPER Act is expected to be brought to the House floor as early as February.

The Senate Health, Education, Labor and Pensions (HELP) Committee Chair Lamar Alexander (R-TN) is committed to moving reauthorization legislation as early as this spring. Senator Alexander will need the cooperation of Ranking Member Patty Murray (D-WA) to achieve progress. Senator Alexander has not definitively stated whether he will present a full HEA reauthorization bill or offer smaller, more focused pieces of legislation.

This winter, the Senate HELP Committee is holding a number of hearings focused on HEA reforms. Committee members, both Republican and Democratic, have introduced a variety of higher education bills that could find their way into the legislation, in whole or in part.

Despite activity in some areas of higher education administration and policy, the Trump Administration has not yet emerged as a significant player in the reauthorization debates.

Summary of the House HEA Bill – The PROSPER Act

Federal Pell Grant Program

- Short-term training programs that are 300 to 599 clock hours in length or its equivalent (e.g., one third to two thirds of an academic year) would now be eligible for Pell Grants and other Title IV student aid programs. New Pell Grant support for shorter length programs has been a top community college reauthorization priority.
- A $300 Pell bonus (not indexed to inflation) would be provided to students who take 15 credits a semester, and 30 for a full academic year. While this would benefit many students, others who cannot manage the additional course load will no longer qualify for the largest grant.
- Ability-to-Benefit is fully restored. All students who lack a high school diploma or its equivalent would become eligible for Title IV federal student assistance (both Pell and loans) provided that they successfully complete six credits at an eligible institution. This eligibility was terminated in FY 2012 funding legislation, and restoring it has been a top priority.

Title IV Refunds/Risk Sharing/Student Aid Disbursements

- The current law on Title IV refunds would be overhauled. Students would "earn" their Title IV aid at increments of 25% of the period of enrollment. A student who completed less than 25% of the period of enrollment would earn no federal student aid; the student who completes 25% would earn 25% of the student aid. Consequently, only students who complete the entire term would earn 100% of their aid. Under current law, students who complete 60% or more of the term receive the full amount.
- In a new twist on risk sharing, colleges would be required to return to the federal government any Title IV funds that the student received but had not "earned." Given student enrollment patterns, the PROSPER Act would appear to have a strong negative impact on community colleges.
- Colleges would be required to award federal student aid "like a paycheck," in equal installments each week or month (but allowing for upfront costs such as tuition). Colleges would be authorized to assess students 10% of the amount that they must return to the federal government.

Federal Loan Programs and Repayment

- The Federal Loan Programs would be renamed the Federal ONE program.
- The existing in-school interest subsidy for undergraduate students who have demonstrated financial need would be eliminated. Subsidized student loans prevent in-school interest from accruing for qualified low-income borrowers.
- Student aid officers would be given discretion to reduce loan maximums for broad categories of students. Categories eligible for a reduction in borrowing, include:
    - Student debt levels that are excessive for program graduates (using Bureau of Labor Statistics regional average starting salary data)
    - Enrollment intensity (less than full time)
    - Credential level (degree or certificate)
    - Year of program
- A single Income-Based Repayment (IBR) program would be created. There would be no loan forgiveness after a certain number of years of repayment, as under current law, but there is a cap on the amount of interest owed. The Public Service Loan Forgiveness Program would be eliminated.

Programmatic Repayment Rates Replace Cohort Default Rates

- Measurements that held institutions accountable for student loans based on cohort default rate are eliminated under the House bill. In its place, the bill institutes a programmatic repayment rate. In order to be eligible for Title IV aid, each program will have to maintain a repayment rate of 45 percent or higher. If a program fails to meet this rate for three years it will lose eligibility to receive Title IV.
- A borrower is considered to be in positive repayment if 1) he/she has entered repayment and is less than 90 days delinquent; 2) the loan is paid in full; or 3) the loan is in deferment, if it is a ONE Loan, or in deferment or forbearance, if it is a Direct or FFEL loan.
- ED will use a participation rate index to provide relief for institutional programs that fail the repayment rate metrics and have a small percentage of borrowers. If a program has fewer than 30 borrowers, the cohort is expanded to look at the repayment rates of borrowers over three academic years.

Supplemental Educational Opportunity Grant and Federal Work-Study

- The Supplemental Educational Opportunity Grant (SEOG) program would be eliminated. SEOG is a campus-based aid program that provides more than $700 million in federal grant assistance annually to low-income students. There is an institutional match component to these funds.
- The legislation would increase the authorization for Federal Work-Study (FWS) and amend the formula used to distribute funds to colleges for the Federal Work-Study program. The current formula for calculating funds an institution may receive to support FWS is weighted to benefit institutions that have historically received the funding. The House bill would gradually shift that allocation to support institutions based on Pell recipients and undergraduate student need.
- A small percentage of FWS funds would be allocated to colleges that graduate relatively high numbers of Pell Grant recipients. The community service requirement in FWS would be eliminated, and priority would be given to work-based learning opportunities.

Federal TRIO Programs

- The PROSPER Act would authorize the continuation of the TRIO programs, but would make several significant changes.
    - It would replace “prior experience” with “accountability for outcomes” and prohibit absolute, competitive, or other preference priorities to be used in awarding these funds.
    - Ten percent would be set aside for new applicants.
    - The bill also would mandate the addition of a 20% matching requirement for all TRIO programs that would have to be provided using institutional or other non-federal funds.

Competency-Based Education (CBE)

- CBE gets a boost in the legislation through a new definition designed to expand its coverage under the Title IV student aid programs. The new language is intended to ensure that any federal funding for competency-based funding covers only education that is delivered by an institution, and that the competencies are measured accurately. Accreditors would be given substantial responsibility in this regard.

Title III and Title V – Institutional Aid

- The Strengthening Institutions program (Title III-A) is eliminated under the bill. Under the Strengthening Institutions program colleges and universities that serve a large portion of low-income students may apply for multi-year grant funds to help improve student success through activities such as academic support, improvement of facilities, faculty development, student counseling, and endowment building. This program is currently funded at more than $86 million. Committee staff have indicated that this was done to provide funding for the new apprenticeship program (see below).
- A new feature of the Hispanic-Serving Institutions (HSI) and Predominantly Black Institutions (PBI) programs, among other institutional aid programs, would require that grantees have a 25% completion rate, including transfers out for which substantial preparation is provided.

Apprenticeships

- The bill repeals current programs authorization under Title II (teacher preparatory programs and Teacher Quality Partnership grants), and replaces them with a new competitive grant for expanding access to in-demand apprenticeships.
- The new apprenticeship grants would be authorized at $183 million. A 50% match would be required from those seeking funds, and the maximum grant would be $1.5 million. Eligible applications are limited to partnerships that includes one or more businesses and one or more institutions of higher education. Funds would be used to expand access to industry led earn-and-learn programs that lead to high-wage, high-demand jobs. The training period cannot exceed two years, and funds can be used for equipment, books and supplies, a portion of student wages, development of programming, and certification exams.

Accreditation

- The House proposal does not overhaul the current accreditation structure, but does revise the objectives accreditors are required to evaluate. Under current law there are ten statutory accreditation standards including areas such as reporting compliance. The new standards proposed in the bill would require accreditors to focus on learning and outcomes based on institutional mission.
- The statute appears to give institutions a new role in defining for themselves the student achievement above, if the agency allows it; the agency itself can promulgate standards.
- The bill requires accreditors to evaluate institutions that may be at-risk of not meeting standards more frequently than institutions not deemed at-risk.

Transparency, Graduation Rates, and the College Dashboard

- The bill eliminates the existing college navigator website and replaces it with a new ‘college dashboard.’ The dashboard would be focused on both institutional and programmatic level data. Information would include: graduation rates; net price based on income tiers; cost of attendance; programmatic level debt and median earnings; student demographics; financial aid information and outcomes of recipients of financial aid.
- The new dashboard is required to have graduation and transfer data for all students, not just first-time, full-time. The Dashboard would present graduation rates of 100%, 150%, and 200% of the “normal time” to completion, and 300% as sought by community colleges.
- The bill does not repeal the current ban on a federal student unit record system.

For-Profit Colleges and Redefining 'Institution of Higher Education'

- The legislation would give for-profit colleges the same statutory status as non-profit institutions of higher education through creation of a "single definition" of institution of higher education.
- This change in definition will allow proprietaries to qualify for federal funds and grants in instances where they were previously excluded. The new definition does however exclude proprietary institutions from being designated as Minority Serving Institutions.
- In addition, the current "90/10" rule, which requires that for-profit institutions derive at least 10% of their overall funding from non-Title IV sources, would be eliminated.

Federal Regulations

- The HEA's gainful employment language (GE) would be eliminated, and the Department of Education would be prohibited from creating future regulations in this area. GE regulations promulgated by the Obama administration have been extremely controversial within the for-profit sector, and were burdensome and costly to many community colleges. However, they clearly resulted in the closing of many subpar programs in the for-profit industry.
- The current state authorization regulations would be repealed and the government would be barred from regulating in this area. The law clarifies that, for federal purposes, the institution is located only where it is physically present.
- The legislation also would eliminate some of the HEA's reporting and regulatory requirements.

Free Speech Protections

- "No institution of higher education shall be eligible to receive funds under this Act … unless the institution certifies to the Secretary that the institution has annually disclosed to current and prospective students any policies held by the institutions related to protected speech on campus, including policies limiting where and when such speech may occur."

Campus Sexual Assault

- Campus Climate Surveys would be required not less than every 3 years. The legislation states that the contents are not mandatory, though the education secretary is required to develop sample surveys.
- Colleges would be required to retain the services of qualified sexual assault survivors' counselors, and must develop a one-page form for guidance to students who may be victims of sexual assault. The Department of Education would develop model forms.
- Colleges would be encouraged but not required to enter into MOUs with law enforcement agencies with primary jurisdiction.

Community College Priorities for HEA

AACC and ACCT continue to advocate for a broad range of positions in the reauthorization process. The following are key community college priorities for the reauthorization of the HEA.

Federal Pell Grant Program

Provide Pell Grant Eligibility for Students Enrolled in Short-Term, Workforce-Oriented Programs

Community colleges offer scores of short-term, workforce-oriented programs that do not currently qualify for Pell Grants. (Currently, a program must be two thirds of a year in length to qualify for Pell Grants.) Eligibility for these programs should be established, with safeguards to ensure that only the highest-quality programs receive support.

Talking Points:

- Short-term training programs offer opportunities for students to quickly increase their skill level and earning potential. Yet the cost of these programs remains a barrier for many low-income students as they are unable to access Pell or federal student loans.
- The House's PROSPER Act recognizes the need in this area by establishing Title IV eligibility for short-term programs.

Ensure that Pell Grants Keep Up with Inflation

Over the past several years increases to the maximum award have been automatically triggered based on an inflationary formula which utilized mandatory funds. Those inflationary increases cease after the 2017-2018 academic year, freezing the maximum award at $5,920. Pell Grants not only assist low-income students with tuition and fees, but can be used to help with other expenses related to the cost of attendance.

Talking Points:

- Increasing the maximum award helps diminish the cost of attendance for low-income students, while also reducing the need for students to borrow.
- Raising the maximum award level also increases the minimum award level, thereby expanding the pool of students eligible to receive Pell.

Fully Reinstate Pell Grant Eligibility for "Ability-to-Benefit" Students

In 2012, Congress made changes to the Pell Grant program in order to close a funding shortfall. These changes included the elimination of all new "ability-to-benefit" (ATB) student eligibility. ATB students lack a high school diploma or GED, yet have proven their abilities to benefit from college-level coursework either through the successful completion of classes (six credits) or by passing a test. Over the past two fiscal years, Congress has begun to incrementally reinstate Pell Grant eligibility for ATB students.

Talking Points:

- At minimum, Congress should reinstate the program to provide access to students who have completed six credits of college coursework. This would allow more students to access this essential aid.
- The House's PROSPER Act reinstates ATB access, and community colleges are very supportive of this aspect of the bill.

Allow Students to Receive Pell Grants for Up to a Total of 14 Full-Time Equivalent Semesters

In order to address a program shortfall, in FY 2012 Congress reduced the number of full-time semesters for which a student could receive a Pell Grant from 18 down to 12. AACC and ACCT recommend that Congress raise the limit to at least 14 semesters.

Talking Point:

- Evidence shows that many community college students require additional time to complete their programs. This is particularly true for students who transfer to attain a four-year degree.

Institutional Risk Sharing

<u>Oppose New Financial Penalties for Institutions Based on Borrowing and Outcomes</u>
The concept of student loan risk-sharing or "skin in the game" has gained traction. The essence of risk-sharing is to assess institutions with a financial penalty based on student outcomes, or an institution's share of federal loans in default or non-repayment. Supporters of the concept maintain that it will incentivize colleges to ensure that students complete programs, and do so with manageable levels of debt.

The House's HEA reauthorization bill, the PROSPER Act, includes changes to Return of Title IV Funds (R2T4) provisions that would require colleges to pay back a larger share of Title IV funds when a student withdraws prior to completing a period of enrollment. If this change were enacted, community colleges would be responsible for repaying hundreds of thousands of additional dollars in federal grant aid and loans.

Talking Points:

- Community colleges strongly oppose risk sharing, including changes to R2T4 included in the House's PROSPER Act.
- As public institutions, community colleges already have significant "skin-in-the-game." State and local government funding of the colleges and their students accounts for 51% of annual revenues.
- As largely open admissions institutions, community colleges serve a diverse student population. Community colleges do not determine who receives loans, nor are they primarily responsible for their collection. This limits their ability to control the nature of their former students' repayment, which is subject to risk-sharing penalties.
- Implementation of risk sharing at community colleges would inevitably result in either increased tuitions or reduced educational services for students, and very likely both. There simply is no other option for these thinly resourced institutions.

Provide Access to Key Programs that Benefit Students and Institutions

<u>Oppose the PROSPER Act's Elimination of Subsidized Loans, SEOG, and Title III-A</u>
The House's PROSPER Act moves to simplify Title IV aid programs in the form on one grant, one loan, one repayment plan. In doing so, the bill eliminates Federal Supplemental Educational Opportunity Grants (SEOG) and federally subsidized student loans.

Title III-A, the Strengthening Institutions program also would be eliminated. Under the Strengthening Institutions program colleges and universities that serve a large portion of low-income students may apply for grants to help improve student success through activities such as academic support, improvement of facilities, faculty development, student counseling, and endowment building.

Talking Points:

- The elimination of federal SEOG and subsidized loans would add an additional cost burden to millions of students and families.
- The elimination of the Strengthening Institutions programs is a tremendous setback for the many community colleges that have particularly low levels of resources and serve large percentages of low-income and minority students. Many of these institutions serve economically struggling rural areas.

<u>Create Equitable Distribution Formulas for Campus Based Aid</u>
The current formula used for determining institutional access to Federal Work-Study and Federal Supplemental Educational Opportunity Grants is weighted to benefit institutions that have historically received these funds. During the reauthorization of the HEA, Congress will be looking at ways to revise this formula.

Talking Point:

- A balanced approach is needed to ensure that institutions that serve large numbers of needy students have equitable access to Federal Work-Study and Federal Supplemental Educational Opportunity Grants.

Federal Loans, Repayment, and Outcomes for Borrowers

Allow Institutions to Limit Student Borrowing

Current undergraduate federal loan limits do not consider program length or enrollment intensity. Aggregate borrowing limits have been set with baccalaureate students in mind. In addition to protecting against over-borrowing, this would ensure that students who continue their postsecondary studies have sufficient remaining Direct Loan eligibility.

Talking Points:

- Students pursing sub-baccalaureate degrees and certificates should have proportionately lower borrowing limits.
- Loan limits should be tied to enrollment intensity.
- Institutions should be granted authority to reduce student loan eligibility for groups of students based on factors such as course load, program of study, or level of academic preparation.
- Community colleges support provisions to limit borrowing included in the House's PROSPER Act.

Create an Accurate Measurement for Borrowing Outcomes

Current cohort default rates (CDRs) are based on the share of an institution's borrowers who default within the first three years of repayment. Colleges with CDRs above certain thresholds risk losing eligibility for Title IV aid. However, the current CDR calculation, which excludes non-borrowers, neither serves as a good measure of institutional quality nor as a useful source of consumer information. Community colleges advocate creating a Student Default Risk Index, whereby the current default rate calculation would be modified based on the percentage of students who borrow.

The PROSPER Act moves away from using CDR as a measurement and enacts a programmatic repayment rate. In order to be eligible for Title IV aid, each program will have to maintain a repayment rate of 45 percent or higher. If a program fails to meet this rate for three years, it will lose eligibility to receive Title IV. A participation rate index would be utilized to provide relief for institutional programs that fail the repayment rate metrics and have a small percentage of borrowers.

Talking Points:

- Calculation of default or repayment should incorporate the percentage of students who borrow.
- The current CDR measurement should be improved so that consumers have an accurate and useful informational tool.
- The PROSPER Act's implementation of a programmatic repayment rate does not adequately measure the value of an academic program. Such a sweeping change would create additional work and complexity for institutions, while the practical effect of creating repayment thresholds for thousands of academic programs is unknown. Some community college academic programs would likely lose access to Title IV aid under this change.

Simplify and Consolidate Federal Student Loan Repayment Options

There are currently seven different federal loan repayment options, including four income-related repayment plans. The complexity of various overlapping options often makes it difficult for borrowers to understand which program best suits them. Congress should consolidate the four income-driven repayment plans into one new and improved income-based plan, available to all federal student loan borrowers.

Talking Points:

- Income-based repayment plans should be simplified while considering the needs of low-debt borrowers.
- It is important to community colleges that student borrowers are not saddled with a greater debt burden through the consolidation of existing income-based repayment plans.
- Students must annually recertify income to continue participation in an income-based repayment plan. The federal government should ease this process for students.

Enhance Student Loan Servicing

The Department of Education's management of loan servicers has been subpar. Student borrowers should be provided a high level of service that is consistent across student loan servicers. Information about borrowers' loans and repayment options should be accurate and actionable.

Talking Points:

- First generation students are particularly vulnerable to inadequate servicing, as these students and families are often less familiar with the financial complexities of student loans.
- Loan servicer problems have resulted in institutions being saddled with higher default rates than otherwise would be the case.
- Servicers need to be awarded contracts based on performance.
- Institutions should be permitted to have a greater role in ensuring contact between borrowers and servicers.
- Institutions should be authorized to provide annual loan counseling to increase financial literacy for student borrowers.

Data, Transparency, and Measurements

Create a National Student Unit Record Data System to Effectively Track Enrollment, Completion, and Earnings

The creation of a federal student unit record data system (URDS) is needed to provide essential information for students, families, and policymakers. The federal URDS should provide comprehensive data on students' progress throughout postsecondary education, and it would have the additional benefit of enabling the government to perform earnings record matches.

Talking Points:

- A unit record data system would not only produce far more meaningful and comprehensive data than are now being generated, but, if fully implemented, it would reduce administrative burden for institutions.
- The federal government should provide program-specific earnings data to institutions and the public.

Ensure a Complete and Accurate Community College Graduation Rate

The Department of Education's official graduation rate of 150% of the "normal time" for program completion exclusive of transfers-out understates actual community college success. According to the National Student Clearinghouse, which uses individual student data, 55% of all full-time community college students graduate from some institution of higher education within six years. This contrasts to the 21% official graduation rate, for full-time students, published by the Department of Education.

Talking Points:

- The official community college graduation rate should be 300% of the "normal time" to graduation – six years in the case of associate degree-seeking community college students – including transfers-out.
- Six years or 300% of the "normal time" for program completion is the metric that community colleges use for their own Voluntary Framework of Accountability.

Federal Funding Priorities

Appropriations Overview

Since the beginning of the 2018 fiscal year (FY) on October 1st, Congress has relied on short-term funding bills. This has kept funding for all discretionary programs largely frozen at FY 2017 levels. Congress appears poised to raise current spending caps to with the goal of finishing a FY 2018 appropriations bill by spring.

FY 2018 and FY 2019 Appropriations Priorities

Provide Sufficient Funding for Federal Education

If Congress is able to increase the overall allocation for non-defense discretionary funding a sufficient amount of funding should be set aside to support higher education and workforce programs.

Talking Points:

- Investments in higher education and workforce training pay significant economic and social dividends.
- Congress must adequately fund the Labor, Health and Human Services, and Education funding bill to provide necessary support for key community college programs.

Maintain the Pell Grant Surplus

The House FY 2018 LHHS-ED proposal includes a $3.3 billion rescission of the Pell Surplus, while the Senate bill includes a $2.6 billion rescission. The Pell Grant program is carrying an $8.5 billion surplus going into FY 2018. While the rescission does not immediately impact the awards under the program, it reduces the amount of funds available to improve the Pell Grant program, and could create fiscal instability in future years.

Talking Points:

- Don’t raid the Pell Grant surplus. Utilize the surplus to benefit students and reinvest in the Pell program.
- Draining funds from the Pell Grant surplus could impact the future stability of the program.

Federal Student Aid

Community colleges and their students recognize the importance of the federal student financial aid programs to expand access to postsecondary education and increase college completion. Community college students utilize the Federal Supplemental Educational Opportunity Grants (SEOG) and Federal Work-Study to a substantial extent, receiving 17.6%, and 12.6%, respectively, of program funds. GEAR UP and the TRIO programs also help low-income, first-generation college students prepare for, enroll in, and graduate from college.

Funding Request:

- Congress should increase funding levels for SEOG, Federal Work-Study, TRIO, and GEAR UP.

Perkins Career and Technical Education (CTE)

The Carl D. Perkins Career and Technical Education Act gives postsecondary institutions the flexibility to identify local priorities and use the Basic State Grants to fund innovation in occupational education programs. Community colleges use funds to improve curricula, purchase equipment, integrate vocational and academic instruction, and foster links between colleges and industry. The Perkins Act supports improvements in career and technical education at community colleges, helping them to improve all aspects of cutting-edge career and technical education programs.

Funding Request:

- Congress should increase funding for the Perkins CTE program.

Adult Basic Education

Congress should support funding for Adult Basic Education and Literacy. Community colleges enroll millions of adults each year in Adult Basic Education, and support investments in this important program to enable Americans who lack a high school diploma to obtain a GED and enter college. A 2013 survey by the Organisation for Economic Co-operation and Development (OECD) found that a large portion of U.S. adults lack basic skills in numeracy and literacy.

Funding Request:

- Congress should allocate additional funding for Adult Basic and Literacy Education state grants.

Institutional Aid

In addition to student aid, there is an important federal role in providing direct institutional aid to those colleges that serve a disproportionate number of minority, low-income, and first-generation college students. Title III and Title V of the Higher Education Act authorize grant funds under the Strengthening Institutions (Title III-A), the Strengthening Historically Black Colleges and Universities (HBCUs), the Strengthening Predominantly Black Institutions (PBIs), and the Developing Hispanic-Serving Institutions (Title V) programs, as well as other programs directed at serving specific populations.

Funding Request:

- Congress should increase funding levels for institutional aid programs.

Workforce Development

Narrowing the skills gap to respond to employer demand is essential to our nation’s ability to fill needed jobs. Despite a decline in the unemployment rate, millions of Americans remain jobless. Investment in workforce training is necessary to ensure workers have the requisite skills to attain employment with livable wages.

Funding Request:

- After years of declining investment in federal workforce programs, Congress increased funding for state grants under the Workforce Innovation and Opportunity Act (WIOA) in FY 2015 and FY 2016. We encourage Congress to continue the upward trend of restoring funding for workforce programs in FY 2018 and FY 2019.

Child Care Access Means Parents in School (CCAMPIS)

This important program supports the participation of low-income parents in postsecondary education through campus-based child care services. It is essential to many of our students who would invariably face additional barriers to postsecondary education in its absence.

- Congress should provide additional funding for the CCAMPIS program.

National Science Foundation

The National Science Foundation’s Advanced Technological Education (ATE) program serves as the primary source of federal support for technical education, an often-overlooked but crucial aspect of the STEM workforce. The ATE program provides students with the core knowledge and skills required in our emerging economy, such as biotechnology, alternative energy, and nanotechnology. The program is equally prized by the large number of business partners that work with ATE grantees and employ their graduates.

Funding Request:

- Congress should increase funding for NSF’s ATE program.

Deferred Action for Childhood Arrivals and the Dream Act

DACA Overview

In September, the Trump Administration announced plans to rescind the Deferred Action for Childhood Arrivals (DACA) program which was created in 2012 under administrative action. There are currently over 750,000 recipients of DACA. These are individuals who were brought to the United States as minors, and have met the necessary criteria to lawfully remain in the US and receive a work permit. Many community college students qualify for in-state tuition based on their DACA status.

In January, a US District court ruled that the federal government must continue to accept renewal applications while the program is still active (under the wind down, the federal government stopped accepting renewals as of October 5). The federal government is now accepting renewal applications 'until further notice,' while the Department of Justice appeals the decision. The ongoing litigation has put into limbo the March 5 cutoff date for DACA. This has somewhat complicated the urgency Congressional leaders have felt to quickly resolve this issue.

On the legislative front, debate continues over whether and how to address the status of individuals impacted by the DACA rescission. Divisions on this issue resulted in a brief government shutdown in January when Congress and the administration could not agree on attaching DACA/Dream legislation to a continuing resolution.

Key Proposals to Address DACA

There have been many DACA bills introduced in the last few months and even more informal negotiations between and within both parties on this issue, too many to detail here. The parameters of the debate, however, have boiled down to four core issues: a legislative fix to replace DACA, border security (including funding for the president's proposed wall along the southern border), curtailing family or "chain" migration, and eliminating or diminishing the visa lottery program that extends visas to individuals from underrepresented nations. These parameters, however, are subject to change at any time.

Most of the bills introduced in recent months to replace DACA would grant eligible individuals permanent legal status and a path to citizenship. These include the bipartisan Dream Act (S. 1615, H.R. 3440), the most expansive proposal in terms of how many people it would benefit; but also Republican-only proposals such as the Recognizing America's Children Act (H.R. 1468). At the other end of the spectrum from the Dream Act are proposals that would essentially maintain DACA recipients' current status for discreet, renewable periods of time. The most prominent such legislation is the Securing America's Future Act (H.R. 4760), which would grant only current DACA recipients renewable three-year terms of contingent nonimmigrant status. The bill also includes extensive provisions dealing with border security, and increased internal immigration enforcement.

Bipartisan proposals have emerged in both the House and Senate, but have not been able to garner support from congressional leadership or President Trump. Prior to the State of the Union, President Trump released his own proposal that would create a path to citizenship for as many as 1.8 million young undocumented immigrants, while providing funding for a border wall, scaling back family-based immigration, and ending a visa lottery program.

Community College Priorities for DACA and the Dream Act

Talking Points:

- DACA provides educational and career opportunities for undocumented young people who were brought to the United States as minors, and who frequently have no ties to the countries from which they came.
- The phase out DACA leaves thousands of young people, including many of our students, in limbo.
- In addition to the change in immigration status, the rescission of DACA will curtail the ability of these individuals to work lawfully and to receive in-state tuition in some instances.
- Community colleges encourage Congress and the Administration to act quickly to either pass the Dream Act or similar legislation that provides Dreamers with permanent legal status with an eventual path to citizenship.

Perkins Career and Technical Education Act Reauthorization

Status of Reauthorization

Congress is due to write the fifth iteration of the legislation (Perkins V) that authorizes direct support for community college career and technical education (CTE) programs. The last Perkins Act reauthorization (Perkins IV), passed in 2006, took tremendous strides to focus federal support on quality CTE programs at the high school and postsecondary levels.

In the last two years, the House has twice passed bipartisan reauthorization legislation - the Strengthening Career and Technical Education for the 21st Century Act (H.R. 2353) – by overwhelming margins. H.R. 2353 makes several modifications to the Perkins programs, but does not fundamentally change their structure or operation. These modifications include increased alignment between Perkins and Department of Labor workforce training programs, more requirements to ensure that supported programs meet the needs of business and industry, and a greater emphasis on dual enrollment.

In the Senate, disagreement between Republicans and Democrats over the role of the Secretary of Education in administering the program has prevented a bill from being formally introduced. Recent reports indicate that disagreement between the two parties has spread beyond this issue, and that they are developing separate bills. This does not bode well for progress in the Senate, where bipartisan action is required to succeed.

Community College Priorities for Perkins CTE Reauthorization

<u>Continue to Focus Postsecondary Support on Sub-Baccalaureate Programs</u>
The Perkins Act currently does not provide support to baccalaureate (or higher) programs. H.R. 2353 maintains the current postsecondary funding focus. Proposals being considered in the Senate would potentially increase the number and type of institutions eligible for postsecondary funding.

Talking Point:

- Making baccalaureate programs eligible for Perkins funds would diminish the support for associate degree and certificate programs that are preparing students for high demand middle skill jobs.

<u>Support Highly Effective CTE Programs</u>
Perkins V should build on the progress made in Perkins IV to focus federal support on high-quality programs. One significant indicator of quality left largely unaddressed in current statute is how well the local recipient serves the local business community. This recommendation addresses that missing piece.

Talking Point:

- Reauthorization should emphasize the importance of strong connections between Perkins recipients and the local, regional, and statewide businesses and industries that they serve.

<u>Streamline CTE Reporting Requirements</u>
The Perkins postsecondary performance indicators should be streamlined to focus on the most important factors: program completion, retention and the employment outcomes of program completers. The indicators should be aligned with the Workforce Innovation and Opportunity Act (WIOA) by using that act's definition of "recognized postsecondary credential" and looking at employment outcomes at the same time as under WIOA.

Talking Point:

- Streamline postsecondary performance indicators to align with WIOA.