Workforce Investment Act Reauthorization Bill Sent to the President

For over a decade, Congress has worked on reauthorizing the Workforce Investment Act. With Senate passage of the bipartisan, bicameral Workforce Innovation and Opportunity Act (WIOA), Congress appears close to achieving that long-overdue reauthorization. WIOA is a compromise of the Senate’s Workforce Investment Act of 2013 and the House’s Supporting Knowledge and Investing in Lifelong Skills (SKILLS) Act. The bill provides for a six-year reauthorization, including a two-year implementation period.

The bill passed the Senate by a vote of 95 – 3, and passed by the House by a vote of 415-6 and is expected to be signed into law by the President before mid-term elections. Passage of this reauthorization only marks one step in this process however. Both the Department of Labor and Department of Education will be developing significant regulatory guidance following passage and during implementation.

House and Senate Release HEA Reauthorization Proposals

Following numerous hearings in the House and Senate, both chambers have released priorities for the upcoming reauthorization of the Higher Education Act (HEA). Democrats on the Senate’s Health, Education, Labor, and Pensions (HELP) Committee released a comprehensive discussion draft reauthorization bill in late-June. Additionally, House Education and Workforce Committee Republicans issued a white paper on their principles for reauthorization. Both proposals provide good insight on what priorities the parties wish to pursue for reauthorization, as well as areas of agreement.

Senate - The HELP Committee Democrat’s discussion draft, known as the Higher Education Affordability Act (HEAA), creates a fairly comprehensive reauthorization framework for the HEA. The bill includes a number of priorities for community colleges. It creates a new authorization for competitive grants to support community college and industry partnerships. It also reinstates Pell Grant eligibility for Ability to Benefit students enrolled in career pathway programs, and brings back the year-round Pell Grant for full-time students who have successfully completed at least one full-time course load. HEAA also extends the inflationary period for the Pell program through 2021. Additionally, it provides for an early notification of financial aid options for students as young as 8th grade, and expands access to dual enrollment programs.

HEAA makes the standardized financial aid award letter (also known as the shopping sheet) mandatory, and authorizes the college scorecard website. For borrowers in repayment, the bill creates a single income driven repayment option, automatically enrolls delinquent borrowers into an income driven repayment plan, and allows private student loans to be discharged in bankruptcy. The bill also increases oversight of federal student loan servicers, especially those caught violating service requirements. Additionally, the bill permits ‘prior-prior year,’ allowing students to use family income data from two years prior to the date of the FAFSA application. It also requires institutions to certify new private student loans before funds can be disbursed. HEAA provides a new authorization for State-Federal College Affordability Partnership block grants to states as incentive for state investment in college affordability and support for low-income students. The bill proposes a funding stream to encourage states to offer in-state tuition to DREAMers.
House – In the House, the reauthorization of the Higher Education Act (HEA) has not resulted in renaming the measure and is still referred to the HEA. The House Republican’s HEA white paper is a precursor to the release of additional bills addressing HEA reauthorization. The proposal calls for “one grant, one loan, and one work-study program,” as well as a consolidation of repayment plans for federal student loans. It also proposes a “Flex Pell Grant” that will allow students to draw down funds year round, and calls for unspecified changes to the Pell Grant program to put it on more “stable footing.” The white paper recommends enhancing financial literacy for students, demonstration projects such as competency based learning, and improved data collection by IPEDS, including completion rates of Pell Grant recipient. It also focuses on reducing federal regulations, taking aim at the proposed college ratings system, gainful employment, and state authorization regulations.

The House committee will likely move forward with a piecemeal approach to reauthorization of the HEA. The first bill, the Strengthening Transparency in Higher Education Act creates a “College Dashboard” website that is consumer tested, consistent with other federal higher education data, and includes information on completion rates of non-traditional and Pell Grant students. The second bill, the Empowering Student through Enhanced Financial Counseling Act requires students that participate in the federal loan program receive interactive counseling each year and when they exit their program. It also requires additional counseling for students regarding the terms and conditions of their Pell Grants and federal student loans. The third bill, which is bipartisan, is aimed at reforming the FAFSA. The Simplifying the Application for Student Aid Act would allow students to use family income data from two years prior to the date of the FAFSA application. Additional bills are expected throughout the summer, including a proposal on teacher preparation.

CONGRESSIONAL COMMUNITY COLLEGES BILLS OF INTEREST

H.R. 357: GI Bill Tuition Fairness Act of 2013
This bipartisan legislation introduced by Representative Jeff Miller (R-FL), Chairman of the House Veterans Committee, and ranking member Representative Mike Michaud (D-ME), would require courses of education provided by public institutions of higher education that are approved for purposes of the educational assistance programs administered by the Secretary of Veterans Affairs to charge veterans tuition and fees at the in-state tuition rate. This bill was approved by the House on a 390-0 vote and sent to the Senate where it was referred to the Senate Committee on Veterans. The Senate has an identical version of this bill, S. 257 by Senator John Boozman (R-AR) which is currently being heard in the Senate Committee on Veterans’ Affairs.

H.R. 359: CAMPUS Safety Act of 2013
This bill, introduced by Representative Robert Scott (D-VA) would establish and operate a National Center for Campus Public Safety. The Center would: (1) provide quality education and training for public safety personnel of institutions of higher education and their collaborative partners, including campus mental health agencies; (2) foster quality research to strengthen the safety and security of institutions of higher education; and (3) serve as a clearinghouse for the identification and dissemination of information, policies, protocols, procedures, and best practices relevant to campus public safety, including off-campus housing safety, the prevention of violence against persons and property, and emergency response and evacuation procedures. This bill is in the House Judiciary Committee and was referred to Subcommittee on Crime, Terrorism, Homeland Security, and Investigation.

H.R. 803: The Support Knowledge and Investing in Lifelong Skills Act (SKILLS Act)
H.R. 803, also known as the SKILLS Act relates to statewide and local workforce investment systems and activities, identification of eligible training services providers, and use of funds for employment and training activities. As for community colleges, this bill would facilitate greater collaboration with community colleges by allowing states to determine the standards required for eligible training providers and allows local boards
to contract with community colleges directly to provide training to large groups of participants instead of on an individual basis. H.R. 803 would also consolidate 35 existing streams of funding into a single Workforce Investment Fund. This Republican bill, introduced by Representative Virginia Foxx (R-NC), passed out of the House Education and Workforce Committee with a 23-0 vote. The Democrats left the hearing early in protest from not being included in the drafting of the bill, so none of the Democrats voted. This bill passed in the House and recently (June) in the Senate, and the differences in between the two versions are being resolved between the House and Senate.

**H.R. 1949: Improving Postsecondary Education Data for Students Act**

This bill, sponsored by Representative Luke Messer (R-IN) passed out of the House and was referred to the Senate on May 23, 2013. It would direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency. Specifically, the task force will explore factors that students and families have, want, and need when researching their postsecondary education options. This bill is being considered in the Senate Committee on Health, Education, Labor and Pensions.

**H.R. 2637: the Supporting Academic Freedom Through Regulatory Relief Act**

H.R. 2637 introduced by Representative Virginia Foxx (R-NC) was amended in the House Committee on Education and the Workforce. This bill repeals: 1) the gainful employment regulation; 2) the state authorization regulation, which forces states to follow federal requirements when deciding whether to grant an institution permission to operate within the state; and 3) the credit hour regulation, which establishes a federal definition of a credit hour and increases the government’s control over institutions’ academic affairs. In addition, the bill amends the incentive compensation regulation to ensure third-party service providers are allowed to enter into tuition sharing agreements with nonprofit colleges and universities to aid in the development of distance education platforms. It would also prohibit the Department of Education from issuing related regulations until after Congress reauthorizes the Higher Education Act. This bill was amended in the House Committee on Education and the Workforce on September 10, 2013, and was placed on the House Union Calendar.

**S. 3: Strengthen our Schools and Students Act**

Senate Bill 3 introduced by, by Senator Harry Reid (D-NV), S. 3 would build on recent efforts to continue to make higher education more affordable and to improve access and success for all students. It would also provide all teachers with the support they need to ensure student success, including the creation of a new national Science, Technology, Engineering, and Mathematics (STEM) Master Teacher Corps to recognize and help retain STEM teachers and strengthen STEM education in public schools in the United States. This bill is in the Senate Health, Education, Labor and Pensions Committee.

**S. 216: Tyler Clementi Higher Education Anti-Harassment Act of 2013**

Senator Frank Lautenberg (D-NJ) introduced Senate Bill 216 on February 4, 2013, which would prevent harassment at institutions of higher education. It would authorize the Secretary of Education to award grants, on a competitive basis, to eligible entities to enable them to carry out authorized activities such as counseling or redress services to students who have suffered from harassment or students who have been accused of subjecting other students to such harassment; or to educate or train students, faculty, or staff of institutions of higher education about ways to prevent harassment or ways to address such harassment if it occurs. This bill is waiting to be heard in the Senate Health, Education, Labor and Pensions Committee. The House version of this bill is H.R. 482 and is currently in the House Subcommittee on Higher Education and Workforce Training.
H.R. 3230/S. 2450: Veteran’s Health Care/ Access of Veterans to Medical Services
Legislation in the House and Senate, designed to provide resources to address the Veteran Administration’s healthcare crisis, also includes provisions supporting other veteran benefits, including a provision similar to H.R. 357 that supports instate tuition for veterans using the Post-9/11 GI Bill, and the Montgomery GI Bill. As written, the section would require the Veteran’s Administration to disapprove courses provided by a public institution of higher learning for purposes of Post-9/11 GI Bill and Montgomery GI Bill (MGIB) education benefits, if the institution charges tuition and fees at a rate that is higher than residents. The Senate passed the bill in June and currently the differences in between the two versions are being resolved among between the House and Senate.

S. 1356: The Workforce Investment Act of 2013
This bipartisan bill, introduced by Senator Patty Murray (D-WA) and Senator Johnny Isakson (R-GA) on July 31, 2013, is the Senate’s version of reauthorizing the Workforce Investment Act. The bill focuses on effective use of real-world data, performance indicators, and stringent assessments and evaluations to determine the impact of workforce investments. It also restructures state and local Workforce Investment Boards (WIB) by making state WIB seats optional and unlike the House’s SKILLS Act (H.R. 803) it would keep the community colleges seat on the boards. The Senate bill also closely aligns workforce systems with regional economic development and labor markets. In doing so, it would reauthorize the Community Based Job Training Grants program, which would provide competitive grants to support community college partnerships that train individuals in high-demand industry sectors and occupation. S. 1356 was approved by the Senate Committee on Health, Education, Labor and Pensions on November 10th and will next be up for a vote on the Senate floor.

S. 1990: Eligibility for Postsecondary Education Benefits
S. 1990 by Senator David Vitter (R-Louisiana). This bill would prohibit states from offering in state tuition to undocumented immigrants unless they offer in-state tuition to all Americans. The author contends that 15 states have exploited a loophole in federal immigration policy to extend in state tuition to undocumented immigrants. States are currently prohibited from granting postsecondary education benefits to undocumented immigrants on the basis of residency. However, through the use of a different criteria, such as graduation from an instate high school (similar to California’s AB 540), states have been granting in state tuition regardless of immigration status. If enacted, this bill would force states to either grant in state tuition to Americans from every U.S. state or deny in state tuition to undocumented immigrants that are currently considered residents.