

Session # 53

Update on the Higher Education Regulations Study

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Agenda

- Introduction and Background
- First Phase of Study
- Preliminary List of Burdensome Regulations
 - June 25, 2010 Hearing
- Second Phase of Study



Introduction and Background

- Higher Education Opportunity Act of 2008 (HEOA) charged ACSFA to conduct review and analysis of all regulations issued by federal agencies and that apply to all sectors of higher education institutions
- Final report due November 2011
- Goal is to recommend regulations in need of *streamlining, improvement, or elimination*

Introduction and Background

- Review and analysis includes determination whether the regulation is:
 - *Duplicative,*
 - *No longer necessary,*
 - *Inconsistent with other federal requirements, or*
 - *Overly burdensome.*



Introduction and Background

- Three additional requirements:
 - Develop website to collect recommendations from experts and members of the public
 - Consult with ED Secretary, other federal agencies, relevant higher education representatives, and regulatory experts
 - Convene and consult at least two review panels comprised of individuals with expertise and experience in federal regulations



Introduction and Background

- Three prior large-scale regulatory reviews:
 - 1995 Regulatory Reinvention Initiative
 - 1998 Student Financial Assistance Review
 - 2001 FED UP Initiative
- Higher Education Regulations Study (HERS) is first large-scale regulatory review conducted by independent, impartial entity



Introduction and Background

- Confirmed focus is on only those regulations emanating from the Higher Education Act
 - Will not cover regulations issued under other laws or from other federal agencies, unless designated under HEA
- First phase of study concentrated on Title IV regulations, because they comprise bulk of the regulations stemming from HEA

First Phase of Study

- Established Title IV Review Panel
- Created and maintained website
- Conducted telephone and in-person conferences with several experts on HEA regulations, including ED staff
- Additional Meetings and Conferences
 - ACE, NASFAA, NACUBO, NACUA, NASSGAP, & many others
- Created a preliminary list of the most cited burdensome regulatory areas



First Phase of Study: Review Panel

- Consisted of 6 representatives from various sectors in higher education
- Convened a first review panel on April 9, 2009 in Washington DC
- Advised on the development of the public comment website, an outreach strategy, and the scope of the study
- Publicized first phase of the study
- Helped gather research, information, and data
- Connected committee staff with regulatory experts
- Provided advice on the direction of the study



First Phase of Study: Website

- Developed by Review Panelists and ACSFA Staff
- Launched May 2009 (link at end of presentation)
- Users can submit comments on overly burdensome regulations directly to the Committee staff through the website
- First submission deadline was July 15, 2009
- Staff reviewed and aggregated all submissions
- Website has received more than 110 comments
- Website continues to remain active and we still seek suggestions of regulations in need of streamlining, improvement, or elimination



Preliminary List

- Most of the comments and recommendations fall into the following broad areas:
 - Grant and Loan Programs
 - Cash Management
 - Institutional & Student Eligibility
 - Reporting & Disclosure Requirements



Preliminary List

- Grant and Loan Programs:
 - Two Pell Grants in an Award Year
 - SEOG Priority Awarding Criteria
 - ACG and National SMART Grant programs (mandatory participation)
 - Proration of Loan Limits
 - Receiving Loan Funds at Multiple Schools
 - Delayed Loan Disbursement
 - Entrance & Exit Counseling



Preliminary List

- Grant and Loan Programs (cont'd):
 - Private Loan Certification
 - Preferred Lending Arrangements
 - Cohort Default Rate Exemptions
 - Loan Repayment Issues: TPD, TLF, Rehab.



Preliminary List

- Cash Management:
 - Electronic delivery of funds (obtaining consent to open and disburse to bank accounts)
 - Written consent for applying aid to prior year charges
 - Authorization to deliver PLUS funds to student



Preliminary List

- Institutional & Student Eligibility:
 - Return of Title IV Funds
 - Satisfactory Academic Progress
 - Verification
 - Short-term programs completion and placement rates
 - Overpayments



Preliminary List

- Reporting and Disclosure Requirements:
 - Campus Crime, Athletics, and other numerous consumer information requirements
 - IPEDS
 - FISAP



Preliminary List

- June 25th Advisory Committee hearing featured session on impact of 5 regulations on institutions and students
 - Gainful Employment
 - Private Loan Certification
 - Reporting and Disclosure Requirements
 - Verification and Application Issues
 - Two Pell Grants in an Award Year



Second Phase of Study

- Following Phase I, Committee recognized three critical issues:
 1. Composing single list is task of moving targets
 2. No usable data exists on level of burden associated with each regulation
 3. Not feasible to conduct census of all regulations



Second Phase of Study

- One consideration for Phase II was to conduct case studies at higher education institutions to understand perceived burden and determine actual levels
 - Discussed at ACSFA hearing and 2010 NASFAA Conference
 - Concluded case studies were not feasible



Second Phase of Study

- Currently working on survey to understand regulatory burden and prioritization of regulations most in need of streamlining, improvement, or elimination
 - Plan to administer survey during Spring 2011
 - Survey responses will be used to inform final report due November 2011



Second Phase of Study

- Will convene second review panel in December 2010
 - Regulations beyond Title IV
 - Additional Title IV
 - Survey items
 - Direction of final phase of study
- ACSFA still seeks recommendations of regulations for the study



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Website for suggesting regulations for study:
Go to www.ed.gov/acsfa → “Higher Education
Regulations” → “Community Suggestions”



"GREEN" EVALUATIONS

Online evaluations are new this year!

Three easy ways to participate:

1. Onsite at the Cyber Café (Atlantic C, 1st level)
2. The link e-mailed by FSA Conferences Staff
3. Access FSA Conferences Web site at www.fsaconferences.ed.gov

