Issue	Description of Problem(s)	Potential Solution(s)
Student Financial Aid		
1. *Return of Title IV Funds ("R2T4") General Issues	The concept behind the return of Title IV funds is simple and the legislation is very specific about how the return is to be calculated. However, the regulatory and sub-regulatory details have become so complicated that the refund process has become very burdensome to administer and difficult to explain to students. In fact, the ED handbook on financial aid devotes more than 200 pages to explaining this process. Institutions spend enormous amounts of time with R2T4 calculations. One four-year public university has one staff person who does nothing but R2T4 calculations and another who spends half of her time rechecking every R2T4 calculation before it is submitted. R2T4 is one of the most common mistakes made by institutions, according to ED.	ED should seek public input on ways to improve clarity of R2T4 regulations and conduct a subsequent negotiated rulemaking session devoted solely to the issue. ED should allow more time for institutions to process R2T4 and limit rules to undergraduates only. ED should simplify the prorated approach by establishing weekly increments based on calendar time, with 60% of the weeks of the semester as the point at which all aid is earned. Post-withdrawal disbursements should be left to the discretion of financial aid administrators using a publicized institutional policy. Amend the "order of return" language and specify that TEACH Grant and loans should be returned first and include a directive to repay least-advantageous loans first. Remove references to the Federal Work-Study Program. (Recommendations for "last day of attendance" and "assumption that federal Title IV aid is always applied to institutional charges first" also apply here. See Items 2 and 3.)
2. R2T4: Documenting "Last Day of Attendance" for Title IV purposes	There are two distinct but related issues with respect to last day of attendance that institutions find confusing. First, an institution must determine if a Title IV recipient ever showed up for at least one class. If it is determined that a student never showed up, the institution must return all Title IV funds for that student to ED. Second, in a situation where a student "showed up" but then withdrew, the institution must determine *when* that student withdrew. For students who officially inform the institution when they withdraw, determining how much federal aid to return is a straightforward calculation. However, for institutions that do not take attendance and where the student simply stops attending without telling anyone ("unofficially withdrawing"), determining (1) if the student ever began attendance, or (2) when the student withdrew, is difficult. And yet, institutions are required to establish that federal aid recipients did in fact attend for at least a portion of the term in which the aid was disbursed. The regulations are unclear and overly complicated.	Narrow the definition of institutions that are required to take attendance. Allow institutions not required to take attendance to use a documented "last date of attendance" or other academic activity. Continue to require that institutions have a publicized withdrawal procedure that recognizes the student's withdrawal date as the date the student initiates that procedure. Eliminate rules concerning: 1) "intent to withdraw" and 2) students rescinding their decision to withdraw. For students who do not follow the institution's official withdrawal procedure, allow an institution that is not required to take attendance to set the withdrawal date under its own defined policies. Unofficial withdrawals should not be regulated by ED.

**These are issues that have been raised repeatedly.*

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Issue	Description of Problem(s)	Potential Solution(s)
Student Financial Aid cont.		
3. **R2T4: Assumption that federal Title IV aid is always applied to institutional charges first**	The Department of Education assumes in all cases that federal aid is always first applied to tuition and fees, even when tuition and fees are waived by institutions for federal aid recipients. This means that the Department essentially counts the waivers from institutions as payments for any remaining tuition and fee charges after applying federal aid to those charges. When a student whose fees are waived withdraws or drops out, the institution must pretend that the student actually paid fees using federal funds and the institution must return the unearned portion of the federal aid that was used to pay the fees. This makes no sense, however, since fee-waiver students do not actually pay their costs with Title IV funds. These unearned federal funds are actually *institutional funds* that must be returned to the Department.	Change ED assumption that federal Title IV aid is always applied to institutional charges such as tuition and fees, first. At a minimum, revise R2T4 regulations to exclude fee waivers from the R2T4 calculations. Allow aid that is specified for a particular cost of attendance (e.g., tuition) and that will not need to be returned under the source's rules to be deducted from institutional charges when determining the amount of unearned aid that must be returned by the institution.
4. **150% Subsidized Loan Limits**	Effective July 2013, Congress limited the time that a student could borrow federally subsidized loans to 150% of "normal time" of a program. Simply put, students in a four-year program will not be eligible to borrow after six years regardless of whether they have reached the cumulative borrowing cap for subsidized loans of $23,500. The provision is particularly punitive for transfer students. At the same time, this 150% limit does not apply to other federal programs. The National Association of Student Financial Aid Administrators (NASFAA) reports that some of its members spent up to $111,000 per institution to administer this rule over a three-month period.	Eliminate the 150% limit in statute. Satisfactory academic progress rules and aggregate loan limits already provide adequate incentives for students to complete in a timely manner. At a minimum, the 150% rule should be applied only at the undergraduate level, as opposed to at a program or degree level, making it consistent with Pell restrictions.
5. **Student Loan Proration**	The annual loan limits for undergraduate borrowers must be prorated if a borrower is enrolled in a program that is shorter than one academic year, or if the borrower is in a program that is a year or longer but is borrowing for a final enrollment period that is shorter than a full academic year. Proration for students in their final enrollment period is inconsistent with other loan limit policies, requires significant and unnecessary calculations for institutions, and penalizes students who are closest to program completion. For example, if a student who only has 18 credits left to finish a program (where 12 credits per term/24 credits per year is considered the minimum full-time status) comes back for one final term to take 18 credits, he would only receive 75% of the federal loan (18 credits/ 24 credits) for which he would otherwise qualify that year. On the other hand, because a student who attends at least half-time is eligible to receive up to the annual loan limit, a comparable student who came back for two semesters for nine credits each semester would receive 100% of his eligible federal loan amount. Institutions who have dispensed with this requirement in the "Experimental Sites" program have found no adverse effects.	Remove the proration requirement for the last enrollment period for students in programs that are at least one academic year in length.

Issue	Description of Problem(s)	Potential Solution(s)
Student Financial Aid cont.		
6. **Case-by-case nature of "Professional Judgment" regarding student financial aid**	"Professional judgment" is a highly individualized process used by institutional financial aid professionals to address individual financial needs of students. But in some cases, it makes more sense to make changes for entire categories of students rather than subjecting each individual student to separate treatment. For example, aid professionals should be able to address the needs of borrowers at an institution impacted by a natural disaster, such as a flood, all at once rather than going through a review process for each borrower.	Student aid professionals should be given the authority to make changes for broad categories of students, where appropriate. At the same time, student aid professionals should still be able to exercise professional judgment on a case-by-case basis.
7. **Institutional authority to reduce loan limits**	Currently, institutions and financial aid professionals are only allowed to limit borrowing below the loan limit on a case-by-case basis. Such a situation leads to over-borrowing by many students, including those enrolled part-time. With the authority to set loan limits by program, dependency status, living arrangement, enrollment status, or other categories, schools could notify students earlier of the reduced loan amount and of the school's process for exceptions, if any, to the policy. This would help address problems with over-borrowing.	Allow institutions to set lower loan limits for specific programs, populations, or other categories established by the institution.
8. ***Verification**	Every year, ED requires institutions to "verify" certain pieces of information provided by their federal aid applicants, such as adjusted gross income. Although ED has started the transition to a system that focuses on targeting specific data elements that are likely in error for that particular applicant, verification is still extremely time-consuming. According to ED, verification is one of the highest error-prone processes at institutions.	ED should continue as expeditiously as possible the full implementation of the student-by-student targeted verification approach and should be required to report to Congress on its progress. ED should also be required to provide publicly available updates on aspects of individualized verification and make changes to the process accordingly. In addition, a panel of experts should be brought together to improve the efficiency of the process while minimizing the burden on institutions. (See Item 9 regarding the use of "prior-prior year" data.)

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Issue	Description of Problem(s)	Potential Solution(s)
Student Financial Aid cont.		
9. ***Lateness of financial aid decisions in the college application process caused by use of "prior year" data**	Currently, federal student aid decisions are based on information and data provided by students and their families from the prior tax year. For example, a student seeking to start a program in fall 2014 would receive information about his or her federal student aid package based on the tax data from 2013, or the "prior year." The information about the aid package would not be available until spring 2014 at the earliest, as students are making their enrollment decisions. Because of the timing problems created by the use of prior year data, institutions are forced to address and answer verification issues even as students are enrolling. In addition, for students, the use of prior year information creates a situation in which their aid decisions are not determined until late in their college enrollment process, impacting their decisions. Analysis of the data has shown that, while providing information to students about their aid package earlier in the application process, a move to the use of "prior-prior year" information would not impact the size of aid packages for the vast majority of recipients when compared to packages created using prior year data (current method), as financial circumstances of federal aid recipients change relatively little from year to year.	Changes should be made to require the Department to use "prior-prior year" data for the purposes of determining federal Title IV aid. Because institutions would be able to use data more likely verified by the Internal Revenue Service (IRS), a move to the use of "prior-prior year" data would address many of the burdensome problems related to verification (issue raised above) with respect to the need to confirm data that may be incorrect or incomplete. Furthermore, the use of "prior-prior year" data would also address many of the frustrations experienced by students and their families, as they would have their information about aid packages much earlier in the decision-making process.
10. **Mandatory Credit to "Clock Hour" Conversion for Specified Programs**	Current regulations require institutions to undertake extremely complicated calculations to translate credit-bearing programs to "clock hours" under certain circumstances. The regulations are problematic in a number of respects. First, they apply only to a limited number of programs at public and nonprofit colleges, adding to administrative burden because they often do not mesh with the structure of other programs. Second, the regulations themselves are difficult to interpret. Third, the conversion to clock hours and the "rounding down" requirement often results in students receiving less Title IV aid than many colleges believe is appropriate.	Allow institutions to waive the clock hour conversion requirement if programs otherwise covered under the regulation comprise less than five percent of a college's overall enrollments. Such *de minimus* offering of programs otherwise requiring conversion suggests that the institution is only offering such programs on the margins and should not be subject to the regulation. Institutions where this forms a bigger part of their mission will have an easier time complying.
11. **Impact of "preferred lender" and Truth-in-Lending-Act (TILA) requirements on providing information about favorable federal and state loans programs, such as health professions loans and state loans**	The preferred lender and TILA rules are overly prescriptive and create barriers to providing information about non-Title IV loan programs with favorable terms for students. These include, for example, the federal Health Resources and Services Administration (HRSA) loan programs and state loan programs like the Texas B-On-Time loans.	Make necessary changes to allow institutions to share information about other federal and state loan programs with very favorable terms without having to overcome burdensome barriers.

Issue	Description of Problem(s)	Potential Solution(s)
Student Financial Aid cont.		
12. ***Exit counseling on student loans**	According to ED, appropriately addressing exit counseling requirements is one of the most consistent mistakes made by institutions. The biggest issue historically has been the inability to find and counsel borrowers who withdraw or drop out from an institution without informing the institution.	When student borrowers withdraw without informing institutions, institutions have difficulty finding them. Consider whether it makes more sense to have ED conduct exit counseling directly with students through an interactive portal. Alternatively, institutions making a good faith effort to reach out to such students should be considered to have met their exit counseling obligations.
13. **An overwhelming number of loan repayment options**	Currently, the Department offers and administers seven different loan repayment options to borrowers, many of which are income-based repayment (IBR) programs. The form students must complete to enroll in the IBR programs is very complicated and the differences among the various programs are modest. It is hard to counsel students about which program is actually best suited for them, since no one can know what the future will hold in terms of employment and other personal circumstances. Giving students more options is not always helpful and can actually make it harder for them to navigate.	The Department should work with Congress to streamline the number of repayment options available and create a targeted number of repayment programs with beneficial terms for the borrower.
14. **Requirement that 7% of Federal Work-Study (FWS) funds be used for community service**	At least 7% of an institution's Federal Work-Study funds must be devoted to community service programs. While many institutions have a very strong history and tradition of community service, others are located in geographical areas, such as rural areas, that can make this requirement difficult to fulfill. Institutions can have problems finding placements for students and it can be difficult to document with community service employers that students actually worked as required. Community service placements can be far more difficult to create and manage.	Institutions should be required to make community service placements available only to the extent practicable.
15. **Inability to make unequal loan disbursements**	Federal student loans must be disbursed in equal installments. The rule prevents adjustments of disbursements to address situations where there are unequal resources or costs among payment periods. For nonstandard term programs, this results in disbursement times that are different for direct loans than for other Title IV programs and prevents alignment of loan disbursement with academic terms.	Allow unequal disbursements to accommodate unequal costs or resources and to facilitate disbursement by term in nonstandard terms.
16. **"Cash Management"**	Currently, institutions can only disburse Title IV funds to pay other education-related costs charged to the student above and beyond the direct institutional charges (tuition, fees, room and board, and qualified books and supplies) if the student explicitly authorizes this payment. Students and families do not understand this requirement and do not realize they must authorize the institution to make these adjustments.	Reverse the current federal policy and allow students to "opt out" of policy requiring institutions to seek explicit authorization.

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Issue	Description of Problem(s)	Potential Solution(s)
Student Financial Aid cont.		
17. **Aid Restrictions on Repeated Attempts of Passed Classes**	As currently written, regulations allow students who have passed a course to retake the same course one more time using federal aid. For the purposes of this issue, the Department prescribes anything above an 'F' as "passing," even when individual institutions may not view a 'D' as a passing grade. The federal government should not determine what constitutes a "passing grade." Even though the number of students impacted by this provision is small, institutions must still spend an inordinate amount of time trying to track down students for whom this would be an issue.	The provision should be revised to allow each institution to define a "passing grade" based on the graduation requirements for each program.
18. **Annual increase in loan origination fee**	As long as the current version of the budget sequestration agreement remains in place, origination fees on student loans will increase on an annual basis. Institutions are dealing with two burdens as a result of these increases. The first unintended problem is associated with timing. While a new financial aid award year starts July 1, annual increases on origination fees become effective at the start of the new federal year, October 1. This means that, although they are loans for the same academic year, loans disbursed before October 1 and those disbursed on or after that date will have different origination fees. Second, although the actual sizes of the changes in origination fees are very minimal—for example, with the change in fees from 1.072% this year to 1.073% next year, the origination fee increases by $0.05 on a $5,550 loan—the software changes needed at the institution to address the changes are significant. Until sequestration, institutional financial aid software dealt with numbers up to two decimal places, or whole cents. Because of the small increases in origination fees which literally lead to changes of $0.05 on a $5,550 loan, institutions now must deal with additional decimal places to deal with fractions of cents. While this may seem like a minor issue, this has led to expensive reprogramming of software or purchases of new software by institutions. Institutions have had to retool their systems to address changes totaling fractions of cents.	Remove origination fees from sequestration. At a minimum, link changes in origination fees to the beginning of the academic year (July 1), not the federal fiscal year (October 1).

Issue	Description of Problem(s)	Potential Solution(s)
Student Financial Aid cont.		
19. **Utility of 1098-T forms (Under the jurisdiction of Internal Revenue Service)**	Colleges are required to provide 1098-T forms to enrolled students and the IRS. Unfortunately, the information provided causes confusion among taxpayers and has limited value to the IRS. While the form is intended to help families take advantage of educational tax benefits like the American Opportunity Tax Credit (AOTC), unlike other tax forms, the information provided in the 1098-T cannot be directly inserted into a tax return. (This is possible with other tax forms.) For various reasons, the form simply does not provide an accurate snapshot of a student's tuition during the tax year at issue. For instance, colleges can report either amounts billed or payments received for "qualified tuition and related expenses," with most institutions reporting amounts billed. Also, the absence of clear definitions of "qualified tuition and related expenses" and the timing mismatch between an academic year and a tax year causes confusion for students and families. For the IRS, the information provided is insufficient to enable it to enforce tax compliance by students and institutions because the included information cannot be routinely matched to amounts reported on a taxpayer's return.	Treasury, IRS, and the congressional tax-writing committees should explore a new Form 1098-T reporting model which requires colleges and universities to report: (A) total amounts paid to the institution; (B) amounts billed for qualified tuition and related expenses; and (C) grants administered and processed by the institution. Such a reporting method will allow students and families to more readily identify their eligibility for an education tax credit and to determine the amounts paid for qualified expenses.
20. **Non-matching TINs on 1098-T forms submitted by institutions (Under the jurisdiction of Internal Revenue Service)**	Colleges are required to submit the 1098-T forms to the IRS regardless of whether they have been able to collect an accurate taxpayer identification number (TIN) for the student, which for most students is the Social Security number. Even though colleges are prohibited from using IRS-approved TIN matching services, the IRS in 2013 began to cite hundreds of institutions for not supplying correct TINs. Although the IRS announced earlier this year that fines would not be sought for incorrect or missing TINs for 2011, future decisions remain uncertain. Current IRS practices of proposing fines and requiring institutions to submit formal waiver requests create unnecessary burdens on both colleges and universities and the IRS.	Treasury/IRS should issue guidance to waive penalties for colleges and universities that file student tuition statements with missing or incorrect taxpayer identification numbers. A long-term solution is needed to enable colleges and universities to certify in advance, at the time they file annual information returns, that they are in compliance with TIN solicitation practices in accordance with the §6050S regulations. Another option would be to eliminate the regulatory requirement that institutions file 1098-Ts for students who have not provided a TIN. Institutions should also be permitted access to IRS TIN matching programs for purposes of 1098-T reporting.
Institutional Finances		
21. ***Financial responsibility standards**	A college must be deemed financially responsible by ED to participate in Title IV programs. We strongly support this objective. However, the Department's interpretation of the statute is incorrect. In addition, its current procedures are outdated and do not conform to either its own regulations or generally accepted accounting practices. As a result, many institutions were forced to take out letters of credit or have been moved to a "reimbursement" basis for receipt of federal funds. This is costly to institutions, disruptive, and provides no significant protection to taxpayers.	Require ED to conform to the HEA statute, follow current financial responsibility regulations, and use generally accepted accounting definitions. Retain alternative methods for demonstrating financial responsibility as currently defined in statute and regulations. Require ED to establish a uniform appeals process for institutions. Require ED to examine the "total financial circumstances" of institutions. Require ED to establish a panel of outside experts to provide guidance to the Department.

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Issue	Description of Problem(s)	Potential Solution(s)
Campus Crime and Campus Security		
22. ***Clery reporting is not consistent with Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) and the National Incident-Based Reporting System (NIBRS)**	The Clery Act has been expanded to require institutions to report on a number of incidents that, while objectionable, are not crimes under the UCR or NIBRS crime reporting framework. For example, "dating violence" is not classified as a crime under either UCR or NIBRS (although, of course, "rape" and "assault" are). In addition, for some Clery crimes, such as "burglary," ED requires institutions to report crimes based on its own definition of the crime, a definition at odds with the UCR's definition. Without a UCR or NIBRS definition to provide a single and consistent form for reporting, campus officials spend excessive time determining whether and how a particular incident should be reported and their decisions are easily second-guessed by ED auditors. This results in inconsistencies in the data and liability for institutions. Finally, requiring reporting of incidents outside the UCR and NIBRS framework means that campus crime statistics cannot be compared with crime statistics gathered from local jurisdictions across the country.	If Congress believes campuses should report on other "crimes" that are not currently a part of the UCR or NIBRS, it should instruct DOJ to modify the UCR to include these definitions. This would ensure that new crime definitions would be developed by experts in law enforcement and crime reporting protocols, and would provide a common definition for both local police and campus security officials.
23. **Duplicative reporting of crimes**	Clery regulations and guidance require institutions to count the same incident in multiple crime categories, resulting in a significant over-counting of crimes. One recent analysis demonstrates that a single incident could be reported as 31 separate crimes under Clery. These requirements make campus crimes statistics less useful to the public, and mean that this reporting is inconsistent and incomparable with all other crime statistics.	Revise the regulations to require reporting to be consistent with well-accepted DOJ hierarchy rules. Require crimes to be reported only once, and in the category that would reveal the most useful information to those reading the annual security report.
24. ***Timely Warning Procedures**	The Clery Act requires institutions to have procedures for issuing Timely Warnings for Clery crimes occurring anywhere in the Clery geography as soon as information is available that suggests a serious or continuing threat to students and employees. It is unclear whether Timely Warnings must be issued for all Clery crimes, what constitutes "timely," and what represents a "continuing threat." Timely Warnings must also include a "safety tip," which is usually unnecessary and can be totally inappropriate in certain cases. The handbook provides a sample that cautions students "not to leave drinks unattended" and "to use the buddy system when socializing." Including this type of information could be seen as blaming the victim of a crime. Issuing Timely Warnings for certain crimes may compromise an ongoing police or campus investigation by alerting a suspect. In addition, Timely Warnings are likely to be ignored by students because of the sheer number they receive.	Give institutions the clear authority to rely upon their own professional judgment in determining both what constitutes a "continuing threat" and when they have the information needed to release a warning, provided it is consistent with the spirit of the law. ED should not second-guess institutions that follow their own reasonable policies in making these determinations. Eliminate the requirement to include a safety tip in a Timely Warning. Institutions should include a safety tip only if, in their judgment, it is helpful and appropriate to do so.

Issue	Description of Problem(s)	Potential Solution(s)
Campus Crime and Campus Security cont.		
25. ***Overly broad and confusing definition of "noncampus property" for the purposes of collecting crime statistics**	Under the Clery statute, regulations, and guidance, institutions are required to report crimes that occur on "noncampus property." The definition of noncampus property is extremely broad, requiring institutions to report statistics for locations that are either controlled by a recognized student organization or owned or controlled by the higher ed institution and used in support of the institution's educational purpose or by students. This requires, for example, reporting on hotel rooms and common areas where students regularly stay overnight for institution-sponsored trips, meeting space provided for a university club arranged through an email, an institutionally-recognized fraternity house, the stairwell of a building where the institution holds classes on Wednesday night, or on a ship where the institution conducts research. Counterintuitively, it doesn't require reporting on fraternity houses if the organization is not officially recognized by the institution—a data point consumers may actually find to be important. Since the numbers are reported in aggregate, without differentiating between an overseas trip and a bowling alley down the street from campus, the data provides little useful information to consumers. Finally, out-of-town and foreign police agencies seldom respond to these requests for information.	Narrow the definition of "noncampus property." Consider excluding properties such as medical clinics where the educational use is only incidental. Eliminate foreign and overnight-trip reporting entirely. (Reporting requirements from branch campuses are appropriate.)
26. ***Campus Security Authorities**	The regulations and handbook contain definitions of Campus Security Authorities (CSAs) that are very broad, and result in institutions being required to designate hundreds, if not thousands, of individuals as CSAs. This can dramatically undermine confidentiality for students and reduce their confidence in the institution's procedures for handling sensitive cases.	CSAs should be more narrowly defined. Institutions should continue to encourage prompt and accurate reporting of crimes by CSAs.
27. **Fire reports**	The fire-related reporting requirements under the statute and regulations are excessively prescriptive and detailed. For example, the statute requires institutions to disclose the number of supervised fire drills as well as their policies on open flames, such as candles in dorm rooms. Even minor incidents where no flames are observed, such as a singed extension cord, are defined as a "fire" and must be reported. There is no evidence of significant demand for this information or that it is used by consumers in making college choices.	Streamline the requirements to require the most important fire safety information to be disclosed annually, such as the number of student injuries and the number of student deaths resulting from a fire. Institutions that want to disclose more information are free to do so.
28. **Policies on Missing Students**	The missing students provision in HEA is needlessly complex and prescriptive. It requires institutions to keep separate records of missing student emergency contacts as opposed to regular emergency contact information. FERPA already allows institutions to contact a student's parent, regardless of age, in the case of an emergency. This requirement is largely unnecessary since each local law enforcement agency has policies on missing persons, and they are better equipped to deal with a missing person.	Streamline the provisions. Require institutions to have a policy stating that, if a student goes missing, the institution will contact law enforcement and either the emergency contact provided by the student or, if the student is under 18, the student's parent. Allow institutions to use general emergency contact information, instead of requiring them to collect specific missing student emergency contact information.

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Issue	Description of Problem(s)	Potential Solution(s)
Campus Crime and Campus Security cont.		
29. **Anti-drug/alcohol abuse policy**	The HEA requires an institution to certify to the Secretary that it has adopted a drug- and alcohol-abuse and prevention program meeting a number of detailed requirements. The institution must conduct a biennial review to determine the program's effectiveness, make any necessary changes, and maintain these records for possible review by the Secretary or audit. This is unduly prescriptive, burdensome, and not necessarily effective in decreasing alcohol or drug abuse on campus.	Replace this provision with a clear and straightforward requirement that an institution must adopt and implement a program designed to discourage the use of illicit drugs and abuse of alcohol by students and employees. Remove any requirements for certification or biennial review and remove the threat of a loss of all federal funding.
Americans with Disabilities Act (ADA)		
30. **ADA "Direct Threat" Rule**	In 2011, DOJ revised the "direct threat" regulations governing the Americans with Disabilities Act (ADA). As a result, under the current regulations, colleges and universities are permitted to require treatment or discipline a student only in cases where the student poses a direct threat to others, but not in cases where the student poses a threat to him or herself. This change means that, if an institution tries to help a self-harming student by requiring medical treatment or counseling, it risks an ADA lawsuit or Office of Civil Rights (OCR) action. This hamstrings institutions in their efforts to help self-harming students and to prevent trauma to other members of the campus community.	DOJ should reinstate "threat to self" provisions in Title II of the ADA regulations. Alternatively, OCR should issue clear guidance which allows reasonable flexibility for institutions to address concerns related to self-harming students.
31. **ADA regulations' chilling effect on the development and use of new technologies**	Through subregulatory guidance (Dear College/University President Letter in 2010), ED has exceeded the parameters of ADA and inhibits institutions from exploring new technologies that may not be fully "accessible" at present but may ultimately yield important benefits to students with and without disabilities.	Revise the 2010 letter to align with actual ADA standards. Encourage institutions to experiment and conduct research with new technologies as long as community and public information highways are fully accessible.
Integrated Postsecondary Education Data System (IPEDS)		
32. ***IPEDS burden generally**	Institutions are required to respond to nine IPEDS surveys. While some institutions (such as larger public institutions with significant state data reporting requirements and/or state longitudinal data systems) find IPEDS manageable, other institutions report a significant burden with the required reporting and the level of detail required, and question the benefits derived. For example, IPEDS requires institutions to report employees on nine-month, 10-month, 11-month, and 12-month contracts, and requires institutions to assign Department of Labor's (DOL's) Standard Occupational Classification (SOC) codes to academic jobs even when the positions do not fit neatly into SOC categories. While IPEDS reporting continues to grow and become ever more detailed, there is no formal mechanism to force the removal of elements that have outlived their usefulness.	Congress should create an advisory committee to study the burden associated with IPEDS reporting, and make recommendations to reduce the number of items reported, the level of detail, and total time spent by institutions. The House-passed bill H.R. 1949 provides a useful model.

Issue	Description of Problem(s)	Potential Solution(s)
Integrated Postsecondary Education Data System (IPEDS) cont.		
33. **IPEDS Human Resources (HR) Survey and use of Department of Labor (DOL) Standard Occupation Classification (SOC) Codes**	The IPEDS HR survey requires institutions to use DOL's SOC codes in reporting on the job functions of their staff. The SOC system is used by federal agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data. Unfortunately, the SOC codes do not take into account many of the occupations unique to higher education, such as Title IX compliance officers, or employees who perform multiple job functions. Institutions spend an inordinate amount of time on the survey trying to make positions fit into the SOC categories. In addition, some institutions question whether the benefits provided by the HR survey as a whole outweigh the burdens associated with producing it.	Consider suspending the requirements for this excessively granular data collection or, at a minimum, revise the requirements to simplify the process of categorizing staff at colleges and universities. Alternatively, some institutions believe the HR survey should be eliminated.
34. **Proposed information collection via IPEDS on number of students using and the amounts received from the Department of Defense (DoD) Tuition Assistance (TA) and Veterans Affairs (VA) GI Bill programs**	Starting in 2014–15, ED will collect from each institution via IPEDS the number of students receiving benefits from the DoD TA and VA GI Bill programs as well as the total amount it is receiving from the two programs. Some institutions do not have systems that can capture this information and will be required to do a hand collection. More fundamentally important, the VA and the DoD already have this information, and it would be more accurate to have ED collect the data directly from those agencies.	ED should be required to obtain the desired information directly from the DoD and the VA.
Inconsistent Definitions Across ED Data Systems		
35. **Lack of common definitions across ED data systems**	Definitions of data elements do not always align across ED data systems, which increases the reporting burden, jeopardizes data integrity, and often results in the misinterpretation and misuse of the data when publicly released. For example, students in accelerated adult programs can be coded as "full-time" for IPEDS, but "part-time" for the Fiscal Operations Report and Application to Participate (FISAP) because of the time period the courses cover.	Align definitions across ED data systems.

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Issue	Description of Problem(s)	Potential Solution(s)
State Authorization		
36. **State authorization of institutions by name**	In late 2010, ED expanded and changed the regulations requiring institutions to be authorized by name by the states in which they operate, seeking to force states to exercise greater oversight of institutions located within their borders. To date, ED has been unable to state clearly its expectations regarding what appropriate state authorization would entail. More than three years after these regulations were to have gone into effect, many institutions that have provided quality programs for decades remain in the dark as to whether or not they are in compliance with the new ED regulations. In some cases, ED has provided different rulings to different institutions authorized by the same state in the same manner. Moreover, ED has refused to provide a list indicating which states have state processes and complaint systems which meet the federal requirements. Because of the lack of clarity on this front, in 2013, the Department pushed back the enforcement of this regulation until July 1, 2014. ED announced on June 24, 2014, that it will delay for a second time the enforcement of this rule, with the new effective date of July 1, 2015.	Repeal the current regulations on this issue (34 CFR 600.9), which would result in a return to the state authorization requirements in existence before the 2010 changes. Consider a prohibition on further regulations in this area from ED. Immediately require ED to publish a list of the states that have authorization procedures that meet federal requirements.
37. ***State authorization of distance education programs**	At a negotiated rulemaking session in spring of 2014, ED proposed a drastic expansion of state authorization requirements on distance education programs. This represented a second attempt to do so after regulations issued in 2010 were thrown out by a federal court. Even without a formal regulation in place, the Department maintains that in order to satisfy federal requirements, institutions must ensure that their programs are authorized in any state in which a single student is located. This is a fundamental shift in federal policy. Prior to 2010, it was well-settled law that institutions needed to be authorized only in states where the institution was physically located, regardless of where their students were located. ED has exceeded statutory authority, creating unnecessary and costly burdens on institutions and creating barriers to higher education for students.	Prohibit ED from issuing regulations on this issue without clear guidance from Congress.
Gainful Employment		
38. **Link between Gainful Employment (GE) programs and state authorization requirements**	In its most recent gainful employment regulations issued in October 2014, the Department included a provision requiring institutions to certify that each gainful employment program meets state licensure and programmatic accreditation requirements in the states where the institution is located or is otherwise required to receive state authorization. In addition, the regulations require institutions to disclose information to students, but do so in a complicated manner relating to a program's metropolitan statistical area. As written, these regulations are unclear in purpose and breadth and inappropriately extend the Department's regulatory authority beyond the statutory requirements of institutional state authorization and accreditation.	Repeal the provision. While we understand the intention to protect students from institutions that misrepresent the quality or purpose of their programs, we believe this can be regulated differently, both through current regulatory requirements on misrepresentation and through more clear disclosure requirements.

Issue	Description of Problem(s)	Potential Solution(s)
Accreditation-Related Regulations		
39. ***Provide unequivocal authority to accreditors for "Differentiated Review"**	Currently, there is disagreement as to whether accrediting agencies can use a "differentiated review" process to review institutions with a record of stability and successful performance. This means that accreditors must devote the same amount of energy and resources to review institutions with histories of high performance as they do to review institutions with documented problems.	Accreditors should be given the unequivocal authority and flexibility to design and implement a system of "differentiated review."
40. **Definition of "credit hour"**	ED has, through regulation, created a federal definition of "credit hour." This represents an inappropriate intrusion into the academic process. It also discourages the use of innovative models for measuring learning that are not tied to seat time.	Strike the definition of "credit hour."
41. **Approval of "substantive change" by accreditors**	Accreditors must approve "substantive changes" by an institution in a host of areas, including academic programs. The current definition of what constitutes a "substantive change" is too broad, requiring accreditors to approve even the most minor changes, leading to a waste of resources.	Limit the kinds of "substantive changes" that would require approval by accreditors. Established institutions should have flexibility to make changes necessary to address their needs and those of their students.
42. **"Additional procedures" requirement regarding branch campuses**	The regulations require accreditors to take additional steps to review branch campuses of institutions. The required actions of accreditors related to branch campuses necessitate extra work for all involved with very little benefit gained.	Limit "additional procedures" to only those cases where there are substantive changes or when branch campuses are up for accreditation reviews.
43. **ED approval required for a change of accreditor for institution not on sanction**	Under current rules, institutions that are not under any sanction from their accreditor are not permitted to change accreditors without first getting approval from ED. This is an unnecessary and burdensome requirement for institutions that are in good standing with their accreditor. (N.B.: Institutions that *are* on sanction are not permitted to change accreditors, which prevents an institution from switching accreditors to avoid actions by their accreditor to address problems.)	Remove these requirements.
44. **"Record of compliance with institution's responsibilities under Title IV"**	The provision requires accreditors to review institutional compliance with the Program Participation Agreement (PPA). Most of the PPA requirements have nothing to do with academic issues and are unrelated to the expertise of accreditors. This is an important task which should be left to ED and not accreditors.	Congress should prohibit ED from requiring accreditors to review compliance with the PPA.
45. **Confidentiality of ED investigations against institutions**	Accreditors are not allowed to share with an institution information about an ED investigation of that institution. In order to allow institutions to improve and allow them to come into compliance, accreditors should be allowed to share information.	Change the regulation to allow accreditors to share information with institutions except as it relates to a criminal investigation.
46. **National Advisory Committee on Institutional Quality and Integrity (NACIQI)**	Many of the concerns about the Department's intrusion into the accreditation process are manifested in the Department's micromanagement of NACIQI, a body created by Congress to serve as an independent advisory committee. The Department's over-involvement in the everyday activities of accrediting bodies and of the accreditation process as a whole has bled over to NACIQI: It expects NACIQI to use and follow similar tactics and processes when reviewing accreditors for recognition purposes.	Clear boundaries should be established between the Department and NACIQI to prevent the micromanagement of NACIQI's activities by the Department.

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Issue	Description of Problem(s)	Potential Solution(s)
Discretion for ED Enforcement Actions		
47. *ED lacks flexibility in resolving violations	Several sections of the General Education Provisions Act (GEPA) allow ED significant flexibility in recovering federal funds in the K–12 arena. When dealing with K–12 entities, ED is able to reduce a claim based on mitigating circumstances, issue cease-and-desist orders rather than immediately withholding funds, enter into a compliance agreement to allow a recipient time to come into compliance, and forgive a portion of a debt in certain circumstances. However, there are no similar provisions for institutions of higher education.	Amend GEPA to provide flexibility for ED in enforcement of technical violations by higher education institutions.
Disclosure, Reporting and Other Requirements		
48. Additional disclosure requirements in general	The prevailing mentality is that more information through mandatory disclosures will aid consumers in their decision making. However, such extensive information, some of which is trivial, may, in fact, confuse and overwhelm them. The assumption that consumers can make sense of an ever-increasing amount of information must be questioned.	Congress and the Department should be required to consumer-test proposals for additional information and disclosures from and about institutions before they are implemented.
49. Gainful employment (GE) disclosures	Since July 2011, institutions have been required to disclose extensive items of information about students enrolled in GE programs. The items involve student-based information related to the institution, the GE program, as well as other programs in which the student is enrolled in a particular academic year. In addition to being burdensome to produce, the current volume and level of detail of the reporting requirements and the questionable relevance of the disclosures confuse rather than inform students, if they look at them at all. For example, even a low-cost program that enrolls a very small number of students who borrow has to report but, depending on the number of students, may or may not need to disclose the median loan debt incurred by any or all of the following groups: students who completed the program during the most recent year; students who withdrew from the program during the most recent year; or both groups of students. Under the new GE rules, institutions will be required to provide approximately 30 pieces of information for every gainful employment program on their campus.	The regulations should be streamlined to provide a limited number of key pieces of information most useful to consumers. In addition, any proposed GE disclosures should be subject to extensive consumer testing to determine whether the information is likely to be used in students' decision making.
50. Link between Selective Service registration and federal student aid eligibility	The FAFSA form includes a question about Selective Service registration. Colleges and universities should not be tasked with resolving discrepancies between aid applicants and the Selective Service. It also creates barriers for students, especially for those applying for aid after the age of 26, the age after which Selective Service registration is not required.	Remove the Selective Service link from the federal student aid system.
51. Link between eligibility for federal student aid and convictions for drug offenses	The current federal financial aid system includes provisions related to drug-related offenses, including temporary prohibitions of aid eligibility for convictions while receiving federal aid. The inclusion of drug offense convictions into the aid process increases the complexity of the application process and only affects a small number of students every year.	Remove the link between federal student aid eligibility and drug convictions.

Issue	Description of Problem(s)	Potential Solution(s)
Disclosure, Reporting and Other Requirements cont.		
52. **Vaccination Policy**	Institutions are required to disclose their vaccination policy. The information is not useful to students and not likely utilized by prospective students or parents. Even without this disclosure requirement, institutions will still maintain their vaccination policies per state laws.	Strike the provision.
53. **Foreign Gift Reporting**	Institutions are required to submit a detailed report of all foreign gifts or contracts over $250K, as well as any restricted gifts from foreign sources. This information is not of widespread interest and may be available from the other sources.	Strike the provision.
54. **Voter Registration Requirement**	Institutions are required to distribute a voter registration form, in a federally specified time frame and format, to each student enrolled and physically in attendance at the institution. We strongly support civic participation, especially voting. However, this is an overly prescriptive requirement with modest, at best, benefit.	Modify the provision to make it much less prescriptive and to allow colleges to take steps to encourage students to register to vote.
55. **Constitution Day**	Requiring institutions to hold an educational program pertaining to the U.S. Constitution on a prescribed day (September 17) each year sets a bad precedent.	Strike the provision.
56. **Information on graduates' employment placement**	HEA requires an institution to provide illustrative examples of the careers and employment opportunities pursued by its graduates. The purpose of this legislative provision was to give students a general sense of opportunities pursued by an institution's graduates based on various sources. However, ED regulations have required institutions to go even farther. If institutions decide to calculate placement rates of programs for internal purposes (such as, for example, how many philosophy majors are employed as attorneys in 20 years), they must disclose that placement rate, even if such calculations may not provide useful information to consumers.	Strike sections of regulations that require such level of detail.
57. **Peer-to-peer file sharing policy**	Title IV requires institutions to have policies related to copyright infringement, including unauthorized peer-to-peer file sharing, to have plans to combat it, and to offer alternatives to illegal downloading or file sharing. They must annually inform students of the penalties associated with such copyright infringement. These provisions are too prescriptive and, with new technologies this issue has become obsolete.	Require that the institution have a policy prohibiting copyright infringement, alert students to the policy, and make a good-faith effort to discourage peer-to-peer file sharing.
58. **Accreditors' review of institutional fire code compliance**	As a result of subregulatory guidance, accreditors are required to review an institution's compliance with fire codes. Accreditors do not have the knowledge or expertise to make informed judgments in this area.	Congress should prohibit ED from requiring accreditors to review fire safety reports.
59. **Proof of eligibility for employment for federal student aid recipient for "I-9" purposes**	A student who has been approved for federal student aid purposes is, by definition, a legal U.S. resident or a U.S. citizen. And yet, when such students apply for on-campus employment, institutions must still ask for, and students must still provide, additional documentation proving that they are legally authorized to work for "I-9" purposes. This part of the I-9 process is redundant and creates unnecessary burdens for institutions and students.	Institutions seeking to employ students already approved for or receiving federal student aid should not be required to seek additional documentation to determine employment eligibility of the same students for I-9 purposes.