



# FEDERAL UPDATE

## February 2016

The Report on Congressional & Administration Activities

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### IN THIS ISSUE

WASHINGTON UPDATE.....	1
CONGRESSIONAL LEGISLATIVE ACTIVITY.....	1
POLICY AND REGULATORY UPDATE.....	3

### WASHINGTON UPDATE

January marked the beginning of the second session of the 114<sup>th</sup> Congress. It also brought winter Storm Jonas to the east coast, which shut down the federal government for two days and caused residual delays due to blizzard conditions and more than two feet of snow.

The 2016 presidential primary race is in full swing. The Iowa Caucus, the first major electoral event in the presidential nomination process, took place on Feb. 1 and the New Hampshire Primary will take place on Feb. 9.

Also on Feb. 9, President Barack Obama will release the Fiscal Year (FY) 2017 federal budget.

### CONGRESSIONAL LEGISLATIVE ACTIVITY

#### **Letter to Senate Health, Education, Labor and Pensions Committee on Higher Education Act Reauthorization**

On Jan. 4, UC President Janet Napolitano sent a letter to Senate Health, Education, Labor and Pensions (HELP) Committee Chairman Lamar Alexander (R-TN) and Ranking Member Patty Murray (D-WA) outlining UC's current working priorities for the Higher Education Act (HEA) reauthorization. UC will update the list as the process advances. In addition, as legislative proposals are introduced, UC will provide analysis and additional comments and recommendations. UC's priorities focus on ways the law can expand opportunities for educational success; more effectively target federal aid dollars to where they will have the most positive effects; increase student aid benefits to help finance college costs; help borrowers manage and repay their student loan debt; streamline federal rules and student aid policies where feasible; and, increase accountability for all institutions where students receive federal aid. President Napolitano has committed to working with Congress throughout the reauthorization process. For further information, please contact Carolyn Henrich at [Carolyn.Henrich@ucdc.edu](mailto:Carolyn.Henrich@ucdc.edu) or 202-974-6308.

#### **Senate Passage of S. 1893, the Mental Health Awareness and Improvement Act**

On Dec. 18, the Senate passed [S. 1893, the Mental Health Awareness and Improvement Act of 2015](#). The bill was introduced by Sen. Lamar Alexander (R-TN) with bipartisan support. The bill would "reauthorize and improve programs administered by the Department of Health and Human Services related to awareness, prevention, and early identification of mental health conditions, and the promotion of linkages to appropriate services for children and youth." For higher education, the bill would:

- Reauthorize the “Mental Health and Substance Use Disorder Services on Campuses” grant program, updating the use of funds to allow for the education of students, families, faculty and staff to increase awareness and training to respond effectively to students with mental health and substance use disorders. Funding would also allow for the administration of voluntary screenings and assessments to students, and the enhancement of networks with health care providers who treat mental health and substance use disorders. The provision would specifically incorporate consideration of the needs of veterans enrolled as students on campus.
- Reauthorize the National Child Traumatic Stress Initiative (NCTSI), which supports a national network of child trauma centers, including university, hospital and community-based centers and affiliate members.
- Reauthorize grants to states and nonprofit entities to train teachers, school staff, emergency services personnel and others to recognize the signs and symptoms of mental illness, become familiar with resources in the community for individuals with mental illnesses, and effect the safe de-escalation of crisis situations involving individuals with mental illness.

For further information, please contact Carolyn Henrich at [Carolyn.Henrich@ucdc.edu](mailto:Carolyn.Henrich@ucdc.edu) or 202-974-6308.

### **New Elementary and Secondary Education Act Law**

The [Every Student Succeeds Act](#) is the title of the bipartisan reauthorization of the Elementary and Secondary Education Act (ESEA) law, which was enacted on Dec. 10. The new law represents a compromise between the competing House and Senate bills that had first set out to undo the latest iteration of the law, which was known as No Child Left Behind (NCLB). The legislation has a number of provisions that are important to higher education and specifically, educating the teacher workforce.

The new law consolidates nearly 50 separate programs into a large block grant to states, which will give states the flexibility to make changes in the schools that they believe will best benefit children. Some of the biggest changes in the law affect teacher evaluations. For example, states are no longer required to create teacher evaluation systems based in significant part on students’ test scores, and many of the requirements around “highly qualified” teachers have been eased. Many state education officials say they remain committed to improving their teacher evaluation systems, and states will still have to use student progress as a factor in their evaluations. With all of these changes, education equity and civil rights advocates will be watching to ensure that state leaders remain accountable and keep their focus on eliminating the achievement gaps for all students.

Other important changes were made to the “Teacher Quality Grant Program,” known as Title II, of the ESEA. Title II provides \$2.3 billion to states for reform and improvement efforts, and the funds are allocated to states using a formula based on student population and poverty. The new law will phase in a revised formula, which will weigh poverty more heavily, and this change will yield increased allocations in the future, for selected states, including California.

Unfortunately, the law allows states to use their Title II funds to sponsor teacher preparation “academies,” which bypass state rules for teacher certification and the quality teacher

preparation programs at institutions of higher education. Essentially, these academies would be “charter” schools for teacher preparation, and critics of this approach, including UC, believe this option would lower standards and quality in teacher preparation, and allow unqualified teachers in classrooms. Unlike in the original legislation proposing this concept, however, in the new ESEA, creating teacher preparation academies is an allowable use of funds and there is no specific funding authorization for this purpose.

The Department of Education (ED) still has an important role in implementing and overseeing the new law before it takes full effect in the 2017-18 academic year and has already taken steps to develop regulations. There are many provisions that will have to be clarified in the implementation process and the Department may find it challenging to navigate between the restrictions the law sets against federal involvement and the need to set guidelines to make sure states focus on the underserved students and low-performing schools NCLB was designed to help.

UC will continue to monitor the implementation of the new law and inform campuses, and report on developments relevant to UC’s teacher preparation activities. For further information, please contact Carolyn Henrich at [Carolyn.Henrich@ucdc.edu](mailto:Carolyn.Henrich@ucdc.edu) or 202-974-6308.

## **POLICY AND REGULATORY UPDATE**

### **Cancer Moonshot**

Following President Obama’s Jan. 12 State of the Union where he announced a new national effort led by Vice President Joe Biden to cure cancer, a White House Cancer Moonshot Task Force has been created and met for the first time this week. The purpose of the Cancer Moonshot Task Force is to support the acceleration of progress towards prevention, treatment, and ultimately, a cure to cancer. The task force includes the heads of at least thirteen executive branch departments, agencies and offices including the Department of Defense (DOD), the Department of Health and Human Services (HHS), the National Institutes of Health (NIH) and the National Cancer Institute, among others. The White House is seeking \$755 million in mandatory funding in the FY 2017 budget request for the Cancer Moonshot Initiative, the vast majority of which will go to NIH with \$75 million going to the Food and Drug Administration (FDA). The NIH will also receive an additional \$195 million in the current fiscal year to help with the Initiative. The administration will also be requesting additional research funds for DOD and the Department of Veterans Affairs (VA), which would go towards cancer research as well. For further information, please contact Shoshana Derrow Krilow at [Shoshana.Derrow@ucdc.edu](mailto:Shoshana.Derrow@ucdc.edu) or 202-974-6309.

### **Pell Grant Update**

On Jan. 29, the Department of Education (ED) formally released the Pell Grant tables for the 2016-17 award year, which include the new maximum Pell Grant award for the year. The Student Aid and Fiscal Responsibility Act (SAFRA), which was enacted in 2009, provides for an automatic annual increase to the appropriated Federal Pell Grant maximum award that is based on changes in the Consumer Price Index.

Early expectations were that the maximum award would be \$5,915, an increase of \$140, but that was downgraded to \$70 in ED’s preliminary tables and then \$40 in the final tables. The \$40

add-on for 2016-2017 award year will result in a maximum Pell Grant award amount of \$5,815, up from the \$5,775 maximum Pell Grant award last year.

In addition, the Congressional Budget Office (CBO) released its Pell Grant baseline projection, which shows the long-term outlook for the program. Earlier estimates calculated a cumulative \$31.848 billion shortfall in Pell Grant funding between FY 2018 and FY 2025. However, due to much lower projected Pell Grant program costs in the future, CBO now suggests a funding shortfall will not occur until FY 2022. This is positive news, but the projected, cumulative shortfall between FY 2022 to FY 2026 will be \$17.872 billion.

CBO will issue an updated baseline in March, which will be the one used for scoring the cost of Pell Grants for FY 2017. For further information, please contact Carolyn Henrich at [Carolyn.Henrich@ucdc.edu](mailto:Carolyn.Henrich@ucdc.edu) or 202-974-6308.

### **Department of Education Notice of Proposed Rule Making Regarding Open Licensing Requirements**

The University of California commented on a recent proposed rule published by the Department of Education (ED) requiring that all recipients of ED competitive grant funding openly license to the public all copyrightable intellectual property created with those funds.

UC is committed to broad dissemination of its research results in order to transfer knowledge to others and advance medicine and science. The University has “Principles Regarding Rights to Future Research Results in University Agreements with External Parties” to ensure open dissemination of research results and information in a manner that fosters intellectual creativity, and UC has adopted its own open access policy for scholarly works. The University supports ED’s overall objectives to encourage teaching and learning and broad sharing of research results, but has strong concerns that a “one-size-fits-all” approach toward dissemination of the innumerable copyrightable works that could result from ED’s funding would not benefit the public and could cause harm to researchers and to universities.

The University strongly urged the Department to reconsider the proposed changes, which would have a broader impact on authors’ rights under copyright law than what is considered in the Notice of Proposed Rulemaking. UC, along with Association of American Universities, Association of Public and Land-grant Universities, Association of University Technology Managers and Council on Government Relations requested the opportunity to more fully engage with the Department to develop strategies to address concerns.

For further information, please contact Carolyn Henrich at [Carolyn.Henrich@ucdc.edu](mailto:Carolyn.Henrich@ucdc.edu) or 202-974-6308.

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