



July 10, 2017

CALIFORNIA ATTORNEY GENERAL XAVIER BECERRA FILES LAWSUIT AGAINST U.S. DEPARTMENT OF EDUCATION FOR DELAYING REGULATIONS

On July 6, 2017, Attorney General Becerra and 17 attorneys general of other states filed a lawsuit against the Department of Education over the Department's plan to delay implementation of "Borrower Defense Regulations." These regulations were written by the Obama Administration in the wake of the closure of Corinthian Colleges in order to protect students from misleading and predatory practices by for profit higher education institutions. The lawsuit argues that the delay of the rules violates the Administrative Procedure Act and asks a federal court to order the administration to enforce the rules that were set to take effect on July 1, 2017.

Key components of these regulations include:

- Automatically canceling eligible loans for students who were defrauded.
- Taking greater steps to ensure a school's financial viability.
- Banning schools from including or enforcing certain arbitration provisions or class-action waivers in their enrollment agreements.

EDUCATION SECRETARY MAKES TWO HIGHER EDUCATION APPOINTMENTS

Education Secretary Betsy DeVos appointed Adam Kissel, formerly of the Foundation for Individual Rights in Education (FIRE), as Deputy Assistant Secretary for Higher Education Programs. While at FIRE, Kissel was a frequent critic of colleges and universities for what FIRE viewed as violating the free speech rights of students and faculty. Mr. Kissel has also taken issue with the standard of proof used by colleges in the adjudication of recent sexual harassment and assault cases.

DeVos also appointed Dr. Wayne A. Johnson as Chief Operating Officer of Federal Student Aid (FSA). Johnson replaces former James Runcie who abruptly resigned from the position in May after serving since 2011. Runcie cited problems with the new administration in an email to colleagues. Dr. Johnson is Chairman and former CEO of First Performance Corporation, a global payment card technology platform company.

BILLS OF INTEREST

HR. 2944 (Huffman) The TORCH (To Offer Refugees College Help) Act

HR. 2944 expands access to a college education for refugees, asylees and Special Immigrant Visa (SIV) holders from Iraq and Afghanistan by providing an exemption to the nonresident tuition fee. The TORCH Act is an important measure because it can take years for some refugees, asylees, and SIV holders to establish state residency. Such individuals are ineligible for college in-state tuition rates during this transition period, which causes delays in completion of certificates, degrees, and transfer

to four-year universities and colleges. The California Community Colleges Chancellor's Office supports efforts to provide affordable tuition rates for California students whenever possible in order to help them become part of the state's workforce. The policy changes made by the TORCH Act would enhance opportunities for these individuals to achieve economic self-sufficiency and self-determination. A similar bill, AB 343 by Assembly Member Kevin McCarty, is currently making progress through the California State Senate.

- Position: *Support*

S. 351 (Hatch) Comprehensive Student Achievement Information Act of 2017

S. 351 creates a more comprehensive account of institutional performance than the system currently in place. It also streamlines relevant Higher Education Act (HEA) provisions and regulations. Community colleges would see a new completion rate calculated at 300% of the "normal time" to graduation for the vast majority of community college programs. This will enable prospective students to better assess their likelihood of finishing programs and stop improperly classifying students as "drop outs"