

**HIGHER EDUCATION REGULATIONS STUDY
BACKGROUND PAPER
TITLE IV REVIEW PANEL**

**ADVISORY COMMITTEE ON
STUDENT FINANCIAL ASSISTANCE**

**ADVISING CONGRESS AND
THE SECRETARY OF EDUCATION
FOR NEARLY 20 YEARS**

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The Advisory Committee on Student Financial Assistance (Advisory Committee) is a Federal advisory committee chartered by Congress, operating under the Federal Advisory Committee Act (FACA); 5 U.S.C., App. 2). The Advisory Committee provides advice to the Secretary of the U.S. Department of Education on student financial aid policy. The findings and recommendations of the Advisory Committee do not represent the views of the Agency, and this document does not represent information approved or disseminated by the Department of Education.

INTRODUCTION

The most recent reauthorization of the *Higher Education Act*, the *Higher Education Opportunity Act of 2008*, charges the Advisory Committee with conducting a review and analysis of higher education regulations, which the Committee has entitled the *Higher Education Regulations Study* (HERS). The congressionally required elements of this charge are described in detail in the fact sheet included with this document. Overall, the Committee has been asked to review current regulations and monitor future regulations to determine if they are:

- duplicative
- no longer necessary
- inconsistent with other federal regulations
- overly burdensome.

As one of the study's required elements, the Committee will convene two review panels of individuals with experience with federal regulations in order to review regulations and provide recommendations with respect to streamlining. The first work session of the initial review panel was held on Thursday, April 9, 2009 in Washington DC.

The charge to review regulations is one that is both broad and complex. For this reason, initially, the study will review only Title IV regulations, and, accordingly, that has been the exclusive focus of the first review panel. Collectively, the six review panelists represent the interests of major sectors in higher education as related to the Title IV programs: students, community colleges, four-year public institutions, four-year private institutions, proprietary institutions, and state grant programs. The Committee has asked that each panelist reach out to his or her constituency for suggestions and ideas about particular regulations in need of streamlining.

It is noteworthy that the Advisory Committee's charge is not the first attempt at regulatory review in higher education. In particular, two major federal initiatives have previously reviewed Title IV regulations. The first of these occurred in 1999 as an initiative of the U.S. Department of Education, entitled *Student Financial Assistance Regulatory Review*. The second, entitled *Upping the Effectiveness of our Federal Student Aid Programs* (FED UP), was initiated by Representatives Howard P. (Buck) McKeon and Patsy Mink in 2001, and it invited college officials and lenders to identify the student aid regulations that hindered them most.

These two reviews covered only regulations created in the 1990s and the early part of this decade, and significant pieces of legislation related to higher education have passed into law since then. Therefore, it is especially important to focus on statutes that have not been subject to regulatory review: the *Deficit Reduction Act of 2005* (P.L. 109-171), the *College Cost Reduction and Access Act of 2007* (P.L. 110-84) and the *Ensuring Continued Access to Student Loans Act of 2008* (P.L. 110-227).

With regard to the most recent legislation, the *Higher Education Opportunity Act of 2008* (HEOA), regulations have not yet been issued. The rulemaking process for HEOA is currently taking place and is expected to be finalized by November of this year. For this reason, the

review panel is not discussing possible HEOA regulations and, instead, is focusing on regulations currently in place. However, the Committee has been charged with monitoring the negotiated rulemaking process for HEOA and providing a description of the resulting regulations and how these may impact higher education.

This background document contains the following information:

- Background and issue overview
 - summaries of previous regulatory reviews
 - summaries of recent Title IV related legislation
 - summary of the negotiated rulemaking process to date for HEOA
- Biographies of Title IV review panelists
- Overview of the Committee's legislative charge
 - HERS fact sheet
 - authorizing legislation for study.

We hope that this document provides useful background information for all interested members of the public.

References

College Cost Reduction and Access Act of 2007. Public Law 84. 110th Congress. (September 27, 2007).

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BACKGROUND & ISSUE OVERVIEW

Previous Regulatory Reviews

The following subsections describe the two major federal regulatory review initiatives prior to 2003: one, a review conducted by the Department of Education and, two, FED UP, an initiative of U.S. House of Representatives members Howard (Buck) McKeon and Patsy Mink.

U.S. Department of Education *Student Financial Assistance Regulatory Review (1999)*

The Student Financial Assistance Regulatory Review was an effort to improve the regulatory environment regarding the federal student financial assistance programs. Under Section 498 (B) of the *Higher Education Act*, the resulting report examined current Title IV regulations in order to eliminate unnecessary costs to institutions, eliminate duplication, and lessen burden on institutions. Information gathered for this report built upon data previously gathered through the negotiated rulemaking process and the Department of Education's Customer Service Task Force, which conducted listening sessions to gather feedback from various community stakeholders.

Findings from this review were submitted to the U.S. Senate Committee on Labor and Human Resources and the U.S. House of Representatives Committee on Education and Workforce Development within one year after the enactment of the *Higher Education Amendments of 1998*.

The *Student Financial Assistance Regulatory Review* utilized five guiding questions:

1. Are there any regulations that are duplicative or no longer necessary?
2. Are there any regulations that are not being interpreted and applied uniformly?
3. Are unnecessary burdens being placed on institutions through the eligibility and compliance processes?
4. Are unnecessary costs imposed on institutions of higher education by regulations that were designed to apply primarily to industrial and commercial enterprises?
5. Are there any regulations that could be improved, streamlined, or eliminated that affect public and private colleges and universities and proprietary schools that receive less than \$200,000 in Title IV funds each year?

The questions guiding the Department of Education review are similar in concept to the tasks that have been recently assigned by Congress to the Advisory Committee and its review of Title IV regulations. Understanding the findings and implications of this review may prove helpful to current regulatory streamlining efforts.

Themes that emerged from the 1999 regulatory review process were varied. The greatest number of suggestions received at that time focused on technology as it pertains to delivering student financial assistance programs. Participants suggested that rapid changes in technology warranted a review of the Department's regulatory process. As a result of the timing of the review and the nature of technological changes occurring in forms and processes, this focus was not surprising.

Regulatory improvements instituted at the time of the Department's review included implementing a negotiated rulemaking process and improving the Family Federal Education Loan Program (FFELP).

Upping the Effectiveness of Our Federal Student Aid Programs, or, FED UP (2001)

Upping the Effectiveness of Our Federal Student Aid Programs (FED UP), introduced in 2001 by U.S. House of Representatives members Patsy Mink (D-HI) and then Chairman of the House Committee on Education and the Workforce Howard P. "Buck" McKeon (R-CA), sought to simplify and streamline overly burdensome regulations in the *Higher Education Act* as amended.

Rep. McKeon and Rep. Mink went directly to college and university stakeholders in order to gather feedback on federal regulations that were considered burdensome for students, families, and institutions. A FED UP website was launched as part of the initiative so that a broad range of interested parties could provide recommendations for streamlining federal regulations. The Department of Education soon joined this effort to reduce overly burdensome regulations by establishing related committees under the auspices of the negotiated rulemaking process.

In 2002, the *FED UP Higher Education Technical Amendments Act* (H.R. 4866) was introduced to reduce and streamline current regulations for colleges and universities based on information gathered from the initiative's website. The bill was introduced in the *Congressional Record* as an effort "to make various technical revisions that incorporate the results of the FED UP Initiative to remove unnecessary regulatory barriers to access to student aid programs." The bill did not pass the House. Some regulatory reduction proposals offered in the FED UP legislation are outlined below:

- Eliminate a requirement that new forbearance agreements between lenders and borrowers be in writing, but require lenders to notify borrowers of their terms.
- Allow financial aid professionals to use professional judgment in reevaluating the financial need of a ward of the court.
- Require students withdrawing from an Institution of Higher Education (IHE) to return only HEA Title IV grant aid amounts exceeding 50 percent of the total (if more than \$50).
- Permit Hispanic-Serving Institutions (HSIs) to apply for Federal HSI grants without waiting two years between applications.

In response to the 2002 proposed legislation on FED UP, the Department of Education created a special negotiated rulemaking session to review and implement many of the proposed regulatory changes submitted to the FED UP website by university and college administrators. The 2002 special negotiated rulemaking sessions focused on budget-neutral issues that did not require statutory changes.

In 2003, the *FED UP Higher Education Technical Amendments Act of 2003* (H.R. 12) was re-introduced in the House. The bill was referred to the House Committee on Education and the Workforce, but was never brought up for a vote in Committee.

Key recommendations addressed in H.R.12 that would have required statutory changes included:

- The extension of two expired provisions that exempted institutions with low cohort default rates from multiple disbursements for single terms or semesters and from the 30-day delayed disbursement rule for first-time borrowers.
- Clarification on applying the 50 percent grant protection rule when calculating the amount a student owes following withdrawal from the institution under the return of Title IV fund rules.
- The removal of LEAP funds from the return of Title IV funds calculation.
- Clarification on student aid eligibility rules for those convicted of drug offenses.

The results of the FED UP initiative may prove helpful to revisit as the Advisory Committee's review panel process and public comment period move forward.

Overview of Recent Higher Education Statutes (2003-present)

The last piece of legislation related to the Title IV programs to undergo federal regulatory review was the *Higher Education Amendments of 1998* (P.L. 105-244), which reauthorized the HEA. Additional amendments to the HEA were proposed in 2003 through the *Higher Education Technical Amendments of 2003* (S. 901); however, these amendments did not become law. Over the next five years, HEA reauthorization legislation was introduced in both chambers multiple times, but the HEA was not, ultimately, reauthorized until 2008.

Within the past several years, however, several pieces of legislation have been signed into law that has had a significant impact on federal student financial assistance. This section will review key statutes that are related to Title IV programs and that have not been covered by previous regulatory review efforts.

Public Law 109–171 February 8, 2006 ***Deficit Reduction Act of 2005 (Higher Education Reconciliation Act)***

The *Higher Education Reconciliation Act* (HERA), Title VIII of the *Deficit Reduction Act of 2005*, was signed by President George W. Bush on February 8, 2006. This law made several significant changes to the *Higher Education Act*. With regard to the federal loan programs, HERA increased annual Stafford limits for first year college students from \$2,625 to \$3,500 and for second year students from \$3,500 to \$4,500.

HERA also established two new higher education grant programs through the *American Competitiveness Initiative*: the Academic Competitiveness Grants (ACG) and National Science and Mathematics Access to Retain Talent Grant (SMART).

Academic Competitiveness Grant (ACG): Intended for first and second year college students, ACG is tied to the academic performance of students in high school and the first two years of college. The grant provides \$750 for the first year of study and \$1,300 for the second year of study. Part-time and full-time students who are eligible for a Pell Grant and complete a “rigorous

high school program, as determined by the state or local education agency and recognized by the Secretary of Education,” are now eligible. Second year recipients must maintain a cumulative GPA of at least 3.0 to remain eligible for funds.

National Science and Mathematics Access to Retain Talent Grant (SMART): Intended for third and fourth year college students, SMART is linked to academic performance and the election of specific majors deemed critical to national security. The grant provides students with up to \$4,000 for each of the third and fourth years of undergraduate study and is available for full-time students eligible for a Pell Grant and majoring in physical, life, or computer sciences; mathematics, technology, or engineering; or in a foreign language critical to national security. The HEOA (PL 110-315) also makes some fifth-year students eligible for SMART grants as well. Students must maintain a grade point average of at least 3.0 in the major field coursework in order to remain eligible for funds.

Public Law 110-84 September 27, 2007
College Cost Reduction and Access Act (CCRAA)

CCRAA, a budget reconciliation bill that made changes to the federal financial aid programs, was signed by President George W. Bush on September 27, 2007. The act contained three major changes to need analysis, increased the Pell Grant award maximum, and also established the Teacher Education Assistance for College and Higher Education Grant Program (TEACH).

The three major changes to need analysis were as follows. First, CCRAA increased the automatic-zero expected family contribution (EFC) threshold from \$20,000 to \$30,000 and required the Secretary of Education to increase that amount in accordance with the Consumer Price Index (CPI). Second, CCRAA increased the income protection allowance (IPA) through the 2012-13 academic year for dependent students, independent students, married students where either or both spouses are enrolled in college, and students with dependents other than spouses. After the 2012-13 academic year, the Secretary will be required to update the IPA dollar amounts by a percentage equal to the CPI. The Secretary of Education will also be required to release revised tables with updated amounts in the *Federal Register* for each academic year. Third, CCRAA expanded the definition of the independent student to include those who are emancipated minors, wards of the court, and/or homeless.

In addition, CCRAA also increased the Pell Grant award maximum and created the TEACH grant program. The law made requirements to extend Pell Grant funding authority through 2017 and to increase the maximum awarded grant amount from \$4,310 to \$5,400 by 2012-13. TEACH is described below.

Teacher Education Assistance for College and Higher Education Grant Program (TEACH): TEACH provides up to \$4,000 per academic year for undergraduate and post-baccalaureate students who are teaching candidates, or for graduate students who are current or prospective teachers. In exchange for receiving a TEACH Grant, students must agree to serve as a full-time teacher in a high-need field (math, foreign language, science, etc.) in a public or private elementary or secondary school that serves low-income students. Eligible student recipients must attend an eligible institution as determined by the Department of Education. Applicants must be

Title IV eligible and have a minimum 3.25 GPA, or score within at least the 75th percentile in an undergraduate, post-baccalaureate, or graduate admissions test.

Public Law 110-227 May 7, 2008
Ensuring Continued Access to Student Loans Act of 2008 (ECASLA)

ECASLA was signed by President George W. Bush on May 7, 2008. The main purpose of this recent law is to ensure liquidity and stability in the federal guaranteed student loan program. The law also makes changes to the Title IV student aid programs. ECASLA adjusts unsubsidized loan limits and provides an additional \$2,000 unsubsidized Stafford loan for dependent undergraduates; however, this provision excludes dependent students whose parents are ineligible for a PLUS loan. The law also increases annual loan limits for independent undergraduates (and dependent students whose parents are ineligible for a PLUS loan) from \$4,000 to \$6,000 for first two years of study and from \$5,000 to \$7,000 for the third year and thereafter.

ECASLA establishes a provision for specific extenuating circumstances when determining PLUS loan eligibility for parents and graduate and professional students who might otherwise be considered to have an adverse credit history. The act makes an allowance for parents to be considered eligible if they are no more than 180 days delinquent on a mortgage payment on their primary residence or any medical bill payments, or no more than 89 days delinquent on any type of other debt.

ECASLA also expands eligibility for ACG and SMART. The law makes both programs available to all Pell-eligible students and allows for part-time eligibility. With regard to ACG, students can receive the award if they are enrolled in a certificate program. With regard to SMART, the legislation allows students enrolled in five-year programs to receive funds in their fifth year of study.

Public Law 110-315 August 14, 2008
Higher Education Opportunity Act (HEOA)

HEOA was signed by President George W. Bush on August 14, 2008. The act reauthorizes the *Higher Education Act of 1965*. HEOA amends the statutory language related to the Pell Grant, ACG, SMART, the Free Application for Federal Student Aid (FAFSA), and student aid for veterans. The negotiated rulemaking process for HEOA is currently underway, and the Advisory Committee Title IV regulatory review work panel will not cover specific regulations created by HEOA. However, an overview of the statutory revisions to Title IV programs made by HEOA may be helpful to public understanding of the current regulatory environment, and, therefore, major changes are outlined below.

Pell Grants: HEOA establishes the maximum authorized Pell Grant award amount at \$6,000, and maximum award amounts are set to increase incrementally to \$8,000 by 2014-2015. Eligible students may also receive “year-round Pell Grants” as a result of the Secretary being authorized to award a second Pell Grant to students during a single award year. For example, the additional Pell Grant award may support a summer term in addition to the regular academic year. To

qualify, students must be enrolled as at least half-time in either an associate's or bachelor's degree program.

ACG and SMART Grants: HEOA amends the ACG to designate authority for recognizing a "rigorous secondary school program" to "the official designated for such recognition consistent with State law" and to require this official to report such programs to the Secretary. It also makes other technical corrections and waives the master calendar and negotiated rulemaking for changes to ACG and SMART made under ECASLA.

Simplification Proposals: HEOA amends provisions related to the process by which students are made aware of, apply for, and are awarded student financial aid. The amendments require the Secretary of Education to pursue a process of streamlining the FAFSA for reapplication and to ultimately reduce the number of FAFSA questions. The Secretary must determine how IRS data may pre-populate the FAFSA in order to reduce income- and asset-related questions and is given the authority to obtain such data directly from the IRS. HEOA also authorizes the creation of the EZ FAFSA for students qualifying under either the Simplified Needs Test or Auto Zero EFC provisions. Web-based versions of the FAFSA and EZ FAFSA are also required.

The *Early Application and Estimated Award Demonstration Program* is also authorized to ensure that dependent students may apply for and receive conditional aid offers based on income and other data two years prior to the year of enrollment. The Secretary is required to measure whether giving students early award notifications prior to the start of their senior year of high school positively impacts enrollment in postsecondary education. States may partner with institutions of higher education and secondary schools to participate in the demonstration.

College Cost: In addition to a requirement to convene a group to develop a model format for financial aid offer forms, the Secretary is mandated to create and distribute specified information on college prices, aid, loans, and family contributions. The Secretary is also mandated to publish six annual affordability "watch lists" on which institutions with the highest and lowest tuition growth will be featured. Finally, the Secretary must consult with institutions to create a net price calculator.

Service Member Benefits: HEOA provisions that will take effect July 1, 2009, require states to provide members of the armed forces on active duty, their spouses, and their dependent children with in-state tuition at public institutions if they are domiciled or stationed on permanent duty within the state for more than 30 days. States must also allow such individuals to continue to pay in-state tuition if they are continuously enrolled, even if the service member's permanent duty station is relocated outside of the state.

Individuals who were under 24 years of age or were enrolled at an higher education institution at the time of their parent or guardian's death while serving in the armed forces of the United States in Iraq or Afghanistan after September 11, 2001, are assigned an automatic \$0 expected family contribution (auto-zero EFC) for the entirety of the period they are eligible for a Pell Grant.

Other service member benefits include expanded eligibility for the Upward Bound program, loan discharge for disability, and scholarship programs for families of post- 9/11 veterans.

Public Law 111-5 February 17, 2009
American Recovery and Reinvestment Act of 2009

The American Recovery and Reinvestment Act of 2009 was signed into law by President Barack Obama on February 17, 2009. The law is intended to make “supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.” The act makes three provisions regarding postsecondary student aid. First, the law provides \$17 billion for Pell Grant shortfall and boosts the Pell Grant by \$500 to a \$5,350 maximum amount in 2009-10. Second, the law provides an additional \$200 million for the Federal Work-Study program. Third, the law provides \$13.9 million for the American Opportunity Tax Credit, which increases the credit from \$1,800 to \$2,500.

Overview of the Current Negotiated Rulemaking Process

The negotiated rulemaking process is the initial step in the implementation process for the *Higher Education Opportunity Act* (HEOA) (P.L. 110-315). Issues to be negotiated during the process are derived from requirements within the newly enacted law, as well as input from the Department of Education and the public. The purpose of negotiated rulemaking is to provide an opportunity for parties who will be affected by regulations to have a voice in the implementation process. Through a series of meetings, these parties, along with Department officials, work to reach consensus on the proposed regulations.

With regard to Title IV provisions of the HEOA, the Department is required to implement a negotiated rulemaking process before publishing a Notice of Proposed Rulemaking (NPRM). The process is considered to be complete when the final rules are published in the *Federal Register*. Prior to publication of the final regulations, the negotiated rulemaking process occurs and consists of several mandatory steps, as follows: notice of committee formation and soliciting nominations to serve as non-federal negotiators; establishment of committees; the negotiations themselves; preparation of the draft NPRM; NPRM submitted to the Office of Management and Budget (OMB) for clearance; NPRM published in the *Federal Register*; end of public comment period; preparation of final regulations; final regulations submitted to OMB for clearance; and final regulations published in the *Federal Register*. This year, the process is set to be completed by the beginning of November 2009.

The Advisory Committee has been charged with monitoring future regulations and is, therefore, following the negotiated rulemaking process for the HEOA. This will allow the Committee to highlight potential areas of concern within current regulations. It is important to note that the negotiated rulemaking process is separate from the regulatory review process that the Advisory Committee is currently charged by Congress with conducting as part of HERS.

The negotiated rulemaking process for HEOA began in September of 2008. At that time, the Department of Education announced six public meetings that were held throughout the country and served as a forum for interested parties to express concerns and suggestions involving the

rulemaking process for HEOA. Following the completion of these meetings, the Department announced its intent to create five rulemaking committees to prepare proposed regulations on the topics suggested through the public hearing process, topics that the Department felt most needed to be negotiated.

The negotiated rulemaking process is currently underway. The five committees have met, or will meet on the following dates:

1. [Team I--Loans--Lender/General Loan Issues](#)
February 23-25, 2009
March 30-April 1, 2009
May 4-6, 2009
2. [Team II--Loans--School--Based Loan Issues](#)
February 25-27, 2009
April 1-3, 2009
May 6-8, 2009
3. [Team III--Accreditation](#)
March 4-6, 2009
April 21-23, 2009
May 18-20, 2009
4. [Team IV--Discretionary Grants](#)
February 18-20, 2009
March 25-27, 2009
April 28-30, 2009
5. [Team V--General and Non-Loan Programmatic Issues](#)
March 2-4, 2009
April 14-16, 2009
May 11-13, 2009

While the negotiated rulemaking process and the HERS review panels are two separate processes, they are both important components of the Advisory Committee regulatory review study. Together, negotiated rulemaking and the HERS review panels will provide a broad review of current regulations and the rulemaking process for future regulations. Perhaps most importantly, understanding the challenges associated with existing higher education regulations may influence the content of future regulations.

Summary

The above overview of regulatory review efforts and significant recent legislation that affect higher education regulations has been provided as background information that may be helpful for those members of the public with an interest in submitting public comment.

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TITLE IV REVIEW PANELISTS

Ms. Sarah Bauder
Director of Student Financial Aid
University of Maryland, College Park

Ms. Bauder has worked in financial aid for 17 years, beginning her career at St. Mary's College of Maryland, and moving to the University of Maryland in 1996. Since 2005 she has been the Director of Student Financial Aid at the University of Maryland, where she has been instrumental in the development and implementation of the Maryland Pathways Programs, which provides a debt free education for needy students. Ms. Bauder has testified before Congress on two occasions, is a member of NASFAA's Executive Board, and has served on a negotiated rulemaking committee.

Ms. Bauder holds a master's degree in education policy and planning with a focus on higher education administration and leadership from the University of Maryland.

Mr. Richard (Rick) Jerue
President
Art Institute of Charleston

Mr. Jerue is President of the Art Institute of Charleston. Prior to assuming that role in November 2006, Mr. Jerue served as Vice President, Government Relations and Corporate Development, for Education Management Corporation (EDMC). He had been with EDMC since 1995, serving in a number of capacities, including President of the Art Institute of Washington and the New England Institute of Art, as well as corporate positions at EDMC headquarters such as Assistant to the CEO and Vice President of Governmental Relations.

Prior to joining EDMC, Mr. Jerue held a number of positions at the federal and state government levels, including Staff Director and Counsel, Subcommittee on Postsecondary Education, U.S. House of Representatives; Executive Director, National Commission on Student Financial Assistance; Staff Director and Counsel, Subcommittee on Education, Arts and Humanities, U.S. Senate; and Legislative Director, Office of the Governor, State of Rhode Island.

Mr. Jerue holds a BA from Bowdoin College and a JD from Suffolk University Law School.

Ms. Linda Michalowski
Vice Chancellor of Student Services and Special Programs
California Community Colleges Systems Office

Linda Michalowski is Vice Chancellor for Student Services and Special Programs for the California Community Colleges System. In that capacity she is responsible for policy and programs to help students achieve their educational goals, including outreach, admissions,

assessment, orientation, financial aid, counseling, transfer and articulation, student government, child care, disabled student services, and special services for single parents and other disadvantaged and underprepared students. She was with the Governmental Relations and External Affairs division from 1998 to 2003, serving as Interim Vice Chancellor as well as Director of Strategic Communications and Federal Relations.

Ms. Michalowski was the Chancellor's Office Coordinator for Student Financial Assistance Programs until 1998, during which time she led student aid policy development, represented community colleges in state and national forums, provided guidance to campus financial aid offices, and administered community college financial aid programs. She came to the Chancellor's Office in 1983 as an independent consultant to work with the Extended Opportunity Programs and Services (EOPS) program for disadvantaged students and, the following year, was named the Board Financial Assistance Program Coordinator.

Throughout her more than 25-year career at the Chancellor's Office, Ms. Michalowski has been an advocate for the system's colleges and students in the state and federal legislative and policy arenas. She has served on the American Association of Community Colleges and Association of Community College Trustees Joint Commission on Federal Relations and was the 1997 recipient of the Community College Governmental Relations Award. She led the development and implementation of the system-wide *California Community Colleges: The Way California Works* and *I Can Afford College* public awareness campaigns.

Ms. Angela Peoples
Legislative Director
United States Students Association

Ms. Peoples recently joined USSA as its Legislative Director. As Legislative Director, she is committed to work tirelessly to ensure the continuation of USSA's legacy of winning legislative victories on the issues that are most important to students. Ms. Peoples was introduced to the work of USSA in 2007 at a statewide rally of 500 students in Lansing Michigan and again at USSA's 39th Annual Legislative Conference. As a student at Western Michigan University, she worked diligently for change on issues that affect students, including defeating anti-affirmative action legislation and promoting sexual assault policies and preventions. She was also instrumental in collaborating with universities across the State of Michigan to develop and institutionalize the Student Association of Michigan.

Ms. Peoples graduated from Western Michigan with a degree in political science and African studies.

Dr. Terri Standish-Kuon
Vice President, Communications and Administration
Commission on Independent Colleges and Universities

Dr. Standish-Kuon is Vice President for the Commission on Independent Colleges and Universities in New York (cIcu). She coordinates federal relations, manages the communications program, and supervises the finance and human resources operations for the association, which represents the presidents of 111 private, not-for-profit colleges and universities in the state. She worked with cIcu's member campuses and the New York congressional delegation throughout the most recent Higher Education Act reauthorization cycle. cIcu is actively engaged in the efforts of the National Association of Independent Colleges and Universities (NAICU) and its affiliated state associations (NAICUSE).

Dr. Standish-Kuon holds a PhD from Rensselaer Polytechnic Institute, master's degrees from The Sage Colleges and the University at Albany, and a bachelor's degree from Rochester Institute of Technology.

Ms. Christine Zuzack
Vice President for State and Special Grant Programs
Pennsylvania Higher Education Assistance Agency

Ms. Zuzack currently serves as Vice President for State Grant and Special Programs at the Pennsylvania Higher Education Assistance Agency (PHEAA). In this role she oversees the grant, scholarship, and employment programs administered by PHEAA. Her professional career in higher education began at the Community College of Allegheny County in Pittsburgh, Pennsylvania where she worked in various roles with admissions, financial aid, and veterans affairs for five years. The next twenty-two years were dedicated to financial aid administration at Indiana University of Pennsylvania.

Ms. Zuzack served as President of the Eastern Association of Student Financial Aid Administrators (EASFAA) from 2003-2004 and as President of the Pennsylvania Association of Student Financial Aid Administrators (PASFAA) from 1994-1995. Additionally, she was a member of the Board of Directors of the National Association of Student Financial Aid Administrators (NASFAA) from 2003-2005.

Ms. Zuzack holds a bachelor's degree in psychology from Grove City College and master's degrees in clinical psychology and student personnel services in higher education from Indiana University of Pennsylvania. She has completed her coursework for a doctorate in adult education at the Pennsylvania State University.



ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE



HIGHER EDUCATION REGULATIONS STUDY

The recently enacted reauthorization of the Higher Education Act, the *Higher Education Opportunity Act of 2008*, charges the Advisory Committee with conducting a review and analysis to determine whether regulations affecting higher education are:

- duplicative
- no longer necessary
- inconsistent with other federal regulations
- overly burdensome.

To fulfill this new charge, the Advisory Committee will:

- Monitor future federal regulations, including notices of proposed rulemaking, for their impact on higher education and describe each regulation or proposed regulation.
- Develop and maintain a website that provides information, includes an area for the public to offer recommendations for streamlining regulations, and links to the study of the National Research Council of the National Academy of Sciences on deregulation.
- Convene at least two review panels of individuals who have experience with federal regulations affecting all sectors of higher education to review regulations and provide recommendations with respect to streamlining.
- Provide periodic updates to the congressional authorizing committees on the impact of federal regulations as well as suggestions for streamlining regulations.
- Consult with the Secretary of Education, other federal agencies, representatives of higher education institutions, and individuals with expertise and experience in this field.

The Advisory Committee is required to provide a report to Congress no later than two years after the negotiated rulemaking process for the *Higher Education Opportunity Act* is complete. This report will detail the review panels' findings and recommendations with respect to the review of regulations prescribed in statute.

AUTHORIZING LEGISLATION: HIGHER EDUCATION REGULATIONS STUDY (HERS)

Below is the authorizing language for HERS, from the *Higher Education Opportunity Act of 2008*. This portion of the statute describes the role of the review panels and the development of the website for public comment, required elements of HERS, within the context of the study as a whole.

RECOMMENDATIONS

The Advisory Committee shall make recommendations to the Secretary and the authorizing committees for consideration of future legislative action regarding redundant or outdated regulations consistent with the Secretary's requirements under section 498B.

REVIEW AND ANALYSIS OF REGULATIONS

REVIEW OF CURRENT REGULATIONS.—To meet the requirements of subsection (d)(10), the Advisory Committee shall conduct a review and analysis of the regulations issued by Federal agencies that are in effect at the time of the review and that apply to the operations or activities of institutions of higher education from all sectors. The review and analysis may include a determination of whether the regulation is duplicative, is no longer necessary, is inconsistent with other Federal requirements, or is overly burdensome. In conducting the review, the Advisory Committee shall pay specific attention to evaluating ways in which regulations under this title affecting institutions of higher education (other than institutions described in section 102(a)(1)(C)), that have received in each of the two most recent award years prior to the date of enactment of Higher Education Amendments and College Opportunity Act of 2008 less than \$200,000 in funds through this title, may be improved, streamlined, or eliminated.

REVIEW AND COLLECTION OF FUTURE REGULATIONS.—The Advisory Committee shall— (i) monitor all Federal regulations, including notices of proposed rulemaking, for their impact or potential impact on higher education; and (ii) provide a succinct description of each regulation or proposed regulation that is generally relevant to institutions of higher education from all sectors.

MAINTENANCE OF PUBLIC WEBSITE.—The Advisory Committee shall develop and maintain an easy to use, searchable, and regularly updated website that—(i) provides information collected in subparagraph (B); (ii) provides an area for the experts and members of the public to provide recommendations for ways in which the regulations may be streamlined; and (iii) publishes the study conducted by the National Research Council of the National Academy of Sciences under section 1106 of the Higher Education Amendments and College Opportunity Act of 2008.

CONSULTATION

IN GENERAL.—In carrying out the review, analysis, and development of the website required under paragraph (2), the Advisory Committee shall consult with the Secretary, other Federal agencies, relevant representatives of institutions of higher education, individuals who have expertise and experience with Federal regulations, and the review panels described in subparagraph (B).

REVIEW PANELS.—The Advisory Committee shall convene not less than two review panels of representatives of the groups involved in higher education, including individuals involved in student financial assistance programs under this title, who have experience and expertise in the regulations issued by the Federal Government that affect all sectors of higher education, in order to review the regulations and to provide recommendations to the Advisory Committee with respect to the review and analysis under paragraph (2). The panels shall be made up of experts in areas such as the operations of the financial assistance programs, the institutional eligibility requirements for the financial assistance programs, regulations not directly related to the operations or the institutional eligibility requirements of the financial assistance programs, and regulations for dissemination of information to students about the financial assistance programs.

PERIODIC UPDATES TO THE AUTHORIZING COMMITTEES

The Advisory Committee shall— (A) submit, not later than two years after the completion of the negotiated rulemaking process required under section 492 resulting from the amendments to this Act made by the Higher Education Amendments and College Opportunity Act of 2008, a report to the authorizing committees and the Secretary detailing the review panels’ findings and recommendations with respect to the review of regulations; and (B) provide periodic updates to the authorizing committees regarding— (i) the impact of all Federal regulations on all sectors of higher education; and (ii) suggestions provided through the website for streamlining or eliminating duplicative regulations.

ADDITIONAL SUPPORT

The Secretary and the Inspector General of the Department shall provide such assistance and resources to the Advisory Committee as the Secretary and Inspector General determine are necessary to conduct the review and analysis required by this subsection.