

H.R. 4508, The Promoting Real Opportunity, Success and Prosperity Through Education Reform (PROSPER) Act

Title I- General Provisions

Sec. 101, 102, and 103

- Strikes provisions in Sec. 102 definition of institution of higher education for purposes of Title IV programs and provides a single definition for institutions of higher education (IHEs).
- Sec. 103 strikes the definition of distance education.
- Sec. 103 (b) provides a new definition of correspondence education based on the Federal Student Aid Handbook definition, including that “interaction between the institution and the student is limited and the academic instruction by faculty is not regular and substantive.”
- Sec. 103 (e) Competency Based Education (CBE)- includes a new definition of CBE. CBE is defined as education that measures academic progress and attainment by direct assessment of a student’s mastery of competencies in terms of credit or clock hours. Also provides the educational content and resources, including faculty, necessary to enable students to demonstrate or attain mastery of competencies.
 - A CBE program must have a method to differentiate between knowledge that a student acquired prior to enrollment in CBE, and knowledge that the student acquired as a result of enrollment in the program. Must also be organized in such a manner that the institution can determine what constitutes full-time, half-time, etc... for the purposes of Title IV.
- Pay for Success—Allows IHEs to contract with third party contractors and pay them based on when student outcomes are achieved. Similar to Sec. 8101 of the Elementary and Secondary Education Act.
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Sec. 104 - Regulatory Relief

- Sec. 104 (a) repeals the definitions of credit hour, gainful employment, and borrower defense.
- Sec. 104 (b) includes language that the Secretary shall not promulgate or enforce any rule with respect to gainful employment or credit hour.
- Sec. 104 (b)(3) the Secretary of Education shall not create, administer, or enforce a postsecondary institution rating system or any other performance system to rate institutions of higher education.

Sec. 111 - Free Speech Protections

- Includes a “sense of Congress” that free speech zones and restrictive speech codes are at odds with freedom of speech, as guaranteed by the first amendment.
- Includes a “sense of Congress” that an individual’s religious expression should not be curtailed, and that any institution receiving federal funds should not limit religious expression.
- No public institution receiving Title IV funds will be allowed to restrict free speech through such zones or codes.
- Institutions must annually disclose to current and prospective students any policies related to protected speech on campus, including where and when such speech may occur.

- Establishes the right to submit a complaint to the Department for this provision. The Secretary will designate an employee in the Office of Postsecondary Education to receive complaints from students or student organizations that believe an institution is not in compliance or is enforcing a policy that has not been previously disclosed to students.
- If the Secretary determines the institution was not in compliance based on the complaint, the Secretary can require the institution to allow the complainant the opportunity to speak. If the Secretary determines the denial/ complaint was a violation of Constitutional rights, the Secretary will refer the complaint to the Department of Justice.
- Includes a sense of Congress on inclusion and respect that states: “harassment and violence targeted at students because of their race, color, religion, sex, or national origin....should be condemned; institutions of higher education and law enforcement should be commended for their efforts to combat violence, extremism, and racism and to protect all members of the community from harm; and Congress is committed to supporting institutions of higher education in creating safe inclusive, and respectful learning environments that fully respect community members from all backgrounds.”

Sec. 112 - National Advisory Committee on Institutional Quality and Integrity

- Reauthorizes NACIQI.
- The Secretary may remove any member who was appointed by a predecessor of the Secretary and name new members.

Sec. 113 - Repeal of Certain Reporting Requirements

- Repeals Sec. 117, disclosure of foreign gifts. This was requested as part of the 2015 taskforce report on federal regulation of higher education.

Sec. 118 - Drug and Alcohol Abuse Prevention

- Requires institutions to adopt and implement a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees.
- Program must include annual distribution of institutional standards of conduct and sanctions that address these issues and a description of any drug or alcohol counseling or treatment available.
- Department of Education, in consultation with the Department of Health and Human Services, will share best practices for institutions of higher education to address and prevent substance abuse and support students in recovery, including information on opioid abuse.
- Under Sec. 487 (a)(10) an institution must certify that it has a drug abuse prevention program and that program must include opioid abuse prevention.

Sec. 122 - Campus Access for Religious Groups

- Institutions receiving Title IV cannot deny a religious student organization any right, benefit, or privilege that is generally afforded to other student organizations at the institution.

Sec. 125 – Single Sex Student Social Organizations

- Institutions with policies regarding the recognition of single-sex social organizations may not “require or coerce” such organizations:

- to admit persons who do not meet the organization’s criteria for single-sex status;
- to allow such persons to participate in the organization’s activities;
- Take “any adverse action” against individuals on the basis of their membership in a single-sex organization;
- Institutions are precluded from making any requirements on single-sex organizations
- Institutions are not required by this provision to have a policy recognizing single-sex organizations.
- The provision defines “adverse actions” as:
 - “Expulsion, suspension, probation, censure, condemnation, reprimand, or any other disciplinary, coercive, or adverse action taken by an institution of higher education or administrative unit of such an institution.”
 - Oral or written warnings.
 - Denying participation in academic or student organization activities.
 - Denying permission to reside in campus housing.
 - Denying certifications or letters of recommendation.

Title I, Part C - Cost of Higher Education

Sec. 121 - College Dashboard Website

- The Secretary shall develop and make publically available a “College Dashboard Website.”
- Dashboard will include
 - a link to the institution’s website;
 - an identification of the type of the institution (two-year/four-year, private/non-profit);
 - number of students enrolled as undergraduates or graduates;
 - the student/faculty ratio;
 - graduation rate of students (within “100/150/200 percent of the normal time for completion of, or graduation from, the program in which the student is enrolled”);
 - adds a 300 percent of the normal time calculation for insts. predominantly awarding associates degrees.
 - average net price per year for undergraduate students and within income categories;
 - link to the net price calculator on institutional websites;
 - percentage of undergraduate and graduate students who graduated who borrowed federal student loans, set forth by each “educational program offered by the institution;”
 - average federal student loan debt incurred by a student who graduated, set forth by educational program;
 - median earnings of students who graduated and who received Title IV aid, in the fifth and tenth year following graduation and set forth by educational program; and
 - a link to the institution’s campus safety data.
- Additional data the Secretary will publish on websites that are linked to the College Dashboard site:
 - enrollment (percentage of male and female undergraduate students);
 - percentage of students enrolled full-time and less than full-time;
 - for institutions that provide the majority of courses and programs through online education, it will also post the percentage of students who are residents of the state

where the institution is located, and percentage of students who are not residents of that state, as well as the percentage of international students;

- percentages of undergraduate and graduate students disaggregated by race and ethnic background; students with a disability; Pell recipients; recipients of military or veterans' benefits; and recipients of federal student loans.
- Additional information will be provided regarding completion rates for the same groups and average financial aid received by students.
- Secretary will update the Dashboard annually.
- A link to the Dashboard will be provided to every student who submits the FAFSA.
- The Secretary will sunset the College Navigator website once the new Dashboard is publically available.
- The Commissioner of Education Statistics is required to ensure completion rates reflect program length, including for categories of students other than first time, full-time students.

Sec. 122 - Net Price Calculators

- Net price calculators, posted by institutions, will include cost of attendance (this number is mandated to be the most “visually prominent figure” on the results screen), estimated total need-based aid, and percentage of full time undergraduate students who receive any type of grant aid.

Sec. 124 - Ensuring Equal Treatment by Governmental Entities

- Prohibits the federal government from denying federal aid, programs and facilities, withholding of any licenses, etc. to institutions of higher education with a religious mission.
- Ensures that no government agency will take any adverse action against an institution of higher education for acts or omissions by the institution that are related to an institution's religious mission or related to an institution's religious affiliation.

Sec. 126- Department of Homeland Security recruiting on campus

- Institutions of higher education are prohibited from preventing the Department of Homeland Security from recruiting on a campus.

Sec. 131 - Performance-based organization for the delivery of student financial aid

- Changes to the Federal Student Aid office to increase transparency and maximize stakeholder engagement.
- Requires annual reports to congressional authorizing committees on stakeholder input and any actions taken.
- Creation of a three-year performance plan in consultation with students, institutions of higher education, Congress, and lenders.
- Chief Operating Officer may receive bonuses.
- Would also create an advisory board for the Performance Based Organization (PBO). Members will be appointed by the Secretary and serve staggered terms. The Secretary will also serve as an ex-officio, voting member of the board.

Sec. 133- Report by GAO on transfer of functions of FSA to Treasury

- Comptroller General is required to conduct a study on the impact of transferring the Office of Federal Student Aid from the Department of Education to the Treasury Department.

Sec. 138 - Review of Current Data Collection and Feasibility Study of Improved Data Collection

- Requires the Secretary to review all current data reporting requirements on institutions. In conducting the review, the Secretary shall explore the feasibility of working with the National Student Clearinghouse to establish a third-party method to produce institution and program-level analysis of the necessary data reported.

Title I, Part E - Lender and Institution Requirements Relating to Education Loans

- Any institution with a preferred lender arrangement must comply with a code of conduct and employees administering loans must be informed annually about the code. Institutions must publish the code prominently on its website.

Title I, Part F - Addressing Sexual Assault

Sec. 162 - Campus Climate Surveys

- Requires campus climate surveys, at least every 3 years.
- Surveys will consist of questions considered appropriate by the institution of higher education.
- Surveys must be confidential and institutions must ensure that responses are kept confidential.
- Institutions shall make good-faith efforts to encourage students to respond and are encouraged to use best practices in establishing such a survey.
- The Secretary will develop sample surveys for use by institutions, but cannot mandate that institutions use that survey.

Sec. 163 - Survivors Counselor

- Institutions of higher education are required to retain the services of a qualified sexual assault survivors' counselor. Use of contractors is permitted.
- Must have at least one counselor, but total number of additional counselors can be set by school.
- A counselor is considered qualified if they have completed education specifically designed to enable the counselor to provide support to victims of sexual assault.
- Counselor must inform victims of available options and services, including the procedures the victim may follow to report the assault to the institution or law enforcement, and inform the victim of interim measures that may be taken pending the resolution.
- Counselor is required to maintain confidentiality "to the greatest extent permitted under applicable law" and notify the victim of any circumstances in which the counselor must report the information.
- Counselor is not required to report incidents of sexual assault for any required reporting under the Clery Act.
- Counselors shall not be considered a responsible employee under Title IX.

- Each institution of higher education shall make a good faith effort to notify students of the availability of the services of the counselor.

Sec. 164 - Form to Distribute to Victims of Sexual Assault

- Each institution of higher education will develop a one-page form containing information and guidance for victims of sexual assault which will be widely distributed to students.
- The Secretary shall develop a model form, but will not require institutions to use that form.

Sec. 165 - Memoranda of Understanding with Local Law Enforcement

- The purpose of this section is to encourage, but not mandate, that institutions enter into MOUs with law enforcement agencies to help address issues of sexual assault.
- The Secretary shall collect best practices and share those widely on the department website.

Amendment to the General Education Provisions Act

- Reverse transfer amendment- Allows an institution of higher education, where the student was previously enrolled, to send records for the purpose of applying such credits and coursework towards completion of a degree, upon condition of the student’s written consent.

Title II - Expanding Access to In-Demand Apprenticeships

- Repeals Title II - Teacher Quality Enhancement.
- Allows institutions to spend out remaining Teacher Quality Partnership grant funds through September 30, 2018.

Sec. 201 - Apprenticeship Grant Program

- Authorizes an Apprenticeship Grant Program. Grants are capped at \$1.5 million and require a 50 percent match.
- Requires a partnership between a business and institution of higher education.
- Open to any programs of 3 months to two years that lead to a credential. Must identify the credential to be awarded to a student that completes the program and the earning potential with such a credential.

Title III - Institutional Aid

Sec. 301 - Strengthening Institutions

- Adds “Minority Serving” after “Strengthening” in Sec. 301 “Strengthening Institutions.”
- Strikes subsection (b) of Sec. 311, eliminating the Strengthening Institutions Program and grouping existing MSI programs under a new statutory heading.
- Adds a section on aligning and integrating career and technical education programs leading to a degree, developing or expanding access to dual or concurrent programs and early college high school programs, and paying for success initiatives that improve time to completion and increase graduation rates.

- Qualifying institutions (all MSIs other than HBCUs and TCUs) must have a completion rate of at least 25 percent.
- All programs are authorized at their FY 2017-funded level through 2024.
- Secretary may waive eligibility requirements for institutions in the case of a major disaster.

Title IV - Student Assistance

Sec. 401 - Pell Grants

- Reauthorizes Pell through FY 2024.
- Provides a Pell Grant Bonus that allows for an additional \$300 Pell Grant in an academic year (divided among the two semesters) for students that take workloads of more than full-time that would lead to at least 30 credit hours through the first two semesters (does not include summer enrollment, which remains open for year-round Pell).
- Requires the Secretary to send an annual Pell status report to every Pell recipient outlining remaining Pell eligibility, including a link to an ED calculator.
- Pell grant funds disbursed on weekly or monthly basis in roughly equivalent amounts (on the same basis as loan funds in Sec. 465). However, a school can make unequal payments in recognition of unequal charges (i.e., if you had a large tuition and fee payment, Pell might all be applied to that at once).
- Sunsets ineligibility due to default rates.
- Prevent Pell fraud - eliminates eligibility for students enrolled for at least three semesters who have not earned any credits. Allows for an institutional waiver due to circumstances beyond an individual's control.
- Mandates the Secretary prepare an annual report by Oct. 31 of each year on the costs of the Pell Grant program.
- Workforce Pell grant - short term programs eligible for Pell if at least 300 clock, 8 semester hours, or 12 quarters offered during a minimum of 10 weeks.
- Requires an annual report from the Secretary on the number of students receiving the Pell Grant bonus and number of students receiving a degree within a 4-6 year time frame
- Requires a study within 18 months after the first annual report on the impact of the Pell Grant bonus on student completion, whether it increased course loads, and whether the bonus decreased student loan burden.

Sec. 402 - TRIO Programs

- Authorized at current authorized level of \$900 million (which is \$50 million below current appropriation).
- Establishes new criteria for awarding funds.
- Sets aside 10% for new applicants who have not previously received a grant.
- Sets aside an additional 10% for innovative programs.
- Requires a new 20% match from the institution in cash or in kind and may be collected over the course of the grant (GEAR UP has a 50% match). Allows for the possibility of a waiver.
- Additional provisions (per *Council on Opportunity in Education*):

- Renames “Prior Experience” to “Accountability for Outcomes”;
- Adoption of COE recommendations on meaningful outcome criteria for most of the TRIO programs;
- Establishes Pell Grant eligibility as a means of determining low-income status; and
- Includes a prohibition on absolute, competitive, or other preference priorities.
- Requires additional documentation for TRIO outreach programs (i.e., Talent Search and EOC).

Section 405 - Child Care Access Means Parents in School

- Requires institutions to prepare an annual report on populations served, resources available (and source), use of federal funds and documentation of appropriate licensure, etc., which the Secretary will make publicly available.

Sec. 406 - Repeals

- Academic Competitiveness Grants
- Federal Supplemental Educational Opportunity Grant (FSEOG)
- Leveraging Educational Assistance Partnership (LEAP)
- Byrd Honors Scholarship

Section 407 - TEACH Grants

- Sunset TEACH Grants on June 30, 2018.

Section 422 - Loan Rehabilitation

- Allows loans to be rehabilitated two times (as compared to the current one time).

Section 423 - Loan Forgiveness for Teachers

- Strikes loan cancellation provision for teachers under Perkins.

Section 424 - Loan Forgiveness for Service in Areas of National Need

- Strikes loan cancellation provision for teachers under Perkins.

Section 425 - Loan Repayment for Civil Legal Assistance Attorneys

- Grandfathers existing provisions.

Section 426 - Sunset of Cohort Default Rate and other conforming changes

- Eliminates Cohort Default Rate (CDR) calculations and implications for eligibility.
- Replaces CDR with a program-level cohort rate for eligibility (so an institution could have a mix of Title IV-eligible and non-eligible programs).

Section 427 - Closed School and Other Discharges

- Requires every borrower seeking discharge to submit a written request under penalty of perjury, containing information and documentation related to their experiences with the closed school.
- Requires borrowers submitting claims to cooperate with the Secretary in any actions to recover funds.

Section 433 (a)- Required disclosure before disbursement of student loans

- Secretary is required to develop a “plain language disclosure form,” based on consumer testing, that is sent to the student before the disbursement of a federal student loan.

Section 441 - Federal Work-Study Programs

- Authorization is expanded to \$1,722,858,000 which accounts for existing SEOG authorization to be rolled into FWS.
- Reserves the lesser of either 1) 20% of the amount by which appropriated funding exceeds \$700 million or 2) \$150 million for a funds set aside for “improved institutions.”
 - Provides not less than \$10,000 and not more than \$1.5 million to improved institutions in addition to their standard FWS allocation.
 - This will be awarded to institutions with completion or graduation rates in the top 10%; or institutions where their improvement in completion or graduation is in the top 10% of improved institutions.
 - Any unallocated funds from this program will be reallocated along the same lines.
- Revises FWS formula to phase out base and move to fair share formula.
- Fair share formula is calculated as such:
 - 50% of the amount is determined by looking at the proportion of Pell Grant funds disbursed at the institution relative to the total amount of Pell Grant funds disbursed at all institutions; and
 - 50% is determined by the proportion of undergraduate student need at the institution relative to the undergraduate student need at all other FWS-participating institutions.
 - Undergraduate student need is the lesser of:
 - the amount determined by taking the total of the average cost of attendance for that fiscal year minus the total amount of each undergraduate student’s EFC; or
 - \$12,500
- The current formula phases over time to the fair share calculation by awarding institutions 90% or fair share amount, whichever is greater in FY18; 80% of 2018 or fair share in FY2020; 60% of 2018 amount or fair share in FY2021; 40% of 2018 amount or fair share in FY2022; and 20% of 2018 amount or fair share for FY2023.
- If appropriations fall below a previous year’s level, then each institution’s allocation shall be ratably reduced accordingly.
- Strikes the community service set-aside.
- Increases to \$500 (from \$300) the amount by which income derived from need-based employment may exceed the determination of need before subsidized funding is cut off.
- Emphasizes “work-based” learning.
- Institutions returning more than 10% of funds see their following year’s allocation reduced by that amount.
- Reduces the federal share of FWS funds from:
 - 75% to 65% in the first succeeding fiscal year;
 - 65% to 60% in the second succeeding fiscal year;

- 60% to 55% in the third succeeding fiscal year;
- 55% to 50% in the fourth succeeding fiscal year.
- Eliminates part-time requirement for employment with private sector employers.
- Allows for full-time employment through cooperative education programs
- Eliminates graduate student eligibility.

Section 444 - Flexible Use of Funds

- Allows for students to carry over unearned funds from a work-study award into a subsequent period if changes in need are accounted for in the subsequent award.

Section 445 - Job Location and Development of Programs

- Requires institutions to prioritize awards by student need and participation in work-based learning opportunities through job location development programs.

Section 446 - Community Service

- Eliminates community service set-aside.

Section 447 - Work Colleges

- Appears to revise the allocation for FWS for work colleges based on the proportion of eligible students across all work colleges.

Section 451 - Termination of Federal Direct Loan Program

- Starting July 1, 2019, grandfathers all existing Direct Loan (DL) borrowers (those holding an outstanding balance), who can continue to borrow under the DL rules until they complete their program or September 30, 2024, for undergraduate, graduate, and professional programs.
- Elimination of Direct Loans includes the elimination of subsidized Stafford undergraduate loans.
 - Allows for subsidized loans to continue for eligible borrowers under the same conditions.
- New borrowers begin under the ONE loan program starting July 1, 2019.
- All borrowers must borrow under ONE loan program on or after October 1, 2024.

Section 452 - Borrower Defenses

- Requires all borrowers to file an individual application.
- Borrowers cannot recover more than they have already paid.
- Borrowers have a three-year window following the misconduct or breach-of-contract to assert a defense to repayment.
- Restricts decisions to administrative law judges or their equivalents.
- No determinations may be made without representation by students and institutions if either party wishes.
- Requires borrowers applying to consolidate their loans under the ONE loan program.
- Suspends collection activities on defaulted loans under consideration by the Secretary.

- Limits Secretary's ability to collect funds from an institution for successful defenses against repayment to three years from the end of the last award year the student attended the institution.

Section 454 - Loan Cancellation for Teachers

- Rescinds loan cancellation for teachers under Perkins Loans.

Section 461 - Wind-down of Federal Perkins Loan Program

- Allows an institution to request a final audit of its participation in the program within 60 days of notifying the Dept. of its desire to terminate their participation in the program.
- Termination is effective upon an institution giving up its collection and servicing roles; completing all collections and servicing; and/or completing asset distribution.
- Institutions can assign loans for servicing and collection to the Secretary, and the Secretary will assign collected funds to the Treasury.

Section 461 - Federal ONE Loan Program

- Requires disbursement be made in substantially equal weekly or monthly installments over the period of enrollment.
- Allows for unequal payments to allow for unequal costs, such as upfront costs.
- The first installment to new borrowers takes place no less than 30 days after enrollment, unless the student is enrolled in an educational program which has a loan repayment rate of 60% or greater.

Section 465 - Loan Limits and Interest Rates

- Annual loan limit for dependent undergraduate students who have not successfully completed the first year of undergraduate education: \$7,500 (currently \$5,500 for first year).
- Annual loan limit for dependent undergraduate students who have successfully completed the first year of undergraduate education: \$8,500 (currently \$6,500 for second year).
- Annual loan limit for dependent undergraduate students who have successfully completed the first and second year of a program of undergraduate education but have not successfully completed the remainder of such program: \$9,500 (currently \$9,500 for third and successive years).
- Dependent Aggregate Loan limit of \$39,000.
- Annual loan limit for independent students or dependent students whose parents are unable to borrow a loan who have not successfully completed the first year of a program of undergraduate education: \$11,500 (currently \$9,500).
- Annual loan limit for independent students or dependent students whose parents are unable to borrow a loan who have successfully completed the first year of a program of undergraduate education but have not successfully completed the remainder of a program of undergraduate education: \$12,500 (currently \$10,500).
- Annual loan limit for independent students or dependent students whose parents are unable to borrow a loan who have successfully completed the first and second year of a program of undergraduate education but have not successfully completed the remainder of such program: \$14,500 (currently \$12,500).

- Aggregate loan limit of \$60,250 for independent students or dependent students whose parents are unable to borrow a loan.
- Cap graduate or professional students at an annual loan limit of \$28,500, an aggregate loan limit of \$150,000.
- Parent borrowers on behalf of a dependent student enrolled in undergraduate education are capped at an annual amount of \$12,500 per dependent student, and aggregate amount of \$56,250 per dependent.
- Allows institutions to set lower loan limits for specific categories of students, based on:
 - Year of the program for which the student is seeking a loan.
 - Credential level.
 - Enrollment intensity.
 - Anticipated future ability to repay, based on U.S. Bureau of Labor Statistics (BLS) data related to average earnings of typical occupations pursued by graduates of the program in that geographic area.
- Health occupations limits are maintained.
- Undergraduate loan interest rates are calculated using the ten-year Treasury rate as of June 1, plus 2.05%, with a maximum interest rate of 8.25%.
- Graduate loan interest rates are calculated using the ten-year Treasury rate as of June 1, plus 3.60%, with a maximum interest rate of 9.50%.
- Parent loan interest rates are calculated using the ten-year Treasury rate as of June 1, plus 4.60%, with a maximum interest rate of 10.50%.
- Eliminates origination fees.

Section 466 - Repayment

- Eliminates all repayment plans and creates a new income-based repayment (IBR) plan.
- Two options: either the 10-year standard repayment, or an IBR where borrowers pay 15% of income and a minimum of \$25 a month, capped at the total amount (principal and interest) they would have paid under the standard 10-year plan.
- Due to medical or extreme economic hardship, a payment can be lowered to \$5 monthly.
- If a borrower does not choose between the two plans, the Secretary places the borrower in the standard repayment plan.
- No forgiveness is available. Borrowers pay the amount of principle plus 10 years' interest as long as they are able.
- The total cap protects against negative amortization. They are "cancelling" the balance of a borrowers' interest above what you would have paid on the 10-year plan.
- Appears to eliminate the IBR exception for married couples filing separately.
- No public service loan forgiveness, etc. All those programs are eliminated going forward.
- No option for economic forbearance (since you can go into the IBR program). Retains forbearance options for students and active military (but no interest accrues for active military).

Sec. 468 - Consolidation

- Consolidation option remains, but you do not have the cap on interest if you consolidate.

- Eliminates the “double consolidation loophole (where a parent loan can enter IBR if they consolidate).
- Repayment schedule for consolidation loans as follows:
 - Less than \$7,500 – ten years
 - Greater than \$7,500 but less than \$10,000 – twelve years
 - Greater than \$10,000 but less than \$20,000 – 15 years
 - Greater than \$20,000 but less than \$40,000 – 20 years
 - Greater than \$40,000 but less than \$60,000 – 25 years
 - Greater than or equal to \$60,000 – 30 years

Section 470 - Deferment

- There are 32 forbearance or deferment plans based on current law. This legislation eliminates virtually all of them (because a person can simply go into their new IBR plan).
- Eight remaining deferment options:
 1. In-school
 2. Grace period
 3. Graduate fellowship or rehabilitation education
 4. Active duty military
 5. National Guard service
 6. Medical/dental internship or residency
 7. 120 days for previously defaulted borrowers who have entered into a new repayment agreement
 8. Administrative deferment

Sec. 471 - Cost of Attendance

- Strikes the provision requiring no distinction be made as to COA between students receiving instruction all or in part through telecommunications technology.

Sec. 472 - Simplified Needs Test

- Increases adjusted gross income of independent student/students’ spouse, and dependent students’ parents from \$50,000 to \$100,000.

Sec. 473 - Discretion of Student Financial Aid Administrators

- Enables aid administrators to reduce a student’s eligibility to receive grants, loans, or work assistance if method of instruction results in substantially reduced cost of attendance to the student.

Sec. 474 - Definitions of Total Income and Assets

- Establishes the use of prior-prior year.
- Exempts 529 plans from being included as assets for the determination of need.

Section 481 - Definitions of Academic Year and Eligible Program

- Creates a pathway for Title IV for Competency-Based Education (CBE) programs.
- Sec. 481 (3)(A) for the purpose of CBE, the term “academic year” is the time necessary for a student with a normal full-time work load to earn one-quarter of a bachelor’s degree or one

half of an associate's degree. CBE programs that charge a flat subscription fee will also be eligible for Title IV.

- Allows for aid eligibility, including Pell, for short-term programs of:
 - 300 clock hours
 - 8 semester hours
 - 12 quarter hours
 - With a minimum of 10 weeks
 - Ratably reduces maximum grant proportional to academic year definition
- Specifies that eligible programs may be offered in whole or in part through telecommunications technology.
- Allows for “new” partners with higher education to be eligible for Title IV.
 - Partnership of institution and alternative providers.
 - Similar to EQUIP, but w/o quality assurance partner.
 - Accreditors are responsible for quality assurance.

Sec. 481b - Programmatic Loan Repayment Rates (LRR)

- Phasing out Cohort Default Rate for LRR, moving to a program-level default rate.
 - Calculated for programs of 30 or more students.
 - If a program has fewer than 30 students, a three-year average is used.
- Three categories of positive repayment status are:
 - In repayment, less than 90 days' delinquent
 - Loans paid in full (not through consolidation)
 - In deferment through in-school or military service
- If LRR is lower than 45% for 3 consecutive years, the program is not eligible for Title IV for the remainder of the year in which the school is notified and for the following two fiscal years.
- Borrowers with multiple loans across multiple institutions will only have the loans taken at the institution for the year the LRR is being calculated for included in the repayment calculation.
- Loans paid by an institution or other third party for the purposes of avoiding delinquency past 90 days will be considered delinquent for the purposes of the LRR.
- Requires the Secretary to develop regulations to prevent methods of evading the calculation, such as the creation of substantially similar programs or branching, consolidation, or change of ownership.

Sec. 483 - Master Calendar

- Modifies the effective dates of the Master Calendar.

Section 484 - FAFSA Simplification

- Requires Secretary to develop within one year a mobile-optimized FAFSA tool.
- Requires consumer testing of any forms and technology.
- Directs Secretary to simplify the use of the IRS DRT.
- Requires reports on efforts to simplify FAFSA.

Sec. 485 - Student Eligibility

- Restores Ability-To-Benefit provision.

- Establishes aid eligibility to home-schooled students.
- Establishes eligibility for students educated by nonprofit corporations with programs of study acceptable for admission at an institution of higher education.
- Strikes requirement or Selective Service registration for students 26 years old or older.
- Early awareness of financial aid eligibility must include a “clear and conspicuous explanation of the differences between a grant and a loan, and that an individual will be required to pay back the loan.”
- Requires the creation of an online platform for states, IHEs, and other organizations involved in college access, to share best practices on disseminating early financial aid information to students and families. Also requires the Secretary to annually summarize best practices.
- Includes a Sense of Congress on the prevention of hazing and requires all institutions of higher education to post all policies and related procedures relating to hazing. A definition of hazing is also provided.

Sec. 487 - Institutional Refunds

- Similar to “College Completion and Success Act” introduced earlier this month by Rep. Jason Lewis (R-MN). Increases risk sharing based on R2T4 process.
- Students may be required to reimburse the school up to 10% of the amount.
- Based on which of four periods a student withdraws in:
 - Inst. receives 0% of aid for a student withdrawing within 0-24% of the payment period or period of enrollment;
 - Inst. receives 25% of aid for a student withdrawing within 25-49% of the payment period or period of enrollment;
 - Inst. receives 50% of aid for a student withdrawing within 50-74% of the payment period or period of enrollment; or
 - Inst. receives 75% of aid for a student withdrawing within 75-99% of the payment period or period of enrollment.

Sec. 488 - Information Disseminated to Prospective and Enrolled Students

(f) Amendments to the Clery Act

- Institutional Crime Reporting.
 - Each institution of higher education (other than foreign institutions) is required to make timely reports to the campus community on crimes that have been reported to campus security officials and pose a serious and continuing threat to student and employee safety.
 - Institution may delay issuing a report if it would compromise ongoing law enforcement efforts.
 - In assessing institutional compliance, the Secretary shall defer to an institution’s determination if a crime poses a serious and continuing threat.
 - Reporting should be done in a manner to ensure consistency with the Uniform Crime Reporting (UCR) Program at the Department of Justice.
 - The Secretary shall require institutions to follow the “Hierarchy Rule” for reporting crimes, in order to minimize duplicate reporting.

- The Secretary will maintain a publicly available and updated list of all definitions from UCR. For crimes not defined under the Program, the Secretary will provide a definition.
- Institutions will not be penalized for reporting inaccuracies or omissions for the non-UCR crimes if they can demonstrate they made a reasonable and good faith effort.
- Amendments to the Clery Act regarding sexual assault
 - Allows an institution to delay or suspend an investigation or institutional disciplinary proceeding on sexual assault for criminal investigations.
 - Secretary will maintain a publically available and updated list of all applicable definitions from the Uniform Crime Reporting Programs at Department of Justice.
 - Institutions of higher education shall not be subject to any penalty or fine for reporting inaccuracies or omissions if they can demonstrate they made a reasonable and good faith effort on reporting.
 - Any institutional disciplinary proceeding shall be prompt, impartial, and fair to both the accuser and the accused. At a minimum must:
 - Provide all parties adequate written notice of the allegation not later than 2 weeks prior to any hearing;
 - Provide the accused a “meaningful opportunity” to admit or contest the allegation;
 - Ensure that all parties have access to all material evidence not later than one week prior to the hearing;
 - Carried out free from conflicts of interest by ensuring there is no comingling of administrative or adjudicative roles;
 - Officials carrying out the investigation and proceedings must receive annual education in related issues.
 - Institutions of higher education can establish the standard of evidence to be used in institutional disciplinary hearings regarding sexual assaults.
 - Secretary shall create and regularly update education and training modules for university officials conducting investigations and disciplinary proceedings.
- Amendments regarding fire safety
 - Institutions of higher education must annually publish a fire safety report which includes information on campus fire safety practices, statistics on any fire-related incident or injuries, and any preventative measures.
 - Secretary is not allowed to mandate policies, procedures, programs, or practices for institutions of higher education in regards to fire safety.
- Missing Persons Procedures
 - Institutions of higher education are required to establish a missing student policy for students who reside in on-campus housing and required to notify a student’s designated emergency contact and law enforcement no later than 24 hours after the time the student is determined missing.
- Annual Financial Aid Counseling
 - Any student receiving a Pell Grant or federal loan is required to receive annual counseling or disclosure on the terms and condition of the grant and/or loan. Must also provide information to the student including an explanation of how a student can

budget for typical educational expenses, estimated average income, and percentage of employment in the state of domicile for the student, an explanation of why the student may have to repay the Federal Pell Grant, etc.

Sec. 491 Contents of Program Participation Agreements

- Institutions may provide payment based on the amount of tuition generated by the institution from student enrollment to a third party entity that includes student recruitment services.
- Clarification of proof of authority to operate within a state is amended by striking “within a state” and inserting “within a state in which it maintains a physical location.”
- Must make a good faith effort to distribute, including through electronic transmission, voter registration forms to students.

Title IV, Part H - Program Integrity

Sec. 495 - Repeal of and Prohibition on State Authorization Regulations

- Repeals October 29, 2010, and Dec. 19, 2016, state authorization regulations.
- Institutions of higher education shall provide evidence to the Secretary that the institution has authority to operate within each state in which it maintains a physical location.
- Treatment of religious institutions: an institution will be treated as legally authorized to operate educational programs if the institution is recognized as a religious institution by the state, and as a religious institution it is exempt from any “provision of state law that requires institutions to be authorized by the state to operate beyond secondary education.”
- Secretary will not promulgate rules in the area of state authorization.

Sec. 496 - Recognition of Accrediting Agency or Association

- Strikes 10 standards in current law and replaces them with one standard on student outcomes, which is set in relation to the institution’s mission. The standard can be set by the accreditor or the institution as long as the institution defines expected student learning goals and outcomes, measures and evaluates student learning and outcomes, uses that information to improve the institution or program, and makes that information available to appropriate constituencies.
- Accreditors must set goals and institutions must demonstrate performance toward them.
- Accreditors must annually identify schools at risk of not meeting the standards and must check in with those institutions.
- Requires one public member on accreditor commission to be from business community.
- Accreditors must publically post list of institutions accredited by the agency, along with the most recent year of accreditation, and the year they expect to be evaluated.
- If an institution attempts to change its accrediting agency, the Secretary will not recognize the accreditation of an otherwise eligible institution, if the institution is subject to a pending or final action from a state agency; a decision or pending decision from an accreditor to deny accreditation; or is on probation from an accreditor.
- Institutions would be allowed to change accreditors, without first seeking approval from the Secretary of Education, if there are not existing sanctions on the institution.

- Religious institution rule: the Secretary shall allow an institution that has had its accreditation withdrawn or revoked to remain certified for a sufficient period to allow such an institution to obtain alternative accreditation if the Secretary determines its termination is related to its religious mission. Accreditors must also recognize the institution’s religious mission.
- Differential Review: gives clear authority for accreditors to use differential review that takes into account the “history of meeting accreditation standards and a record of performance on key metrics.”

Sec. 497 - Eligibility and Certification Procedures

- Determination if an institution is authorized to operate within a state shall be based solely on that state’s law.
- Includes change to financial responsibility standards. Provides other options for schools to provide to ED they are financially responsible beyond the composite score.
- Give schools an option to challenge or appeal scores.
- Secretary will provide institutions with initial report on program review of institutions no later than 90 days after concluding initial site visit. Moreover, must conclude the program review no later than 2 years after the initiation of the program review.

Title V - Developing Institutions

Sec. 501 - Hispanic-Serving Institutions

- Requires Hispanic-Serving Institutions (HSIs) to have a 25% completion rate to qualify for Title V grants.
- Grants can be used for alignment and integration of career and education programs with programs of study leading to a degree; developing or expanding access to dual or concurrent enrollment programs and early college high school programs; and success initiatives that improve time to completion and increase graduation rates.
- Must report completion rates along with expenditures per student in qualifying for the grants. Also similar to TIII, requires Minority-Serving Institutions to produce plans to improve completion rates and to reach self-sufficient operations.

Title VI - International Education

- Applicants must provide adequate assurances that international education will comply with paragraph (1)(A).
- Strikes Sec. 604 Undergraduate International Studies and Foreign Language Programs; Sec. 606 Technological Innovation and Co-operation for Foreign Information Access; Sec. 609 American Overseas Research Centers; and authorization of appropriations for those programs.
- Sec. 602 Business and International Education Programs: Secretary will approve an application if an institution provides adequate assurances that diverse perspectives and a wide range of views are presented to students.
- Repeal of science and technology advanced foreign language education grant program.

- Must report gifts to institutions of higher education received from foreign source other than a foreign government. And allows civil action against institutions that do not comply with this reporting requirement.

Title VII - Graduate and Postsecondary Improvement Programs

Sec. 701 - Graduate education programs

- Repeals Jacob K. Javits Fellowship program and the Thurgood Marshall Legal Educational Opportunity Program.
- Authorizes Graduate Assistance in Areas of National Need (GAANN) at FY 2017 funding level for FY 2019 through FY 2024.

Sec. 702 - Repeal of Fund for the Improvement of Postsecondary Education

- Repeals Fund for the Improvement of Postsecondary Education (FIPSE).

Sec. 703 - Programs for students with disabilities

- Part D of Title VII Programs to Provide Students with Disabilities with a Quality Higher Education is struck.
- Revises application procedures for Model Comprehensive Transition and Postsecondary Programs.

Sec. 734 - Coordinating Center

- The coordinating center strikes “institutions of higher education” or consortia and replaces it with “eligible applicants.” Eligible entity means an entity or partnership that has demonstrated expertise in higher education, the education of students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, and evaluation and technical assistance.

Title VIII - Other Repeals

- Title VIII of the previous versions of the Higher Education Act is repealed.
- Repeals the U.S. Institute of Peace Act.

Title IX- Amendments to Other Laws

Sec. 901 - Education of the Deaf Act of 1986

Sec. 911 - Tribally Controlled Colleges and Universities Assistance Act of 1978

Sec. 912 - Diné College Act (formerly the Navajo Community College Act)