

Senate Health, Education, Labor, and Pensions Committee Hearing (HELP)
Reauthorizing the Higher Education Act:
Exploring Barriers and Opportunities within Innovation

On Wednesday, July 22, 2015, the U.S. Senate Committee on Health, Education, Labor & Pensions (HELP) hosted their sixth hearing on key issues they are considering for inclusion in the pending reauthorization of the Higher Education Act of 1965, as amended (HEA).

In what is likely to be one of the last hearings the HELP Committee has before presenting initial, bi-partisan draft proposals to reauthorize the HEA; Chairman Lamar Alexander (TN) and Ranking Member Patty Murray (WA) focused the Committee's attention upon issues related to innovation in higher education. Their goal was to seek out ways in which the pending legislation could be modified to help achieve some of the HELP Committee's stated goals and objectives in reducing college cost, student borrowing, and increasing time to credential level completion.

Witnesses testifying at the July 22, 2015 hearing included:

Jamie Merisotis - President and CEO, Lumina Foundation

Barbara Gellman-Danley - President, Higher Learning Commission

Paul LeBlanc - President, Southern New Hampshire University

(Note: LeBlanc recently advised the U.S. Education Department on innovation, competency-based education and accreditation.)

Michael Horn - Co-Founder and Executive Director for Education Programs,
Clayton Christensen Institute

Fundamental Takeaways

In general, the four witnesses and Senators in attendance spoke optimistically about the potential of competency-based education and non-institutional boot camps to provide a quality higher education at a lower price than traditional colleges typically charge.

However, the primary question that seems to elude everyone at this point is how to combine these forms of innovation, most of which do not remain true to the conventions of education provided over set periods of time and rigid structure, with the ability to both:

- Assess the level of credential obtained/awarded; and more importantly
- Determine how these new forms of innovation may be funded under the current administration and delivery of FSA funds which is so heavily wedded to time.

Many Senators and panelists noted that these concepts are not entirely new, and that the Department is working on a several "experimental sites initiatives" (ESIs) to try and address these hurdles. The goal of the ESIs is for the federal government to craft limited, controlled experiments they can learn from in creating policies. Senators from both parties seemed to support these incremental approaches. However, Senators on both sides of the aisle as well as the witnesses themselves made clear that they want to prevent an "opening of the floodgates" of federal aid to "undeserving" institutions. Senator Elizabeth Warren (D-MA) went farther, emphasizing that she would only support demonstration programs, pilot projects, or other policies that clearly showed that the savings derived from these innovations must be used to

promote greater educational quality and program improvement, not fund other institutional projects unrelated to education.

Synopsis of Panelists Testimony

Mr. Merisotis led off the witness testimony with an impassioned plea to the Senators to embrace these new modalities and work with both the higher education community and the employers in the development of new policies which promote pathways to high-quality, low-cost educational alternatives. He stressed the hope that the reauthorization would:

- Provide a wider array of eligible postsecondary providers calling for more online, competency-based, and college/corporate collaborations to be eligible to provide education with access to federal student financial assistance;
- Support new ways to earn credentials through high-quality, low-cost programs, reinstatement of year-round aid (i.e. Federal Pell Grants) and accelerated coursework; and,
- Directing limited federal funds to those that best provide in-demand educational returns on the investment.

He noted that the best method to determine educational quality resides in the assessment of outcomes for all institutions and programs, adding that while this was not an easy task to quantify and qualify, that is could be done, and should be done, for all institutions of higher education.

Mr. Merisotis concluded his remarks with the suggestion that Congress should also seek to "demystify" college cost, providing the consumer with "more transparent, more predictable, and more accessible" information.

Ms. Gellman-Danley, speaking on behalf of regional accrediting agencies noted that she had three primary goals in testifying before the HELP Committee which included:

- Assuring the HELP Committee that Regional Accreditors have a robust approval process for assisting in the development and evaluation of program innovation;
- Expressing frustration with the federal regulations with stand-in-the-way of accreditors in further embracing and supporting innovation; and,
- Seeking greater latitude in their authority support innovation, like the authority granted to the U.S. Department of Education under ESIs, enabling the accreditors to waive or reduce legislative and regulatory barriers that stymie innovation as part of their purview.

Mr. LeBlanc began his testimony touting the new ground-breaking competency-based education (CBE) degree program developed by SNHU. Dubbed the College for America (CfA), this "new" program begun in April 2013 is the first CBE degree program to be approved under the "direct assessment" provisions of the Higher Education Act, allowing the disbursement of federal

financial aid for actual learning outcomes rather than the accumulation of time-based credit hours.

He then went on to inform the Committee Members of the CfA's recent collaboration with Anthem Insurance to provide 55,000 employees with free degrees – and concluding with the statement that over 75 major corporations now work with SNHU and the CfA program.

Mr. LeBlanc made it clear that these new modalities are already taking hold, and encouraged Congress to embrace them as part of the pending reauthorization of HEA.

He went on to explain that more and more educators and employers are both coming to realize that "time is a poor proxy for actual learning and quality" and that what is really valued is the ability to assess an individual's competencies (including basic competencies like the ability to write and communicate effectively).

Mr. LeBlanc too erred on the side of caution, noting that he did not believe that there need to be a dramatic overhaul of higher education at the present time. He noted that it was premature to think that education could move to quickly, because there is "no established exchange rate for competency-based education" and "no current system of learning exchange" to validate such aggressive shifts.

Mr. Horn focused his remarks primarily on the mission of his organization to "transform our education system into a student-centered one that allows all students to fulfill their potential."

Focusing on the concept of "disruptive innovation" theory, he called upon Congress to:

- Look at new forms of both accreditation and institutional eligibility;
- Basing judgments of quality and access around new financing mechanisms and employer-led de facto accreditation; and
- Rethinking the definition of a "college" and focusing more on aid delivered based upon delivery of "programs".

Chairman Lamar Alexander (TN) posed two broad questions – with additional underlying questions he stated he hope the panelist would respond to. They included:

1. How can we help colleges find new ways to meet the changing needs of students?
Are there any practices the discourage colleges and universities from innovating?
2. Should the federal government consider a new definition for college or universities?
Are there new alternative models outside of the current FSA structure (and traditional accreditation process) that could/should be considered?

Important topics he explicitly mentioned:

- Competency based learning
- Federal definition of a credit hour and its impact on students and schools
- Direct assessment and its limited use to date

- Accreditation may be a barrier to education, but Congress has yet to find a viable alternative and may well simply need to look at ways to improve the current process
- New, non –traditional providers for education

Ranking Member Patty Murray (WA) remarked that:

- Traditional schooling does not work for every student
- Federal rules and funding can/should incentivize education that has proven results
- Focus on student learning not necessarily credit hours
- Beta models of higher education to determine if unaccredited institutions should be eligible for Title IV federal student aid should be explored

Important topics she explicitly mentioned:

- Outcomes being a key driver of both the programs and their assessment
- Job Placement Prospects being linked to both the establishment of the program and its assessment
- Accountability a must throughout

Senate Health, Education, Labor and Pensions Committee
Reauthorizing the Higher Education Act:
Combating Campus Sexual Assault
July 29, 2015

On Wednesday, July 29, 2015, the U.S. Senate Committee on Health, Education, Labor & Pensions (HELP) held its seventh hearing on key issues they are considering for inclusion in the pending reauthorization of the Higher Education Act of 1965, as amended (HEA).

In what is likely to be the second to the last hearing the HELP Committee has before presenting initial, bi-partisan draft proposals to reauthorize the HEA, Chairman Alexander and Ranking Member Murray focused their attention on continued efforts to combat sexual assault in higher education.

Witnesses testifying at the July 29, 2015 hearing included:

The hearing consisted to two panels.

The first was comprised of United States Senators who are all collectively responsible for the continued development and promotion of their bipartisan bill – S. 590: The Campus Accountability and Safety Act (CASA).

CASA, first introduced in the 113th Congress, builds upon the March 2013 enactment of the revisions/additions to the Clery Act through the Violence Against Women Act (VAWA), proposing a series of additional refinements to the 2013 VAWA revisions.

The Senators testifying included:

- The Honorable Claire McCaskill (D- MO)
- The Honorable Kirsten Gillibrand (D- NY)
- The Honorable Dean Heller (R- NV)
- The Honorable Kelly Ayotte (R- NH)

The second was comprised of noted authorities from both institutions of higher education and the campus safety community.

The second panel included the following witnesses:

- The Honorable Janet Napolitano, President of the University of California
- Dana Bolger, Co- Founder of Know Your IX
- Dolores Stafford, National Association of Cleary Compliance Officers & Professionals, and President & CEO of D. Stafford & Associates
- Mollie Benz Flounlacker, Associate Vice President for Federal Relations at the Association of American Universities

Fundamental Takeaways

All four Senators spoke primarily about the need for the additional reforms contained within CASA – including further enhancing federal support and guidance for educational institutions regarding their approach to preventing the occurrences of and taking appropriate action when instances of campus sexual assault arise.

In discussing various components of the bill, all four Senators expressed their commitment to stemming the tide of sexual assault – which recent data indicates is worsening, rather than improving – with 1 of every 5 women are experiencing sexual assault on their college campuses.

Senator Heller focused on a new addition to the legislation – a climate survey – detailing that under the proposal the U.S. Department of Education would be responsible for creating a survey and funding its distribution. He assured the HELP Committee that it will be anonymous for students and institutions will simply have to ensure they have an accurate sample of students to take the survey and to report the results primarily to Congress and then to other partners, as needed.

Other important takeaways from witness testimony and questioning were the following:

- **Institutional differences** are important to take into account when making blanket procedures and compliance requirements because institutions' sizes and demographic of population matters very much in dealing appropriately with these cases of sexual assault.
- The **existing rules in the Department of Education need to be revised** due to their redundancy and the confusion as well as delay it causes in proceedings.
- **When to involve law enforcement** should be a decision of the victim and the accused while maintaining an importance of ensuring a strict adherence to due process and that victims do not lose control over proceedings if and when law enforcement does become involved.
- It is important to expand the conversation from only instances sexual assault to **instances of stalking, gender bias, and other forms of harmful assault.**
- Students must have an environment of comfort and safety to report their cases of sexual violence and similar instances through a **confidential advisor.**
- Educational institutions should be required to take **annual climate surveys** and be transparent about reporting, both aggregate data about the speed and process of their case hearings and procedures, as well as the frequency with which these cases are reported and their action plan to ensure a safe environment on campus for all students.
- Cases such as these do not only happen to women and it is important to **educate all students** on, primarily, the meaning of consent and on what their options are if an instance of sexual assault, gender bias, inappropriate contact, or stalking occurs to them. Students need to be informed, regardless of age, gender, sexual orientation, or any other factors of the risks associated with sexual violence and other forms of gender bias, and stalking as well as their options if these tragic occurrences happen.