



Reading Recovery® Council
of North America

RRCNA Legislative Brief

The Higher Education Opportunity Act PL 110 – 315

August 2008

Overview

The Higher Education Opportunity Act (HEOA) was signed by the President on August 14, 2008, becoming Public Law 110-315. There are a number of analyses available, including “The Higher Education Opportunity Act: Expanding College Access, Strengthening our Future” prepared by the House Education and Labor Committee (included in this document as Appendix C). This RRCNA legislative brief focuses on provisions not widely mentioned in other analyses that may represent opportunities or challenges for Reading Recovery professionals and educational systems that provide and support training and professional development for teachers.

Reading Recovery and the professional development model may be uniquely compatible with the HEOA. Its scientific base, inclusion of the five essential components of reading instruction, proven effectiveness, and established linkages between colleges of education, districts and schools all speak to requirements in the new law. The multiple roles of Reading Recovery professionals may create opportunities within the context of the HEOA’s emphasis on teacher induction or mentoring, providing scientifically valid professional development and pre-baccalaureate teacher preparation.

At the very least, the HEOA provides an opportunity to reflect on Reading Recovery and how it fits in the changing landscape for individualized instruction and institutional accountability. The HEOA emphasis on 1) literacy education and teacher training, 2) the convergence of general education and special education environments, and 3) a shift to scientifically valid practice may forecast the direction of future education policy, such as the reauthorization of the Elementary and Secondary Education Act (ESEA).

Highlights

Study on teaching students with reading disabilities – The HEOA mandates a study on teaching students with reading disabilities, and requires the Secretary to establish a task force to make policy recommendations based on the findings. The purpose of the study is to determine if 1) teachers are adequately prepared to meet the needs of students with reading and language processing disabilities, including dyslexia; and 2) to determine the extent to which teacher education programs are based on the essential components of reading instruction and scientifically valid research. Components of the study include early intervention strategies based on scientific evidence concerning challenges to the development of language processing capacity and the extent to which such strategies are effective in preventing reading failure before it occurs (emphasis added). Section 1116 of the HEOA describing this study appears in its entirety in Appendix A.

Shift to scientifically valid research – Congress virtually ignores the term “scientifically-based research” in the HEOA and uses “scientifically valid” instead. Scientifically valid research includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with the principles of scientific research (the principles also are defined in the bill and appear in Appendix B). Many activities under partnership grants in the HEOA must be scientifically valid including pre-baccalaureate teacher preparation, universal design for learning, new teacher induction programs, teaching skills and teacher mentoring.

Title II - Teacher Quality Enhancement

Title II, Part A – Teacher Quality Partnership Grants – Reading Recovery’s three-tier model for professional development may be compatible with partnership grants in the HEOA because of the way it links colleges of education with districts and schools. The multiple roles of Reading Recovery professionals in schools and districts may also create opportunities; teachers providing induction or mentoring the other half of the day, teacher leaders providing scientifically valid professional development, and university faculty providing pre-baccalaureate teacher preparation and professional development.

Eligible partnerships - The HEOA consolidates three programs into a single, competitive partnership program and shifts the emphasis to pre-baccalaureate and new teacher training reforms. Eligible partnerships must include a high-need local education agency (LEA) and a high-need school or consortia. Partnerships must also include a partner institution and a school, department or program of education within that partner institution which may include an existing professional development program with proven outcomes...that provides intensive and sustained collaboration between faculty and LEAs (emphasis added). A school or department of arts and sciences within the partner institution must also be involved. Optional participants in an eligible partnership include the governor, state board of education, the State agency for higher education, a teacher organization, a business, and other education stakeholders (see Appendix B for the full definition of eligible partnership).

Literacy component in partnership grants. Eligible partnerships for pre-baccalaureate preparation of teachers, must carry out a program that includes literacy training, described as: Strengthening the literacy teaching skills of prospective and, as applicable, new elementary school and secondary school teachers –

“(A) to implement literacy programs that incorporate the essential components of reading instruction;

“(B) to use screening, diagnostic, formative, and summative assessments to determine students’ literacy levels, difficulties, and growth in order to improve classroom instruction and improve student reading and writing skills;

“(C) to provide individualized, intensive, and targeted literacy instruction for students with deficiencies in literacy skills; and

“(D) to integrate literacy skills in the classroom across subject areas (emphasis added).

Title II, Part B – Enhancing Teacher Education

Subpart 3 - Preparing General Education Teachers to More Effectively Educate Students With Disabilities. This subpart authorizes the Teach to Reach program, a new competitive program allowing the Secretary of Education to issue grants to partnerships between institutions of higher education and high need school districts. The grants may be used to develop or strengthen an undergraduate, post baccalaureate or master’s teacher preparation

program by integrating special education strategies into the general education curriculum and academic content. Funds may also be used to provide teacher candidates with skills related to response-to-intervention, positive behavioral interventions and supports, differentiated instruction and data driven instruction (emphasis added).

Definitions and requirements -

Teacher mentoring: High quality teacher mentoring is a requirement for prospective and new teacher induction programs funded by Title II. Grants must include instructional strategies for literacy instruction (emphasis added). Early childhood programs and teacher residency programs funded under Part B must also provide mentoring.

Teaching skills – Includes the disciplines of teaching and learning that focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, and students with low literacy levels, and the tailoring of academic instruction to such needs (emphasis added). Pre-baccalaureate programs, induction and mentoring programs funded under Title II and professional development provided by institutions of higher education must include strategies to develop and acquire these skills. States must also include in their report card to the Secretary the criteria used for assessing the teaching skills of students enrolled in teacher preparation programs.

Universal design for learning – The definition of universal design for learning is the same as in the Assistive Technology Act of 1998 and appears eighteen times in the HEOA, including sections on Report Card requirements, activities under partnership grants, teacher preparation for using technology, technical assistance provided by the National Center for Information and Technical Support for Postsecondary Students with Disabilities, and demonstration projects to support postsecondary faculty, staff and administrators in educating students with disabilities. Clearly, the convergence of general education and special education environments begun in the IDEA reauthorization in 2004 continues to evolve in the HEOA.

Conclusion: Reading Recovery and the professional development model may be uniquely compatible with the HEOA. Its scientific base, inclusion of the five essential components of reading instruction, proven effectiveness, and established linkages between colleges of education, districts and schools all speak to requirements in the new law. The multiple roles of Reading Recovery professionals may create opportunities within the context of the HEOA's emphasis on teacher induction or mentoring, providing scientifically valid professional development, and university faculty providing pre-baccalaureate teacher preparation and professional development. At the very least, the HEOA provides an opportunity to think about Reading Recovery and how it fits in a changing landscape for individualized instruction and institutional accountability.

The Conference Report on the Higher Education Opportunity Act is available online:
<http://www.conferencereport.gpoaccess.gov/DefaultN.aspx?AspxAutoDetectCookieSupport=1>
(click on Higher Education Opportunity Act)

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APPENDIX A – Study on teaching students with reading disabilities**TITLE XI – Studies and reports****SEC. 1116. STUDY ON TEACHING STUDENTS WITH READING DISABILITIES.**

(a) **INDEPENDENT EVALUATION.**—The Secretary of Education shall enter into an agreement with the Center for Education of the National Academies for a scientifically-based study of the quality of teacher education programs—

- (1) to determine if teachers are adequately prepared to meet the needs of students with reading and language processing disabilities, including dyslexia; and
- (2) to determine the extent to which teacher education programs are based on the essential components of reading instruction and scientifically valid research.

(b) **COMPONENTS.**—The study conducted under subsection (a) shall be designed to provide statistically reliable information on—

- (1) the number, type of courses, and credit hours required to meet the requirements of reading degree programs of teacher education programs; and (2) the extent to which the content of the reading degree programs are based on—

(A) the essential components of reading instruction and scientifically valid research, including phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

(B) early intervention strategies based on scientific evidence concerning challenges to the development of language processing capacity, including dyslexia, and the extent to which such strategies are effective in preventing reading failure before it occurs.

(c) **SCOPE.**—The Director of the Center for Education of the National Academy of Sciences shall select for participation in the study under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(d) **INTERIM AND FINAL REPORTS.**—The Director of the Center for Education of the National Academy of Sciences shall submit to the authorizing committees and the Secretary of Education—

- (1) an interim report regarding the study under subsection

(a) not later than one year after the date the Center for Education of the National Academies enters into an agreement with the Secretary of Education under this section; and

(2) a final report summarizing the findings, conclusions, and recommendations of such study not later than two years after the date the Center for Education of the National Academies enters into such agreement.

(e) **TASK FORCE.**—

(1) **ESTABLISHMENT.**—Upon submission of the final report under subsection (d)(2), the Secretary of Education shall establish a task force to make policy recommendations to the Secretary regarding the findings of the report.

(2) **MEMBERSHIP.**—The membership of the task force established under paragraph (1) shall include chief State school officers, State reading consultants, master teachers, national reading experts, and researchers with expertise in relevant fields.

(3) **PUBLIC HEARINGS.**—The task force established under paragraph (1) shall hold public hearings to provide an opportunity for public comment on the recommendations made under paragraph (1).

APPENDIX B – Definitions

Eligible Partnership - “(6) ELIGIBLE PARTNERSHIP.—Except as otherwise provided in section 251, the term ‘eligible partnership’ means an entity that—

“(A) shall include—

“(i) a high-need local educational agency;

“(ii)(I) a high-need school or a consortium of high need schools served by the high-need local educational agency; or

“(II) as applicable, a high-need early childhood education program;

“(iii) a partner institution;

“(iv) a school, department, or program of education within such partner institution, which may include an existing teacher professional development program with proven outcomes within a four-year institution of higher education that provides intensive and sustained collaboration between faculty and local educational agencies consistent with the requirements of this title;

And “(v) a school or department of arts and sciences within such partner institution; and

“(B) may include any of the following:

“(i) The Governor of the State.

“(ii) The State educational agency.

“(iii) The State board of education.

“(iv) The State agency for higher education.

“(v) A business.

“(vi) A public or private nonprofit educational organization.

“(vii) An educational service agency.

“(viii) A teacher organization.

“(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

“(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

“(xi) A school or department within the partner institution that focuses on psychology and human development.

“(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

“(xiii) An entity operating a program that provides alternative routes to State certification of teachers.

Literacy training - “(6) LITERACY TRAINING.—Strengthening the literacy teaching skills of prospective and, as applicable, new elementary school and secondary school teachers—

“(A) to implement literacy programs that incorporate the essential components of reading instruction;

“(B) to use screening, diagnostic, formative, and summative assessments to determine students’ literacy levels, difficulties, and growth in order to improve classroom instruction and improve student reading and writing skills;

Principals of scientific research: “(18) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term ‘principles of scientific research’ means principles of research that—

“(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

“(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

“(C) include, appropriate to the research being conducted—

“(i) use of systematic, empirical methods that draw on observation or experiment;

- “(ii) use of data analyses that are adequate to support the general findings;
- “(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;
- “(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;
- “(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;
- “(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and
- “(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

Scientifically valid research - Scientifically valid research includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with the principles of scientific research.

Teacher mentoring - “(21) TEACHER MENTORING.—The term ‘teacher mentoring’ means the mentoring of new or prospective teachers through a program that—

- “(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;
- “(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction and classroom management (including approaches that improve the schoolwide climate for learning, which may include positive behavioral interventions and supports);
- “(C) provides regular and ongoing opportunities for mentors and mentees to observe each other’s teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;
- “(D) provides paid release time for mentors, as applicable;
- “(E) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;
- “(F) promotes empirically-based practice of, and scientifically valid research on, where applicable—
 - “(i) teaching and learning;
 - “(ii) assessment of student learning;
 - “(iii) the development of teaching skills through the use of instructional and behavioral interventions; and
 - “(iv) the improvement of the mentees’ capacity to measurably advance student learning; and
- “(G) includes—
 - “(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and
 - “(ii) joint professional development opportunities.

Teaching skills – “(23) TEACHING SKILLS.—The term ‘teaching skills’ means skills that enable a teacher to—

- “(A) increase student learning, achievement, and the ability to apply knowledge;
- “(B) effectively convey and explain academic subject matter;
- “(C) effectively teach higher-order analytical, evaluation, problem-solving, and communication skills;
- “(D) employ strategies grounded in the disciplines of teaching and learning that—

“(i) are based on empirically-based practice and scientifically valid research, where applicable, related to teaching and learning;

“(ii) are specific to academic subject matter; and

“(iii) focus on the identification of students’ specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

“(E) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measures higher-order thinking skills (including application, analysis, synthesis, and evaluation);

“(F) effectively manage a classroom, including the ability to implement positive behavioral interventions and support strategies;

“(G) communicate and work with parents, and involve parents in their children’s education; and

“(H) use, in the case of an early childhood educator, age-appropriate and developmentally appropriate strategies and practices for children in early childhood education programs.”;

Universal design for learning - a scientifically valid framework for guiding educational practice that—

“(A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and

“(B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.”

APPENDIX C - The Higher Education Act: Background

Prepared by the Committee on Education and Labor, August 2008

The Higher Education Act (HEA) authorizes the federal government's core student aid programs, as well as other programs that provide support services to enable disadvantaged students to complete secondary school and enter and complete college, and provide aid to certain institutions of higher education. In the 2005-2006 academic year, the HEA student aid programs comprised about 61 percent of all federal (excluding education tax credits), state, and institutional aid awarded to students. The HEA was last reauthorized by the Higher Education Amendments of 1998.

TITLE I: GENERAL PROVISIONS - Title I primarily provides the general provisions and definitions that govern most of the programs authorized by the HEA.

Changes in the Conference agreement:

Dually enrolled students - The Conference agreement amends the definition of an institution of higher education to include institutions that admit students who are dually or concurrently enrolled in the institution and a secondary school.

Foreign medical schools - The Conference agreement allows foreign medical schools to be eligible for federal aid if they have a clinical training program approved prior to January 1, 2008, certify only unsubsidized Stafford or PLUS loans, and agree to reimburse the Secretary for the cost of any defaulted loans in the institution's cohorts each fiscal year. It also allows foreign nursing schools to be eligible for federal aid if they have agreements with hospitals and nursing programs located within the United States, have students complete their training in the United States, certify only unsubsidized Stafford and PLUS loans, and agree to reimburse the Secretary for the cost of any student loan defaults if the institution's cohort default rate exceeds 5 percent.

National Advisory Committee on Institutional Quality and Integrity (NACIQI) - The NACIQI advises the Secretary of Education on matters related to accreditation and the eligibility and certification process for institutions of higher education. Under current law, the Secretary appoints members of NACIQI for three-year terms of office. The Conference agreement increases the committee membership to eighteen members from 15, with six members appointed by the Secretary, six members appointed by the House of Representatives (three appointed by the majority leader and three by the minority leader), and six members appointed by the Senate (three appointed by the majority leader and three by the minority leader), all for six year terms. The conference agreement allows for an appropriate transition time period for the new committee to commence.

College Costs- Tools for Students

Higher Education Summary Page- A snapshot of college costs: The Conference agreement requires the Secretary to annually publish a sort-able and searchable list of all institutions in the country to provide information on tuition and fees, average price after grant aid, recent price increases, and change in per student spending.

Consumer Information: The Conference agreement also includes the creation of a user-friendly page to outline basic information about each individual institution, such as costs, graduation rates, and popular majors.

Net Price Calculator: The Conference agreement requires the Secretary to develop a web-based tool to allow students and families to receive an estimate of cost for their specific income and family situations and adapts those estimates to individual institutions. Institutions are required to post this calculator, or an institution-developed equivalent, on their websites.

Multi-Year Tuition Estimates: The Conference agreement requires the Secretary to develop a web-based calculator to allow students and families to estimate the annual and total cost of the

full duration of undergraduate study at each individual institution. The calculator will also allow students to compare estimated costs among multiple institutions.

College Cost Affordability and Transparency

Cost Affordability and Transparency Lists: The Conference agreement requires the Secretary, beginning in 2010, to publish transparency lists of institutions based on their tuition and fees as well as net tuition, by type of institution:

1. The 5% most expensive institutions in the country.
2. The 10% least expensive institutions in the country.
3. The 5% of institutions that had the largest percentage increase over the last three years.

Accountability for Cost Increases: The Conference agreement requires institutions with the largest percentage increases (the third list) to report to the Secretary on reasons for tuition increases. Institutions will be exempt from these requirements (and will not show up on the third list) if the dollar increase over the 3 year period was less than \$600.

State Investment in Higher Education

A state maintenance of effort to make college more affordable: The bill ensures that states maintain their own level of college financing—to ensure that they fulfill their end of the bargain to make a quality college education affordable to all students. Under this section, states risk losing their funds under the newly created Challenge Grants if they fail to meet the state maintenance of effort. For those states that have specific fiscal challenges, the bill includes a waiver that may be given at the discretion of the Secretary.

State higher education appropriations chart: Also included in the Conference agreement is a report on each state's appropriations for higher education, including a comparison of the percentage change in each state's appropriations per enrolled student in public IHEs in that state to the percentage change in tuition and fees for each public IHE in that state for each of the five previous years.

Textbook costs - The Conference agreement directs college textbook publishers to provide pricing information to faculty and other personnel when they are making purchasing decisions and to provide combined or 'bundled' educational materials separately. The Conference agreement also directs institutions and college bookstores to provide textbook information to students early so that they are aware of the textbook costs associated with each course when they are making course selections each semester.

Student loan Sunshine--Private student loans - The Conference agreement includes provisions to help restore students' and families' trust in the nation's financial aid system by addressing conflicts of interest and questionable practices in the student loan industry identified by Congress and others. These provisions will:

- Require institutions of higher education to adopt strict codes of conduct that adhere to specific guidelines.
- Ban all gifts and revenue sharing arrangements between lenders and schools;
- Require that lists of preferred or recommended lenders be compiled by schools with students' best interests in mind.
- Ensure students have access to lenders of their choice, including those not on a school's preferred list of lenders.

The conference agreement also provides for students and families to receive full and fair information when taking out and repaying loans. It will:

- The conference agreement also provides for students and families to receive full and fair information when taking out and repaying loans. Require lenders and schools that participate in preferred lender arrangements to disclose the key terms and conditions of loans made pursuant to such arrangements.
- Require schools that provide information to students about private education loans to inform

students of their potential eligibility for free Federal grant aid and lower-cost Federal student loans.

TITLE II: TEACHER QUALITY ENHANCEMENT - Title II, Part A of the HEA authorizes grant programs designed to improve the quality of teaching. The provision also authorizes a reporting and accountability system on the quality of teacher preparation, which includes the pass rates of graduates of schools of education on certification assessments. This structure was first created during the last reauthorization of the HEA in 1998.

Changes in the Conference agreement:

Partnership grants - The Conference agreement revises the current structure of the teacher education provisions by consolidating the three main programs (state, recruitment, and partnership grants) into one partnership program. The program's partnership grants award funds for new initiatives including the establishment of induction programs, a residency model, and mentoring for new teachers. The partnership grants also include greater accountability to ensure both that states develop standards for their teacher education programs, and that these standards and information on the particular programs are reported to the Department of Education.

Preparing teachers for digital age learners -The Conference agreement retains the goal of the PT3 grant program but revises the section to focus on ensuring that teacher candidates can not only integrate technology in the classroom, but also assess the use of this technology.

Honorable Augustus F. Hawkins Centers of Excellence-The Conference agreement establishes new Centers of Excellence to provide grants to HBCUs and other Minority Serving Institutions (MSIs) to improve teacher quality and preparation.

Teach to Reach Grants - The conference agreement includes a competitive grant program to improve the preparation of general education teacher candidates in order to more effectively teach students with disabilities.

Adjunct Teacher Corps -The conference agreement includes a competitive grant program for local education agencies to form partnerships to help recruit and train math, science and critical foreign language specialists to serve as adjunct content specialists in support of teachers.

Fellowships in High Need Subject Areas - The conference agreement includes a new program to establish graduate fellowships to prepare individuals to become university faculty who will then prepare highly qualified teachers in fields of special education, bilingual education, English as a second language, and math and science.

TITLE III: INSTITUTIONAL AID - Title III provides institutional assistance programs to colleges and universities to strengthen their academic, administrative, and financial capacities. Title III authorizes financial assistance to select groups of institutions, including tribal colleges, Alaska Native- and Native Hawaiian-Serving institutions, Asian-Pacific Islander serving institutions, and historically black colleges and universities (HBCUs).

Changes in the Conference agreement:

Predominantly Black Institutions, Asian-Pacific Islander Serving Institutions - The Conference agreement establishes new designations within title III:

- *Predominantly Black Institutions (PBIs)* as institutions that have an enrollment of undergraduate students at least 40 percent of whom are African American; and, that have at least 1,000 undergraduate students of whom not less than 50 percent enrolled at the institution are low-income or first generation and registered in a BA or AA program leading to a degree.

- *Asian and Pacific Islander Serving Institutions* as institutions that have an enrollment of undergraduate students that is at least 10 percent Asian American and Pacific Islander and that have a significant enrollment of financially needy students.

Native Americans - The Conference agreement makes modest changes to current law with respect to Tribally Controlled Colleges. Additionally, it creates a designation for Native American Non-Tribal institutions which are institutions that (1) have an enrollment of undergraduate students that is not less than 10 percent Native American students and (2) are not already designated as a Tribal College or University under section 316 of the Higher Education Act.

Historically Black Colleges and Universities (HBCUs) - In addition to several technical changes, the Conference agreement amends Title III Part B to allow HBCUs to receive funds to acquire property, provide financial literacy education, and seek technical assistance. Additionally, the Conference agreement adds six graduate programs to the list of HBCUs, namely Alabama State, Bowie State, Delaware State, Langston University, Prairie View A&M, and the University of the District of Columbia School of Law. Finally, this section provides a waiver to allow schools affected by the Gulf Coast hurricanes to be held harmless at the enrollment levels prior to the hurricanes.

Historically Black Colleges and Universities (HBCUs) Capital Financing Program - The conference agreement raises the legislative “cap” or limit on the amount of outstanding loans that can be made under the program, providing the Secretary of Education the authority to make additional loans to help meet the growing needs of eligible institutions. In addition, the agreement includes a requirement for the HBCU Capital Financing Advisory Board to develop recommendations for the Secretary and the Congress to increase the accessibility and flexibility of institutions that participate in the program. Moreover, the agreement includes provisions to ensure that future program contractors that administer the program are selected on a competitive basis and that the selection and evaluation process for such contractors is conducted in a transparent manner.

Minority Science and Engineering Improvement (MSEI) Program - H.R. 4137 adds a new initiative to the current MSEI program to support the participation of underrepresented minority youth in science, technology, engineering, and mathematics through outreach and hands-on experiential-based learning projects. The Conference agreement also includes a marketing campaign aimed at encouraging minorities to enter the fields of science, technology, engineering, and mathematics.

TITLE IV: STUDENT ASSISTANCE

Student Aid - The bulk of the HEA is comprised of the student assistance programs in Title IV that provide grant aid, loans, and work-study assistance. The largest student aid programs are the Pell Grant program, and the Federal Family Education Loan (FFEL) and Direct Loan (DL) programs. Pell Grants—need based grant aid for undergraduate students—will assist 5.8 million students this year. Loans in the FFEL program are made by private lenders and are available to undergraduate and graduate students, and their parents. The DL program provides the same kinds of loans as the FFEL program, but the loan capital is provided directly by the federal government; participating postsecondary institutions or contractors act as loan originators and servicers on behalf of the federal government. The campus based aid programs are comprised of Federal Supplemental Educational Opportunity Grants (SEOG), Federal Work-Study, and Federal Perkins Loans. The funds for these programs are allocated to postsecondary institutions for award to students. Schools must match a portion of their allocation under each of these programs. Undergraduates can participate in each of these programs, while graduate students are eligible for only Work-Study and Perkins Loans. The Leveraging Educational Assistance Partnership (LEAP) program provides matching funds to states to encourage them to provide need-based state grant programs to students. In fiscal year 2008, more than 160,000 students received a LEAP grant.

Student Support Services - Title IV authorizes the HEA's primary programs for student services, the federal TRIO programs and the Gaining Early Awareness and Readiness for Undergraduate

Program (GEAR UP). In general, these programs provide disadvantaged students with support services to help them complete high school, and enter and persist in college. The TRIO programs (so called because there were once just three of them include Talent Search, Upward Bound, Student Support Services, Educational Opportunity Centers, McNair Post baccalaureate, and Staff Training.

Changes in the Conference agreement:

Pell grants - The Conference agreement increases the authorized maximum Pell grant award from \$5,800 under current law to \$8,000. The Conference agreement also allows the Pell grant to be used year round, for certificate programs, and by part-time students. The Conference agreement limits student eligibility for the Pell grant to eighteen semesters or twenty-seven quarters (or its equivalent if the student attends part time).

TRIO- The Conference agreement includes outcome measures and evaluation criteria for the TRIO programs. It also retains a provision to prohibit the Department of Education from continuing to implement the absolute priority and evaluation in the Upward Bound program. The Conference agreement allows certain non-funded applicants to appeal funding decisions to the Department of Education. Lastly, the Conference agreement includes provisions to allow TRIO programs to specifically focus services on students who are typically underrepresented in education, foster and homeless youth, other disconnected youth, and students with disabilities.

Campus based aid The Conference agreement provides for the cancellation of Perkins loans for firefighters and librarians. The Conference agreement also clarifies the definition of an early childhood educator. Additionally, the Conference agreement includes provisions to help sustain the Perkins loan program. It also reauthorizes the Supplemental Education Opportunity Grants (SEOG) and the Work Study program. The Conference agreement also allows funds to be transferred from work-study to Perkins.

Loan forgiveness - The Conference agreement includes a new \$10,000 loan forgiveness program for individuals serving in high-needs areas. These qualified individuals are eligible for up to \$2,000 in loan forgiveness each year for five years. Eligible professions are: early childhood educators, nurses, foreign language specialists, librarians, teachers, child welfare workers, speech-language pathologists and audiologists, school counselors, public sector employees, nutrition professionals, medical specialists, mental health professionals, dentist, STEM employees, physical therapists, school administrators, and occupational therapists. Additionally, the Conference agreement includes further clarification of the public service definition in the ten-year loan forgiveness program established by the College Cost Reduction and Access Act (P.L. 110-84) to specifically add nurses, allied health professionals, and early childhood educators.

EZ-FAFSA - The Conference agreement simplifies the Free Application for Federal Student Aid (FAFSA) and ensures that students and families begin to receive aid information earlier in the college application process. Specifically, the Conference agreement:

- Encourages the Secretary to reduce the number of questions required to be answered by the applicant by 50 percent in the next five years.
- Creates a two-page FAFSA-EZ form for students and families who qualify for the 'auto-zero' family contribution.
- Streamlines the reapplication process so that applicants must only provide updated data in subsequent years, rather than re-filing a new FAFSA.
- Directs the Secretary to implement a system that allows students and families, in the years before they apply for aid, to enter and update information and receive estimates of their Expected Family Contribution (EFC), as well as an estimated amount of aid.
- Ensures that the Department of Education and the Internal Revenue Service can work together to use information the government already has with respect to students and families.

Students with intellectual disabilities - The reauthorization includes eligibility for Pell grants, work-study programs, and SEOG for students with intellectual disabilities enrolled in comprehensive transition postsecondary programs who demonstrate financial need, even if they are enrolled in non-degree programs.

Peer-to-Peer file sharing on campus - The Conference agreement requires institutions to report their policies with respect to copyright infringement and illegal peer-to-peer file sharing/downloading and any procedures used to address the infractions.

Articulation agreements and transfer of credit - The Conference agreement encourages states to develop and implement comprehensive articulation agreements among institutions of higher education over the next two years, and directs the Secretary to provide technical assistance. The Conference agreement also requires institutions to fully disclose their transfer of credit policies for current and prospective students.

The '90/10 Rule' - The conference agreement strikes from the statutory definition of an institution of higher education the provision that a for-profit school must derive no more than 90 percent of its revenue from federal title IV student aid programs. Instead, the agreement makes this provision a requirement of a school's title IV program participation agreement with the Secretary. In addition, the agreement clarifies and provides additional flexibility with respect to the types of revenue that count toward the 10 percent of revenues that must come from non-title IV sources. In particular, the agreement provides that schools may count funds from 529 college savings plans, and activities conducted by the school (to the extent they are not included in schools' tuition, fees, and charges) that are necessary for the education or training of students enrolled in educational programs, as well as institutional aid and scholarships (to the extent such aid comes from established restricted accounts and the funds in such accounts represent designated funds from an outside source or from income earned on those funds). In addition, the agreement removes the automatic termination of a school's title IV program eligibility after a single violation of the 90/10 rule. The agreement also provides institutions temporary flexibility in complying with the 90/10 rule in light of current credit market conditions and recent increases in federal student aid. For a period of time (three fiscal years), institutions may count the loans made by the institution towards their 10 percent as well as the amount of students' unsubsidized Stafford loans that exceed the loan limits that existed prior to enactment of the Ensuring Continued Access to Student Loans Act (P.L. 110-227). The agreement also includes additional safeguards, transparency, and reporting as well as increased sanctions for violating the rule. The Secretary will have the authority to require increased monitoring and reporting requirements. Further, if a school violates the rule for two consecutive years, the school will lose eligibility to participate in title IV programs for a minimum of two years. The conference agreement also provides for public disclosure of schools that violate the rule in any given year. Moreover, the agreement requires the Secretary to annually report to the appropriate Congressional committees for each for-profit school the calculation of its revenue from federal student aid programs.

Accreditation - The Conference agreement requires an accrediting agency that already has or seeks to include the evaluation of distance education programs within its scope of recognition to demonstrate to the Secretary that its standards effectively address the quality of distance education programs in the same areas in which it evaluates classroom-based programs. The Conference agreement also provides that information about investigations of institutions of higher education will not be made public until the final ruling. This is consistent with the process followed by the Securities and Exchange Commission in its investigations.

Auction - The Conference agreement includes a study of the loan auction included as part of the College Cost Reduction and Access Act (P.L. 110-84).

Cohort Default Rate - The Conference agreement extends the time period for the measurement of an institution's CDR from two years to three years. Language in the manager's amendment includes an effective date, increases in the thresholds for the benefits and consequences institutions may face under this rate, as well as an appeals process prior to institutions being

removed from the Title IV program because of their CDR. Additionally, provisions are included to address the unique status of community colleges as low-loan volume institutions.

TITLE V: DEVELOPING INSTITUTIONS - Title V provides institutional assistance programs to colleges and universities to strengthen their academic, administrative, and financial capacities. Title V authorizes financial assistance to Hispanic Serving Institutions (HSIs).

Changes in the Conference agreement:

Hispanic Serving Institutions (HSI) - The Conference agreement includes a new program to boost graduate opportunities for Hispanics. Under the new graduate HSI program, the Secretary is authorized to award grants to institutions that offer graduate degrees to enable the institutions to purchase, rent or lease equipment; construct, maintain or renovate classrooms, labs and libraries; purchase books, journals, etc; provide graduate students with fellowships, scholarships and academic support; or support faculty exchanges, etc.

TITLE VI: INTERNATIONAL EDUCATION PROGRAMS - Title VI of the HEA authorizes grant programs designed to produce increased numbers of graduates who are trained in foreign language and international studies, including providing access to research and training overseas and coordinating federal programs of foreign language, area studies and other international studies. Title VI also supports and coordinates with other federal programs in the areas of foreign language, area studies and other international affairs. Specifically, Title VI currently provides support through the following programs:

- International and Foreign Language Studies;
- Business and International Education Programs; and
- The Institute for International Public Policy.

Changes in the Conference agreement:

Graduate and undergraduate language and area centers and programs - The Conference agreement promotes linkages between two and four year colleges as well as partnerships between local education agencies and individual schools.

Promoting foreign service - The Conference agreement aims to increase the participation of underrepresented populations in the international service arena by encouraging collaboration with HBCUs and other MSIs.

Early foreign language instruction - The Conference agreement establishes grants for foreign language partnerships between local school districts and foreign language departments at institutions of higher education.

Foreign languages and technology- The Conference agreement includes grants to institutions of higher education to develop programs for the teaching of foreign languages.

Federal marketing campaign - The Conference agreement includes a marketing campaign to encourage high school students to study foreign languages.

Reporting The Conference agreement includes a reporting requirement by title VI recipients of any funds provided by foreign governments or entities, in excess of \$250,000, consistent with requirements under section 117 of the Act.

TITLE VII: GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

Title VII, Part A of the HEA authorizes graduate fellowship programs to attract students of superior ability and achievement, exceptional promise and demonstrated financial need into high-quality graduate programs with the financial support necessary to complete advanced degrees. These funds sustain and support the capacity for graduate education in areas of national need and encourage students to pursue scholarly careers in the humanities, social sciences and the arts; and, to promote postsecondary programs.

Changes in the Conference agreement:

Jacob K. Javits fellowships - These fellowships are awarded to students of superior ability selected on the basis of demonstrated achievement, financial need, and exceptional promise for graduate study in the arts, humanities, and social sciences. The fellowships are awarded to students who are eligible to receive any grant, loan, or work assistance, and who intend to pursue a doctoral degree. The Conference agreement includes clarifications with respect to stipends and allowances.

Thurgood Marshall Legal Education Opportunity Program - This program provides stipends, preparation, and information to low-income, minority, or disadvantaged college students to gain access to and complete law school study. The conference agreement includes provisions to allow for early outreach and collaboration with local education agencies.

Fund for the Improvement of Postsecondary Education (FIPSE) - The Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, combinations of such institutions, and other public and private nonprofit institutions and agencies, to enable grantees to improve postsecondary education opportunities. The Conference agreement includes several new initiatives in FIPSE, as follows:

- a scholarship program for family members of veterans or members of the military;
- a demonstration program for homeless youth and those in foster care;
- programs aimed at ensuring the success of non-traditional students in postsecondary education;
- the establishment of a center for best practices to support single parent students; and,
- support for research and collaboration with relevant entities to ensure against medical errors.

Students with disabilities The Conference agreement includes several initiatives aimed at assisting students with disabilities to succeed in postsecondary education, including:

- Additional activities authorized under the Programs to Ensure Students with Disabilities Receive a Quality Higher Education, including the development of effective transition practices, improved distance learning strategies, and improvements in the overall accessibility of higher education for students with disabilities;
- Establishment of a National Center for Information and Technical Support which will improve the dissemination of best practices related to working with postsecondary students with disabilities, provide information to assist students and their families, and improve the recruitment, retention and completion rates for students with disabilities;
- Support for model demonstration programs to help students with intellectual disabilities to succeed in postsecondary education, and a coordinating center to assist these programs.
- Model demonstration programs to improve timely access and quality of instructional materials in specialized formats for students with print disabilities, and a commission to study methods to improve the efficient distribution of these materials.

TITLE VIII: ADDITIONAL PROGRAMS - The Conference agreement creates a new title VIII that consists of new programs that recognize the growing challenges that institutions, students and families face in higher education.

Encouraging colleges to keep costs down through innovative methods - The Conference agreement authorizes programs to encourage institutions of higher education to keep tuition costs down and use innovative approaches to do so. These programs include: rewarding institutions for low tuition; cooperative education grants; articulation agreement programs; textbook rental programs; reducing campus-based digital theft; and encouraging institutions to use environmentally-friendly sustainability approaches.

Ensuring that students enter, remain, and graduate from college - The Conference agreement authorizes programs that encourage students, particularly those from traditionally underrepresented groups at institutions in higher education, not only to enter into, but to graduate from college. These programs include: programs to give students early Federal Pell grant award amounts; grants at community colleges to ensure that students needing remedial coursework continue through college; programs that align non-traditional students' academic and career goals; programs for high-need students to make the transition into college; programs to partner institutions and businesses in order to prepare students for employment and career ladders; programs to support students and institutions of higher education in rural areas; and programs to assist minorities to acquire terminal masters or doctoral degrees.

Addressing high need areas - The Conference agreement authorizes programs to address the unique needs in critical areas. These programs include: the development of programs in science, technology, engineering, and mathematics, including a program specifically for Alaska Natives and Native Hawaiians; the creation of a national database of scholarships for STEM fields; support programs for realtime writers and the field of modeling and simulation; the expansion of the capacity of nursing and veterinary programs; programs to support the teaching of American history and the archival of Native Hawaiian history; a center for increasing and promoting digital technologies; and a program to ease the transition of veterans returning from combat zones into higher education.

Supporting Teaching Supporting Teaching - The Conference agreement authorizes programs to remove barriers for students entering the field of teaching at all levels of education. These programs include: supporting graduates from other fields to enter the field of teaching programs to increase the number of graduates entering early childhood education, and programs to increase the number of qualified nursing faculty. Additionally, the Conference agreement includes the authorization of Teach For America to encourage the recruitment and training of talented undergraduate students to enter into the teaching profession.

Campus safety

Grants to Institutions: The Conference agreement creates a grant program to assist institutions of higher education in developing and implementing state-of-the-art emergency systems and procedures to ensure the safety of all students, faculty and employees, and to improve safety overall on campus.

Model Policies and Procedures and Future Disasters: The Conference agreement also ensures assistance to institutions of higher education in the development of policies, procedures, and practices to be used in the case of an emergency. The Conference agreement requires the Secretary to develop and maintain a disaster plan in preparation for emergencies.

Disaster Relief Loan Program: To ensure that institutions have a steady flow of cash to re-open as soon as possible, the Conference agreement establishes a loan program to be made available to institutions of higher education in the event of a disaster.

TITLE IX: AMENDMENTS TO OTHER LAWS - The Conference agreement also makes changes to the Education for the Deaf Act, the Tribally Controlled College or University Assistance Act, the Higher Education Amendment of 1998 and 1992, Justice Department Programs, and the Stevenson-Wydler Technology Innovation Act of 1980.

Changes in the Conference agreement:

Education for the Deaf Act - The Conference agreement amends the Education for the Deaf Act to include requirements that the elementary and secondary schools operated by Gallaudet University adopt academic achievement standards, assessments and adequate yearly progress measures consistent with the No Child Left Behind Act. Tuition surcharges for international students at Gallaudet and National Technical Institute for the Deaf are also adjusted to allow for

a sliding scale based upon student need and for reductions in costs for students from developing countries.

Tribally Controlled College or University Assistance Act - The Conference agreement adds a new title to the Tribally Controlled Colleges Act to allow for the designation of tribal colleges focused on technical and vocational education. This title also replaces a program at the Department of Interior.

Higher Education Amendments of 1998 and 1992 - The Conference agreement modifies the grants to states for workplace and community transition training for incarcerated youth offenders to allow programs to serve offenders under the age of 35 and who will be released within 7 years. The Conference agreement reauthorizes programs including the Underground Railroad and Olympic scholarships.

Deputy Assistant Secretary, International and Foreign Language Education - The Conference agreement establishes a Deputy Assistant Secretary position under the Office of Postsecondary Education charged with overseeing international and foreign language education.

Justice Department Programs - The Conference agreement includes the Department of Justice public defenders loan forgiveness program. Additionally, the Conference agreement allows individuals who are employed by a government agency to receive loan forgiveness from an institution of higher education for their public service.

Stevenson-Wydler Technology Innovation Act of 1980 - The Conference agreement includes the establishment of the Minority Serving Institution Digital and Wireless Technology program, within the Department of Commerce, which provides funds to MSIs to integrate technology into campus activities and ensure that students have access to technology.

TITLE X: PRIVATE STUDENT LOAN TRANSPARENCY AND IMPROVEMENT

Title X's private student loan provisions require lenders to follow certain terms and procedures when soliciting or making private loans for postsecondary education expenses and provides for enhanced consumer disclosures with respect to private education loans. It directs the Board of Governors of the Federal Reserve and other financial regulatory agencies to issue regulations implementing the new standards. It also requires the Department of the Treasury to undertake efforts to enhance financial literacy among students.

Borrower Self-Certification - The conference agreement includes a requirement that before a private educational lender may issue a private education loan, the lender shall obtain from the prospective borrower a form on which the borrower provides and certifies certain information including (1) the enrollment status of the borrower, (2) the borrower's cost of attendance, and (3) difference between the borrower's cost of attendance and the borrower's estimated financial assistance received under title IV of the Higher Education Act of 1965 and other assistance known to the institution. The agreement also includes a requirement that the Secretary of Education, in consultation with Federal Reserve officials, develop the borrower self certification form. Borrowers will obtain the self-certification form from their institution of higher education, and institutions of higher education are required to provide borrowers the information needed to complete the form.

Gift ban - The conference agreement prohibits private educational lenders from offering or providing gifts to higher education institutions or their officers and employees in exchange for any advantage to the lender in its loan activities. The agreement includes provisions that provide that philanthropic contributions to an educational institution from a private educational lender that are unrelated to education loans do not violate the prohibition of gifts to educational institutions. Similarly, State education grants, scholarships, or financial aid funds administered by or on behalf of a State are not considered "gifts" for purposes of the prohibition of gifts to educational institutions.

Ban on revenue sharing - The conference agreement prohibits lenders from sharing the profits from their loan activities with higher education institutions in exchange for some advantage to

the lender in its loan activities, including offering or providing gifts to educational institutions or their employees.

Bans co-branding - The conference agreement prohibits lenders from co-branding their loans with the institution's name, emblem, mascot, or logo in any way that implies a school's endorsement.

Bans prepayment fees and penalties - The conference agreement prohibits private loan lenders from charging borrowers fees for paying off their loans early.

Provides for effective period of approved interest rate and loan terms - The conference agreement requires lenders to give applicants up to thirty days following the approval of a loan to accept it with no changes in terms except an index to determine the interest rate.

Right to cancel - The conference agreement requires lenders to grant borrowers up to three days to change their minds after entering into a loan agreement with a lender.

Financial literacy enhancement - The conference agreement requires the Department of the Treasury to identify and evaluate programs at institutions of higher education that enhance the financial literacy of college students, and subsequently to encourage the implementation of such programs that the department finds to be most effective. The agreement also allows private education lenders to engage in certain types of financial literacy activities with institutions of higher education, and the students attending such institutions, without violating the prohibition of gifts to educational institutions.

Loan disclosure requirements - The conference agreement requires lenders to make additional disclosures to borrowers at three stages of the loan application process: (1) advertisement or solicitation of loans, (2) approval of loan applications, and (3) consummation of loans.

TITLE XI: STUDIES AND REPORTS - The Conference agreement includes studies and reports that aim to study the challenges that institutions, students and families face in higher education as well as the changing landscape of higher education.

Examining Financial Aid - The Conference agreement directs studies to examine aspects of student aid, including: the impact of loan debt on public service; the feasibility of providing loans to less than part-time students; the regional sensitivity of the needs analysis formula; the feasibility of loan repayment through tax withholdings; and non-individual based discrimination in the private loan marketplace.

Institutions of Higher Education - The Conference agreement includes studies on institutional organization, practice, and challenges. The studies include the examination of: foreign medical schools; institutional and State articulation agreements; institutions' compliance with the 90/10 rule; distance education; the cost and benefits of compliance with environmental standards, and institutional endowments. The conference agreement also includes a summit to share sustainability policies.

The Department of Education - The Conference agreement directs studies of programs and policies of the Department of Education, including: the effectiveness and burden of the Integrated Postsecondary Education Data System (IPEDS), the burden of Federal requirements and regulations on institutions of higher education, alternative measurement of degree completion, and the comparability of audits in the Federal student aid programs.

Issues in Higher Education - The Conference agreement also includes studies that examine issues facing higher education, including: post-graduation employment, minority-male achievement, bias in standardized testing, postsecondary education in correctional systems, teaching students with reading disabilities, and the capacity of nursing schools to meet current demands.