

Task Force on Government Regulation of Higher Education

I. INTRODUCTION

Regulation of colleges and universities has grown significantly in both amount and complexity in recent years, with institutions now subject to regulations from virtually every federal agency. The growth is attributable to many factors, including the substantial growth in federal student aid and research dollars.

Institutions of higher education must be careful stewards of any federal funds they receive, and consumer protection is, and will remain, a clear federal priority. But there are no benefits to excessive regulation. To the contrary, excessive regulations are both costly and confusing.

In order to help institutions comply with federal regulations, Congress, as part of the 2008 reauthorization of the Higher Education Act, called on the Department of Education to create a “Compliance Calendar” to provide colleges and universities with an annual schedule of the agency’s regulatory requirements. This provision has yet to be implemented.

The pending reauthorization of the Higher Education Act provides an opportunity for Congress to examine the extent of the regulatory burden on institutions of higher education and to identify ways to streamline and simplify regulations.

To facilitate this effort, a Task Force on Government Regulation of Higher Education will be convened to conduct a comprehensive review of the regulatory requirements affecting colleges and universities, with a focus on regulations stemming from the Higher Education Act and, more broadly, the Department of Education. The Task Force will make recommendations to ease the regulatory burden and reduce the associated costs while maintaining important student and taxpayer protections.

II. CREATION OF THE TASK FORCE

In the fall of 2013, Senators Lamar Alexander (R-TN), Barbara Mikulski (D-MD), Richard Burr (R-NC), and Michael Bennet (D-CO) came together to create the Task Force on Government Regulation of Higher Education. In November, these Senators appointed Task Force members representing institutions from across all sectors of higher education, and named Chancellor Nicholas S. Zeppos of Vanderbilt University (TN) and Chancellor William E. Kirwan of the University System of Maryland as co-chairs.

Task Force Members

William E. Kirwan, Chancellor, University System of Maryland, Co-Chair

Nicholas S. Zeppos, Chancellor, Vanderbilt University, Co-Chair

William L. Armstrong, President, Colorado Christian University

Bruce D. Benson, President, University of Colorado

Molly Corbett Broad, President, American Council on Education (DC)

Thomas V. Chema, President, Hiram College (OH)

Margaret L. Drugovich, President, Hartwick College (NY)
Dana L. Gibson, President, Sam Houston State University (TX)
Brice W. Harris, Chancellor, California Community College System
Jonathan Kaplan, Chief Executive Officer, Laureate Online Education (MD)
Cornelius M. Kerwin, President, American University (DC)
J. Michael Locke, Chief Executive Officer and President, Rasmussen College (IL)
Harold L. Martin, Sr., Chancellor, North Carolina Agricultural and Technical State University
Claude O. Pressnell, Jr., President, Tennessee Independent College and University Association
Thomas W. Ross, President, University of North Carolina
Robert G. Templin, Jr., President, Northern Virginia Community College

III. SCOPE OF WORK

Over the course of the next year, the Task Force will conduct an in-depth study of the nature and extent of federal regulations affecting institutions of higher education, with a focus on regulations stemming from the Higher Education Act and, more broadly, the Department of Education. The Task Force will provide specific recommendations to streamline and reduce regulations while at the same time ensuring that important student and taxpayer protections are maintained. More specifically, the Senators have given the Task Force the following three-part charge:

- 1) Provide specific recommendations to consolidate, streamline and eliminate burdensome, costly and/or confusing regulations, legislation and reporting requirements;
- 2) Review and quantify the extent of all federal reporting and regulatory requirements with which institutions must comply, including estimates of the time and costs associated with specific regulations and requirements; and
- 3) Provide recommendations for reform to ensure future regulations are promulgated in a manner that appropriately considers existing law and accurately examines the costs and benefits to taxpayers, institutions and students.

The Task Force will convene several times to examine these issues and at its discretion, may form working groups to explore particular topics in greater detail. Possible topics include but are not limited to:

- Financial aid regulations, including return of Title IV funds rules
- Regulations related to accreditation
- Business/financial compliance requirements
- Academic and student records
- Regulations related to campus crime
- Institutional data reporting (e.g. IPEDS)

The Task Force will seek input from higher education associations, campus officials, and other stakeholders with expertise on matters relevant to particular topics and to its charge. The Task

Force's work will culminate in a report providing guidance and specific recommendations related to each part of the charge. The report will identify ways to minimize costly, duplicative and/or confusing regulations while ensuring important student and taxpayer protections remain in place. In sum, the goal of the Task Force is not simply to reduce the number of regulations, but rather to foster smarter, more effective, and more efficient regulations that still accomplish the federal purpose.

IV. TIMELINE

November 2013:

- Announce the creation of the Task Force.
- Identify and appoint the members of the Task Force.

Fall 2013/Winter 2014:

- Develop work statement and work schedule for the Task Force.
- Develop background/briefing materials for kick-off meeting.
- Hold kick-off meeting of the Task Force: February 12, 2014.
- Identify sub-topics for examination, and consider forming working groups.
- Identify higher education associations, campus officials and other stakeholders with expertise on regulatory topics and seek comments and recommendations relevant to the Task Force's three-part charge.

Spring/Summer 2014:

- Hold second Task Force meeting: June 6, 2014.
- Review comments and recommendations received on ways to streamline regulations, quantify the costs of regulatory burden, and improve the regulatory process.
- Begin to draft sections of the report.

Fall 2014/Winter 2015:

- Hold third meeting of the Task Force.
- Finalize and deliver report to members of the Senate to help inform them as they reauthorize the Higher Education Act.