

BOSTON BAR ASSOCIATION
COLLEGE & UNIVERSITY LAW SECTION
2014 LEGISLATIVE YEAR IN REVIEW
JUNE 11, 2014

As of today, there are only fifty days left in the 2013-14 legislative session. This inevitably means that a great deal of legislative work will be crammed into the next 7 weeks because July 31st marks the end of “formal sessions” until the next 2-year legislative session begins in January 2015. Although “informal sessions” will continue to be held throughout the remainder of 2014, during such sessions the objection of a single legislator can stop any bill from moving through the process. Thus the need to get all of the big ticket or controversial bills resolved before July 31st.

And there are a lot of significant issues still pending before the Legislature. Before July 1st we will see a resolution of the FY15 state budget, and before July 31st we are also likely to see action taken on bills that would increase the minimum wage (most likely tied to changes in unemployment insurance); overhaul welfare rules; toughen domestic violence laws; target gun violence, and; implement various economic development/job growth strategies.

FY15 Budget and Related Matters

For the current fiscal year (FY14), which ends on June 30, 2014, funding for need-based financial aid programs, including the *MassGrant* and *Gilbert Matching Grant* programs, totaled \$90.6 million, a figure which included a \$3 million increase over FY13 numbers. The increased FY14 funding was only achieved after the House approved a budget amendment filed by Representative Tom Sannicandro, House Chair of the Joint Committee on Higher Education.

The House and Senate recently concluded their respective FY15 budget debates. The House appropriated an additional \$1 million over FY14 figures for need-based financial aid programs, bringing the line-item to \$91.6 million. The Senate initially matched the \$1 million increase in financial aid funding, but then the Senate went further by accepting a budget amendment from Senator Eileen Donoghue to increase funding by an additional \$2 million – bringing the total funding to \$93.6 million in the Senate budget. The \$2 million difference will be resolved by a Conference Committee over the next two weeks.

In addition to successfully pursuing an increase in funding for need-based financial aid, we sought an amendment in the Senate budget to create an income tax deduction (up to \$5000) for contributions made to qualified college savings/529 plans. Such a tax deduction would align Massachusetts tax policy with more than thirty other states and provide a strong incentive for families to begin saving for college when their child is born. Though our amendment was not adopted in the budget, 15 Senators cosponsored the amendment and Senator Donoghue spoke passionately about the need for the tax incentive during the debate. We will make this one of AICUM’s legislative priorities next year.

The current budget season once again saw the filing of a troubling House budget amendment seeking to impose an excise tax on all college endowments over \$5 billion. We again voiced our opposition to the amendment to House

leadership and were pleased that the sponsor of the amendment withdrew it prior to consideration. We were also pleased that an amendment filed in previous sessions to prohibit any needy Massachusetts student from receiving financial aid from the state if he or she attends a college or university with an endowment of more than \$1 billion was not filed as an amendment to the FY15 budget.

Legislative Subcommittee on Student Loans and Debt

In the fall of 2013, the Joint Committee on Higher Education created the *Subcommittee on Student Loans and Debt* and tasked it with developing recommendations to make higher education more affordable to Massachusetts residents. The Subcommittee, co-chaired by Senator Eileen Donoghue and Representative Paul Mark, held seven hearings across the state, soliciting testimony from college and university presidents and administrators, students, families and business leaders to determine what the state can do to help students and families get a better handle on student debt. The report and recommendations made by the Subcommittee provided the impetus for Senator Donoghue to file budget amendments to increase funding for need-based financial aid and create the 529 plan tax deduction incentive. The recommendations are also likely to play a key role in the development of legislation next session to address college affordability.

Among the recommendations included in the report:

- Expand financial literacy for all Massachusetts students and encourage colleges and universities to uniformly describe financial aid information.
- Expand and reform state aid, by increasing MassGrant scholarship funds and reforming the Adams scholarship.
- Create tax incentives for families to save in the Commonwealth's 529 College Savings Plan.
- Decrease the time it takes to get a degree (community college articulation agreements and more universal acceptance of credits for AP courses).
- Develop loan forgiveness programs for "in-demand" jobs.

Sexual Assaults on Campus and Related State/Local Matters

As most members of the *College & University Law Section* know only too well, the issue of sexual assaults on campus and how colleges handle such assaults (and other criminal activity) will continue to receive very close scrutiny over the coming year. In addition to what is happening on the federal level, we can reasonably expect to see increased activity on both the state and local level.

On the federal level, Sen. Claire McCaskill (D-MO) recently sent a survey to 450 colleges and universities across the country to learn more about how sexual assaults are reported and investigated on-campus. Sen. McCaskill is also in the process of holding three sexual assault roundtable discussions (here is link to the June 2nd roundtable <http://www.hsgac.senate.gov/subcommittees/fco/hearings/roundtable-discussion-on-campus-sexual-assault-the-role-of-title-ix>) to better understand the challenges and best practices in addressing sexual violence on campus. It is likely that Sen. McCaskill's survey and other federal activity will be used to develop a "campus safety metric" to measure how well institutions are handling sexual assaults on campus.

We also have been told as recently as last week that regulations currently being negotiated to implement changes required under the *Violence Against Woman Act (VAWA)* are almost certain to include provisions *requiring* colleges to allow both victims of sexual assaults and students accused of sexual assault have an "advisor" (including an attorney) by their side throughout the disciplinary process. Institutions would still retain the authority to control the level of participation afforded to the advisor/attorney, and the definition of "consent" would not be included in the final regulations.

On the state level, although House Bill No. 3942 (*An Act Relative to Student's Right in Higher Education*) has been put into a "study order", the issues raised at the public hearing on April 1, 2014, have caused enough concern with legislators that they intend to continue looking at how colleges and universities handle the student discipline process. To that end, on June 5th the House and Senate Chairs of the Higher Education Committee convened a meeting at the State House so that legislators could learn more about the student discipline process. Representatives from the UMass system, state universities, community colleges, AICUM and private colleges/universities participated in the meeting. At this point, the primary concern on the part of legislators seems to be whether a student accused of misconduct is allowed to have an attorney present and/or given "Miranda-like warnings" if statements made by the accused could be used against the student in a subsequent civil or criminal action.

The higher ed representatives stressed the need to use the disciplinary process to establish community standards and to educate students accused of misconduct, while also explaining that the vast majority of matters do not rise to the level where attorneys or criminal prosecutions are real concerns. They also talked about the need for legislators to better understand what colleges and universities are required to do – and not do – under federal statutes and regulations before implementing state law changes that might conflict with those federal obligations.

Other Legislative Matters

Since the start of the 2013-2014 session, AICUM has been working on a significant number of bills that would impact the independent higher education sector in the Commonwealth. We have had many meetings and ongoing discussions with legislative leaders and we have provided written and oral testimony before a number of committees. Pursuant to its own Joint Rules, the Legislature was required to act by March 18, 2014 on the more than 6,000 bills that were filed back in January 2013. As in past sessions, the vast majority of the bills were placed into a "study order", which essentially halts the movement of the bill for the remainder of the session. The remaining bills were sent out of original committee with a favorable recommendation so that they can receive further consideration and review by other committees and possibly complete the journey through the legislative process to Governor Patrick's desk.

Bills Receiving Favorable Reports – Or Currently Remain Under Active Consideration

AICUM's Program Approval Legislation

AICUM has worked with Senator Candaras (D-Wilbraham) and Representative Peisch (D-Wellesley) to file legislation (S.575/H.1076) seeking to amend DHE's academic program approval process for non-profit, private colleges in Massachusetts. Under the legislation, a private, non-profit college or university that has 1) maintained a physical presence in Massachusetts for at least 20 years; 2) operated continuously in Massachusetts by the same governing entity for the same 20-yr period; and 3) has been accredited without sanction by NEASC for the same 20-year period, would be exempt from having to obtain DHE approval before offering a new academic programs.

AICUM believes strongly that the legislation recognizes the important ongoing regulatory role of NEASC, the thoughtful and extensive internal governance processes which colleges adhere to when developing new academic programs and, most importantly, eliminates the 1943 parity issue within the state. This legislation would also align the Commonwealth with those 46 states which require little to no state oversight of programs offered by private colleges and universities.

Many AICUM presidents, provosts and academic officers contributed a considerable amount of time and expertise in advocating for the program approval bill. Presidents Caprio, Leary and Wylie testified at a public hearing before the Joint Committee on Higher Education, and Presidents Drinan, Leary and Rooney traveled to the State House to meet with Senate President Murray and Speaker DeLeo to explain the rationale for the bill. Many others communicated directly with Legislators and staff to advocate for passage of the bill.

AICUM also engaged in extensive discussions with the DHE to fully explore the possibility of finding a regulatory solution to the problems/inequities of the current system. While those discussions have helped to identify changes that would improve the current regulatory regime, we remain convinced that a legislative fix provides the most transparent, long-lasting and equitable solution.

The program approval bill received a favorable recommendation from the Joint Committee on Higher Education on March 19th, and has been referred to the House Committee on Ways & Means. We will continue to meet with legislators and staff in search of a way to move the bill through the legislative process before July 31st.

Increasing the Minimum Wage

Efforts to increase the minimum wage have received considerable attention on both the state and federal level. Currently, on the state level, a legislative conference committee is negotiating the resolution of the differences between minimum wage bills passed by both the House and Senate. The House plan calls for a three-step increase to \$10.50 per hour while also making changes in the way unemployment insurance (UI) is calculated. The Senate proposal raises the minimum wage to \$11, also in three steps, and then indexes future increases to inflation. The House bill does not include an indexing provision and the Senate bill does not tie any increases to UI changes – though the Senate did pass separate UI reform legislation. While both proposals have scheduled implementation dates of July 1, 2014 it is very unlikely that the final bill will reach the Governor's desk prior to July 1. In all likelihood, the Conference Committee will push the starting date for an increase to the minimum wage back to either January 1, 2015 or July 1, 2015. Several business groups have been pushing for a delayed start date.

Both the House and Senate have indicated that they want to get this issue resolved before the legislative session ends on July 31st, and Governor Patrick has already said that he would sign the bill if it gets to his desk.

Research and Innovation Funding

House Bill 1082 seeks to establish the *Innovation Commercialization Seed Fund*, with an initial appropriation of \$8 million. The legislation is intended to provide initial investments to researchers at public and private research universities who have invented or developed concepts, goods or services with commercial potential. AICUM testified in support of this legislation before the Joint Committee on Higher Education. The bill was reported favorably by that Committee and has since been referred to the House Committee on Ways & Means. An amendment has also been filed seeking to add this proposal to economic development legislation being debated by the full House today.

Workplace Bullying

House Bill No. 1766, entitled *An Act Addressing Workplace Bullying, Mobbing and Harassment without Regard to Protected Status*, would establish "workplace bullying" as a new cause of action for employees to pursue workers' comp and tort claims against their employer. The bill, which has garnered a fair amount of media coverage, received a favorable recommendation from the Joint Committee on Labor & Workforce Development. AICUM, along with a number of business trade associations, have expressed concerns that this legislation includes vaguely worded definitions that will increase litigation by employees who interpret legitimate employment actions and decisions as

bullying. The bill is currently on the House Calendar, which mean it could be brought up for full debate and approval by the House during any formal session before July 31st.

Caps on CEO Compensation at Non-Profit Organizations

Senate Bill No. 768, filed by Senator Montigny (D-New Bedford) would prohibit **any non-profit** with gross revenues in excess of \$1 million from paying senior executives an annual compensation (very broadly defined) of more than \$500,000 unless the non-profit first obtained the approval of a "commission" comprised of AG, Inspector General and Secretary of State. Non-profits would risk losing their status as a public charity if they fail to comply with this procedure. AICUM has consistently opposed this proposal for several years, and we will do so again this year. The bill remains pending before the Judiciary Committee, which must take some action on the bill before June 30, 2014. However, based on recent conversations with Judiciary Committee members, there seems to be little interest in taking up this issue before July 31st.

Charitable Immunity Cap

Senate Bill No. 765, filed by Senator Montigny, would increase the charitable immunity cap in tort actions against non-profits from \$20,000 to \$100,000, and it would limit the non-profits eligible for the protection of the charitable immunity cap to those institutions (i) deriving more than 50% of their income from charitable gifts, and (ii) having fewer than 25 employees. The bill remains pending before the Judiciary Committee, which must take some action on the bill before June 30, 2014.

Statute of Limitations in Civil Child Sex Abuse Cases

Although AICUM has not been actively involved in this legislation, institutions should be aware of the current status of legislative efforts to extend the statute of limitations applicable to civil actions brought by the victims of child sex abuse. House Bill No. 4126 would extend the age by which the victim of child sex abuse can bring a civil claim against a perpetrator to 53, and this extension would apply retroactively or prospectively depending on whether the defendant is the perpetrator or a supervisor/institution. For supervisors/institutions, the extended SOL would be applied prospectively. The bill also extends the discovery rule (which allows victims to bring a suit for up to 3 years after the time the victim discovered or reasonably should have discovered the harm caused by the abuse) to 7 years from 3 years. The new 7-year discovery rule would apply both retroactively and prospectively.

This amended bill received a favorable report from the Judiciary Committee on May 15th and it currently in the House Committee on Bills in Third Reading. There is a very good chance that this bill gets done before July 31st.

Bills That Have Been Sent to a Study Order – No Longer Under Consideration

Public Disclosure of Police Reports

House Bill No. 2820 seeks to classify as "public records" all reports and records made or received by any college or university police officer appointed as a special state police officer. AICUM has consistently opposed this bill for eight years, and we are pleased that any support for this proposal in now virtually nonexistent. We submitted written testimony and met with the legislators to explain our concerns about the unintended consequences that this bill would have on the relationship that exists between students and campus police officers.

The grounds for opposing H.2820 include, the absence of any discernible public safety interest in making such reports public records; the chilling effect the bill would have on the reporting of criminal or simply dangerous conduct; and, the many federal and state statutes/regulations already requiring colleges and universities to publicly disclose information about criminal activity on and near campus. Also the Massachusetts Supreme Judicial Court unequivocally ruled in 2006 that records prepared by college police officers appointed as special state police officers under M.G.L. c. 22C, §63, are not public records.

Tax Transparency

House Bill No. 2678 would require only private, non-profit colleges and universities (and all related organizations) to file an annual report disclosing:

- the names of all employees and consultants who were paid more than \$250,000 during the preceding fiscal year and the amounts earned and/or paid to each such employee and/or consultant;
- the names of all service providers paid \$250,000 or more during the preceding fiscal year, the amounts paid to each service provider, and a brief description of the services provided;
- a statement of all direct or indirect donations made to the college by any service provider that was paid a total of \$250,000 or more;
- a statement disclosing any income paid by a third party to the college's employees who were paid more than \$250,000 last year, and a brief description of the reason for each such payment;
- for colleges that own more than \$10 million in investments and/or real property, a list of all such investments and/or real property and the value of each such investment and/or real property at the end of the reporting period, and;
- a statement of all federal, state and local taxes that would have been paid during the reporting period if the public charity was not tax exempt.

For the last two legislative session this bill has been sponsored by SEIU as an effort to increase "tax transparency". Apparently only private colleges and universities are worthy of such transparency. AICUM testified in opposition to the bill at a public hearing before the Joint Committee on Revenue, and we met on several occasions with the Committee Chairmen and staff to further explain our concerns. We are pleased that the Committee agreed that the bill should be included in a study order.

Targeting the Tax-Exempt Status of Certain Non-Profit Organizations

As has become the norm over the last six years, several bills targeting private colleges and universities (and occasionally other non-profits) were filed this session. The proposals range from imposing an annual 2.5% excise tax on college endowments (H.2586); to incorporating Boston's PILOT program into Massachusetts' general laws, but absent the voluntary nature of Boston's program (S.1308 and H.2642); to imposing a 25% commercial property tax on only colleges and universities (H.1866 and H.2680).

AICUM worked extensively with Committee Chairs and staff, submitted written testimony, and testified at public hearings to express our strong opposition to all of these proposals. We are pleased that all of these bills have been rejected and sent to a study order.

Universal UPASS

House Bill 3059/Senate Bill 1655 (*An Act Establishing a More Equitable Public Transit Fare Structure*) included a provision requiring any public or private college located within one mile of an MBTA/RTA station to pay directly to the MBTA/RTA an amount equal to a discounted T-pass for every full-time undergraduate and graduate student.

Even a conservative estimate put the cost of this proposal at \$400-\$500 per undergrad and grad student, which would mean that an institution like Boston University would be expected to pay approximately \$14 million every year to the MBTA. Similar proposals were introduced as amendments and rejected during debate on transportation legislation approved last year.

AICUM submitted testimony to the Joint Committee on Transportation opposing this proposal. We also had several discussions with House and Senate leadership to explain our concerns that this type of legislation drives up the cost of attending college while doing virtually nothing to close the MBTA's funding deficits. The Joint Committee on Transportation sent H.3059/S1655 to study order.

Bio Lab Bill

H.1953 would establish a registry for biological agents and a bio-lab health and safety program within DPH, including restrictions as to where BSL3 and BSL4 labs could be located. This bill has been filed each of the past four sessions and AICUM continues to oppose it on the grounds that it imposes redundant and unnecessary levels of oversight given the extensive Federal, state and local safeguards already in place. AICUM submitted testimony in opposition to H.1953 and spoke with committee staff to remind them of our opposition. AICUM is pleased that this proposal was sent once again to study by the Joint Committee on Public Health.

It should also be noted that following a public hearing on April 16th the Boston City Council recently rejected a proposal that would have prohibit all Bio-Safety Level 4 (BSL-4) research in the City of Boston.

The "New Shadow" Bill

H.826 seeks to prohibit the construction of any new structure that would add "new shadows" to certain public parks located in Boston, Cambridge and Lynn. AICUM opposed this legislation because of the adverse impact this bill would have on development rights and the risk that, if enacted, it could set a precedent for other cities and towns to follow. We submitted testimony opposing the bill to the Joint Committee on Public Health and were pleased to see the bill sent to study.

The Dover Amendment

Senate Bill No. 74 is an omnibus zoning reform bill which includes a provision that would significantly undermine the protections afforded colleges, universities and other non-profit organizations under the *Dover Amendment*. AICUM submitted testimony in opposition to S.74 at its public hearing and spoke with committee staff about our opposition to the proposal. S.74 was sent to study by the Joint Committee on Community Development and Small Business

Efforts to Limit Tuition Increases

House Bill No. 3631, filed by former Rep. Winslow, would have authorized the Massachusetts Education Financing Authority (MEFA) to award student loans at discounted rates to any student who attends a college or university "which have pledged in writing to limit any annual increases in tuition and fees to amounts less than the increase in the Consumer Price Index in the same period of time". The bill also included a provision requiring MEFA to prepare a study to determine whether it was feasible for Massachusetts to create a *Pay It Forward* plan. Under such a plan students would pay nothing to attend college, and after graduating they would begin contributing a small, fixed percentage of their income into a common education fund to guarantee free higher education to future students. The bill was sent to a study order without receiving anything more than cursory attention.

Distance Education Programs and State Authorization Reciprocity Agreement (SARA)

The National Council for State Authorization Reciprocity Agreements (NC-SARA) is a national initiative to establish uniform policies and standards in order to make it easier for colleges and universities that offer distance education programs to obtain the necessary regulatory approval when enrolling students across state borders. Although SARA is generally regarded as a promising alternative to having a college determine, comply and then keep up-to-date with the laws/regulations of every state in which it enrolls a student via distance education, state participation in SARA seems to be proceeding at a slow rate. As of late May, seven states (AK, CO, ID, IN, NV, ND, and WA) had been approved as a SARA state. Another 11 states have passed legislation that was needed as a precursor to filing an application to join one of the four regional education compacts. The New England Board of Higher Education (NEBHE), will serve as the regional compact for Massachusetts should it choose to participate in SARA and become a "home state" for colleges and universities domiciled here.

The MA DHE, key legislators, and the Attorney General's office have continued to express some concerns that SARA will reduce the quality standards of programs that currently fall under DHE jurisdiction. In fact, in a joint letter (dated January 13, 2014) to NEBHE the Connecticut Office of Higher Education and MA DHE raised concerns about quality, the definition of "physical presence", and the financial resources that will be needed for each state to fulfill its complaint resolution role under SARA. Other New England states have similarly taken a deliberate approach to SARA.

AICUM recently met with officials from NEBHE to learn more about the feedback they have been receiving from MA DHE and other New England states. We are in the process of working with NEBHE to prepare a survey designed to get a better understanding of the depth and range of distance education programs currently being offered by institutions in Massachusetts and better measure the level of interest that institutions have for having the Commonwealth participate in SARA.

Further complicating the state authorization issue is the fact that DOE is proposing new distance education regulations as part of the *Program Integrity and Improvement Negotiated Rulemaking* process that wrapped up on May 20th. The proposed regulations essentially would require each state to authorize by name all of the institutions providing distance education programs to 30 or more of its residents and establish a process for resolving complaints about those institutions. Several national higher education associations have raised significant concerns about the complexity and confusing language of the proposed regulations. There is also great fear that the proposed regulations expand the reach of the federal government into state oversight of distance education and unduly complicate efforts to get states to join SARA because participating in SARA would not satisfy all of the requirements that would be imposed on institutions under these new regulations. Unfortunately, those concerns are unlikely to be addressed in the final version of the proposed regulations that will be issued later this summer.

Senator Warren and Congressman Tierney – Student Loan Refinancing Legislation

Senator Elizabeth Warren and Congressman John Tierney recently introduced legislation – the ***Bank on Students Emergency Loan Refinancing Act*** - which gives student borrowers the opportunity to refinance their debt at the same low rates offered to new borrowers in the federal student loan program. See the attached op-ed from AICUM supporting this proposal.

Under the proposal, student borrowers would be eligible to refinance their existing FFELP and Direct student loans, as well as refinance existing private loans into the federal program. This legislation is another effort by Senator Warren to help students and families reduce the burden of their student debt. The legislation also served as an impetus for President Obama taking executive action this week to extend the federal income-based loan repayment program to an additional 5 million student borrowers.

President Obama's College Rating System Proposal

As you know, President Obama plans to implement a new college rating system to complement the existing *College Scorecard* in an effort to support college access and affordability. While there has been a few delays in the process, the Administration is committed to coming out with a proposal by this fall, so that a final version of the new ratings system could be implemented before the 2015-16 academic year.

AICUM and higher education organizations from across the country have submitted written comments to DOE to express some fundamental concerns about this ratings system proposal. Specifically, we suggested that the current ratings proposal was being built on faulty IPEDS data pertaining to graduation rates and net price; that focusing on median borrowing amounts and default rates could dissuade some needy students from even thinking about pursuing a college degree, and; that relying on a graduate's earnings one year after graduation does a disservice to the value of a liberal arts education and devalues such worthy careers as early educators, social service workers and public servants.

We were pleased that every House Member of the Massachusetts Congressional Delegation signed a March 10th letter (copy attached) to Secretary Duncan urging him and the Administration to ensure that the data and metrics used to create a rating system are valid, appropriate, and accurately reflect the diverse nature of the colleges and universities that call Massachusetts home.

Congress' reticence to embrace President Obama's proposed college rating system was further demonstrated just yesterday when Congressman Capuano and Congressman Goodlatte (R-VA) introduced a resolution (H.Res. 614) opposing the proposal. Congressman Capuano described some of the criteria proposed for the new college rating system as "short-sighted and even counter-productive", and possibly discouraging students from pursuing "public service and a variety of essential, rewarding but unremunerative careers".

Congress of the United States
Washington, DC 20515

March 10, 2014

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Duncan:

We are proud to represent Massachusetts, home to numerous diverse and thriving colleges and universities, all committed to providing excellent educational opportunities for our students. Since the release of the "President's Plan to Make College More Affordable," we have had the opportunity to meet with leaders of our educational institutions, as well as representatives of various educational associations, to discuss the President's proposal for a new rating system. As the U.S. Department of Education works to develop the rating system outlined in the President's plan, we write today to provide you with our comments, in the hope that we can assist the Department in the difficult task of designing this new system.


Specifically, we are concerned about the metrics that are currently used to calculate graduation rates. It is our understanding that the current calculation only captures data concerning first time freshmen, and does not include students who are returning to school after an absence or consider that students may transfer from one institution to another. This concern is especially prevalent in the Northeast, where students have many transfer options due to the large number of educational institutions. It should also be noted that educators have raised the concern that this metric relies solely on the time it takes to graduate, and does not address quality of education or learning outcomes. In considering how to incorporate graduation rates into the rating system, we ask that you account for populations and metrics not currently reported in the data.

Additionally, as you work to establish these ratings, we ask that you carefully consider the use of post-graduation employment data, taking into account that career choice is not only driven by money. In particular, we remain concerned by the potential for a reliance on first year post-graduation salaries alone. Assigning one average salary to each institution may not accurately reflect the successes of students post-graduation, and does not take into account other important factors like job satisfaction. For example, students who choose public service or the non-profit sector may receive lower starting salaries than their peers, and while these recent graduates have productive and important careers, their total earnings could decrease an institution's salary average. We are also concerned that utilizing the average salary for students one year after graduating does not appropriately reflect the long-term value of higher education, and could devalue liberal arts degrees. The Department should consider these observations, and work to provide students with an accurate picture of post-graduation successes.

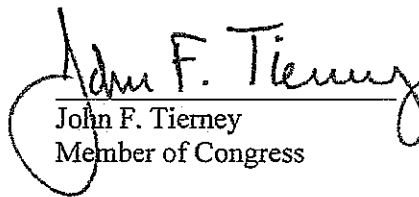
We strongly support efforts to increase access to higher education and make college more affordable, and appreciate the work of both you and President Obama to achieve these goals. As you continue your review of the formal comments submitted, and work to develop this rating system, we ask that you carefully consider the metrics used for calculating graduation rates and capturing graduate employment data.

Thank you for your steadfast commitment to quality, affordable, and accessible educational opportunities, and for taking the time to review our comments. Please do not hesitate to contact us should we be of further assistance.

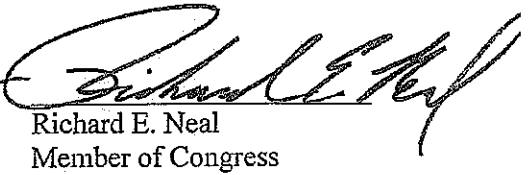
Sincerely,




James P. McGovern
Member of Congress




John F. Tierney
Member of Congress



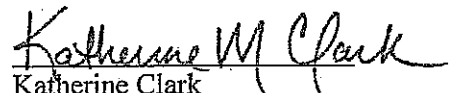
Richard E. Neal
Member of Congress



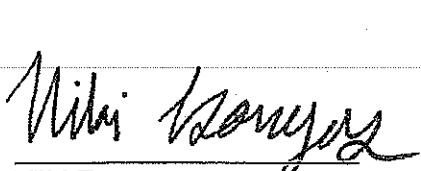
Michael E. Capuano
Member of Congress



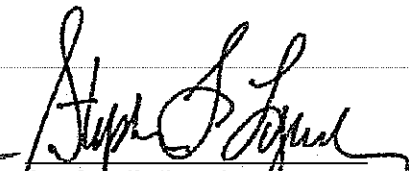
William R. Keating
Member of Congress



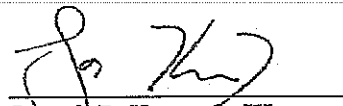
Katherine Clark
Member of Congress



Niki Tsongas
Member of Congress



Stephen F. Lynch
Member of Congress



Joseph P. Kennedy III
Member of Congress

The Boston Globe

How to make college more affordable

By Richard Doherty | MAY 20, 2014

Although the colleges and universities in Massachusetts are critical to the state's economy, the rising level of student debt could temper our economic growth. Independent colleges and universities in the Commonwealth are acutely aware of their responsibility to help control debt levels and, last year, awarded nearly \$600 million in scholarship aid to Massachusetts residents. However, we can do more to leverage that investment through federal and state partnerships. We need to work together to create a cradle-to-career approach to financing higher education by providing an incentive to increase college savings from birth, increasing state support for need-based financial aid, and lowering student loan interest rates. We can help college students and graduates refinance debt and stimulate the economy.

First, on the state level, we must provide families with an important incentive to start saving for college as soon as their first child is born. State Senator Eileen Donoghue is championing a proposal to give Massachusetts families what is already offered in more than 30 states — an income tax deduction for contributions made to qualified college savings plans. Donoghue recently completed a far-reaching examination of the student debt issue as co-chair of the Sub-Committee on Student Loans & Debt, which concluded that it was “incumbent on the Commonwealth to help students and families pay for college themselves,” and recommended offering a tax deduction for contributions— up to \$5,000 — made to such plans. Incentivizing college savings early will put Massachusetts families on the right path well before arriving on campus.

Second, the state must reinvest meaningfully in need-based financial aid programs. By committing to a multi-year plan to reinvest in need-based scholarship programs, Massachusetts would enable more deserving students, who possess the talent but not the financial resources, to attend the Massachusetts college which best match their educational interests and learning style. Increasing the average award will surely entice Massachusetts students exploring colleges outside the Commonwealth to reconsider and attend one of our outstanding colleges. In 2010, over 18,000 high school graduates left Massachusetts in part, some argue, because our state financial aid program isn't robust enough to keep them here. We need to stop this brain drain.

Third, we can help students and recent grads better manage student debt. At the federal level, Sen. Elizabeth Warren and Rep. John Tierney have again demonstrated their commitment to ensuring access and affordability by introducing legislation to allow students and graduates with existing student loan debt to refinance at lower interest rates. This commonsense approach would provide instant relief to borrowers struggling to make payments on high-interest loans as they are beginning their careers. Their plan would allow these recent grads to reinvest those savings — to purchase a car, save for a home, start a family — and positively impact all segments of the economy.

For the more than 500,000 students attending college in the Commonwealth and the more than 1.4 million Massachusetts residents under age 18, we must work together to provide affordable access to college without burdening graduates with unmanageable debt. Working together, through public/private partnerships involving the federal government, state government, colleges and universities, and families, we can take steps to ensure a new pathway to higher education, one that is truly cradle to career.

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