



## ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE



### HIGHER EDUCATION REGULATIONS STUDY CONGRESSIONAL CHARGES

The recently enacted reauthorization of the Higher Education Act, the *Higher Education Opportunity Act* of 2008, charges the Advisory Committee with conducting a review and analysis to determine whether regulations affecting higher education are:

- duplicative
- no longer necessary
- inconsistent with other federal regulations
- overly burdensome.

To fulfill this new charge, the Advisory Committee will:

- Monitor future federal regulations, including notices of proposed rulemaking, for their impact on higher education and describe each regulation or proposed regulation.
- Develop and maintain a website that provides information, includes an area for the public to offer recommendations for streamlining regulations, and links to the study of the National Research Council of the National Academy of Sciences on deregulation.
- Convene at least two review panels of individuals who have experience with federal regulations affecting all sectors of higher education to review regulations and provide recommendations with respect to streamlining.
- Provide periodic updates to the congressional authorizing committees on the impact of federal regulations as well as suggestions for streamlining regulations.
- Consult with the Secretary of Education, other federal agencies, representatives of higher education institutions, and individuals with expertise and experience in this field.

The Advisory Committee is required to provide a report to Congress no later than two years after the negotiated rulemaking process for the *Higher Education Opportunity Act* is complete. This report will detail the review panels' findings and recommendations with respect to the review of regulations prescribed in statute.

## **HIGHER EDUCATION REGULATIONS STUDY UPDATE AS OF MAY 15, 2011**

### **What is the Study's Background and Focus?**

The Higher Education Opportunity Act of 2008 charged the Advisory Committee on Student Financial Assistance with conducting a review and analysis of regulations affecting higher education to determine the extent to which regulations are overly burdensome and need to be streamlined, improved, or eliminated. This review and analysis includes a determination of which regulations are “duplicative, no longer necessary, inconsistent with other federal requirements, or overly burdensome.”

The Higher Education Regulations Study:

- Applies to the operations and activities of institutions of higher education from all sectors in the U.S.
- Focuses on federal regulations stemming from the *Higher Education Act* of 1965, as amended (HEA).
- Does ***not*** include a review of regulations disseminated by state or non-governmental entities, or by federal agencies other than the U.S. Department of Education.
- Includes consideration of changes to either regulatory or statutory language in order for a regulation to be streamlined, improved, or eliminated.

### **What are the Study's Accomplishments To Date?**

In furtherance of the study, the Advisory Committee has:

- created and maintained a public website to collect suggestions of regulations in need of review
- convened two review panels of individuals who have significant experience with federal regulations
- held numerous meetings with college and university personnel, postsecondary association staff, student representatives, and other members of the higher education community about the positive and negative impact of particular regulations
- reviewed related academic literature and past regulation reform efforts
- compiled a list of regulations identified as most in need of being streamlined, improved, or eliminated.

## Why Use a Survey? What Is It Designed to Measure?

In an effort to gain a better understanding of the regulations impacting higher education institutions, as well as the regulatory development process, the Advisory Committee has developed a web-based survey instrument to gather information regarding:

- how campus administrators in key offices perceive and rank certain regulations in term of their regulatory burden
- the attitudes of campus employees, including administrators and senior leadership, toward
  1. the process and framework used by the U.S. Department of Education and Congress for developing HEA rules
  2. the efforts required to interpret and administer those rules
  3. the need for any changes
  4. preferred methods for continuing regulatory reform efforts in higher education.

It is important to note this survey is ***not*** about regulatory compliance, nor is it about assessing administrative capability. It is an effort to measure the attitudes and perceptions of those individuals involved with carrying out the HEA regulations, and to obtain feedback on how to improve the processes for developing regulations.

The survey questions fall into three categories:

1. *Demographic and Organizational* – Because there is no login for the survey, the survey contains a few questions to obtain general demographic and organizational information for analytical purposes.
2. *Perceptions on Level of Burden for Select Regulations* – Campus administrators will be asked to provide their perceptions of the level of burden associated with a set of regulations under the HEA. They will also be asked to give their feedback on the need for any modifications to these particular regulations.
3. *Attitudes Toward the Regulatory System* – Administrators and executive leaders on campus will be asked about their attitudes regarding several aspects of the regulatory development process. They will also be asked about their attitudes toward the overall system of regulating higher education institutions, possible alternative approaches, and preferences for next steps in regulatory reform efforts.

## Who Should Complete This Survey?

Because no one individual can represent the interests and viewpoints of a single college or university, this survey seeks responses from a range of employees, including presidents and

provosts. It is likely that an array of campus offices have a role in administering the HEA regulations. Therefore, the following individuals are requested to complete this survey:

- all institutional employees who have any role in administering or implementing regulations under the HEA;
- all institutional employees who are familiar with the range of regulations applicable to colleges and universities; and
- all institutional employees who are familiar with the regulatory development processes, including negotiated rulemaking conducted by the U.S. Department of Education.

We encourage all campus employees that meet any of these criteria to complete this survey.

### **What About Survey Confidentiality and Anonymity?**

In order to receive the most candid feedback, the Advisory Committee has ensured all respondents' answers will be confidential and anonymous. There is no login feature for the survey that would identify the institution or the individual respondent. An independent contractor is hosting and administering the survey and will ensure any information that could identify the respondent at the individual or institutional level is removed before data are sent to the Advisory Committee for analysis.

### **Was the Survey Field Tested? When Will the Survey Be Administered?**

Following several reviews by consultants and a panel of campus administrators, the survey instrument was field tested by 21 volunteers representing all of the targeted respondent types, as well as every type and control of higher education institution in the U.S. Field testers used a self-guided questionnaire to report experiences and issues/concerns following administration of the web-based survey instrument.

The survey is scheduled to be open to respondents from May 20, 2011, through June 6, 2011. Senior executives can expect to spend between 10 and 15 minutes to complete their set of questions on the survey, and office administrators can expect to spend between 25 and 30 minutes to complete their set of questions, including ranking 15 regulations recommended as among the most burdensome.

### **Are There Other Protocols Beyond the Survey That Will Inform the Final Report?**

The survey is only one protocol in the study's methodology. Following administration of the survey, the Advisory Committee will conduct phone and in-person interviews with a representative sample of senior executives and campus administrators who have volunteered to provide more in-depth responses to the survey questions as well as reactions to the preliminary results of the survey. All of the protocols will inform the Committee's final report.