

# Client Policy Pages

MONTH DAY, YEAR

Update on Policy, Legislative, and Related News

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## Government Updates

### FEDERAL EDUCATION

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## **[Chevron doctrine ruling by US Supreme Court new regulatory hurdles for US Dept. of Education subject to article in Higher Ed Dive](#)**

The US Department of Education (ED) is expected to face increased challenges to its regulatory agenda following the US Supreme Court's recent decision to overturn the Chevron doctrine, which previously allowed federal agencies to interpret ambiguous statutes. According to this article, the ruling weakens the ED's authority and slows its ability to respond to developments. Key regulations, such as the gainful employment rule and Title IX protections, are particularly vulnerable, and this ruling may also complicate the implementation of new student debt relief plans.

## **[College campus accessibility analysis released by the US Government Accountability Office](#)**

The percentage of college students with disabilities has nearly doubled in two decades, with 21% reporting a disability in 2020, yet many face challenges that hinder graduation. This report from the US Government Accountability Office (GAO) states that colleges must provide reasonable accommodations, but students often struggle to request them due to a lack of awareness or preparedness. Faculty reluctance can also be an obstacle. To address these issues, better training for faculty and improved guidance from the US Department of Education (ED) are recommended. Additionally, the ED should enhance its data collection to assess the effectiveness of its grants program for students with disabilities.

## **FEDERAL LEGISLATION**

### **College violation of student civil rights penalty establishment bill, "University Accountability Act" ([HR 8914](#)), amended and passes the House Ways and Means Committee**

Sponsor: Rep. Nicole Malliotakis (R-NY)

Would establish a fine for tax-exempt colleges that violate students' civil rights under Title IV of the Civil Rights Act, which prohibits discrimination based on race, color, or national origin. The bill would require colleges to pay a fine of either five percent of the school's aggregate administrative compensation as reported on the school's Form 990, or \$100,000, whichever is greater. Adopted amendments and amended engrossed text have not yet been published by the House Ways and Means Committee.

Cosponsors: 10 (all Republicans)

See also: [Press release from the office of Rep. Nicole Malliotakis \(R-NY\)](#)

## **FEDERAL COMMENT OPPORTUNITY**

### **[Postsecondary Success Recognition Program from the US Dept. of Education open to comments](#)**

The US Department of Education (ED) invites comments for the improvement of its' *Postsecondary Success Recognition Program*. This Program is administered by the US Office of Postsecondary Education and recognizes colleges that initiate economic mobility by supporting all students who complete affordable credentials of value that prepare them well to participate in the workforce. Customarily, the ED considers postsecondary success to include affordable education, career navigation assistance, and access to underserved populations, and it seeks comments that address

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methods by which the Program can be improved and data collected for the recognition program can be better implemented.

**Comment deadline: August 12, 2024**

## OTHER FEDERAL NEWS

### **Digital accessibility Final Rule for state and local government goes into effect**

The US Department of Justice's (DOJ) Final Rule on digital accessibility under Title II of the Americans with Disabilities Act (ADA) recently took effect, mandating that state and local government websites and mobile applications be accessible to people with disabilities. Compliance deadlines range from April 2026 to April 2027, based on the size of the government entity. The Rule requires adherence to the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standards, though certain exceptions apply. This measure ensures that services provided through digital platforms are accessible to all, reducing litigation and enhancing civic participation.

### **New accessibility standards for public right-of-way enforcement announced by General Services Administration**

The General Services Administration (GSA) recently adopted the Access Board's Public Right-of-Way Accessibility Guidelines into the Architectural Barriers Act Accessibility Standards (ABAAS). These guidelines mandate accessibility features like minimum sidewalk widths and accessible pedestrian signals for new and altered public rights-of-way under federal jurisdiction, excluding the US Department of Housing and Urban Development, the US Department of Defense, and US Postal Service facilities. GSA is the first federal agency to enforce these guidelines to enhance accessibility for people with disabilities. The Access Board encourages reporting any accessibility barriers at ABBAS-protected facilities.

## STATE & LOCAL NEWS

Purple indicates bill signed into law/enacted

Red indicates bill failed to become law/enacted

Blue indicates bill carried over to next year's session

### **Hawaii**

Legislature adjourned; bills do not carry over to 2025

### **Hawaii state building ADA compliance bill fails to pass the state legislature**

**HI HB 1413** would have required state facilities, businesses, and recreational facilities to meet certain accessibility requirements and be compliant with the federal Americans with Disabilities Act (ADA).

### **Illinois**

Legislature adjourned; bills do not carry over to 2025

**Illinois college students with disabilities accommodation bill, "Removing Barriers to Higher Education Success Act," state senate version signed into law**

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[IL HB 2157/IL SB 99](#) establishes the type of documentation that colleges must accept to establish that a student has a disability. Before amendments, this bill was the Respond, Innovate, Succeed, and Empower (RISE) Act, which required colleges to adopt policies about the information about the process by which the public institution of higher education determines eligibility for accommodations for an individual with a disability.

## **Illinois college and school COVID-19 vaccination mandate prohibiting bill fails to become law**

[IL HB 3000](#) would have disallowed public schools or colleges from requiring COVID-19 vaccination or boosters for enrollment.

## **Illinois college student vaccine requiring bill fails to become law**

[IL HB 5853](#) would have required students enrolling in colleges to have received at least one dose of tetanus, diphtheria, and pertussis vaccine within the past 10 years if they cannot provide dates for receiving three or more doses. Additional doses would have been administered as needed to complete a series of at least three doses, following the CDC catch-up schedule.

## North Carolina

### **[North Carolina public college DEI ban law compliance plans are underway reports local news source](#)**

This article discusses how North Carolina's public universities are planning to comply with the state's recently enacted law banning all diversity, equity, and inclusion (DEI) activity. The University of North Carolina (UNC) System's legal team recently sent guidance to all 16 of its campuses expanding on the directive, which orders chancellors to "significantly rein in" DEI jobs and offices on their campuses. Each campus must submit a report to UNC President Peter Hans detailing how they are complying with the new policy by September 1. In May, the UNC Board of Governors repealed its policy that previously mandated DEI offices and staff, and it has been replaced with a new directive that enshrines "institutional neutrality" and directs campuses to avoid "political controversies of the day."

## Ohio

Legislative session: 02-Jan-2024 to 31-Dec-2024

### **Ohio college bias and harassment policy requiring bill, "CAMPUS ACT," state house version passes the state house**

[OH HB 606/OH SB 284](#) would outline requirements for colleges regarding racial, religious, and ethnic bias, harassment, and intimidation. This would include the adoption of policies, training, investigation procedures, task force creation, and partnerships with law enforcement. Additionally, the Chancellor of Higher Education would establish committees, reporting systems, and grant programs to address these issues. Finally, state agencies, including colleges, would be required to adopt policies for the prevention of antisemitism.

See also:

- [Ohio bill would require colleges to adopt racial, religious, ethnic harassment and intimidation policy](#)

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- [Ohio state house passes CAMPUS Act](#)

## Oklahoma

Legislature adjourned; bills do not carry over to 2025

### **Oklahoma college DEI programs and initiatives prohibiting bill fails to become law**

[OK SB 1678](#) would have prohibited colleges within The Oklahoma State System of Higher Education from using state funds, property, or resources for diversity, equity, and inclusion (DEI) initiatives that grant preferential treatment based on race, color, ethnicity, or national origin. The bill also would have prohibited participation in such programs or the imposition of loyalty oaths favoring certain demographics.

## South Carolina

Legislature adjourned; bills do not carry over to 2025

### **South Carolina college student protection bill, “Forming Open and Robust University Minds (FORUM) Act,” fails to pass the state legislature**

[SC HB 3467](#) would have provided definitions and protocols for expressions by students and student organizations on public college campuses. The bill would have clarified that outdoor areas of campuses are considered public forums for the campus community and prohibited public colleges from creating “free speech zones” and other designated outdoor areas of campus outside of which expressive activities are prohibited. Public institutions of higher learning might otherwise have maintained and enforced reasonable time, place, and manner restrictions that were narrowly tailored in service of a significant institutional interest only if such restrictions had employed clear, published, content- and viewpoint-neutral criteria, and had provided for ample alternative means of expression. Any such restrictions would have had to allow members of the campus community to assemble and distribute literature spontaneously and contemporaneously.

## Vermont

Legislature adjourned; bills do not carry over to 2025

### **Vermont college sexual misconduct prevention measures requiring bill signed into law**

[VT HB 319/VT SB 120](#) creates several requirements for colleges related to sexual misconduct, including:

- Requiring colleges to offer confidential sexual misconduct support services on and off campus, with agreements for additional external support.
- Implementing amnesty policies protecting students reporting sexual misconduct from disciplinary action for related violations, unless safety is at risk.
- Requiring annual, inclusive sexual misconduct prevention and awareness training for students, staff, and faculty, with information available on school websites.
- Removing the 2025 expiration date for the Intercollegiate Sexual Harm Prevention Council.
- Relocating the Council within the law and mandate annual training on prevention and sexual assault response for all Vermont postsecondary schools.

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## Other

### **College professor's ban on recording in the classroom prompts debate on disability accommodations reports Inside Higher Ed**

This article discusses how Susanne Lohmann, a professor at the University of California, Los Angeles has implemented a ban on audio recording in her seminar classes, even for students with disability accommodations, citing academic freedom and concerns about privacy and misuse of recordings. Lohmann's actions have sparked a debate about whether such a ban is legally permissible under federal disability laws, which typically prohibit blanket bans on accommodations. Despite Lohmann's stated concerns about the impact of recordings on classroom dynamics and student privacy, experts argue that colleges must provide reasonable accommodations and cannot enforce broad prohibitions without individualized assessments.

### **College peer support networks are highlighted as a method for engaging students in mental health topics by Inside Higher Ed**

Utah State University at Blanding has launched a peer mental health network as a method for encouraging students to seek assistance and services through culturally relevant mental care. This initiative comes as a response to ongoing access issues since although many college students continue to experience stress, anxiety, and loneliness, few engage with campus availability resources. Staff applied for a \$40,000 Multicultural Rural Mental Health grant through the Utah Division of Multicultural Affairs to start the peer support program, which funds student wages on-campus programming, and relevant supplies. The initiative and program were highlighted during NASPA's Conferences on Student Success in Higher Education.

### **Colleges as mental health support front lines subject of article in Forbes**

This article highlights ongoing mental health issues as applicable to colleges and universities. According to data from the Colorado Health Access Survey, 16% of youth ages 5-17 reported experiencing 'poor' mental health in 2023. Initiatives such as the Youth Mental Health Corps are being launched across the country to address these issues. As data is currently indicating, the US will continue to heavily rely on colleges and universities to address mental health support for young people.

See also: [Colorado Health Access Survey](#)