IT and Higher Ed Policy, 2018

PRESENTED BY:
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About Us

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Agenda

- Political climate
- Our issues
- Take-aways

*Take a drink and follow us down the rabbit hole!*

By John Tenniel, Public Domain, commons.wikimedia.org/w/index.php?curid=37072084
Political Climate

By John Tenniel,
Public Domain,
commons.wikimedia.org/w/index.php?curid=9589487
Under a week until Election Day...

**House:** 85% chance, D control

**Senate:** 85% chance, R control

[Forecasting the race for the House](https://projects.fivethirtyeight.com/2018-midterm-election-forecast/house/)

[Breakdown of seats by party](https://projects.fivethirtyeight.com/2018-midterm-election-forecast/senate/)
If the polls hold…

- Dem House = So many investigations!
- Some policy-making (e.g., infrastructure)?
- Higher ed, status quo!

By John Tenniel, Public Domain, commons.wikimedia.org/w/index.php?curid=37072111
Higher ed, status quo?

- Higher Education Act reauthorization: Ten years and counting… and counting…
- Pro factors: Bipartisan concerns on debt, accreditation, competency-based ed.
- Con factors: No consensus on solutions, partisan hopes for 2020 election
D’s & R’s Take Turns on Defense

Senate seats in play by election year

<table>
<thead>
<tr>
<th>Year</th>
<th>Democratic Seats</th>
<th>Republican Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>9</td>
<td>26</td>
</tr>
<tr>
<td>2020</td>
<td>11</td>
<td>21</td>
</tr>
</tbody>
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Lame Duck Session: What to Expect?

- Border wall funding battle may overshadow everything…
- Tax extenders, farm bill
- Executive / judicial nominee confirmations

John Tenniel - Illustration from The Nursery Alice (1890), Public Domain, commons.wikimedia.org/w/index.php?curid=57730818
Key Issues
Web Accessibility

- Mid-2017, DOJ withdraws rule-makings
- No regulations, just cases / settlements
- 2018 DOJ Letter: “ADA covers, but we won’t say how”
- AIM HIGH Act in House, Senate (alone and HEA reauth. bills)
Web Accessibility (cont’d)

- Policy environment = lack of policy; for now, it’s all legal, all the time
- DOJ: Not complying w/ WCAG may not necessarily = not complying with ADA
- Indicators = WCAG as framework; deviations need to fit legal standards
Net Neutrality

- DC Circuit Court of Appeals case slowly unwinding; spring/summer ruling?
- EDUCAUSE active in higher ed/libraries amicus brief filing
- CA law passes – stronger than fed. rules; DOJ, telecoms immediately file suit
Net Neutrality (cont’d)

- Law suit also filed against VT law/exec. order on NN in state procurement
- Direct regulation (CA, WA) more at risk than procurement (VT, OR, NY, etc.)
- NY bill = CA law; if passed (and upheld), 20% U.S. pop. w/ strong NN
Security and Privacy

- Safeguards Rule Audit Objective
  - Rule took effect, 2003 (FTC); FSA added to Prog. Participation Agreement (PPA), 2015
  - FSA first proposed objective for FY17 audit; likely to implement for FY19 audit
  - For draft text, see: https://goo.gl/poSgKc
Security and Privacy

- FSA Breach / Infosec Compliance
  - Problematic letters to presidents, late 2017
  - EDUCAUSE / ACE comments, early 2018
  - FSA shift to institutional collaboration
  - No new problems; continue to engage on informing future guidance
Security and Privacy

- Federal Privacy Law Proposals
  - Renewed interest since GDPR, CCPA
  - Industry groups propose frameworks; seek pre-emption, vol. compliance w/ industry standards
  - Dems = anti-preemption, so hard to find deal
  - Industry wary of more CCPAs = efforts in 2019 (and thereafter)
Take-aways
Back Through the Looking Glass

- Divided Congress likely – may be best for policy-making opportunities
- Limited by investigations, 2020 landscape
- Accessibility, net neutrality: Keepin’ it legal!
- Security and privacy: Safeguards Rule audit soon; federal privacy law “not never”
Thank you!

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