

Additional information from the “Joint Explanatory Statement of the Committee of Conference” (for the amendments to the Higher Education Act of 1965, based on H.R.4137 and S.1642), and referring to the Conference Report of 29-July-2008.

EMERGENCY NOTIFICATION

[In Section 488, Institutional and Financial Assistance Information for Students (starting at the bottom of page 561 of the Conference Report (page 121 of the Joint Explanatory Statement)).]

The Senate amendment and the House bill require institutions to make available to current and prospective students a statement of current campus policies regarding immediate emergency response and evacuation procedures to notify the campus community of a significant emergency or dangerous situation that poses a threat to students or staff. The Conferees adopt the provision as proposed by both the Senate and the House.

Both the Senate amendment and House bill change current disclosure requirements for campus safety policies and procedures. The Senate amendment and House bill have similar requirements for institutions notifying the campus community in the event of a significant emergency.

The Conferees adopt the provisions as modified, with an amendment to require institutions to publish their procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation, unless issuing such notification would compromise efforts to contain the emergency. The amendment also provides that notifications should be made for emergencies on campus as defined by the Clery Act.

The Conferees intend that each institution’s statement of emergency policy should clearly articulate a method to promptly determine whether incidents pose an immediate threat to the health or safety of students or staff. This policy statement should include a method, or methods, to initiate dissemination of the required emergency notifications immediately and without any delay following a professional determination by law enforcement or other authorities that an emergency exists. The Conferees believe it is important that the Department be informed by past demonstrated ability of institutions to take immediate action in the face of campus emergencies in developing any regulations related to this provision. Recent examples include:

- Florida Atlantic University on April 30, 2008 - A shooting incident was reported at 1:16 AM, 26 minutes later alerts were sent out to the campus community, sirens, public address systems and Reverse 911 systems were activated. A follow-up e-mail was sent to the campus community at 2 AM.
- Ferrum College (VA) on February 26, 2008 - A sighting of a man with a gun was reported at 7:29 AM, 11 minutes later sirens were activated, and by 7:54 AM a text alert went out to the campus community with additional details concerning the emergency.
- Northern Illinois University on February 14, 2008 - A multiple shooting incident was reported at 3 PM, and 20 minutes later an alert was posted to the institution's web site.

Because of the importance of informing students and staff of immediate threats to their safety, notification should only be withheld if it is in the professional determination of law enforcement

that issuing the notice would put the community at greater risk, and in such a case notice should be withheld for as short a period as possible.

The Conferees recognize that emergencies are volatile, fast-moving and unpredictable events that can encompass a range of natural and man-made situations, from campus fires to the presence of shooting suspects on campus. As such, the Conferees intend that institutions may rely upon the initial known facts of a situation in crafting and disseminating notifications that are timely, accurate and useful to appropriate segments of the campus community. The Conferees also do not intend to hold institutions responsible for the failure of local law enforcement or other emergency response personnel to provide them with information, or other circumstances beyond their control that may delay the delivery of emergency notifications.

The Conferees intend that institutions should publicize to all students and staff their emergency response and evacuation procedures, both in their annual security report and separately at least once each calendar year as a part of the required test of such procedures. When an emergency happens time is of the essence so it is critical that students and staff know where to turn for information and what to expect.

The Senate amendment and the House bill require the Secretary to report annually to authorizing committees regarding institutions' compliance with this subsection and on the Secretary's monitoring of this compliance. The Senate amendment and the House bill permit the Secretary to seek guidance from the Attorney General regarding the development and dissemination of information to institutions about best practices related to campus crime and safety. The Conferees adopt the provisions as proposed by both the Senate and the House.

EMERGENCY MANAGEMENT GRANTS

[In Section 821, Student Safety and Campus Emergency Management (starting at the top of page 622 of the Conference Report (page 182 of the Joint Explanatory Statement).]

The Senate amendment and the House bill create a new student safety and campus emergency grant program. The Conferees adopt the provision as proposed by both the Senate and the House with the following amendments.

The House bill adds one additional authorized activity that allows funds to be used for the acquisition and installation of access control, video surveillance, intrusion detection, and perimeter security technologies.

The Conferees intend that the authorized emergency communications systems to include multiple technologies, including those currently provided over personal computers, personal digital assistants, message boards, and speaker-sirens, such as mass notification systems using "intelligible voice" messaging. The Conferees are aware that the Department of Defense and other entities use three forms of mass notifications systems for interior and exterior emergency communications. These combinations of technologies are important for emergency communications to reassure that there are multiple paths for message delivery. This will allow for messages with intelligible voice messaging over remote speaker-sirens and personal

computing devices to notify personnel inside and outside in large open areas with real-time information in an endangered areas prior, during, and after the emergency.

MODEL PLANS

[In Section 822, Model Emergency Response Policies, Procedures, and Practices (starting near the bottom of page 622 of the Conference Report (page 182 of the Joint Explanatory Statement).]

The Senate amendment provides joint authority to the Secretary, Attorney General, and Secretary of Homeland Security to provide technical assistance to institutions of higher education on model emergency response issues and to disseminate relevant information. The House bill requires the Secretary of Education, in consultation with the Attorney General and Secretary of Homeland Security, to provide these technical assistance and dissemination services.

The Senate recedes with an amendment to clarify that the Secretary shall continue the efforts that are already underway in working with the Attorney General and Secretary of Homeland Security.

PREPARATION FOR FUTURE DISASTERS

[In Section 823, Preparation for Future Disasters Plan by the Secretary (starting at the bottom of page 622 of the Conference Report (page 182 of the Joint Explanatory Statement).]

The House bill requires the Secretary [of Education] to develop and maintain a disaster relief plan that addresses the needs of institutions of higher education in the event of a natural or man-made disaster that is declared a major disaster or emergency by the President. The House bill requires the Secretary to submit the disaster plan and any revisions to the plan to the authorizing Committees. The Senate amendment contains no such provision.

The Senate recedes with an amendment to ensure that the Secretary works in coordination with the Secretary of Homeland Security and other appropriate agencies and to strike the requirement that the Secretary submit the plans to the authorizing Committees.

The Conferees remain interested in the progress made by the Secretary of Education, along with other agencies, in developing plans to ensure that the federal government is ready to assist institutions of higher education, their employees and their students in the event of another natural or man-made disaster. The Conferees would appreciate a briefing on the plans as they are developed.

DISASTER RELIEF LOAN PROGRAM

[In Section 824, Education Disaster and Emergency Relief Loan Program (starting near the top of page 623 of the Conference Report (page 183 of the Joint Explanatory Statement).]

The House bill establishes a new education disaster and emergency relief loan program for institutions of higher education for direct or indirect losses incurred as a result of a federally

declared major disaster or emergency. The Senate amendment contains no similar provisions. The Senate recesses with an amendment to limit the uses of funds.

The Conferees remain interested in the progress made by the Secretary of Education, along with other agencies, in developing plans to ensure that the federal government is ready to assist institutions of higher education, their employees and their students in the event of another natural or man-made disaster. The Conferees intend for Congress, upon its request, to be kept apprised of such plans as they are developed.

The Conferees note the devastating effect that hurricanes Katrina and Rita had on the universities and colleges located in the Gulf region, displacing 83,821 students and resulting in the closure, for the first time, of eleven colleges and universities in New Orleans for a full semester and ten more in Louisiana, Mississippi, Texas, and Florida for an extended period of time. The conferees are concerned that nearly three years after Katrina and Rita these colleges and universities are still struggling to recover. In particular, colleges and universities are suffering with student enrollments, faculty hiring and retention, as well as recovering financially overall from the damages to the schools. In terms of faculty and staff, it is important to note that salaries and benefits are paid during a disaster even as enrollments drop. The latest statistics reveal the challenges faced by these institutions:

Enrollment

- Pre-hurricanes: More than 70,000 students
- Spring 2008: Less than 50,000

Faculty

- Pre-hurricanes: Nearly 11,000
- Spring 2008: Approximately 8,000

Damages and Recovery

- Damages (Revenue Losses, Physical Damages): Approximately \$1.254 billion
- Recovery (Insurance & FEMA): Approximately \$400 million

In developing the disaster loan program, the conferees intend for the Secretary to consider, as appropriate, the development of applicable rates of interest, credit reviews, escrow accounts, and provision that loans shall be fairly allocated among as many eligible institutions as possible, consistent with making loans of amounts that will allow for needed construction, replacement, renovation and operations resulting from a major disaster or emergency.