Reexamining the Federal Role in Higher Education

Politics & Policymaking in the Postsecondary Sector

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Authorities for Federal Power to Promote Equity in Higher Education

FUNDING

CIVIL RIGHTS ENFORCEMENT

EXECUTIVE ACTION
Congress and Higher Education

• Legislation
  • Examples of Higher Ed Legislation:
    • Higher Education Act/Reauthorizations
    • Civil Rights Act
    • Title IX
    • Americans with Disabilities Act
  • “Power of the Purse”

• Oversight
  • Senate: Confirmation of federal judges and many executive-branch officials
  • Congressional “Bully Pulpit”
The President and Higher Education

- Executive Action
  - Unilateral
  - Via Executive Agencies
- Legislation (sign or veto)
- Appointments
- Presidential “Bully Pulpit”
- Executive Office of the Presidency (OMB, Domestic Policy Council, etc.)
Federal Judiciary and Higher Education

• Article III Judges: Lifetime tenure after appointment by President (with Senate approval)
• Power of Judicial Review
• Effectively has the last word on the validity of a law
• Examples of higher education policy issues decided by federal courts:
  • Race-conscious college admissions
  • Desegregation
  • Immigration/Admin Procedures
Administrative Agencies and Higher Education

- U.S. Department of Education has the most relevancy to higher education policy
- But numerous other agencies make funding and policy decisions that affect higher education, including:
  - Department of Agriculture
  - Department of Labor
  - Department of Justice
  - And many more
- Agency policymaking actions:
  - Regulations/guidance
  - Investigations/inspections
  - Adjudication
  - Advice
  - Discretionary decisions/funding