

TYPES NOT MAPPED YET January 02, 2025 | TTR not mapped yet | Scott Z. Goldschmidt, Benjamin R. Grove, Joyce Lee

Congress Delivers Two Holiday Gifts for Higher Education: New FAFSA Deadlines and Hazing Reform

The lame-duck session of the 118th Congress managed to be an active one for the higher education community, with two bipartisan education bills moving through Congress over the last few weeks. The first, the **FAFSA Deadline Act** (Public Law 118-145), was signed by President Biden on December 11 after passing the House of Representatives and Senate nearly unanimously in November. The second, the **Stop Campus Hazing Act** (H.R. 5646), also passed the Senate unanimously last week after passing the House this fall and was signed by President Biden on Christmas Eve - just before the new year.

Institutions, students, parents, and elected officials were understandably frustrated by the rollout of the Better FAFSA in 2023, an update to the Free Application for Federal Student Aid (FAFSA). The Better FAFSA was mandated by Congress in 2019 and designed to make it easier for students and parents to apply for federal financial aid. Despite its typical launch date of October 1, the 2024-25 FAFSA was not released until late December 2023; and this year, the 2025-26 FAFSA was launched on November 21 after extensive beta testing. Members on both sides of the political aisle criticized the failure of the U.S. Department of Education (ED) to manage the launch. To ensure that applicants are guaranteed enough time to make informed financial decisions for their postsecondary education, Congress quickly advanced legislation that would codify the October 1 FAFSA launch date into law, officially setting a hard deadline for ED. Specifically, ED is required to certify by September 1 each year that the FAFSA will launch and be fully operational on October 1. If ED anticipates that FAFSA won't be ready by October 1, ED will have to testify before Congress to explain its reasoning by the end of September. Students now have more time to complete their applications, confirm their financial status, and secure the financial support they need to attend college without delays from ED. The full text of the FAFSA Deadline Act is available [here](#).

The second piece of higher education legislation is the first change to the Clery Act in over a decade. The **Stop Campus Hazing Act** requires institutions of higher education to establish transparency and prevention measures for hazing incidents. While a total of 44 states have adopted anti-hazing legislation, this is the first federal law to combat hazing on college campuses.

In particular, the **Stop Campus Hazing Act** requires institutions to:

- **Include Hazing Incidents in their Annual Security Reports:** The Stop Campus Hazing Act amends the Clery Act to add the a definition of "hazing" to mean "any intentional, knowing, or reckless act committed by a person against a student (regardless of that student's willingness to participate), that (1) is connected with an initiation into, an affiliation with, or the maintenance of membership in, an organization; and (2) causes or is likely to contribute to a substantial risk... of physical injury, mental harm, or degradation." Institutions will be required to provide statistics for hazing incidents reported to campus security authorities or law enforcement.

Institutions must begin collecting information on hazing incidents beginning on January 1, 2025, to include in their Annual Security Reports. Accordingly, Campus Security Authorities should be trained on these new obligations and reporting requirements as soon as possible.

- **Publish a Statement of Policy and Prevention Program on Hazing:** Institutions will be required within six months from enactment, June 24, 2025, to publish:
 1. A statement of current policies relating to hazing, including how to report hazing incidents, the process to investigate hazing incidents, and information on applicable local, State, and Tribal laws on hazing; and

2. A statement of policy regarding prevention and awareness programs related to hazing for students, staff and faculty.

- **Publish a Campus Hazing Transparency Report:** Institutions must publish and update a Campus Hazing Transparency report twice per year that discloses each incident for which a finding of responsibility for hazing was issued against a student organization that is officially recognized by the institution. Beginning on July 1, 2025, institutions must collect information concerning student organizations within the institution found to be in violation of the institution's standards of conduct for hazing. The first report must be publicly available within 12 months after the date of enactment, December 24, 2025, and must include the name of the student organization, a general description of the hazing, and related dates (of hazing and the investigation).

The full text of the Stop Campus Hazing Act is available [here](#).

Reach out to the Thompson Coburn Higher Education regulatory team to ensure your institution is fully compliant with the new reporting requirements. And reach out to the Thompson Coburn Lobbying & Policy team if your institution needs assistance managing pending bills like these to ensure that your voice and perspective are heard. Our team is ready to assist with all your questions and provide tailored solutions for your data collection and reporting needs.

About REGucation

Welcome to REGucation, the higher education resource that strives, through practical advice and insight, to help the higher education community manage a fast-changing and increasingly complex regulatory environment.

Our goal is to serve as a practical, concise, and accessible resource for institutions confronting regulatory and policy issues. The blog focuses on the extraordinarily broad and sophisticated set of legal challenges faced by contemporary post-secondary institutions, including those involving real estate, construction, joint ventures, litigation, intellectual property, immigration, taxation, financing, employees and benefits, and government relations, to name a few. We also cover the staggering collection of federal, state, and accrediting agency laws and standards specific to higher education.

If there are topics you would like us to cover, or questions you may have regarding a topic that already has been addressed, please do not hesitate to reach out. Finally, if you would like to contribute a guest article, we would love to hear from you.

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