

Information Dissemination and Reports: Amendments Made by the Higher Education Opportunity Act (P.L. 110-315)

Title I: College Affordability and Transparency Lists and Disclosures

The general effective date of the Higher Education Opportunity Act (HEOA) of 2008 is the date of enactment, 8/14/08. However, many provisions will require regulations to be implemented.

U.S. DEPARTMENT OF EDUCATION (ED) MUST COLLECT DATA FROM:	ED MUST POST TO COLLEGE NAVIGATOR WEB SITE (TARGETED TO STUDENTS & FAMILIES):
<ul style="list-style-type: none"> • Institutions • Students • States • Other federal agencies 	<ul style="list-style-type: none"> • College cost data • State spending on higher education in the public sector • Pricing assistance and consumer information for Title IV-participating institutions • Aid available from other federal agencies

College Cost Data & Lists

The Department of Education (ED) must comply with these provisions by 7/1/11.

ED must compile the following lists by state and institutional type, using average charges for first-time full-time undergraduates:

- 5% with highest tuition & fees
- 5% with highest net price (COA – average grant aid)
- 5% highest percentage increase over 3 years in tuition & fees*
- 5% highest percentage increase over 3 years in net price*
- 10% with lowest tuition & fees**
- 10% with lowest net price**

*Schools with increase < \$600 are exempt from increase lists. Institutions on highest increase lists must provide details of the increases and a plan for reducing costs. ED must summarize the institutions' explanations annually for the authorizing committees and post its report on the Web site.

**Schools with low tuition or little increase may receive incentives and rewards under Title VIII, part M.

A set of lists must be determined for each of the following categories of participating institutions within each state:

- 4-year public
- 4-year private nonprofit
- 4-year private for-profit
- 2-year public
- 2-year private nonprofit
- 2-year private for-profit
- <2-year public
- <2-year private nonprofit
- <2-year private for-profit

Net Price and Multi-Year Tuition Calculator

ED must, within one year from 8/14/08, develop a net price calculator for its Web site and make it as individually applicable as possible.

Schools must add the following information to their own Web sites within 2 years of date ED's calculator is made available:

- Net price calculator (ED's or modeled on ED's)
- Statement that student must complete FAFSA to get federal aid
- Link to ED's Web site giving access to FAFSA

ED must, within one from 8/14/08, develop a multi-year tuition calculator with which an individual may estimate the tuition amounts for future years, using specified variables.

Both ED calculators must include a conspicuous disclaimer that net prices are neither offers of aid nor binding, and that a FAFSA must be filed.

State Higher Education Spending Chart

Applicable only to public institutions within state.

ED must post to its Web site, for each state, for each of the preceding 5 years:

- Percentage change in spending per FTE
- Percentage change in tuition & fees
- Percentage change in state-provided need-based aid and merit aid

Consumer Information Available From U.S. Department of Education

Some of this information is already available on College Navigator (see Disclosures chart). Any new or modified information must be made available within one year from 8/14/08.

ED's Web site must carry the following information about each Title IV-participating institution:

- Mission
- Number of undergraduate applicants for admission, admitted applicants, and attendees
- SAT or ACT scores (if school requires) for middle 50% range of freshman class
- Number of first-time, full-time, and part-time students at undergraduate and graduate levels
- Number of undergraduate degree- or certificate-seeking students who transferred in
- Percentages of male and female undergraduate students
- Percentages of first-time full-time degree- or certificate-seeking undergraduates who are:
 - In-state
 - Out-of-state
 - International
- Percentages of first-time full-time degree- or certificate-seeking students by race and ethnicity
- Percentage of undergraduates formally registered with institution's disability services
- Percentages of first-time full-time degree- or certificate-seeking undergraduates who graduate within:
 - Normal time
 - 150% of normal
 - 200% of normal
- Number of certificates, associate degrees, baccalaureate degrees, master's degrees, professional degrees, and doctoral degrees awarded by the institution
- Undergraduate majors with most degrees awarded

- The student-faculty ratio, the number of full-time and part-time faculty, and the number of graduate assistants with primarily instructional responsibilities
- Costs of attendance for the following categories of first-time full-time undergraduates:
 - Living on campus
 - For public institutions, separated by in-state vs. out-of-state residents
 - Living off campus
 - For public institutions, separated by in-state vs. out-of-state residents
- Average annual grant (including federal, state, and institutional sources) awarded to first-time full-time undergraduate aid recipients
- Average annual amount of federal loans provided to undergraduates
- Total annual grant aid from all sources awarded to undergraduates
- Percentage of first-time full-time undergraduates receiving federal, state, or institutional aid
- Number of students receiving Pell Grants
- Cohort default rate
- Campus security information as already required
- Link to institution's own Web site for the following information:
 - Student activities offered by institution
 - Services for individuals with disabilities
 - Career and placement services, during and after enrollment
 - Transfer of credit from other institutions
- Link to Bureau of Labor Statistics Web site for regional starting salaries in major occupations
- IPEDS data
- Link to institution pricing summary page giving, for every institution participating in Title IV:
 - Tuition and fees for past 3 years
 - Net price for past 3 years
 - Net price for Title IV aid recipients, disaggregated by income categories:
 - ≤ \$30,000
 - \$30,001 – 48,000
 - \$48,001 – 75,000
 - \$75,001 – 110,000
 - >\$110,000

Effective 7/1/10 through 6/30/13: most recent year
Effective 7/1/13: prior 3 years
- Link to reports required of institutions with largest cost increases
- Alternative tuition plans (such as guaranteed tuition)

Textbook Information

Applicable to institutions that receive federal financial assistance. Schools must comply by 7/1/10. ED is prohibited from regulating this particular provision.

Schools must disclose on Internet course schedules used for pre-registration and registration:

- The required and recommended textbooks and supplemental materials for each course
 - Supplemental material means educational material not part of an integrated textbook, developed to accompany a college textbook (e.g., printed materials, computer disks, Web site access, and electronically distributed materials)
- The International Standard Book Number (ISBN) for each of the above
 - If no ISBN, the author, title, publisher, and copyright date
- Retail prices for each of the above
- "To be determined" if school cannot provide the required information

An institution must include on any written course schedule a notice that textbook information is available on the institution's Internet course schedule, and the Internet address.

Schools are *encouraged* to provide about available book rental, used books, book buy-back, alternative content delivery, etc.

A school may link to another Web site that satisfies these requirements, if the link is clearly and prominently located on its Internet course schedule.

A school that does not offer Internet course schedules is not required to create them.

An institution must provide, upon request, the following information to a college bookstore operated by, in a contractual relationship with, or otherwise affiliated with, the institution:

- The institution's course schedule for the subsequent academic period
- For each course or class offered by the institution for the subsequent academic period:
 - The textbook and course materials information described above for inclusion on the school's Internet course schedule
 - The number of students enrolled in each course or class
 - The maximum student enrollment for each course or class
- Publishers must disclose certain pricing information to schools and offer unbundled books and supplemental materials.

New Preferred Lender Arrangement Disclosures

Applicable to (1) institutions that receive any federal funding or assistance and that have an agreement or arrangement under which they recommend, promote, or endorse a lender's education loans (FFEL or private), and (2) institution-affiliated organizations (such as alumni or athletic organizations, foundations, etc.) that recommend, promote, or endorse education loans.

An institution (or institution-affiliated organization) with preferred lender arrangements must:

- Include on its Web site and in all informational materials (publications, mailings, electronic messages) that discuss education loans:
 - Maximum available Title IV grant and loan aid, in an easy to understand format
 - For each type of loan offered under a preferred lender arrangement, information to be determined by ED (the law provides detailed suggestions for ED to consider)
 - That the institution must process a FFEL Program loan from any eligible lender the student selects
 - In the case of private education loans, applicable Truth-in-Lending Act disclosures
- Inform prospective borrowers to whom private education loan information is provided:
 - About specified Truth-in-Lending Act disclosures
 - That the prospective borrower may qualify for more favorable Title IV loans or other Title IV assistance
- Ensure that private education loan information provided to a prospective borrower is distinct from Title IV information
- Ensure that the lender of a private loan is clearly apparent by:
 - Prohibiting use of institution's or affiliated organization's name, emblem, logo, mascot, or other readily identifiable motif, to market private education loans in a way that implies the loan is offered or made by the institution or organization
 - Displaying the lender's name in all information and documentation related to the loan
- Provide information timely enough to allow students and parents to make informed decisions
- Prepare annual reports for ED, students, and the public, containing required disclosures and explaining the benefits for students of the preferred lender arrangements

- Publish its HEA-compliant code of conduct on its Web site and annually inform affected personnel of the code

Direct Loan institutions must:

- Distribute ED-provided disclosures (on ED form or equivalent school form) to students attending or planning to attend the institution, or their families
- Concurrently provide ED disclosures whenever it provides private education loan information to a prospective borrower

NOTE: The HEOA recommends a number of specific disclosures for ED to consider requiring of schools with preferred lender arrangements. When determining required disclosures, ED must consult with students and families, representatives of covered institutions (including financial aid administrators, admission officers, and business officers) and institution-affiliated organizations, secondary school guidance counselors, lenders, loan servicers, and guaranty agencies. ED must develop a model disclosure form for schools with preferred lender arrangements. ED must complete the process within 18 months of enactment of the HEOA; enactment occurred 8/14/08. ED must have material for Direct Loan schools ready within 180 days of developing the model disclosure form.

Title IV: New Required Disclosures to Students

Loan Counseling: General

The new law addresses entrance and exit counseling specifically, but also contains provisions in other sections that affect the relationship between institutions and lenders or guaranty agencies.

The law:

- Allows lenders and guaranty agencies to provide to institutions technical assistance comparable to that provided to institutions by ED
- Allows institutions to request and/or accept from lenders or guaranty agencies: educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that the materials disclose to borrowers the identification of any lender that assisted in preparing or providing them
- Directs guaranty agencies to work with the institutions they serve to develop high-quality educational programs and materials, to be provided before, during, and after students' enrollment, to train students and families in budgeting, financial management, debt management, financial literacy, the cost of using high interest loans to pay for postsecondary education, and particularly as budgeting and financial management relates to Title IV student loans
- Permits guaranty agencies to provide their financial management and literacy programs and materials to Direct Loan schools
- Permits lenders and loan servicers to provide outreach or financial aid literacy information
- Continues to require ED to provide materials describing federal student assistance programs, including the rights and responsibilities of students and institutions, but expands information about loan repayment plans and the availability and cost of forbearance

Loan Entrance Counseling

Entrance counseling was not previously required by statute, but is required through regulation by ED (see Disclosures chart). The new law requires entrance counseling at or prior to disbursement to a first-time borrower of a Stafford or Graduate PLUS loan.

Required information can be conveyed in any of following ways:

- In person
- Via written materials that the borrower must sign and return
- Online with borrower acknowledgement

Institutions are encouraged to use interactive programs that test the borrower's understanding of loan terms and conditions, using simple and understandable language and clear formatting.

Entrance counseling must include:

- The effect of accepting the loan on eligibility for other forms of student financial assistance
- An explanation of the use of the master promissory note
- How interest accrues and is capitalized during periods when the interest is not paid by either the borrower or the Secretary
- For unsubsidized Stafford or Graduate PLUS loans, the borrower's option to pay the interest while the borrower is in school
- The definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment

- The importance of contacting the appropriate offices at the institution if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation
- Sample monthly repayment amounts based on:
 - A range of levels of indebtedness of
 - ✓ Borrowers of subsidized or unsubsidized Stafford loans; and
 - ✓ As appropriate, graduate borrowers of subsidized or unsubsidized Stafford loans or Graduate PLUS loans; or
 - The average cumulative indebtedness of other borrowers in the same program as the borrower at the same institution
- The obligation of the borrower to repay the full amount of the loan, regardless of whether the borrower completes or does not complete the program in which he or she is enrolled within the regular time for program completion
- The likely consequences of default on the loan, including adverse credit reports, delinquent debt collection procedures under federal law, and litigation
- Information on the National Student Loan Data System (NSLDS) and how the borrower can access the borrower's records
- The name of and contact information for the individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan

Loan Exit Counseling

Exit counseling must be provided to Stafford and Graduate PLUS loan borrowers; previously the law addressed only counseling for Stafford borrowers, although regulations provided for some Graduate PLUS-related aspects of exit counseling. See Disclosures chart for a comparison of new law to old law and regulations.

Counseling may be performed by the:

- Institution
- Lender or guaranty agency, if:
 - The institution's staff are in control of the counseling (whether in person or via electronic capabilities); and
 - The counseling does not promote the products or services of any specific lender

Exit counseling must include:

- Information on available repayment plans, including a description of the different features of each plan
- Sample information showing the average anticipated monthly payments under each plan
- The difference in interest paid and total payments under each plan
- Debt management strategies that are designed to facilitate repayment
- General descriptions of terms and conditions for full or partial forgiveness or cancellation, deferment, or forbearance, and a copy of ED's publication [required under §485(d)] that describes the assistance programs in general and loan repayment in particular
- The borrower's options to prepay each loan, pay each loan on a shorter schedule, and change repayment plans
- Consequences of defaulting on a loan, including adverse credit reports, delinquent debt collection procedures under federal law, and litigation

- The effects of consolidating Title IV loans under including at a minimum:
 - The effects on total interest to be paid, fees to be paid, and length of repayment
 - The effects on underlying loan benefits, including grace periods, loan forgiveness, cancellation, and deferment opportunities
 - The borrower's option to prepay the loan or to change repayment plans
 - Variation in borrower benefit programs among different lenders
- A general description of the types of tax benefits that may be available to borrowers
- The availability of the National Student Loan Data System (NSLDS) and how the system can be used by a borrower to obtain information on the status of his or her loans
 - ED must create a disclosure form to give students at exit counseling that states:
 - ✓ Any title IV grant or loan a student receives will be included in NSLDS, and how to access that information
 - ✓ The categories of individuals or entities that may access NSLDS data, and for what purposes access is allowed
 - ✓ The categories of information included in the data system
 - ✓ The provisions of applicable federal privacy statutes, and a statement of student rights and responsibilities under them
 - ✓ Measures taken by ED to safeguard student data
 - ✓ Other information as determined appropriate by ED

Loan Disclosures by FFEL Program Lenders and Direct Loan Schools

FFEL lenders must provide expanded loan information. The new law also requires Direct Loan schools and ED's Direct Loan contractors to undertake these same disclosures for Direct Loan borrowers. See separate handout on Required Student Loan Disclosures by Lenders.

Student Consumer Information

These changes are made to the section of law that results in student consumer information regulations under 34 CFR 668, subpart D.

General Institutional Information and Graduation/Completion Rates

In addition to current requirements, institutions must disseminate or make available to prospective and enrolled students:

- Any plans by the institution for improving the academic program of the institution
- The terms and conditions of FFEL, Direct, and Federal Perkins loans
- Institutional policies and sanctions related to copyright infringement, which must include:
 - Annual disclosure explicitly informing students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, is subject to civil and criminal liabilities
 - Penalties for violating federal copyright laws
 - Institutional policies on unauthorized peer-to-peer file sharing and disciplinary actions for copyright violations that used the institution's information technology system
- Student body diversity at the institution, including information on the percentage of enrolled, full-time students who—
 - Are male
 - Are female
 - Receive a Federal Pell Grant
 - Are a self-identified member of a major racial or ethnic group

- Employment statistics (types and placement rates), gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, state data systems, or other sources
- The types of graduate and professional education in which graduates of the institution's four-year degree programs enrolled, gathered from such sources as those listed above
- A fire safety report prepared by the institution (see further below)
- Institutional policies regarding vaccinations
- The retention rate of certificate- or degree-seeking, first-time, full-time, undergraduate students entering the institution
- Graduation/completion rates will have to be disaggregated by the following categories, unless the number of students is so small that the results are not statistically reliable or personally identifiable information would be revealed:
 - Gender
 - Major racial and ethnic subgroups
 - Pell Grant recipients
 - Recipients of subsidized Stafford loans who did not also receive Pell Grants
 - Students who received neither Pell Grant nor subsidized Stafford loans

Special provisions and a delayed effective date (until academic year 2011-12) apply to two-year degree-granting institutions; ED may modify the statutory requirements during the period of delay while studying ways to accommodate the mission and role of this sector.

- Rather than excluding from graduation/completion rate calculations any students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of federal government, a school may exclude any period of non-enrollment due to those activities from the time needed to graduate or complete the program. However, this option is available only if students in the excludable activities represent 20% or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution.

Athletically Related Aid Disclosures

The calculation of graduation/completion rates is modified by:

- Allowing a school to exclude any period of non-enrollment for students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the federal government, rather than excluding those students from the calculations, if students in the excludable activities represent 20% or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution.
- Requiring graduation/completion rates to be disaggregated by the following categories, unless the number of students is so small that the results are not statistically reliable or personally identifiable information would be revealed:
 - Gender
 - Major racial and ethnic subgroups
 - Pell Grant recipients
 - Recipients of subsidized Stafford loans who did not also receive Pell Grants
 - Students who received neither Pell Grant nor subsidized Stafford loans

Special provisions and a delayed effective date (until academic year 2011-12) apply to two-year degree-granting institutions; ED may modify the statutory requirements during the period of delay while studying ways to accommodate the mission and role of this sector.

Campus Security and Crime Statistics

The HEOA amendments clarify that:

- Foreign institutions are not subject to these rules
- The description of the “working relationship” between campus security personnel and state and local law enforcement agencies includes whether the institution has agreements with the agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses

The category of crimes that must be reported if they are hate crimes is broadened to include:

- Larceny-theft
- Simple assault
- Intimidation
- Destruction, damage, or vandalism of property

In addition to currently required campus safety policies, institutions must disseminate information regarding immediate emergency response and evacuation procedures, which must:

- Include procedures for immediate notification of a significant emergency or dangerous situation unless doing so compromises efforts at containment
- Annually publicize emergency response and evacuation procedures to students and staff, including use of electronic and cellular communications if appropriate
- Annually test the procedures

Fire Safety Report for On-Campus Housing

This segment of information dissemination is new.

Institutions that maintain on-campus student housing facilities must annually publish a fire safety report on campus fire safety practices and standards, including:

- For each on-campus student housing facility, the:
 - Number of fires and the cause of each fire
 - Number of injuries related to a fire that result in treatment at a medical facility
 - Number of deaths related to a fire
 - Value of property damage caused by a fire
- A description of each on-campus student housing facility fire safety system, including the fire sprinkler system
- The number of regular mandatory supervised fire drills
- Policies or rules on portable electrical appliances, smoking, and open flames (such as candles)
- Procedures for evacuation
- Policies regarding fire safety education and training programs provided to students, faculty, and staff
- Plans for future improvements in fire safety, if determined necessary by the institution

Institutions must submit a report with this information annually to ED. ED must make these statistics available to the public.

Institutions must maintain a fire log recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire, and report the information annually to the campus community.

ED must also identify and disseminate exemplary fire safety policies, procedures, programs, and practices, including the use of fire prevention technologies and develop a protocol for institutions to review the status of their fire safety systems.

Missing Person Policies and Procedures

This segment of information dissemination and required institutional procedures is new.

Institutions with on-campus housing must construct a policy that:

- Allows students residing on campus to register confidential contact information in the event that the student is determined to be missing
- Notifies appropriate institutional personnel when a resident has been missing for more than 24 hours
- Immediately refers official missing person reports to the institution's police or campus security department
- If investigation shows the student has been missing for more than 24 hours, either:
 - Informs the student's registered contact and, if the student is under 18 years of age and not an emancipated individual, immediately contacts the student's custodial parent or legal guardian, or
 - For students who (1) are not under 18 or are emancipated, and (2) registered no contact: informs the appropriate law enforcement agency
- Informs each resident student of the applicable actions that will be taken if the student is missing for 24 hours

Transfer of Credit Policy

This segment of information dissemination is new.

Institutions must publicly disclose, in a readable and comprehensible manner, the institution's transfer of credit policies, including:

- Criteria regarding the transfer of credit earned at another institution
- A list of institutions with which the institution has established an articulation agreement

Drug Violation Penalties

This aspect of information dissemination is new.

An institution must provide a separate, clear, and conspicuous written notice explaining the effect of drug convictions on Title IV eligibility to students at the point when they:

- Enroll at the institution
- Lose eligibility due to a drug conviction

Reimbursements for Service on Private Lender Advisory Boards

This reporting requirement is new.

An institution that participates in Title IV must annually report to ED any reasonable expenses paid or provided for service on advisory boards, commissions, or other groups by lenders of private loans to any institutional employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other financial aid of the institution, including the following data:

- The amount for each specific instance of reasonable expenses paid or provided
- The name of the financial aid official, other employee, or agent to whom the expenses were paid or provided

- The dates of the activity for which the expenses were paid or provided
- A brief description of the activity for which the expenses were paid or provided

ED must summarize the information it receives and transmit a report annually to Congress.