

Session #25

General and Non-Loan Programmatic Issues

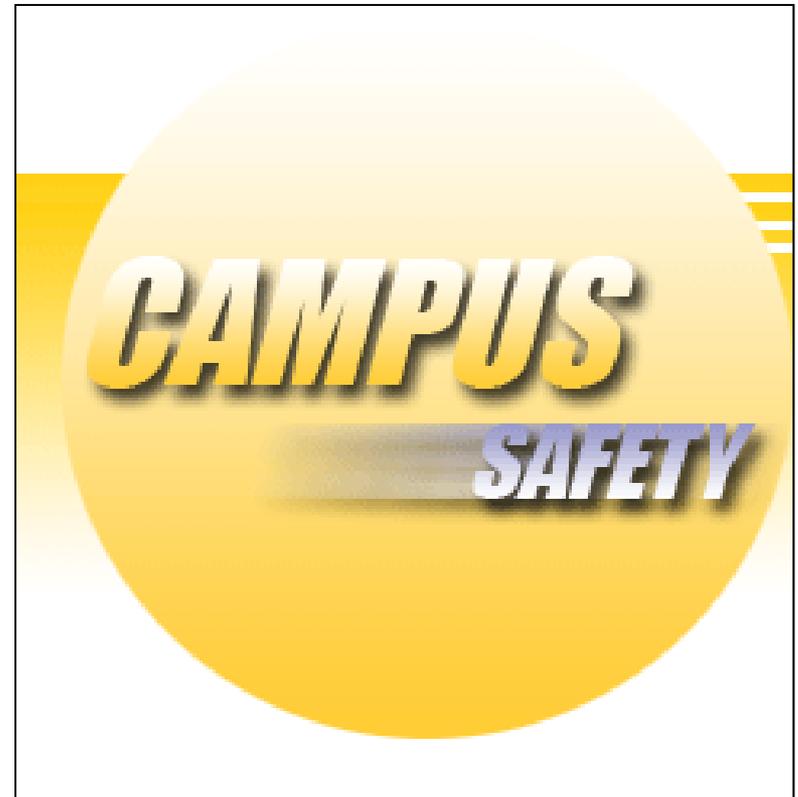
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Campus Safety Disclosures

- Fire Safety
- Missing Students
- Emergency Notification
- Hate Crimes



Fire Safety

- Components:
 1. Fire statistics
 2. Annual fire safety report (AFSR)
 3. Fire log
- Required of institutions that maintain an on-campus student housing facility
- Effective on date of enactment

Fire Safety: Fire Statistics

- Required statistics to be collected for **each** on-campus student housing facility:
 - Number and cause of each fire
 - Number of persons with injuries related to a fire that resulted in treatment at medical facility
 - Number of deaths related to a fire
 - Value of property damage
- Must cover 3 most recent calendar years
- Included in annual fire safety report **and** reported to Secretary

Fire Safety:

Annual Fire Safety Report

- First report due by October 1, 2010
- Report must include:
 - Fire statistics
 - Description of each on-campus student housing facility fire safety system
 - Number of fire drills held during previous calendar year
 - Policies or rules on portable electrical appliances, smoking, and open flames in student housing



Fire Safety:

Annual Fire Safety Report

- Report must also include:
 - Procedures for student housing evacuation
 - Policies for fire safety education and training programs for students, faculty, and staff
 - List of titles of each person/organization to a fire should be reported
 - Plans for future improvements in fire safety, if determined necessary by institution

Fire Safety: Fire Log

- Must be written and easily understood
- Includes all fires in on-campus student housing facilities
- Fires recorded by date **reported**



Fire Safety: Fire Log

- Flexible format, but must include **nature, date, time, and general location**
- Specifications for maintenance of the log
- Annual report to the campus community on fires recorded in the log

Missing Student Notification

- Statement of **policy and procedures** in the Annual Security Report (ASR)
 - Starting 10/1/2010
- Required of institutions that maintain an on-campus student housing facility
- Effective on date of enactment

Missing Student Notification

- Required elements
 - List of titles of persons/organizations to which individuals should report that a student has been missing for 24 hours
 - Any missing student report must be referred immediately to campus police or security department
 - Or, absent campus law enforcement to local law enforcement agency that has jurisdiction

Missing Student Notification

- Required elements
 - Option to register a **confidential** contact person to be notified within 24 hours of determination that student is missing
 - Advise students that their contact information will be registered confidentially
 - Information accessible only to authorized campus officials
 - May not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation

Missing Student Notification

- Required elements
 - Advises students under 18 who are not emancipated that their parent/guardian must be notified within 24 hours of determination that student is missing
 - Advises all students that local law enforcement will be notified within 24 hours of determination that student is missing

Emergency Notification

- Statement of policy on emergency response and evacuation procedures in the ASR
 - Starting 10/2010
- Required of all Title IV participating institutions
- Effective on date enactment



Emergency Notification

- Required elements
 - Procedures to immediately notify campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to health or safety
 - Statement that institution will, **without delay**, and taking into account **safety** of the community, determine content of the notification
 - Must initiate notification system, unless issuing notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency

Emergency Notification



- Required elements
 - Description of process institution will use to:
 - **Confirm** that there is a significant emergency
 - Determine **who** to notify
 - Determine **content** of the notification
 - **Initiate** notification system
 - List of **titles of persons/organizations** responsible for carrying out these actions
 - Procedures for **disseminating** emergency information to larger community

Emergency Notification

- Required elements
 - Institution's **procedures to test** emergency response and evacuation procedures **on at least an annual basis**
 - Tests
 - **Announced or unannounced**
 - **Publicized** in conjunction with at least 1 test per calendar year
 - **Documented**
 - Description of the exercise, the date, time, and whether it was announced or unannounced

Hate Crime Reporting

- Additional crimes that an IHE must report as Hate Crimes:
 - Simple assault
 - Larceny-theft (except motor vehicle theft)
 - Intimidation
 - Destruction/Damage/Vandalism
- Effective on date of enactment

Hate Crime:
A crime that manifests evidence that the victim was **intentionally selected** because of the **perpetrator's bias.**



Peer-to-Peer File Sharing

- Two pieces
 1. Program Participation Agreement (PPA) changes
 2. New consumer disclosure requirements



Peer-to-Peer: New Disclosures

- Institutions must make a disclosure to prospective and enrolled students that includes:
 - Explicit statement that unauthorized distribution of copyrighted material may subject student to civil and criminal liabilities
 - Description of institution's policies on unauthorized P2P file sharing, including disciplinary actions

Peer-to-Peer: New Disclosures

- Disclosure must also include:
 - Summary of penalties for violation of Federal copyright laws
- ED will develop a list of the civil and criminal penalties for violations
 - List to be included in FSA Handbook

Peer-to-Peer: PPA

- Institution must agree that it has **developed and implemented written plans to effectively combat unauthorized** distribution of copyrighted materials by users of the network
 - Without unduly interfering with the educational and research use of network

Peer-to-Peer: PPA

- The written plan must include:
 - 1+ technology-based deterrents
 - Mechanisms for education of community
 - Institutional policies and sanctions for violations
 - Procedures for handling violations
 - including disciplinary actions
 - Procedures to periodically review effectiveness of the plan
- No particular technology measures required

Peer-to-Peer: PPA

- Institution must also certify that it will, in consultation with the designated officer:
 - Periodically review legal alternatives for downloading or otherwise acquiring copyrighted material
 - Share results of review with students
 - Offer legal alternatives for downloading (to the extent practicable)

Educational Outcomes



Educational Outcomes: Placement Information

- Required disclosures:
 - **Placement and types of employment** obtained by graduates of institution's degree or certificate programs
 - **Types of graduate and professional education** in which graduates of institution's 4-year degree programs enrolled

Educational Outcomes: Placement Information

- Institution may use various sources of information to gather this information
 - If calculated, rates **must** be disclosed
- For both information and rates, institution must disclose source of the information, time frame, and methodology
- Effective on date of enactment

Educational Outcomes: Retention Rates

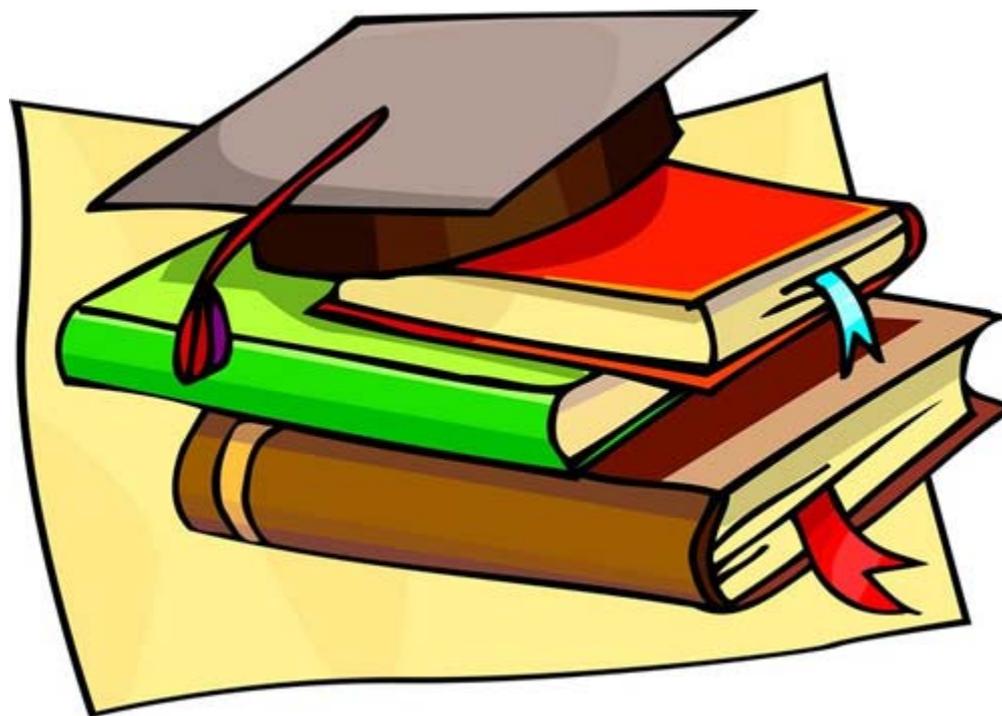
- Institution must report **retention rates** of certificate or degree-seeking, first-time full-time undergraduates entering institution
- Effective on date enactment

Retention rate:
A measure of the rate at which students persist in their educational program at an institution, expressed as a percentage.

Educational Outcomes: Completion & Graduation Rates

- Completion and graduation rates must be disaggregated by:
 - Gender
 - Major racial/ethnic subgroups
 - Recipients of Federal Pell Grant, FFEL/DL
 - Other than unsubsidized Stafford loan
 - Recipients of neither Pell Grant nor FFEL/DL
 - Other than unsubsidized Stafford loan
- Not required if number would not yield statistically reliable information or would reveal personally identifiable information

Students with Intellectual Disabilities (ID)



Students with ID

- Students eligible to receive Federal Pell Grant, FSEOG, and Federal Work-Study funds
- Apply and qualify for Federal aid in same way as other students except:
 - Do not need to have high school diploma or GED
 - Do not need to be enrolled for purpose of obtaining a degree or certificate

Students with ID

- Department authorized to waive other requirements
- In addition to provisions for Title IV aid, institutions must also disclose services and facilities available for students with ID

Students with ID: Definitions

- Comprehensive Transition and Postsecondary Program
 - Offered by postsecondary school that participates in the Title IV aid programs
 - Designed to support students with intellectual disabilities
 - Includes an advising and curriculum structure

Students with ID: Definitions

- Comprehensive Transition and Postsecondary Program (cont'd)
 - Requires students with intellectual disabilities to participate in courses and activities with students without disabilities
 - Must be delivered to students physically attending the school

Students with ID: Definitions

- A Student with an Intellectual Disability is a student:
 - With mental retardation or a cognitive impairment characterized by significant limitation in intellectual and cognitive functioning and adaptive behavior
 - Who is currently, or was formerly, eligible for a free appropriate public education (special education and related services) under Individuals with Disabilities Education Act (IDEA)

Students with ID: Program Eligibility

- For students in these programs to receive Title IV aid, school must apply and receive approval from the Department.
- Application must include:
 - Detailed description of the program
 - Policy for determining whether a student in the program is making satisfactory academic progress

Students with ID: Program Eligibility

- Application must also include:
 - Length and number of credit hours of the program
 - Description of educational credential offered or identified outcome(s) for all students in the program
 - Evidence that school has notified its accrediting agency of the program

Students with ID: Student Eligibility

- Must be enrolled in approved comprehensive transition and postsecondary program
- Must be maintaining satisfactory academic progress under school's policy
- Must have filed FAFSA
- Meet general student eligibility requirements
- School obtains record from local or State educational agency that student is/was eligible for special education and related services

Returning Servicemembers



Returning Servicemembers

Uniformed Service: Service, whether voluntary or involuntary, in the Armed Forces, including service by a member of the National Guard or Reserve, on active duty, active duty for training, or full-time National Guard duty under Federal authority, for a period of more than 30 consecutive days under a call or order to active duty of more than 30 consecutive days

Returning Servicemembers: General

- May not deny readmission to a servicemember
- Supersedes State law/any other matter that reduces any right or benefit of these rules
- Must **promptly readmit** servicemember with the **same academic status**
 - “Promptly readmit” means in next class or classes in program
 - Exceptions

Returning Servicemembers: General

- “Same academic status” means to admit the student:
 - To the same program
 - At the same enrollment status
 - With the same # of completed credit/clock hours
 - With the same SAP/academic standing
- Exceptions to these requirements

Returning Servicemembers: General

- Tuition and fees (for first year)
 - If readmitted to same program:
 - Same tuition and fee charges would have assessed for academic year in which student left
 - Same as other students for that year, if VA or other benefits will cover beyond what student would have been assessed
 - For another program, assessed no more than other students

Returning Servicemembers: General

- Academic preparation
 - Institution must make reasonable efforts to help them prepare to resume or complete a program
 - Must be at no extra cost to student
 - Exceptions made after reasonable efforts
 - “Reasonable efforts” means no undue hardship to the institution

Returning Servicemembers: Readmission Procedures

- Student entitled to readmission if:
 - Gives advance oral or written notice of the service
 - Cumulative length of absence and all previous absences for service ≤ 5 years
 - Gives oral or written notice of intent to return
- Institution must designate office(s)
- Notices may not have a required format

Returning Servicemembers: Readmission Procedures

- Notice of intent to return must be
 - Not later than 3 years after completion of period of service; OR
 - Not later than 2 years after end of period necessary for recovery from service-related illness or injury

Returning Servicemembers: Documentation

- Student must provide documentation to establish that:
 - Student has not exceeded limitation on the cumulative length of absence
 - Student's eligibility for readmission has not been terminated
- Example:
 - Certificate of Release or Discharge from Active Duty

Federal Work-Study Programs

- Definition of Community Service
- FWS and Cash Management
- Electronic Disbursements
- Separate Student Authorizations
- Work College Program
- Community Service Jobs
- Flexible Use of Funds

FWS: Definition of Community Service

- Added the field of “emergency preparedness and response” to list of fields of service included in the definition of community services



FWS: Cash Management

- Three changes:
 1. Amount of prior award year charges that could be paid with current award year FWS funds increases to $\leq \$200$
 2. Removes provision allowing institution to pay for prior award year charges of $\geq \$100$
 3. Applies \$200 limit to all Title IV funds used towards prior-year charges

FWS: Electronic Disbursements

- Adopts provisions for other Title IV programs:
 - Issuing checks
 - EFTs to bank accounts that underlie a stored-value card
 - Not required to obtain written authorization to make an EFT payment

FWS: Electronic Disbursements

- Continues to require written authorization to credit a FWS payment to a student's account
- Allows institutions to require students to open an account or provide bank account information
 - Bank of student's choosing
 - Cannot delay disbursement of FWS earnings
 - Cannot penalize student for not complying

FWS: Separate Authorizations

- May combine written authorizations with other authorizations signed by the student for all other Title IV programs
 - Crediting FWS funds directly to student's account at the institution
 - Holding FWS credit balances

FWS: Work Colleges Program

- Work-learning changed to “work-learning-service” programs
- Amends definition of work college
 - 4 year, degree-granting institutions
 - $\geq 1/2$ of all full-time students participate in the required comprehensive work-learning-service program
 - All students in that program participate at least 5 hours each week/minimum 80 hrs during each period of enrollment

FWS: Community Service Jobs

- Promotes use of FWS funds for civic education and participation activities
 - If have students doing these activities must, to the extent practicable:
 - Give priority to projects to educate/train public in evacuation, emergency response, and injury prevention strategies
 - Ensure adequate training
- Federal share may exceed 75%
 - May be up to 100% for these projects

FWS: Flexible Use of Funds

- Institution located in an area affected by a major disaster may make FWS payments to disaster-affected students
 - Payments only during limited time, not to exceed 1 academic year
 - Payments cannot exceed FWS wages student would have earned otherwise
 - Match still applies
 - Unless waived by the Secretary

FWS: Flexible Use of Funds

- Student must have been FWS eligible and awarded FWS prior to occurrence of major disaster
 - Student is not eligible if separated from FWS employment before the major disaster
- Student must be unable to be reassigned to another FWS job

Prior Year Charges



- November 1, 2007 Regulation
 - Increased amount of prior award year charges that could be paid with current year funds from \$100 to \$200
 - Removed provision allowing institution to pay for prior year charges above that amount
 - Do not need student's permission for tuition, fees, room and board
 - Effective July 1, 2008, but institutions could have implemented earlier



Prior Year Charges

- September 8, 2009 Dear Colleague Letter
 - If student has an FFEL or DL, year is the loan period (for all aid)
 - If student does not have an FFEL or DL, year is the award year (for all aid)
 - For multi-year program, institutional charges are allocated to each year (or portion of a year)
 - Charges allocated to each year (i.e., current year charges for that year) are used to determine Title IV credit balance

Prior Year Charges

- What doesn't change with the DCL
 - Cost of Attendance
 - If all charges for a multi-year program are assessed at the beginning of a year, those total charges are in COA for loan period in which they are assessed
 - Return of Title IV Funds
 - When calculation is done on a payment period but charges are for a period longer than the payment period, institutional charges in the calculation are the greater of the prorated charges or the aid retained



Questions??????



We appreciate your feedback and comments.

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