



# Reporting and Disclosure Requirements for Institutions of Higher Education to Participate in Federal Student Aid Programs Under Title IV of the Higher Education Act

David P. Smole  
Specialist in Education Policy

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## Summary

The Higher Education Act of 1965 (HEA; P.L. 89-329), as amended, authorizes a broad array of federal student aid programs that assist students and their families with paying for or financing the costs of obtaining a postsecondary education. These federal student aid programs are authorized under Title IV of the HEA. Requirements applicable to the administration of Title IV federal student aid programs are specified in Title I of the HEA, as well as in Title IV. The HEA also authorizes many other types of programs, including programs that make federal aid and support available to institutions of higher education (IHEs). The Department of Education administers programs authorized under the HEA. In 2008, the HEA was reauthorized under the Higher Education Opportunity Act (HEOA; P.L. 110-315); and in 2009 technical amendments to the HEA were made under P.L. 111-39.

Institutions that participate in one or more Title IV programs, or that seek to begin participating in these programs, are subject to a wide range of requirements under the act to report or disclose information to the Secretary of Education, to students, to the public, or to other entities. As part of the amendments made to the HEA, the HEOA added numerous additional requirements for the reporting and disclosure of information, many of which are applicable to IHEs. This has resulted in a sizable expansion of the reporting and disclosure requirements with which IHEs must comply as a condition of their participation in HEA, Title IV federal student aid programs.

This report responds to requests by Members of Congress for an in-depth examination of the reporting and disclosure requirements applicable to IHEs that participate in Title IV federal student aid programs. Specifically, it identifies and describes the reporting and disclosure requirements specified under Title I and Title IV of the HEA that applied to institutions prior to the enactment of the HEOA and those that were amended or newly established by the HEOA. It has been prepared to serve as a resource to assist Members of Congress and their staff in overseeing the Department of Education's implementation of amendments to the HEA made by the HEOA. It is designed to be comprehensive, though not necessarily exhaustive, in scope. It will not be updated.

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Institutions that participate in one or more Title IV programs, or that seek to begin participating in these programs, are subject to a wide range of requirements under the act to report or disclose information to the Secretary of Education (the Secretary), to students, to the public, or to other entities. As part of the amendments made to the HEA, the HEOA added numerous additional requirements for the reporting and disclosure of information, many of which are applicable to IHEs. This has resulted in a sizable expansion of reporting and disclosure requirements with which IHEs must comply as a condition of their participation in HEA, Title IV federal student aid programs.

This report responds to requests by Members of Congress for an in-depth examination of the reporting and disclosure requirements applicable to IHEs that participate in Title IV federal student aid programs. Specifically, it identifies and describes the reporting and disclosure requirements specified under Title I and Title IV of the HEA that applied to institutions prior to the enactment of the HEOA and those that were amended or newly established by the HEOA.<sup>2</sup> It has been prepared to serve as a resource to assist Members of Congress and their staff in overseeing the Department of Education's implementation of amendments to the HEA made by the HEOA.

This report is designed to provide a thorough presentation of provisions in the HEA that require IHEs to report or disclose information, while also highlighting those provisions that were added or amended by the HEOA. In general, the organization of this report follows the statutory framework of the HEA. With respect to a number of subject areas, substantially similar requirements for the reporting or disclosure of information are specified in more than one part or section of the HEA. For example, similar requirements for the disclosure of information about student loans are specified in several areas of the HEA; and certain requirements for the reporting or disclosure of information may be specified in the Program Participation Agreement, as well as in other sections of the HEA. While the Secretary has latitude to streamline similar requirements in implementation, in this report, such requirements are generally identified as they appear in the act.

This report attempts to be comprehensive, but not necessarily exhaustive, in its scope. It is designed to identify and describe requirements in the HEA for IHEs to report or disclose

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<sup>1</sup> For additional information on the HEA and amendments made under the HEOA, see CRS Report RL34654, *The Higher Education Opportunity Act: Reauthorization of the Higher Education Act*, by David P. Smole et al.

<sup>2</sup> This report is current through the enactment of P.L. 111-39, which makes technical corrections to the HEA, including a limited set of adjustments to reporting requirements enacted under the HEOA. Hence, while the report focuses on changes adopted through the HEOA, it also reflects changes to HEA reporting and disclosure requirements that were made through P.L. 111-39.

information. It does not attempt to identify every instance in which an IHE may be required to respond to a federal statutory or regulatory requirement. For example, it does not examine all requirements that are primarily operational in nature for IHEs to provide information related to federal student aid programs, such as the exchange of information through ED's Common Origination and Disbursement (COD) system, nor the requirement of IHEs to verify student aid application information. It also does not examine requirements for IHEs to retain documentation of their compliance with HEA or regulatory provisions that have no associated requirement for them to report or disclose information.

This report also does not address response burden, nor non-HEA requirements and regulations that may impact IHEs. The HEOA requires the Secretary to enter into an agreement with the National Research Council to conduct a study to determine the number and scope of all the federal regulations and reporting requirements applicable to IHEs, and the associated response burden.<sup>3</sup> The HEOA also requires the Government Accountability Office (GAO) to conduct a study on IHEs' time and cost burdens associated with completing the Integrated Postsecondary Education Data System (IPEDS) surveys.<sup>4</sup> Both of these studies are required to be completed by August 2010.

The Secretary of Education ultimately is responsible for determining which HEA reporting and disclosure requirements are applicable to IHEs that participate in Title IV and for promulgating regulations to implement those requirements. In July and August, 2009, ED published proposed regulations to implement the HEOA amendments to the HEA in the *Federal Register*.<sup>5</sup>

The HEOA also amended the HEA, effective July 1, 2010, to require the Secretary to provide IHEs with a list of all the reports and disclosures required under the act.<sup>6</sup> The list that must be prepared by the Department of Education must include the following:

- the date the report or disclosure is required to be completed and submitted, made available, or disseminated;
- the required recipients;
- any required methods for transmittal or dissemination;
- a description of the content of each report or disclosure sufficient to allow the IHE to assign responsibility to staff;
- references to applicable statutes, regulations, and guidance; and

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<sup>3</sup> HEOA, § 1106.

<sup>4</sup> HEOA, § 1103.

<sup>5</sup> Department of Education, "Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program; Proposed Rule," 74 *Federal Register* 36555-36602, July 23, 2009, at <http://www.ifap.ed.gov/fregisters/attachments/FR07232009.pdf>; "Institutions and Lender Requirements Relating to Education Loans, Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program," 74 *Federal Register* 37431-37494, July 28, 2009, at <http://www.ifap.ed.gov/fregisters/attachments/FR07282009.pdf>; "Institutional Eligibility Under the Higher Education Act of 1965, as Amended, and the Secretary's Recognition of Accrediting Agencies; Proposed Rule," 74 *Federal Register* 39497-39533, August 6, 2009, at <http://www.ifap.ed.gov/fregisters/attachments/FR08062009.pdf>; and "General and Non-Loan Programmatic Issues; Proposed Rule," 74 *Federal Register* 42379-42463, August 21, 2009, at <http://www.ifap.ed.gov/fregisters/attachments/FR082109NPRM.pdf>.

<sup>6</sup> HEA, § 482(e).

- any other pertinent information relating to the reporting or disclosure requirement.

The remainder of this report identifies and describes requirements for institutions to report or disclose information to the Secretary, to students, to the public, or to other entities, such as lenders, guaranty agencies, and consumer reporting agencies, as specified in the HEA and Department of Education regulations.<sup>7</sup> It begins with generally applicable requirements as specified in HEA, Title I—General Provisions; Title IV, Title G—General Provisions; and Title IV, Part H—Program Integrity, and concludes with Title IV program-specific requirements for the federal student loan and campus-based programs. Information on requirements to report or disclose information as part of the IPEDS surveys is presented in the **Appendix**.

The report generally follows the statutory framework of the HEA, and is organized by Title and Part. Brief general descriptions are provided for each of the major requirements for IHEs to report or disclose information. These descriptions are followed by tables which present the pre-HEOA requirements for IHEs to report or disclose information, a statutory or regulatory citation for the requirement, and the designated recipient of the information. The tables also show any corresponding changes made by the HEOA to these requirements.<sup>8</sup> For instance, the tables highlight additional new requirements, as well as changes to the content of what was required to be reported under previously existing requirements.

## **Title I—General Provisions**

Prior to the reauthorization of the HEA in 2008, Title I of the HEA included four parts, which established general provisions for the remainder of the HEA: (1) Part A: Definition of an Institution of Higher Education, (2) Part B: Additional General Provisions, (3) Part C: Cost of Higher Education, and (4) Part D: Administrative Provisions for Delivery of Student Financial Assistance. Several of the provisions included in Title I specifically affected IHEs' participation in the Title IV federal student aid programs. Only Part B, however, included specific reporting requirements for institutions. Part C included implicit reporting requirements such as those related to IPEDS, which is an annual series of surveys administered by ED. The requirement for institutions to participate in IPEDS was and continues to be included in the Program Participation Agreement (PPA) requirements included in HEA, § 487.<sup>9</sup>

The HEOA amends the institutional reporting requirements included in Part A, Part B, and Part C. The HEOA adds a new set of institutional reporting requirements to Part C with a focus on transparency in college costs for consumers and textbook information. The HEOA also adds a new Part E: Lender and Institution Requirements Relating to Education Loans, which contains a series of requirements for IHEs to disclose information about student loans, which are in addition to requirements specified separately under Title IV, Part B—the Federal Family Education Loan (FFEL) program; Title IV, Part D—the William D. Ford Federal Direct Loan (DL) program; and Title IV, Part E—the Federal Perkins Loan program.

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<sup>7</sup> In this report, the terms “institutions of higher education” and “institutions” are used interchangeably.

<sup>8</sup> The tables presented in this report are designed to allow the reader to make comparisons between pre-HEOA and current reporting requirements. However, these tables are not intended to display each pre-HEOA and current reporting and disclosure requirement in a side-by-side framework.

<sup>9</sup> The specific data reporting requirements related to IPEDS are discussed in the Title IV, Part G section of this report.



This section of the report examines the reporting requirements specified in Title I, Part A, Part B, and Part C of the HEA prior to and after enactment of the HEOA. It also examines requirements specified in Title I, Part E of the HEA that were enacted by the HEOA amendments.

## **Definition of Institution of Higher Education (Title I, Part A)**

The HEA includes two definitions of IHEs. The first definition, specified in § 101, applies for institutional participation in programs other than those authorized under Title IV. The second definition, specified in § 102, applies for institutional participation in Title IV programs, the focus of this report. The § 101 definition recognizes as IHEs those institutions that are legally authorized by the state, are accredited or pre-accredited by an agency or association recognized by ED, are nonprofit institutions, award a bachelor's degree or provide at least a two-year program that is accepted as credit toward the completion of a bachelor's degree, and enroll as regular students only individuals who have graduated from a secondary institution or hold the equivalent of a high school diploma. The § 101 definition also recognizes institutions offering not less than a one-year program of training in preparation for employment and institutions admitting students beyond the age of compulsory secondary school attendance.

## **Definition of IHE for Participation in Title IV Programs (HEA, § 102)**

The HEA, § 102 definition of an IHE, which applies for participation in Title IV programs, includes all institutions recognized as IHEs under HEA, § 101, and also proprietary institutions, postsecondary vocational institutions, and institutions located outside of the United States (i.e., foreign institutions). Proprietary institutions are defined as those institutions that provide training in preparation for gainful employment in a recognized occupation; are legally authorized by the state; are accredited by an agency or association recognized by ED; admit as regular students only individuals who have graduated from a secondary institution or hold the equivalent of a high school diploma, or who are past the age of compulsory attendance in the state in which the institution is located; and have been in existence for at least two years.<sup>10</sup> In addition, until enactment of the HEOA, proprietary institutions were required to derive at least 10% of school revenue from non-Title IV funds. Under the HEOA, this requirement—commonly referred to as the 90/10 rule—was removed from the § 102 definition of an IHE and made part of the requirements for institutional program participation agreements, specified under HEA, Title IV, Part G (described below). Postsecondary vocational institutions must meet criteria similar to those applicable to proprietary institutions with two exceptions: (1) they must be nonprofit institutions, and (2) they are not subject to the 90/10 rule.

In addition, to be eligible to participate in Title IV programs, institutions must meet certain requirements based on course of study or enrollment. Institutions are required to report compliance with the following four requirements as part of their Application for Approval to Participate in Federal Student Financial Aid Programs (E-App) (described below under Title IV, Part H).

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<sup>10</sup> To be eligible to receive federal student aid, students who are beyond the age of compulsory attendance but do not have a high school diploma must meet ability-to-benefit requirements or meet the student eligibility criteria for home schooled students (Section 484(d)).



1. No more than 50% of an institution's courses, other than a postsecondary career and technical institution,<sup>11</sup> may be correspondence courses (excluding courses offered by telecommunications) (§ 102(a)(3)(A)).
2. No more than 50% of an institution's students may be enrolled in correspondence courses (excluding courses offered by telecommunications) (§ 102(a)(3)(B)).<sup>12</sup>
3. No more than 25% of an institution's enrollment may be comprised of students who are incarcerated (§ 102(a)(3)(C)).<sup>13</sup>
4. No more than 50% of enrollment at an institution that does not provide a two-year or four-year course of study (or both) leading to an associate's or bachelor's degree may be comprised of students who do not possess a high school diploma or its equivalent (§ 102(a)(3)(D)).<sup>14</sup>

### *Foreign Institutions*

In general, foreign institutions are currently eligible to participate in the Federal Family Education Loan (FFEL) program if they meet the same requirements as an IHE under § 101 and have been approved by ED to participate in the FFEL program.<sup>15</sup> Foreign medical and veterinary institutions, however, must meet additional requirements to participate in the FFEL program. Foreign institutions must report information demonstrating that they meet the terms of these requirements on the E-App. (see below). Foreign medical institutions must meet one of the following two sets of additional criteria (§ 102(a)(2)(A)).

1. At least 60% of the students, and at least 60% of the graduates of a graduate medical school located outside of the United States, must not be U.S. citizens or permanent residents; and at least 60% of the students or graduates of a graduate medical school located outside of the United States or Canada taking examinations administered by the Educational Commission for Foreign Medical Graduates must receive a passing score.
2. The graduate medical school must have a clinical training program that was approved by a state as of January 1, 1991.

For foreign for-profit veterinary institutions to be eligible to participate in the FFEL program, they must require their students to complete their clinical training at an approved veterinary school located in the United States.

The HEOA amended eligibility requirements for foreign medical institutions and veterinary institutions, and added eligibility requirements for foreign nursing schools to participate in the FFEL program, effective July 1, 2010. It is expected that when these new requirements become

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<sup>11</sup> This exception applies to institutions that meet the definition of the term "area career and technical education school," in § 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. § 2302(3)(C)).

<sup>12</sup> The Secretary may waive this requirement for "good cause" for an IHE providing a two-year and/or four-year course of study leading to an associate's or bachelor's degree, respectively.

<sup>13</sup> The Secretary may waive this requirement for a nonprofit institution providing a two-year and/or four-year course of study leading to an associate's degree, bachelor's degree, or postsecondary diploma.

<sup>14</sup> The Secretary may waive this requirement if the institution has federal, state, or local government agency contracts that result in the institution serving significant numbers of students lacking a secondary school credential.

<sup>15</sup> The FFEL program is the only Title IV program in which foreign institutions may participate.

effective, foreign institutions would be required to report information demonstrating that they meet these requirements on the E-App.

**Foreign for-profit graduate medical institutions.** Effective July 1, 2010, foreign medical institutions will be required to meet one of the following two sets of additional criteria to participate in the FFEL program.

1. At least 60% of the students, and at least 60% of the graduates of a graduate medical school located outside of the United States, must not be U.S. citizens or permanent residents; and at least 75% of the students or graduates of a graduate medical school located outside of the United States or Canada taking examinations administered by the Educational Commission for Foreign Medical Graduates must receive a passing score.
2. The graduate medical school must have a clinical training program that was approved by a state as of January 1, 1991; and must continue to operate a clinical training program in at least one state that is approved by that state.

**Foreign veterinary institutions.** The HEOA made no changes to the requirements for these institutions to participate in the FFEL program.

**Foreign nursing schools.** In accordance with amendments enacted in the HEOA and P.L. 111-39, effective July 1, 2012, foreign nursing schools can become eligible to participate in the FFEL program, but will be required to meet the following five eligibility requirements.

1. The school must have an agreement with either a hospital or accredited school of nursing located in the United States at which the school's students are required to complete their clinical training.
2. The school must have an agreement with an accredited school of nursing located in the United States which provides that its students will also receive a degree from the school in the United States upon graduation.
3. The school may certify only FFEL program loans for its students.
4. The school must reimburse the Secretary for the costs of any loan defaults for current and former students included in the calculation of its cohort default rate for the preceding fiscal year.
5. At least 75% of students or graduates from the school who, during the preceding year, took the National Council Licensure Examination for Registered Nurses must have received a passing score.

## **Disclosures of Foreign Gifts (Title I, Part B)**

In accordance with HEA, § 117, institutions that are owned or controlled by a foreign source or that receive a gift from or enter into a contract with a foreign source valued at \$250,000 or more, when considered alone or in combination with other gifts from or contracts with that foreign source within a calendar year, must file a disclosure report with the Secretary. The report must be filed on January 31 or July 31, whichever date is closest following receipt of the gift. Institutions that are required to publicly disclose gifts from or contracts with foreign sources under state laws that are substantially similar to the requirements of HEA, § 117, or that are required by any executive branch agency to prepare a report on gifts from or contracts with foreign sources

according to requirements that are substantially similar to the requirements of HEA, § 117, may file a copy of such disclosure report in lieu of separately filing a disclosure report with the Secretary.

If an institution fails to comply with these requirements, the Secretary may request the Attorney General to bring a civil action to request the court to compel compliance. Institutions that knowingly or willfully fail to comply with the requirements of this section must repay the United States for the full costs of obtaining compliance. The HEOA did not amend the HEA requirements for the disclosure of foreign gifts. Reporting requirements for IHEs relating to the disclosure of foreign gifts are presented in **Table 1**.

**Table I. Reporting Requirements for IHEs Relating to the Disclosure of Foreign Gifts**

HEA, Title I-B, § 117

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Report the aggregate dollar amount of gifts and contracts attributable to a foreign country for gifts received from or contracts entered into with a foreign source other than a foreign government.	§ 117(b)(1)	The Secretary; and information must be made available to the public.	No changes.		No changes.
Report the aggregate dollar amount of gifts and contracts attributable to a foreign country for gifts received from or contracts entered into with a foreign government.	§ 117(b)(2)	The Secretary; and information must be made available to the public.	No changes.		No changes.
For institutions owned or controlled by a foreign source: report the identity of the foreign source, the date on which ownership or control was assumed, and any resulting changes in program or structure.	§ 117(b)(3)	The Secretary; and information must be made available to the public.	No changes.		No changes.
For IHEs that receive a restricted or conditional gift from or enter into a contract with a foreign source (other than a foreign government): disclose the amount, the date, and a description of any conditions or restrictions of the gift or contract; and the country of citizenship, or principal residence, country of incorporation, or principal place of business of the foreign source.	§ 117(c)(1)	The Secretary; and information must be made available to the public.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
For IHEs that receive a restricted or conditional gift from or enter into a contract with a foreign government: disclose the amount, the date, and a description of any conditions or restrictions, and name of the foreign government.	§117(c)(2)	The Secretary; and information must be made available to the public.	No changes.		No changes.

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; and applicable regulations.

## **Drug and Alcohol Abuse Prevention (Title I, Part B)**

The HEA includes several institutional reporting requirements related to the prevention of drug and alcohol abuse, most of which had been incorporated into the HEA prior to the enactment of the HEOA. As a condition of eligibility to receive funds or any form of financial assistance under *any* federal program, institutions are required to certify to the Secretary that they have adopted and implemented a program to prevent the use of illicit drugs and the abuse of alcohol. An institution failing to provide this certification is not eligible to receive funds or any other form of financial assistance under *any* federal program. Institutions must distribute information about drug and alcohol abuse and prevention to students and employees on an annual basis. This includes standards of conduct, applicable legal sanctions, a description of health risks, a description of available counseling, treatment, or rehabilitation programs, and a description of institutional sanctions. Institutions must also make this information available to the Secretary and the public upon request. In addition, institutions are required to conduct a biennial review of the effectiveness of their programs, to implement changes to the programs if necessary, and to ensure that required sanctions are consistently enforced. (HEA, §§ 120 and 487(a); and 34 CFR § 668.14).

Part B of the HEA, as amended by § 107 of the HEOA, retains all of the aforementioned reporting requirements. However, the requirements for the biennial review have been expanded to include a determination of the number of drug and alcohol-related violations and fatalities that occur on campus or as part of the institution's activities that are reported to campus officials, and the number and types of sanctions imposed by the institution in response to these violations and fatalities. Reporting requirements for IHEs relating to drug and alcohol abuse prevention are presented in **Table 2**.

**Table 2. Reporting Requirements for IHEs Relating to Drug and Alcohol Abuse Prevention**

HEA, Title I-B, § 119

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Certify that it has adopted and implemented a program to prevent illicit drug use and alcohol abuse by students and staff.	§ 120(a)	The Secretary.	No changes.		No changes.
As part of its program, the IHE must annually distribute:  Standards of conduct prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the IHE's property or as part of any institutional activities;  A description of legal sanctions under federal, state, and local law for the unlawful possession or distribution of illicit drugs or alcohol;  A description of the health risks associated with illicit drug use and alcohol abuse;  A description of drug or alcohol counseling or treatment programs available to students and staff; and  A statement that the IHE will impose sanctions on students and staff for violating its drug and alcohol policies; and a description of the sanctions.	§ 120(a)(1)	Each student and employee (annual distribution required); and  The Secretary and the public (upon request).	No changes.		No changes.



Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
As part of its program, the IHE must provide the results of a biennial review of its drug and alcohol abuse prevention program to determine program effectiveness, to implement needed changes, and to ensure required sanctions are consistently enforced.	§ 120(a)(2)	The Secretary and the public (upon request).	As part of its program (and program report), the IHE must also:  Determine the number of drug and alcohol-related violations and fatalities that occur on campus or as part of the IHE's activities, and the number that are reported to campus officials; and  Determine the number and types of sanctions imposed by the IHE as a result of violations and fatalities that occur on campus or as part of its activities.	§ 120(a)(2)	The Secretary and the public (upon request).

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; and applicable regulations.

## **Participation in Data Collection by ED (Title I, Part C)**

Under Title I, Part C, the Department of Education collects a broad array of information about institutions. On an annual basis, the Commissioner of Education Statistics is required to collect information from (at least) all institutions participating in Title IV programs. Examples of information collected include data on tuition and fees, costs of attendance (COA), and the average amount of financial assistance received by undergraduate students by type of assistance required to be collected under HEA, § 131(a). These data are annually collected by ED through IPEDS. Institutions must participate in IPEDS to retain their Title IV eligibility. Institutions are also required to participate in any other federal postsecondary institution data collection in a timely manner (e.g., the National Postsecondary Student Aid Survey (NPSAS)).<sup>16</sup> Under the HEOA amendments to the HEA, these reporting requirements were retained and expanded to reflect the addition of new data elements to IPEDS (see Title IV, Part G, and **Table 16**, below), and a new requirement that NPSAS data be representative for each state. Reporting requirements that relate to college affordability and transparency, IPEDS, NPSAS, and college textbook information are summarized below.

### **Reporting Requirements Relating to College Affordability and Transparency**

Under HEA, § 131(a), IHEs are required to annually report information on undergraduate tuition and fees, cost of attendance, the number of undergraduate students receiving specified forms of financial assistance, and the average amount of financial assistance received. Institutions have been required to report this information through IPEDS.

The HEOA amended the HEA by establishing a requirement for ED to annually publish six lists relating to college affordability by sector (e.g., public four-year institutions):

1. the 5% of institutions with the highest tuition and fees;
2. the 5% of institutions with the highest net price;
3. the 5% of institutions with the largest percentage increase in tuition and fees over the last three academic years;
4. the 5% of institutions with the largest percentage increase in net price over the last three academic years;
5. the 10% of institutions with the lowest tuition and fees; and
6. the 10% of institutions with the lowest net price.

Institutions listed on the third or fourth lists are also subject to reporting requirements related to the reasons for cost increases and steps being taken to reduce costs, unless their increase in tuition and fees or net price over the three-year period was less than \$600. Reporting requirements for IHEs relating to the cost of higher education are presented in **Table 3**.

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<sup>16</sup> HEA §§ 131(a) and 487(a); and 34 CFR § 668.14.

**Table 3. Reporting Requirements for IHEs Relating to the Cost of Higher Education**

HEA, Title I-C, §§ 131 & 132

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<p>Report the following information applicable to the IHE for academic year 2000-2001, and annually thereafter:</p> <p>Tuition and fees for a full-time undergraduate student;</p> <p>Cost of attendance (COA) for a full-time undergraduate student;</p> <p>The number of undergraduate students receiving the following types of financial assistance, and the average amount received:</p> <p>Pell Grant aid;</p> <p>AC/SMART Grant aid;<sup>a</sup></p> <p>FSEOG aid;<sup>b</sup></p> <p>FWS aid;<sup>c</sup></p> <p>Perkins Loan aid;</p> <p>Veterans' education benefits;</p> <p>Other scholarship aid;</p> <p>Other grant aid;</p> <p>Other loan aid;</p> <p>Fellowships; and</p> <p>Institutional aid and other assistance.</p>	§ 131(a)(3)	The Secretary.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Not applicable.	Not applicable.	Not applicable.	Report the following information for first-time, full-time undergraduate students <sup>d</sup> :  Average annual cost of tuition, fees, room and board, books, supplies, and transportation (COA);  COA, minus the average amount of need-based and merit-based grant aid from federal, state, and institutional sources received by students receiving such aid (net price); and  Average annual cost of tuition and fees (tuition and fees).	§ 132(a)	The Secretary.
Not applicable.	Not applicable.	Not applicable.	The 5% of IHEs by sector that have the largest increase in tuition and fees or net price over the last three academic years and do not qualify for the \$600 exemption must submit a report containing:  A description of the major areas in the IHE's budget with the greatest cost increases;  An explanation for the aforementioned cost increases;  A description of the steps the IHE is taking to reduce costs in these areas;	§ 132(e)(1)	The Secretary; and the public (summary information only).

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
			<p>If the IHE has been on the top 5% list for two or more consecutive years:</p> <p>A description of progress made in implementing the steps to reduce costs;</p> <p>If the determination of any cost increase mentioned as an area in which cost increases were the greatest is not within the exclusive control of the IHE:</p> <p>An explanation of the IHE's role in determining such cost increase;</p> <p>Identification of the agency of state government responsible for determining such cost increase; and</p> <p>Any other information the IHE considers relevant.</p>		

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; and applicable regulations.

**Notes:**

- a. American Competitiveness Grant, and National Science and Mathematics Access to Retain Talent Grant program aid.
- b. Federal Supplemental Educational Opportunity Grant program aid.
- c. Federal Work-Study program aid.
- d. For public institutions, COA and net price must be determined with respect to first-time, full-time undergraduate students who are residents of the state in which the IHE is located.

## Consumer Information Reporting Requirements

The HEOA amended the HEA to require ED to make available various information about institutions, such as data concerning student enrollment, graduation rates, cost of attendance, student aid, and specific services offered by the institution. Many of these items were already collected in some form through IPEDS or other data collection efforts maintained by ED. As discussed later in the Title IV, Part G section of this report, the Program Participation Agreement requires all institutions to participate in IPEDS, and other postsecondary education data collection efforts as designated by the Secretary, in a timely manner and “to the satisfaction of the Secretary.”<sup>17</sup>

The HEOA amended the HEA by adding new requirements relating to transparency in college tuition for consumers (HEA, § 132(i)). This amendment requires the Secretary to make an array of consumer information publicly available on the College Navigator website.<sup>18</sup> It may be presumed that much of this information will be collected through IPEDS if it is not already being collected through another data collection effort. **Table 4** presents an analysis of the new consumer information reporting requirements and identifies for each data element, whether it was being collected through IPEDS or another source prior to the enactment of the HEOA, or whether it is a new data collection requirement.<sup>19</sup> Prior to enactment of the HEOA, the HEA generally did not specify data elements on which the Secretary must publicly report—with the exception of data related to tuition and fees and cost of attendance (§ 131(a) and (b), discussed above)—and, for the most part, the HEA did not specify data elements that institutions must provide to the Secretary. Thus, the comparisons made in **Table 4** primarily focus on the differences between specific requirements included in § 132(i) and IPEDS data collection requirements in effect prior to the enactment of the HEOA.

The HEOA also amended the HEA by adding a new requirement for the Secretary to develop a multi-year tuition calculator for use by current and prospective students, their families, and others in estimating prices for tuition and fees in future years for each year during the normal duration of a program of study (HEA, § 132(j)). The multi-year tuition calculator will use tuition and fee information reported by IHEs as required under HEA, § 132(i). For institutions that offer multi-year tuition guarantee programs, the calculator must also allow individuals to obtain estimates of tuition and fees in future years based on the provisions of the tuition guarantee program.

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<sup>17</sup> Requirements for Program Participation Agreements are specified at HEA, § 487.

<sup>18</sup> The U.S. Department of Education, National Center for Education Statistics, College Navigator website is available at <http://nces.ed.gov/collegenavigator/>.

<sup>19</sup> Detailed information on data collected through IPEDS is presented in Appendix **Table A-1**.

**Table 4. Reporting Requirements for IHEs Relating to Consumer Information**

Relationship between new Consumer Information Data Elements Specified under HEA, § 132(i) and current IPEDS data elements

New Consumer Information Data Elements HEA, Title I-C, § 132(i)	Data currently included in IPEDS data collections, or that could be derived from current IPEDS data collections
Statement of institution's mission.	Included.
Total number of undergraduate students who applied, were admitted, and enrolled.	Partially included—collected for first-time, degree/certificate-seeking undergraduate students.
Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the freshman class.	Included.
Number of first-time, full-time, and part-time students enrolled at the undergraduate and (if applicable) graduate levels.	Included.
Number of degree- or certificate-seeking undergraduate students who have transferred from another institution.	Included.
Percentage of male and female undergraduate students enrolled.	Included—collected for the number of male and female undergraduate students. (Percentages could be derived from these numbers.)
Percentage of first-time, full-time, degree- or certificate-seeking undergraduate students from the same state as the IHE, from other states, and from other countries.	Partially included (data are collected for full-time and part-time students combined—data cannot be disaggregated for full-time students only).
Percentages of first-time, full-time, degree- or certificate-seeking students by race and ethnic background.	Included—collected for the number of undergraduate students by race and ethnic background. (Percentages could be derived from these numbers.)
Percentage of undergraduate students who are formally registered with the office of disability services (or the equivalent office) as students with disabilities. <sup>a</sup>	Not included.
Percentages of first-time, full-time, degree- or certificate-seeking undergraduate students who obtain a degree or certificate within: The normal time for completion of, or graduation from, the student's program; 150% of the normal time for completion of, or graduation from, the student's program; and 200% of the normal time for completion of, or graduation from, the student's program.	Partially included—for all institutional levels, completion rates are calculated at 150% of normal time for full-time, first-time undergraduate students; while for four-year institutions only, completion rates are also calculated for four, five, and six years for full-time, first-time students seeking a bachelor's or equivalent degree. Data are not collected on completions within the normal time for other programs. No data are collected on completions within 200% of normal time.
Number of students who obtained certificates, or associate's, bachelor's, master's, professional, or doctoral degrees.	Included.
Undergraduate major areas of study with the highest number of degrees awarded.	Included—data collected for all major areas of study (not limited to highest number of degrees awarded).



New Consumer Information Data Elements HEA, Title I-C, § 132(i)	Data currently included in IPEDS data collections, or that could be derived from current IPEDS data collections
Student-faculty ratio, number of full-time and part-time faculty, and number of graduate assistants with primarily instructional responsibilities.	Included.
Cost of attendance for first-time, full-time undergraduate students who:	Included.
Live on campus,	
Live off-campus, and	
For students attending a public institution, such costs for in-state and out-of-state students who live on- and off-campus.	
Average annual grant amount (including federal, state, and institutional aid) awarded to a first-time, full-time undergraduate student who receives financial aid.	Partially included—data are collected for degree/certificate-seeking undergraduate students only; data are not available for all first-time, full-time undergraduate students.
Average annual amount of federal student loans provided through the institution to undergraduate students.	Partially included—data are collected for degree/certificate-seeking undergraduate students only; data are not available for all undergraduate students.
Total annual grant aid awarded to undergraduate students from federal, state, institutional, and other sources known by the institution.	Not included—data are not collected, but could potentially be approximated for full-time, first-time, degree/certificate-seeking undergraduate students by multiplying the number of these students by the average grant amount for each type of grant, and summing the result.
Percentage of first-time, full-time undergraduate students receiving federal, state, and institutional grants, student loans, and any other type of student financial assistance known by the institution, provided publicly or through the institution (e.g., FWS funds).	Partially included—collected for full-time, first-time, degree/certificate-seeking undergraduate students receiving Pell grants, other federal grants, state/local government grants, institutional grants, federal loans, and other loans.
Number of students enrolled receiving Pell Grants.	Included.
Institution's cohort default rate, as defined under § 435(m).	Not included in IPEDS—collected by ED through other data collection efforts.
Information on campus safety required to be collected under HEA, § 485(f).	Not included in IPEDS—collected by ED through other data collection efforts.
Links to sections of the institution's website that provide information on:	Partially included—data are collected on intercollegiate sports and on whether the following services are offered:
Student activities offered by the institution;	remedial services, academic/career counseling services, employment services for current students, placement services for program completers, and on-campus daycare for children of students. (No additional information is collected about these services.)
Services offered by the institution for individuals with disabilities;	
Career and placement services offered by the institution to students during and after enrollment; and	
Policies of the institution related to transfer of credit from other institutions.	

New Consumer Information Data Elements HEA, Title I-C, § 132(i)	Data currently included in IPEDS data collections, or that could be derived from current IPEDS data collections
Link to the appropriate section of the Bureau of Labor Statistics (BLS) website that provides information on regional data on starting salaries in all major occupations.	Not included in IPEDS—ED may be able to add these links without the involvement of institutions.
Tuition and fees for each of the three most recent academic years.	Included—depending on how tuition and fee data are calculated. Tuition and required fee data are collected annually for full-time undergraduate students living in-district, in-state, and out-of-state. (Published tuition and fee data are available for full-time, first-time undergraduate students, while average tuition and fees are collected for full-time undergraduate students.)
Net price for each of the three most recent academic years.	Not included in IPEDS.
From July 1, 2010, to June 30, 2013, the net price for students receiving federal student aid disaggregated by five income categories for the most recent academic year.	Not included in IPEDS.
Beginning July 1, 2013, the net price for students receiving federal student aid disaggregated by five income categories for the three most recent academic years.	Not included in IPEDS.
Average annual percentage change and average annual dollar change in tuition and fees for the three most recent preceding academic years.	Included (depending on how tuition and fee data are calculated)  Tuition and required fee data collected annually for full-time undergraduate students living in-district, in-state, and out-of-state. (It is important to note that published tuition and fee data are available for full-time, first-time undergraduate students, while average tuition and fees are collected for full-time undergraduate students. In both cases, percentage changes over time could be calculated for three years using data from multiple surveys.)
Average annual percentage change and average annual dollar change in net price for the three most recent preceding academic years.	Not included in IPEDS.
Report related to cost increases for institutions in the top 5% of institutions by sector for increase in tuition and fees or net price over the most recent three-year period.	It does not appear that this report would be collected through IPEDS. (See previous discussion in text.)
Availability of alternative tuition plans (e.g., guaranteed tuition plans).	Included.
Provisions of multi-year tuition guarantee program for use in multi-year tuition calculator.	Not included in IPEDS.

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; applicable regulations; and IPEDS.

**Note:**

- a. If the percentage of such students is less than 3%, the institution is required to report “3% or less.”

## **State-by-State Student Aid Recipient Survey (NPSAS)**

Prior to the enactment of the HEOA, § 131(d) of the HEA required the Secretary to conduct a triennial, nationally representative survey of individuals who receive federal student aid under Title IV. The survey was required to be representative of students from all types of institutions, as well as full-time students, part-time students, undergraduate students, graduate students, professional students, current students, and former students. The specified purposes of the survey were to identify the population of federal student aid recipients; to determine their income distribution and socioeconomic characteristics; to describe the combinations of federal, state, and private aid received by students; and to describe loan recipients' debt burden and their capacity to repay their education debts. This information has been collected through the National Postsecondary Student Aid Study (NPSAS), authorized under the Education Sciences Reform Act of 2002, Title I, Part D, §153(a)(1)(E).

The HEOA amends the HEA at § 132(k) to require ED to conduct a quadrennial survey, on a state-by-state basis, of individuals who receive federal student financial aid under Title IV.<sup>20</sup> The state-by-state survey must be representative of students from all types of institutions, as well as full-time students, part-time students, undergraduate students, graduate students, professional students, current students, and former students. The specified purposes of the survey were expanded to also include describing the impact of students' education debt burden on their courses of study and post-graduation plans, and describing how the costs of textbooks and other instructional materials affect the costs of postsecondary education. It appears that the new state-by-state representative sample of students and former students may be implemented as a modification to the NPSAS, through which similar information on students is currently collected.

While NPSAS respondents are students or former students, institutions are required to provide ED with certain information about sampled students through a two-stage process. In the 2008 NPSAS, about 1,900 IHEs were included in the sample of institutions. These IHEs were asked to provide ED with enrollment lists that included the names of all students enrolled at a certain date, as well as information including date of birth, social security number, education level, major, and contact information. From the enrollment lists, ED then selected approximately 140,000 students to include in their survey sample. ED also requested additional information from the IHEs on sampled students, including demographic information, admission information (for undergraduates), enrollment status, the degree the student is working toward, and tuition, financial aid, and scholarship information.<sup>21</sup>

The HEOA did not change the types of information to be collected from IHEs for the NPSAS. However, the new requirement for data to be representative by state will increase the number of

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<sup>20</sup> The HEOA also amends the HEA to prohibit the development, implementation, or maintenance of a federal database of personally identifiable information on individuals who receive assistance under the HEA, who attend institutions that receive assistance under the HEA, or who are involved in any studies or data collections under the HEA, unless the system (or successor system) is necessary for the operation of programs authorized under Titles II, IV, or VII of the HEA and was in use by the Secretary (or a contractor) the day prior to enactment. (HEA, § 134.)

<sup>21</sup> For more information, see the U.S. Department of Education, National Center for Education Statistics, National Postsecondary Student Aid Study, available online at <https://surveys.nces.ed.gov/npsasschool/index.aspx>. The valid OMB control number for the NPSAS information collection is 1850-0666. Forms can be found online at <https://surveys.nces.ed.gov/npsasschool/content/documents.aspx>. See "Student List Preparation Instructions" and "Student Record Abstraction Data Elements."

students and IHEs required to be included in the NPSAS sample. The increase will be especially acute in states with a relatively small number of students, as a large portion of these students will have to be included in a sample to ensure it is representative of the state.

### **Textbook Information Program**

The HEOA prospectively amends Title I, Part C of the HEA by adding a new § 133, which establishes new requirements concerning information about textbooks.<sup>22</sup> Under the new requirements, information provided by publishers to faculty members who are in charge of selecting course materials at Title IV participating institutions must include certain price information and copyright dates of previous editions. The new provision also will require textbook publishers to “unbundle” materials, except under certain circumstances, and to make textbooks and each supplement to a textbook available as separate items.

In accordance with the new provision, IHEs that receive federal financial assistance will be required, to the maximum extent possible, to publish as part of online course pre-registration and registration materials, the International Standard Book Number (ISBN) for all materials that will be used in each class, as well as the retail price of required and recommended course materials for each course listed in the institution’s course schedule. Institutions will also be required to make available to the college bookstores they operate, or with which they are affiliated, upon request, their course schedule for the subsequent academic period, the aforementioned information about course materials, and enrollment information for each class. In addition, under the new provision, IHEs will be encouraged to disseminate information to students regarding the availability of renting textbooks, purchasing used textbooks, guaranteed textbook buy-back programs, and alternative ways to obtain course content. Requirements for IHEs that receive federal financial assistance to disclose certain information about college textbooks are presented below in **Table 5**.

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<sup>22</sup> The effective date of HEA, § 133, Textbook Information, is July 1, 2010.

**Table 5. Disclosure Requirements for IHEs Relating to Textbook Information**

HEA, Title I-C, § 133

New requirements established under the HEOA		
Requirement	Citation	Recipient of information
<p>To the maximum extent practicable, each IHE receiving federal financial assistance must disclose for each course listed on its Internet course schedule for preregistration and registration purposes:</p> <p style="padding-left: 20px;">The ISBN and retail price information of required and recommended textbooks and supplemental materials; except</p> <p style="padding-left: 20px;">If the ISBN is not available, the IHE must include the author, title, publisher, and copyright date for such materials; and</p> <p style="padding-left: 20px;">If the IHE determines that it is not practicable to provide the aforementioned information for a textbook or supplemental material, it may provide the designation “To Be Determined” in lieu of such information.</p> <p>To the maximum extent practicable, each IHE receiving federal financial assistance must include a notice that textbook information is available on its Internet course schedule, and the Internet address, (if applicable).</p>	§ 133(d)	Students at each IHE.
<p>Upon request, an IHE receiving federal financial assistance must make available to a college bookstore that is operated by the IHE, or is affiliated with the IHE:</p> <p style="padding-left: 20px;">The IHE’s course schedule for the subsequent academic period; and</p> <p style="padding-left: 20px;">For each course or class offered for the subsequent academic period:</p> <p style="padding-left: 40px;">The ISBN and retail price information of each required and recommended textbook and supplemental material;</p> <p style="padding-left: 40px;">The number of students enrolled in the class or course; and</p> <p style="padding-left: 40px;">The maximum student enrollment for such class or course.</p>	§ 133(e)	College bookstores.
<p>Each IHE receiving federal financial assistance is encouraged (but not required) to disseminate information about:</p> <p style="padding-left: 20px;">Available institutional programs for renting textbooks or purchasing used textbooks;</p> <p style="padding-left: 20px;">Available institutional guaranteed textbook buy-back programs;</p> <p style="padding-left: 20px;">Available institutional alternative content delivery programs; and</p> <p style="padding-left: 20px;">Other available institutional cost-saving strategies.</p>	§ 133(f)	Students.

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; and applicable regulations.

## **Institution Requirements Relating to Education Loans (Title I, Part E)**

The HEOA adds a new Part E to Title I which establishes new requirements for lenders and institutions with respect to federal student loans made under Title IV, as well as private student loans. For institutions that participate in preferred lender arrangements—in which the IHE recommends, promotes, or endorses the student loan products (e.g., FFEL program loans and private student loans) of certain lenders—new requirements specify that IHEs must disclose or report certain information, including the maximum amount of Title IV grant and loan aid available to students; detailed information about the terms and conditions of loans; that under the FFEL program, the institution is required to process applications to obtain a loan from any eligible lender; and a detailed explanation of why the IHE entered into a preferred lender arrangement with the lender.

Institutions that participate in preferred lender arrangements also must inform prospective borrowers of private student loans that they may qualify for federal student aid under Title IV, and that the terms and conditions of federal student loans may be more favorable than the terms and conditions of private student loans. Institutions may make the required disclosures about student loans and preferred lender arrangements on model disclosure forms developed by the Secretary and the Board of Governors of the Federal Reserve System,<sup>23</sup> or on forms developed by the institution.

Institutions that participate in the DL program must make publicly available a completed model disclosure form for DL program loans containing information comparable to what must be disclosed by IHEs with respect to FFEL program loans. The Secretary will be required to provide completed model disclosure forms for DL program loans to IHEs that participate in the DL program. Institutions will be required to post this information on their websites and to include it in informational materials about financial aid that are distributed to prospective students and their families.

The HEOA also amended the HEA to establish a requirement for borrowers of private student loans to self-certify their eligibility for these loans. The provisions for self-certification require institutions to disclose to prospective borrowers of private student loans certain information necessary for completion of the form, including their cost of attendance, their expected family contribution, and the estimated financial assistance they will receive. Detailed information on reporting requirements for institutions with respect to student loans is presented in **Table 6**.

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<sup>23</sup> Not later than 18 months after the date of enactment, the Secretary, in coordination with the Board of Governors of the Federal Reserve System, is required to determine the minimum information that entities participating in preferred lender arrangements must make available to borrowers. Subsequently, they must develop a model disclosure form that may be used by IHEs and lenders for purposes of disclosing information about FFEL and DL program loans and private education loans to prospective borrowers.

**Table 6. Reporting Requirements for IHEs Relating to Education Loans**

HEA, Title I-E

<b>New requirements established under the HEOA</b>		
<b>Requirement</b>	<b>Citation</b>	<b>Recipient of information</b>
<b><i>Disclosure requirements for IHEs that participate in preferred lender arrangements with lenders of FFEL program loans</i></b>		
<p>IHEs that participate in a preferred lender arrangement with one or more FFEL program lenders must disclose the following information:</p> <p style="padding-left: 20px;">The maximum amount of Title IV grant and loan aid available to students;</p> <p style="padding-left: 20px;">A statement that the IHE is required to process applications for FFEL program loans from any eligible lender a student selects;</p> <p style="padding-left: 20px;">The following information for each type of FFEL program loan offered pursuant to a preferred lender arrangement (this information may be provided on a model disclosure form designed by the Secretary<sup>a</sup> or on a form designed by the institution):</p> <p style="padding-left: 40px;">The information required to be disclosed on the model disclosure forms<sup>b</sup> developed by the Board of Governors of the Federal Reserve System under § 128(e) of the Truth in Lending Act (TILA), for private education loans (see below) modified as necessary to apply to such loans; and</p> <p style="padding-left: 20px;">Any of the following, if determined by the Secretary to merit required disclosure:</p> <p style="padding-left: 40px;">Loan terms and conditions for the next award year (including interest rate, deferment, and loan forgiveness provisions);</p> <p style="padding-left: 40px;">Any applicable loan charges (e.g., origination and default fees), and whether they will be deducted from the proceeds of the loan, paid by the borrower, or paid by the lender;</p> <p style="padding-left: 40px;">Annual and aggregate loan limits;</p> <p style="padding-left: 40px;">The average amounts borrowed from the lender the preceding year for all students, and disaggregated by individuals completing degree or certificate programs at the IHE;</p>	<p>§§ 152(a)(1)(A), and 153; and</p> <p>TILA, § 128(e)</p>	<p>Submit to the Secretary as an annual report; make publicly available by posting on the website of the institution and its affiliates; and include in informational materials (publications, mailings, and electronic messages) about financial aid opportunities that are distributed to prospective and current students and their families.</p>



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**New requirements established under the HEOA**

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Requirement	Citation	Recipient of information
<p>Estimated repayment amounts (based on average loans made by the lender to students graduating from the IHE the preceding year) for borrowers of Subsidized Stafford Loans, borrowers of Unsubsidized Stafford Loans and PLUS Loans who pay interest while in school, and borrowers of Unsubsidized Stafford Loans or PLUS Loans who do not pay interest while in school;</p> <p>The consequences of defaulting on a loan (including limitations on discharging loan in bankruptcy);</p> <p>Contact information for the lender; and</p> <p>Other information as the Secretary may require based on consultation with students and their families, representatives of IHEs, IHE-affiliated organizations, guidance counselors, lenders, loan servicers, and guaranty agencies; and</p> <p>A detailed explanation of why the IHE entered into a preferred lender arrangement with the lender, including why the terms, conditions, and provisions of each type of FFEL program loan offered pursuant to the arrangement are beneficial to the students attending the IHE, or the families of such students, as applicable.</p>		
<p><b><i>Disclosure requirements for IHEs that participate in preferred lender arrangements with lenders of private education loans</i></b></p>		
<p>IHEs that participate in a preferred lender arrangement with one or more private education loan lenders must disclose the following information about each type of private education loan offered as part of a preferred lender arrangement:</p> <p>The maximum amount of Title IV grant and loan aid available to students;</p> <p>A statement that the IHE is required to process applications for FFEL program loans from any eligible lender a student selects;</p> <p>The information required to be disclosed on the model disclosure forms<sup>b</sup> developed by the Board of Governors of the Federal Reserve System under § 128(e) of the Truth in Lending Act (TILA) for private education loans (see below); and</p>	<p>§§ 152(a)(1)(A) and 153; and</p> <p>TILA, § 128(e)</p>	<p>Submit to the Secretary as an annual report; make publicly available by posting on the website of the institution and its affiliates; and include in informational materials (publications, mailings, and electronic messages) about financial aid opportunities that are distributed to prospective and current students and their families.</p>

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**New requirements established under the HEOA**

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Requirement	Citation	Recipient of information
<p>A detailed explanation of why the IHE entered into a preferred lender arrangement with the lender, including why the terms, conditions, and provisions of each type of private student loan offered pursuant to the arrangement are beneficial to the students attending the IHE, or the families of such students, as applicable.</p>		
<p><b><i>Disclosure requirements for IHEs that provide information to prospective borrowers about private education loans</i></b></p>		
<p>IHEs that participate in a preferred lender arrangement must disclose the following information about FFEL program loans, DL program loans, and private education loans (with information about private education loans distinct from FFEL and DL program loans):</p> <p>That the prospective borrower may qualify for loans or other assistance under Title IV and that the terms and conditions of loans made, insured, or guaranteed under Title IV may be more favorable than those for private education loans; and</p> <p>The following information required to be disclosed on the model disclosure forms<sup>b</sup> developed by the Board of Governors of the Federal Reserve System under § 128(e) of the Truth in Lending Act (TILA):</p> <ul style="list-style-type: none"> <li>The potential range of applicable interest rate;</li> <li>Whether the applicable interest rate is variable or fixed;</li> <li>Any limitations on the frequency and amount of interest rate adjustments, or lack thereof;</li> <li>Any requirements for a co-borrower;</li> <li>Any potential finance charges, late fees, penalties, and adjustments to principal, based on defaults or late payments;</li> <li>Any applicable fees and the range of such fees;</li> <li>The term of the loan;</li> <li>Whether interest will accrue while the student on whose behalf the loan was made is enrolled;</li> <li>Any options for deferment of repayment;</li> <li>General eligibility criteria;</li> </ul>	<p>§§ 152(a)(1)(B); and TILA, § 128(e)  (See also §§ 487(a)(27) and 487(h))</p>	<p>Post on the website of the institution and its affiliates; and include in informational materials (publications, mailings, and electronic messages) about financial aid opportunities that are distributed to prospective and current students and their families.</p>

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**New requirements established under the HEOA**

Requirement	Citation	Recipient of information
<p>An example of the total cost of the loan over the life of the loan, calculated using the principal amount and maximum interest rate offered; and both with and without the capitalization of interest if the option to postpone interest payments is offered;</p>		
<p>That an IHE may have school-specific loan terms and benefits not detailed on the disclosure form;</p>		
<p>That the borrower may qualify for federal student aid under Title IV in lieu of or in addition to a private education loan and that the terms and conditions of loans made under Title IV may be more favorable than those for private education loans;</p>		
<p>The interest rates available with respect to federal student loans made under Title IV;</p>		
<p>That borrowers shall have the right to accept the terms of their loan and consummate the transaction at any time within 30 days of loan approval and receipt of disclosure documents (during this period, loan terms, including the interest rate or interest rate formula may not be changed);</p>		
<p>That prior to consummation of a private education loan, borrowers must complete, sign, and return to the lender a self-certification form containing specified information to be provided by the financial aid office of their IHE;</p>		
<p>That the borrower may obtain additional information concerning federal student aid from the IHE or at a Department of Education website; and</p>		
<p>Such other information as necessary or appropriate for consumers to make informed borrowing decisions.</p>		
<b><i>Disclosure requirements for IHEs that participate in the DL program</i></b>		
<p>Each IHE that participates in the DL program must disclose the following information:</p>	<p>§§ 152(a)(1)(A), 153, and 154; and</p>	<p>Post on the website of the institution and its affiliates; and include in informational materials (publications, mailings, and electronic messages) about financial aid opportunities that are distributed to prospective and current students and their families.</p>
<p>A completed model disclosure form, prepared by the Secretary, for DL program loans containing information comparable to what will be required to be disclosed by IHEs for FFEL program loans (see above); and</p>	<p>TILA, § 128(e)</p>	

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**New requirements established under the HEOA**

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Requirement	Citation	Recipient of information
<p>If the IHE provides information to prospective borrowers about private education loans (see above), the model disclosure form for DL program loans must be provided concurrently with such information.</p> <p><b>Self-Certification Form for Private Education Loans</b></p>		
<p>Upon the request of an applicant seeking to borrow a private education loan, an IHE must make available a self-certification form<sup>d</sup> for private education loans which contains a place to provide information on:</p> <p style="padding-left: 20px;">The applicant's COA at the IHE, as determined by the IHE under Title IV, Part F;</p> <p style="padding-left: 20px;">The applicant's estimated financial assistance (EFA), including amounts of financial assistance used to replace the expected family contribution (EFC), as determined by the IHE, in accordance with Title IV, for students who have completed the Free Application for Federal Student Aid (FAFSA); and</p> <p style="padding-left: 20px;">The difference between the above amounts, as applicable.</p>	<p>§ 155</p>	<p>Applicants for private education loans.</p>

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**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; applicable regulations; and the Truth in Lending Act (TILA).

**Notes:**

- a. Not later than 18 months after enactment of the HEOA, the Secretary, in coordination with the Board of Governors of the Federal Reserve System, is required to determine the minimum information that must be reported on the model disclosure form. The model disclosure form for loans offered by lenders participating in preferred lender arrangements with IHEs must be similar in format to the model disclosure form developed by the Board of Governors of the Federal Reserve System for use by lenders in disclosing information about private student loans.
- b. Not later than two years after enactment of the HEOA, the Board of Governors of the Federal Reserve System, in consultation with the Secretary, is required to develop and issue model disclosure forms for use by lenders of private education loans to meet the requirements of the TILA, § 128(e).
- c. Not later than 180 days after development of the model disclosure form developed for FFEL program loans (see footnote a, above), the Secretary must provide IHEs participating in the DL program with a completed model disclosure form for DL program loans containing information comparable to what will be required to be disclosed by IHEs for FFEL program loans.
- d. The Secretary, in consultation with the Board of Governors of the Federal Reserve System, is required to develop a self-certification form for private education loans which may be used by applicants to provide required information to lenders of private education loans. Student completion of the form will require some information that will be provided by IHEs.

## **Title IV, Part G – General Provisions**

Title IV, Part G includes a broad array of requirements and other provisions applicable to institutions that participate in Title IV programs. Part G provisions which establish requirements for IHEs to report or disclose information may be categorized into the following major areas.

- Student eligibility requirements applicable to the receipt of federal student aid, including determination of eligibility and need, and verification of immigration status.
- Information about the institution and its programs; the availability of, procedures to apply for, and descriptions of federal student aid programs; the institution's transfer of credit policies; and penalties for drug-related offenses.
- Entrance and exit counseling for borrowers of FFEL and DL program loans; and verification of borrower information in the National Student Loan Data System (NSLDS).
- Information on athletic programs and students who receive athletically related student aid; and completion or graduation rates, both for recipients of athletically related aid and for all students.
- Information on campus security, campus crime, fire safety, and missing persons procedures.
- Information required as part of program participation agreements, including the reporting or disclosure of institutional and financial assistance information, information collected as part of the IPEDS surveys, information on student loan codes of conduct, and information on student loan preferred lender lists.

This part of this report identifies and describes provisions specified in Title IV, Part G that require the reporting or disclosure of information by institutions that participate in Title IV programs.

### **Student Eligibility**

Under Title IV, Part G, institutions are required to provide students with a determination of eligibility and need for federal aid. They are also required to provide information concerning individuals who are determined to be ineligible for federal student aid due to their immigration status to the U.S. Citizenship and Immigration Services (USCIS); and information concerning individuals determined to be ineligible for federal student loans to applicable lenders and guaranty agencies. Reporting requirements for IHEs relating to student eligibility are presented below in **Table 7**.

**Table 7. Reporting Requirements for IHEs Relating to Student Eligibility**

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Institutions must provide student loan applicants with a determination of eligibility or ineligibility for a Pell Grant award.	§ 484(b)(1)	Student loan applicants.	No changes.		No changes.
With respect to FFEL program loans made under voluntary flexible agreements with guaranty agencies, institutions must provide student loan applicants with a determination of need for a loan under § 428(a)(2)(B).	§ 484(b)(2)	Student loan applicants.	No changes.		No changes.
Institutions must transmit copies of the immigration documents of individuals who are not citizens or nationals of the United States to the Immigration and Naturalization Service.	§ 484(g)(4)	U.S. Citizenship and Immigration Services (previously, this agency was called the Immigration and Naturalization Service). <sup>a</sup>	No changes.		No changes.
Institutions that make a determination that a federal student loan has been made to an individual who has subsequently been determined to be ineligible to receive a loan due to unsatisfactory immigration status must notify and instruct the entity making the loan to cease further payments on the loan.	§ 484(i)	Lenders of federal student loans.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
With respect to the FFEL program, if the Secretary determines that the Social Security Number provided by a student to the institution is incorrect, the IHE must notify and instruct the guaranty agency and the lender to cease further disbursements of the loan.	§ 484(p)(3)	Guaranty agencies and lenders.	No changes.		No changes.

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; and applicable regulations.

**Note:**

- a. The Secretary is required to compensate each IHE for 100% of the costs incurred in implementing and operating the immigration status verification system. It is presumed that IHEs must report their costs to the Secretary in order to receive compensation.

## **General Institutional Information and Financial Assistance**

Prior to enactment of the HEOA, HEA, § 485 required each institution whose students participate in HEA Title IV programs to disseminate multiple pieces of information through various means, upon request, to enrolled students and to prospective students. In addition, compliance with the requirements of § 485 has been a component of the Program Participation Agreement into which IHEs must enter with the Secretary for initial and continuing eligibility to participate in Title IV programs. (Program Participation Agreements are discussed below.) All enrolled students must be provided an annual notification about what information is available and how it may be obtained. The types of information that institutions must provide include information about available financial assistance programs, how to obtain financial aid, and conditions for receiving aid; costs of attendance; specific program costs; the institution's academic program; facilities and services available to individuals with disabilities; the institution's accreditation; standards for satisfactory student progress; completion or graduation rates; the ability of students to enroll in a study-abroad program that may still qualify them for federal student aid; and campus crime. An institution whose mission includes the preparation of students to enroll in another eligible institution also must provide the transfer-out rate of its certificate- or degree-seeking, full-time undergraduate students.

The HEOA added several disclosure and regulatory requirements to the HEA. As previously mentioned, institutions are required, upon request, to disclose various information to current and prospective students. The HEOA expanded on these requirements to include additional information that must be disclosed, such as institutional policies and sanctions related to copyright infringement, information about student body diversity, and the placement in employment of the institution's graduates. Additional requirements were added related to the disaggregation of completion and graduation rates, emergency response and fire safety, transfer of credit, missing person procedures, drug policy notifications, and reimbursements paid to any employees for service on advisory boards. For example, under the new transfer of credit policies, institutions must publicly disclose any criteria used to make transfer of credit determinations, and the institutions with which it has established an articulation agreement. Under the new policies relating to drug-related offenses, institutions must notify students about penalties for drug violations, including notifying students who have lost their eligibility for federal student aid due to a drug violation of the options to regain eligibility. Previously existing and new reporting requirements are detailed below in **Table 8**.



**Table 8. Reporting and Disclosure Requirements for IHEs Relating to Institutional Information and Financial Assistance**

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<b><i>Disclosure of institutional information</i></b>					
IHEs must annually provide all enrolled students a list of the information that is required to be provided under HEA, § 485 (see below) and FERPA <sup>a</sup> ; and the procedures for obtaining such information.	§ 485(a)	Enrolled students.	No changes.		
Information that must be made available upon request to enrolled or prospective students includes:  Information about student financial assistance programs available to students;  Methods by which student financial aid is distributed to student recipients;  Process for applying for student financial assistance;  Rights and responsibilities of students receiving Title IV student aid;  Cost of attending the institution including tuition and fees, books and supplies, estimates of room and board costs or typical commuting costs, and additional costs of the specific program in which the student is enrolled or interested;	§ 485(a)	Upon request, information must be provided to enrolled and prospective students.	Additional information that must be made available upon request to enrolled or prospective students includes:  Any plans of the IHE for improvement of its academic program;  Institutional copyright infringement policies including: (1) an annual disclosure to students explicitly stating that they may be subject to civil or criminal penalties related to the unauthorized distribution of copyrighted material; (2) a summary of the penalties for violating federal copyright laws; and (3) a description of the IHE's policies regarding unauthorized peer-to-peer file sharing, including related disciplinary actions for unauthorized distribution of copyrighted materials on its technology system;	§ 485(a)	No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Statement of the requirements of any refund policy with which the institution must comply for the return of Title IV grant or loan assistance, and for withdrawing from the institution;			Student body diversity, including information on the percentage of enrolled, full-time students who (1) are male, (2) are female, (3) receive a Pell Grant, and (4) are a self-identified member of a major racial/ethnic group;		
Information about the academic program of the institution, including degree and educational and training programs, physical plant facilities that relate to the academic program, and faculty and other instructional staff;			Placement in employment of, and types of employment obtained by, graduates of degree or certificate programs gathered from relevant sources;		
Information about which staff are designated as financial assistance information personnel and methods by which and locations in which these individuals can be contacted;			Types of graduate and professional education in which graduates of four-year degree programs enrolled, gathered from relevant sources;		
Special facilities and services available to disabled students;			Fire safety report (see discussion below);		
Names of agencies, associations, or governmental entities that accredit, approve, or license the institution and its programs and how documents describing the institution's accreditation, approval, or licensing can be obtained;			Retention rate of certificate- or degree-seeking, first-time, full-time undergraduate students; and		
			Institutional policies regarding vaccinations.		

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Standards students must maintain to be considered to be making “satisfactory progress”;			Information required to be provided about the completion or graduation rate of certificate- or degree-seeking, full-time, undergraduate students (required prior to HEOA) must be disaggregated by:		
The completion or graduation rate of certificate- or degree-seeking, full-time, undergraduate students;			Gender;		
Terms and conditions under which students receiving federal student loans may obtain a deferral of repayment of the principal and interest or a partial cancellation of the loan for service in the Peace Corps or a comparable organization;			Each major racial and ethnic subgroup;		
Information that enrollment in a study-abroad program approved for credit may be considered as enrollment in the home institution for purposes of federal student aid; and			Recipients of a Pell Grant;		
The campus crime report (see below).			Recipients of a Subsidized Stafford Loan who did not receive a Pell Grant; and		
			Students who neither received a Pell Grant nor a Subsidized Stafford Loan.		
			The provision that information be provided on the terms and conditions under which students receiving federal student loans may obtain a deferral of repayment of the principal and interest or a partial cancellation of the loan for service in the Peace Corps or comparable organizations is amended to require information to be provided on the terms and conditions of loans that students receive under Title IV Part B (FFEL), Part D (DL), and Part E (Perkins Loans).		

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<b>Department of Education descriptions of federal student aid programs</b>					
<p>The following information, required to be made available by the Secretary, must be provided by institutions to students any time an institution provides information regarding the availability of loans:</p> <p>Descriptions of federal assistance programs, including the rights and responsibilities of student and institutional participants;</p> <p>Information to enable students and prospective students to assess the debt burden and monthly and total repayment obligations that will be incurred as a result of receiving Title IV loans of various amounts;</p> <p>Information to enable borrowers to assess the practical consequences of loan consolidation, including differences in deferment eligibility, interest rates, monthly payments, and finance charges, and samples of loan consolidation profiles to illustrate such consequences;</p>	§ 485(d)(1)	Students.	<p>The statute is amended to also require the provision of the following:</p> <p>Information on the various payment options available for student loans, including income-sensitive and income-based repayment plans for FFEL program loans, and income-sensitive and income-based repayment plans for DL program loans.</p>	§ 485(d)(1)	Students.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<p>Information on the specific terms and conditions under which students may obtain partial or total cancellation or may defer repayment for certain types of employment or service, and the maximum compensation a borrower may earn (expressed in terms of the federal minimum wage) to qualify for a deferment; and</p> <p>Information on loan forbearance, including the increase in debt that results from capitalization of interest.</p>					
<b><i>Transfer of credit policies</i></b>					
Not applicable.	Not applicable.	Not applicable.	<p>Each IHE must disclose a statement of its current transfer of credit policies, which at a minimum, must include:</p> <p>Any established criteria the IHE uses regarding the transfer of credit from another institution; and</p> <p>A list of institutions with which it has established an articulation agreement.</p>	§ 485(h)	Information must be publicly disclosed.
<b><i>Penalties for drug-related offenses</i></b>					
Not applicable.	Not applicable.	Not applicable.	<p>Each institution must provide to each student, upon enrollment, a “separate, clear, and conspicuous written notice” that details the penalties related to drug-related offenses.<sup>b</sup></p>	§ 485(k)(1)	Newly enrolled students.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Not applicable.	Not applicable.	Not applicable.	For each student who loses eligibility for any Title IV grant, loan, or work study assistance as a result of a drug-related offense, the IHE must provide a “separate, clear, and conspicuous written notice,” in a timely manner, that notifies that student of the loss of eligibility and details the ways in which the student can regain eligibility under §484(r)(2). <sup>c</sup>	§ 485(k)(2)	Students who lose their eligibility for any Title IV grant, loan, or work-study assistance as a result of a drug-related offense.
<b><i>Disclosures of reimbursement for service on advisory boards</i></b>					
Not applicable.	Not applicable.	Not applicable.	IHEs must annually report any reasonable expenses paid or provided to reimburse any employee of its financial aid office or who otherwise has responsibilities with respect to student loans or financial aid for reasonable expenses incurred for service on an advisory board, commission, or a group established by a private educational lender, including the following:  The amount for each specific instance of reasonable expenses paid or provided;  The name of the individual to whom the expenses were paid or provided;  The dates of the activity for which expenses were paid or provided; and	§ 485(m); TILA, § 140(d)	The Secretary.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
			A brief description of the activity for which expenses were paid or provided.		

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; applicable regulations; and the Truth in Lending Act (TILA).

- a. Section 444 of the General Education Provisions Act (GEPA) is commonly referred to as The Family Educational Rights and Privacy Act (FERPA). For additional information on the requirements of FERPA, see CRS Report RS22341, *The Family Educational Rights and Privacy Act (FERPA): A Legal Overview*, by Jody Feder.
- b. For more information on drug-related offenses, see § 484(r).
- c. A student may regain eligibility for Title IV aid by completing a drug rehabilitation program or if the conviction is reversed, set aside, or otherwise negated.

## Entrance Counseling and Exit Counseling

According to statutory and regulatory provisions in effect prior to the enactment of the HEOA, IHEs are required to ensure that student borrowers of FFEL and DL program loans receive initial counseling and exit counseling. Department of Education regulations specify requirements for initial counseling, while statutory provisions specify requirements for exit counseling.<sup>24</sup>

Initial counseling, or entrance counseling, must be provided before the first disbursement of the loan. The counseling must include an explanation of the Master Promissory Note (MPN), the significance of the borrower assuming an obligation to repay a student loan, the consequences of default, sample repayment schedules, the borrower's rights and responsibilities with respect to the loan, and the terms and conditions of the loan.

Exit counseling must be provided before a student who has borrowed a FFEL or DL program loan leaves school. Exit counseling includes a review of the information provided during entrance counseling; an estimate of average anticipated monthly payments based on the borrower's actual student loan debt or the average student loan debt of borrowers in the same program at the same school; available repayment options; debt management strategies; options for deferment, forbearance, forgiveness, and discharge; notification that the borrower's loan history is available through NSLDS; and information about whom the borrower may contact regarding questions about the terms and conditions of his or her loan (i.e., the Department of Education Student Loan Ombudsman).

The HEOA amended the HEA to specify statutory requirements for entrance counseling and to add additional statutory requirements for exit counseling. New requirements for exit counseling include the provision of information about the option to pay the interest as it accrues on Unsubsidized Stafford Loans and PLUS Loans while the borrower is in school; the importance of contacting the IHE in the case of early withdrawal so that exit counseling can be provided; the effects of consolidating one or more FFEL, DL, or Perkins Loans into a Consolidation Loan on the terms and conditions of the underlying loan or loans; and a description of tax benefits available to borrowers.<sup>25</sup>

The HEOA also amended the HEA by adding a requirement that institutions inform borrowers of loans made under the FFEL, DL, and Perkins Loan programs that information about their loans will be submitted to NSLDS and will be accessible to guaranty agencies, lenders, and institutions that are determined by the Secretary to be authorized users of NSLDS.

Information on requirements applicable to institutions with respect to the disclosure of information as part of entrance counseling, exit counseling, and NSLDS is presented in **Table 9**.

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<sup>24</sup> HEA, § 485(l); and 34 CFR §§ 682.204, 682.204, and 685.304.

<sup>25</sup> Additional information on the various types of FFEL and DL program loans is presented in CRS Report R40122, *Federal Student Loans Made Under the Federal Family Education Loan Program and the William D. Ford Federal Direct Loan Program: Terms and Conditions for Borrowers*, by David P. Smole.



**Table 9. Reporting Requirements for IHEs Relating to Entrance Counseling, Exit Counseling, and NSLDS**

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<b><i>Entrance counseling</i></b>					
<p>With respect to FFEL and DL program loans, institutions must ensure that initial counseling is conducted with each first-time borrower of a Stafford Loan or a PLUS Loan prior to the first disbursement. The initial counseling must:</p> <p>Explain the use of a Master Promissory Note;</p> <p>Emphasize the seriousness and importance of the repayment obligation the student borrower is assuming;</p> <p>Describe the likely consequences of default, including adverse credit reports, federal offset, and litigation;</p> <p>Emphasize the obligation to repay the full amount of the loan even if the borrower does not complete the program, is unable to obtain employment upon completion of the program, or is otherwise dissatisfied with or does not receive the educational or other services purchased from the school;</p>	<p>34 CFR §§ 682.604(f), 682.603(d), and 685.304(a)</p>	<p>First-time borrowers of FFEL and DL program loans (other than Parent PLUS Loans and Consolidation Loans).</p>	<p>The HEOA establishes statutory requirements for entrance counseling. (Prior requirements were specified in regulations.) Institutions must provide entrance counseling on the terms and conditions of loans and the responsibilities of borrowing to first-time borrowers of FFEL and DL program loans. The following information must be provided in a simple and understandable manner:</p> <p>The effect that accepting the loan will have on the borrower's eligibility for other forms of student aid;</p> <p>An explanation of the use of the Master Promissory Note;</p> <p>Information on how interest accrues and is capitalized during periods when it is not paid by either the borrower or the Secretary;</p> <p>The option to pay the interest that accrues on Unsubsidized Stafford Loans and PLUS Loans while the borrower is in school;</p> <p>The institution's definition of half-time enrollment during regular and summer terms, and the consequences of not maintaining half-time enrollment;</p>	<p>§ 485(l)</p>	<p>First-time borrowers of FFEL and DL program loans (other than Parent PLUS Loans and Consolidation Loans).</p>

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<p>Provide sample monthly repayment amounts based on a range of student levels of indebtedness or on the average indebtedness of Stafford loan borrowers, or borrowers with Stafford and PLUS loans, depending on the types of loans the borrower has obtained at the same school or in the same program of study at the same school; and</p> <p>Provide graduate and professional students who previously borrowed Stafford Loans with a comparison between Stafford Loans and PLUS Loans with respect to the maximum interest rate, periods when interest accrues, and when repayment begins.</p> <p>In addition, with respect to DL program loans, initial counseling must;</p> <p>Review available repayment plan options and loan consolidation; and</p> <p>Review the conditions for obtaining loan deferment, forbearance, forgiveness, and discharge benefits.</p>			<p>An explanation of the importance of contacting the institution in the case of withdrawing prior to the completion of a program of study so that exit counseling can be provided;</p> <p>Sample monthly repayment amounts based on a range of levels of indebtedness of borrowers and the average cumulative indebtedness of borrowers in the same program;</p> <p>The obligation of the borrower to repay the loan in full regardless of whether the borrower completes the program within the regular time for program completion;</p> <p>The likely consequences for default, including adverse credit reports, federal delinquent debt collection procedures, and litigation;</p> <p>Information on the National Student Loan Data System (NSLDS; see below) and how the borrower can access his or her records; and</p> <p>The name and contact information for whom the borrower may contact with any questions about his or her rights and responsibilities, or the loan's terms and conditions.</p>		

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<b>Exit counseling</b>					
<p>Institutions must make available exit counseling to borrowers of federal student loans made under the FFEL, DL, and Perkins Loan programs, (other than PLUS Loans) prior to the completion of their studies or at their departure from the institution. Exit counseling must:</p> <ul style="list-style-type: none"> <li>Provide sample monthly repayment amounts based on a range of student levels of indebtedness or on the average indebtedness of Stafford loan borrowers, or borrowers with Stafford and PLUS loans, depending on the types of loans the borrower has obtained at the same school or in the same program of study at the same school;</li> <li>Review available repayment plan options, and loan consolidation;</li> <li>Suggest debt management strategies designed to facilitate debt repayment;</li> <li>Review the conditions for obtaining loan deferment, forbearance, forgiveness, and discharge benefits;</li> <li>Require the borrower to provide current contact information as specified in § 485(b)(2) (see below);</li> </ul>	§ 485(b)(1); 34 CFR §§ 682.604, and 685.304	Borrowers of federal student loans (other than PLUS Loans)	<p>The HEOA amended the HEA to specify that the exception to the requirement to make available exit counseling applies to borrowers of Parent PLUS Loans and Consolidation Loans.</p> <p>The HEOA also amends the HEA to require that exit counseling include the following statutory provisions:</p> <ul style="list-style-type: none"> <li>The repayment plans available, including a description of the different features of each plan and sample information showing average monthly payments and differences in interest paid and total payments under each plan;</li> <li>Debt management strategies designed to facilitate debt repayment;</li> <li>An explanation that borrowers may prepay each loan, pay each loan on a shorter schedule, and change repayment plans;</li> <li>A description of the terms and conditions of Title IV programs under which borrowers may obtain full or partial loan forgiveness, cancellation of principal and interest, or forbearance, including a copy of information on such provided by the Secretary under § 485(d) (see below);</li> </ul>	§ 485(b)(1)	Borrowers of federal student loans (other than Parent PLUS Loans and Consolidation Loans)

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<p>Review information on the availability of the Student Loan Ombudsman’s office; and</p> <p>Inform the borrower of the availability of Title IV student loan information in NSLDS.</p>			<p>The consequences of defaulting on a loan, including adverse credit reports, delinquent debt collection procedures under federal law, and litigation;</p> <p>Information on the effects of using a FFEL or DL program Consolidation Loan to discharge the borrower’s FFEL, DL, or Perkins Loan program loans, including:</p> <ul style="list-style-type: none"> <li>The effects of consolidation on length of repayment and total interest and fees paid;</li> <li>The effects of consolidation on underlying loan benefits, including grace periods, loan forgiveness, cancellation, and deferment opportunities;</li> <li>The option to prepay or change repayment plans; and</li> <li>That borrower benefit programs may vary among different lenders.</li> </ul> <p>A general description of tax benefits available to borrowers; and</p> <p>A notice about the availability of NSLDS and how to use it to obtain information on the status of the borrower’s loans.</p>		

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Institutions must collect the following information from students during exit counseling and, within 60 days, forward such information to the applicable guaranty agency:  The borrower's expected permanent address; the name and address of the borrower's expected employer; the address of the borrower's next of kin; and any corrections to the IHE's records relating to the borrower's name, address, SSN, references, and driver's license number.	§ 485(b)(2)	Guaranty agencies.	No changes.		No changes.
<b>National Student Loan Data System</b>					
Not applicable.	Not applicable.	Not applicable.	Institutions that enter into an agreement with a potential student, student, or parent of a student regarding a loan under the FFEL, DL, or Perkins Loan programs must inform the student or the parent of the following about the loan:  The loan will be submitted to NSLDS; and  The loan will be accessible to guaranty agencies, lenders, and IHEs that are determined by the Secretary to be authorized users of NSLDS.	§ 485B(d)(4)	Borrowers of federal student loans.

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; and applicable regulations.

## **Athletically Related Student Aid and Athletic Programs**

Institutions at which students receive athletically related student aid are required to annually report to the Secretary by July 1 on the number of participating students by sport, race, and sex; completion or graduation rates by race and sex in specific sports for the current year and average of the four most recent years; and the completion or graduation rate for all students by race and sex for the current year and average of the four most recent years. The information must also be provided to prospective athletically related aid recipients and their parents, guidance counselors, and coaches. These requirements may be waived by the Secretary for an institution that is a member of an athletic association or conference that voluntarily publishes completion or graduation rate data (or has agreed to publish such data), if the Secretary determines the published information is comparable to the aforementioned information (HEA § 485(e); and 34 CFR §§ 668.41 and 668.48).

Any coeducational institution participating in Title IV programs and that has an intercollegiate athletic program must annually report information on team composition, operating expenses, coaches, the ratio of athletically related aid for men versus women, revenues for men's and women's teams, and related data. A report on athletic program participation rates and financial support data must be made available to students and potential students, upon request, and to the public. Enrolled students must be informed of their right to request the information. The report must be provided to ED within 15 days of the institution making the report available to students and the public.<sup>26</sup> (HEA § 485(g); and 34 CFR 668.14, 668.41, and 668.47; OMB No. 1845-0010.) Reporting requirements for IHEs with respect to athletically related student aid and athletic programs are presented in **Table 10**.

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<sup>26</sup> For more information, see the U.S. Department of Education's Equity in Athletics Disclosure Act website at <http://surveys.ope.ed.gov/athletics/index.aspx>. A facsimile of the online collection instrument is available at <http://surveys.ope.ed.gov/athletics/BlankFormsView.aspx?id=1>.

**Table 10. Reporting Requirements for IHEs with Respect to Athletically Related Student Aid and Athletic Programs**

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<p>Each institution that has students receiving athletically related aid must report:</p> <p>The number of students who received athletically related aid by race and sex for students participating in basketball, football, baseball, cross country/track, and all other sports combined;</p> <p>Total number of students by race and sex;</p> <p>Completion or graduation rate for students who received athletically related aid by race and sex for students participating in basketball, football, baseball, cross country/track, and all other sports combined;</p> <p>Completion or graduation rate for all students by race and sex;</p> <p>The average completion or graduation rate for the four most recent completing or graduating classes of students who received athletically related aid by race and sex for students participating in basketball, football, baseball, cross country/track, and all other sports combined; and</p> <p>The average completion or graduation rate for the four most recent completing or graduating classes of students by race and sex.</p>	§ 485(e)(1)	<p>Report must be submitted to the Secretary annually.</p> <p>Report must also be provided to any student to whom athletically related aid is offered and the student's parents, guidance counselor, and coach.</p>	<p>All of the required information included in the HEA prior to the enactment of the HEOA must be disaggregated by:</p> <p>Gender;</p> <p>Each major racial and ethnic subgroup;</p> <p>Recipients of a Pell Grant;</p> <p>Recipients of a Subsidized Stafford Loan who did not receive a Pell Grant; and</p> <p>Students who received neither a Pell Grant nor a Subsidized Stafford Loan.</p>	§ 485(a)(7)	No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<p>Each coeducational institution that has an intercollegiate athletic program must report the following information:</p> <p>Number of male and female full-time undergraduates;</p> <p>Listing of the varsity teams that competed in intercollegiate athletic competitions, and for each team provide: (1) total number of participants by team as of the first scheduled event for each team, (2) total operating expenses attributable to each team, (3) gender of the head coach and whether the head coach is employed full time or part time, and (4) number and gender of assistant coaches and whether each coach is employed full time or part time;</p> <p>Total amount of money spent on athletically related student aid;</p> <p>Ratio of athletically related student aid awarded to male athletes to athletically related student aid awarded to female athletes;</p> <p>Total expenditures on recruiting for men's teams and women's teams overall;</p> <p>Total annual revenues generated across all men's teams and all women's teams;</p>	<p>§ 485(g)(1), § 485(g)(3), and § 485(e)(4)</p>	<p>Report must be submitted to the Secretary annually.</p> <p>Report must be made available to students and potential students, upon request, and to the public. Students must be informed of their right to request the report.</p>	No changes.		No changes.



Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Average annual institutional salary of head coaches of men's teams (across all sports) and the average annual institutional salary of head coaches of women's teams (across all sports);					
Average annual institutional salary of assistant coaches of men's teams (across all sports) and the average annual institutional salary of assistant coaches of women's teams (across all sports);					
Total revenues, and the revenues from football, men's basketball, women's basketball, all other men's sports combined, and all other women's sports combined; and					
Total expenses, and the expenses attributable to football, men's basketball, women's basketball, all other men's sports combined, and all other women's sports combined.					

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; and applicable regulations.

## **Campus Security, Campus Crime, Fire Safety, and Missing Person Procedures**

Statutory requirements related to campus crime and security are specified in HEA, § 485(f). Institutions must certify that they have established a campus security policy and have complied with the disclosure of campus security policy and campus crime statistics requirements. Institutions must provide detailed information about campus security policies and crime statistics, including statistics on the types of crimes committed by category, a description of programs to inform current and prospective students and employees about the prevention of crimes, crime statistics, and various policy statements. Institutions must distribute an annual security report to enrolled students and current employees by October 1 of each year. Statistics about the number of criminal offenses by category also must be reported annually to ED.<sup>27</sup> In addition, institutions are required to make timely reports to the campus community about any crimes considered to be a threat to students or employees. Institutions also are required to develop and distribute materials about their sex offense policies, prevention measures, reporting procedures, and penalties. Any institution with a police or security department must maintain a daily crime log that includes the nature, date, time, and general location of each crime, as well as the disposition of the complaint, if known. Institutions that substantially misrepresent the number, location, or nature of crimes may be subject to civil penalties under HEA § 487(c)—Audits; Financial Responsibility; Enforcement of Standards. (HEA §§ 485(f) and 487(a); and 34 CFR 668.14, 668.41, and 668.46.)

### **Campus Security and Campus Crime Measures**

The HEOA adds several requirements related to campus crime and security. For example, it expands the list of crimes for which institutions must indicate whether the crime committed was a “hate crime” to include crimes such as simple assault and intimidation. It also modifies current reporting requirements related to the relationship between campus law enforcement and other security personnel. The HEOA requires institutions to inform current and prospective students and employees about campus policies related to immediate emergency response and evacuation procedures, including the use of electronic or cellular communication. (HEA, § 485(f).)

### **Fire Safety Standards and Measures**

The HEOA amends the HEA by establishing a requirement that institutions publish an annual fire safety report, to be available to the public and submitted to the Secretary, that contains information about fire safety practices and standards at the institution and provides data on fires that occurred in on-campus housing facilities. (HEA, § 485(i).)

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<sup>27</sup> Criminal offenses must be reported in the following categories: murder; sex offenses, forcible or non-forcible; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; arson; and arrests or persons referred for disciplinary action for liquor law violations, drug-related violations, and weapons possession. With the exception of the last category of criminal offenses, if the victim in any of the other types of crimes was deliberately selected due to the individual’s actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability, the crime must be reported as a hate crime. The statistics must be compiled according to the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications of these definitions included in the Hate Crimes Statistics Act. (See 34 CFR 668.46 for related regulatory requirements.)

## **Missing Person Procedures**

The HEOA amends the HEA by establishing requirements related to missing student notification. Each institution is required to have a policy for students residing in on-campus housing that informs them that they each have the option to identify someone to be contacted if they are determined to be missing. The policy must also specify contact requirements for students under the age of 18 who are determined to be missing, and indicate that law enforcement will be contacted within 24 hours of a student being determined to be missing (§485(j)(1)). Prior to the enactment of the HEOA, the HEA did not include reporting requirements related to missing person procedures. (HEA, § 485(j).)

Reporting requirements applicable to institutions with respect to campus security, campus crime, fire safety, and missing persons procedures are presented in **Table 11**.

**Table 11. Reporting Requirements for IHEs Relating to Campus Security, Campus Crime, Fire Safety, and Missing Persons Procedures**

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<i>Campus Security and Campus Crime</i>					
<p>Institutions must prepare an annual report that includes:</p> <ul style="list-style-type: none"> <li>A statement of current campus policies regarding procedures for the reporting of criminal actions or other emergencies occurring on campus and the institution's response to these reports;</li> <li>A statement of current policies concerning security and access to campus facilities, including residence halls;</li> <li>A statement of current policies concerning campus law enforcement, including the relationship between campus law enforcement and state and local law enforcement agencies, and policies to promote the accurate and prompt reporting of all crimes to campus police and appropriate law enforcement agencies;</li> <li>A description of the type and frequency of programs designed to inform students and employees about campus security procedures and to encourage them to be responsible for their own security and the security of others;</li> </ul>	§ 485(f)	<p>Annual security report must be made available to all current students and employees.</p> <p>Annual security report must be made available to any prospective students or employees (upon request).</p>	<p>The HEOA modifies the statement of current policies concerning campus law enforcement, including the relationship between campus law enforcement and state and local law enforcement agencies and policies to promote the accurate and prompt reporting of all crimes to campus police and appropriate law enforcement agencies to require:</p> <ul style="list-style-type: none"> <li>A statement of the law enforcement authority of campus security personnel;</li> <li>The working relationship of campus security personnel with state and local law enforcement, including whether agreements have been established with such agencies regarding the investigation of alleged criminal offenses; and</li> <li>Policies which encourage accurate and prompt reporting of all crimes to the campus police and appropriate law enforcement agencies.</li> </ul>	§ 485(f)	No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<p>A description of programs designed to inform students and employees about crime prevention;</p> <p>A statement of policy concerning the monitoring and recording of criminal activity of off-campus student organizations which are recognized by the institution, including those organizations with off-campus housing;</p> <p>A statement of policy regarding the possession, use, and sale of alcoholic beverages and the possession, use, or sale of illegal drugs; and</p> <p>A statement indicating where information about registered sex offenders may be obtained.</p>					
<p>The annual report must also include statistics on criminal offenses reported to campus security or local police agencies that occurred on campus, in dormitories or other student residential facilities on campus, in or on non-campus buildings or property, and on public property during the most recent calendar year and two preceding calendar years for which data are available for the following criminal offenses reported to campus security or local police agencies:</p> <p>Murder;</p> <p>Sex offenses, forcible and non-forcible;</p> <p>Robbery;</p>	§ 485(f)	<p>The annual security report must be made available to all current students and employees.</p> <p>The annual security report must be made available to any prospective students or employees (upon request).</p> <p>Data on crime statistics must be submitted annually to the Secretary.</p>	<p>The HEOA expands the list of crimes for which the institution must report whether the victim was intentionally selected due to race, gender, religion, sexual orientation, ethnicity, or disability status to include larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property.</p>	§ 485(f)	No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<p>Aggravated assault;  Burglary;  Motor vehicle theft;  Manslaughter;  Arson; and  Arrests or persons referred for campus disciplinary actions for drug, alcohol, or weapons violations.</p> <p>Whether the victim of any of these crimes was intentionally selected due to race, gender, religion, sexual orientation, ethnicity, or disability status; statistics must be disaggregated based on where the crime occurred (e.g., in a dormitory)</p>					
<p>The annual report requirements apply to all IHEs.</p>	§ 485(f)(1)	<p>Annual security report must be made available to all current students and employees.</p> <p>Annual security report must be made available to any prospective students or employees (upon request).</p> <p>Data on crime statistics must be submitted annually to the Secretary.</p>	<p>Foreign institutions are no longer required to distribute an annual report on campus crime statistics.</p> <p>(Note: The HEOA only eliminated the requirement that foreign institutions prepare the annual crime report. They are still required to make timely warnings of crimes considered to be a threat to the campus community and to maintain a daily log of crimes.)</p>	§ 485(f)(1)	No reporting required.
<p>Each IHE must make timely reports to the campus community regarding crimes considered to be a threat to students and employees with respect to the aforementioned crimes that are reported to campus police or local law enforcement.</p>	§ 485(f)(3)	Students and employees.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
An institution with a police or security department must maintain a daily log of all crimes reported to such police or security department, including the nature, date, time, and general location of each crime; and the disposition of the complaint (if known). Information may be withheld if it would jeopardize the confidentiality of a victim or an ongoing investigation.	§ 485(f)(4)	Log must be publicly available.	No changes.		No changes.
The annual report must also include a statement of policy regarding the institution's sexual assault prevention programs and procedures that will be followed if a sexual offense has occurred, including prevention programs; policies followed once a sex offense occurs; relevant education programs; possible sanctions; procedures students should follow if a sex offense occurs; procedures for on-campus disciplinary actions; information on students' options to notify the appropriate authorities; notification of counseling, mental health, and student services available to victims of sexual assault; and notification of options for changing academic and living situations.	§ 485(f)(8)	Annual security report must be made available to all current students and employees.  Annual security report must be made available to any prospective students or employees (upon request).	No changes.		No changes.
Not applicable.		Not applicable.	The HEOA establishes a requirement that the annual security report must include a statement of current policies regarding immediate emergency response and evacuation procedures, including the use of electronics and cellular communication (if appropriate). These policies must include	§ 485(f)	Information on immediate emergency response and evacuation procedures must be made available to all current students and employees.  Information on immediate emergency response and evacuation procedures must

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
			<p>procedures to:</p> <p>“immediately notify the campus community” about a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health and safety of students or staff;</p> <p>publicize these procedures on an annual basis in a manner designed to reach students and employees; and</p> <p>conduct annual tests of emergency response and evacuation procedures.</p>		be made available to any prospective students or employees (upon request).
<b>Fire Safety</b>					
Not applicable.		Not applicable.	<p>Each institution that maintains on-campus student housing facilities must publish an annual fire safety report that contains information with respect to the institution’s campus fire safety practices and standards, including:</p> <p>For each on-campus student housing facility, statistics on</p> <p>The number of fires and the cause of each fire;</p> <p>The number of injuries related to a fire that resulted in treatment at a medical facility;</p> <p>The number of deaths related to a fire; and</p> <p>The value of property</p>	§ 485(i)(1) and § 485(i)(2)	<p>Report must be publicly disclosed.</p> <p>Fire statistics must be submitted to the Secretary annually.</p>



Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
			<p>damage caused by a fire;</p> <p>A description of each on-campus housing facility fire safety system;</p> <p>The number of regular mandatory supervised fire drills;</p> <p>Policies or rules on portable electrical appliances, smoking, and open flames;</p> <p>Procedures for evacuation;</p> <p>Policies regarding fire safety education and training programs for students, faculty, and staff; and</p> <p>Plans for future improvements in fire safety, if determined necessary by the IHE.</p>		
Not applicable.		Not applicable.	Each institution must make, keep, and maintain a log of all fires that occur in on-campus student housing facilities that includes the nature, date, time, and general location of each fire. In addition, each institution must make annual reports to the campus community about fires recorded in the log.	§ 485(i)	Information on fires recorded in the log must be publicly disclosed to the campus community on an annual basis.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<b>Missing Person Procedures</b>					
Not applicable.		Not applicable.	Institution must establish a missing student notification policy for students who reside in on-campus housing that:  Informs each student of their option to identify a person to be contacted by the institution within 24 hours should the student be determined to be missing,  Informs each student under the age of 18 that their custodial parent or guardian will be contacted by the institution within 24 hours should the student be determined to be missing, and  Informs each such student residing in on-campus housing that the institution will notify the appropriate law enforcement agency within 24 hours of determining that a student is missing.	§ 485(j)	Information must be provided to students living in on-campus housing.

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; and applicable regulations.

## **Program Participation Agreement**

The Program Participation Agreement (PPA) is a document that each institution is required to sign in order to participate in federal student aid programs, and which also contains general reporting requirements for institutions. In some instances, these requirements may be redundant with those specified in other sections of the HEA, while in other instances they may add new requirements, or provide clarification of or additional information about a requirement that is mentioned elsewhere in the HEA. For example, the PPA requires that if an institution uses job placement rates as a means of attracting students, it must make the most recent employment statistics, graduation statistics, and other information available to substantiate the advertised rates, as well as relevant state licensing requirements for the state in which the institution is located related to any jobs for which the program is designed to prepare students. This requirement is not stated clearly elsewhere in the HEA, although this is information that accrediting agencies are required to review. (HEA § 487(a); and 34 CFR § 668.14.) Provisions of PPAs that require the reporting or disclosure of information are presented in **Table 12**.

**Table 12. Reporting Requirements for IHEs with Respect to Program Participation Agreements**

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<b><i>Contents of program participation agreements</i></b>					
Institutions must establish and maintain administrative and fiscal procedures and records to ensure the efficient administration of federal student aid funds.	§ 487(a)(3)	Upon request, institutions must provide relevant information to the Secretary, the appropriate guarantee agency, and the appropriate accrediting agency.	No changes.		No changes.
Institutions must submit reports to the Secretary and to holders of loans (if the institution participates in the FFEL or Perkins Loan programs) “at such times and containing such information as the Secretary may reasonably require to carry out the purpose” of Title IV.	§ 487(a)(5)	Secretary and holders of loans (for institutions participating in the FFEL or Perkins Loan programs).	No changes.		No changes.
Institutions must comply with HEA, § 485, which includes multiple reporting requirements related to institutional and financial assistance information for students, as well as data on crime and student athletic aid (see above).	§ 487(a)(7)	See above discussion of data requirements for § 485.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Institutions that advertise job placement rates as a way to recruit students must make available the most recent data concerning employment statistics, graduation rates, and other data needed to verify the truthfulness of the advertisements, as well as relevant state licensing requirements for the state in which the institution is located for any job for which the course of instruction prepares students.	§ 487(a)(8)	Prospective students at or before the time they apply.	No changes.		No changes.
Institutions that participate in the FFEL or DL loan programs must inform all eligible borrowers about the availability of and their eligibility for state grant assistance from the state in which the institution is located and must inform eligible borrowers from other states where they may obtain information about grant assistance from those states.	§ 487(a)(9)	Information must be provided to all eligible borrowers.	No changes.		No changes.
Institutions must certify operation of a drug abuse prevention program that is accessible to any officer, employee, or student at the institution.	§ 487(a)(10)	Based on § 120; certification is made to the Secretary.	No changes.		No changes.
Institution must certify the establishment of a campus security policy and compliance with the disclosure requirements in § 485(f) related to campus security.	§ 487(a)(12)	Certification is presumably made to the Secretary.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Institutions must develop a Default Management Plan as part of their initial application for certification in order to participate in the FFEL or DL programs.	§ 487(a)(14)	Plans must be submitted to the Secretary for approval.	No changes.		No changes.
Institutions that undergo a change in ownership or a change in status as a parent or subordinate institution must develop a Default Management Plan in order to participate in the FFEL or DL programs.	§ 487(a)(14)	Plans must be submitted to the Secretary for approval.	No changes.		No changes.
Institutions must respond to IPEDS or any other federal postsecondary institution data collection effort in a timely manner and to the satisfaction of the Secretary. (A separate discussion of current postsecondary education data collections appears in the <b>Appendix</b> to this report.)	§ 487(a)(17)	Survey administrator designated by ED.	No changes.		No changes.
Institutions must meet the requirements of § 485(g), which require reporting on data related to intercollegiate athletic programs at coeducational institutions.	§ 487(a)(18)	Report must be submitted to the Secretary annually.  Report must be made available to students and potential students, upon request, and to the public. Students must be informed of their right to request the report.	No changes.		No changes.
Institutions must comply with requirements established by the Secretary and accrediting agencies or associations, and must provide evidence that they are authorized to operate within a state.	§ 487(a)(21)	Secretary.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Institutions located in states to which certain provisions of the National Voter Registration Act do not apply, must make a good faith effort to distribute mail voter registration forms to all students and to make mail voter registration forms widely available.	§ 487(a)(23)	All students enrolled in a degree or certificate program or physically in attendance at the institution.	The HEOA amends this requirement to allow institutions to comply with the voter registration requirements by electronically transmitting a message containing a voter registration or a link to a voter registration form if the electronic message only addresses voter registration with respect to general and special elections for federal office and state chief executive.	§ 487(a)(23)	No changes.
Not applicable. <sup>a</sup>		Not applicable.	Proprietary institutions must derive not less than 10% of their revenue from non-Title IV sources of funds as calculated according to provisions specified at HEA, § 487(d). While not explicitly stated in statutory language, each proprietary institution must report the results of this calculation.	§ 487(a)(24)	Secretary.
Not applicable.		Not applicable.	Institutions that participate in a Title IV loan program must develop a code of conduct with respect to student loans and with which the institution's officers, employees, and agents must comply. The code of conduct must prohibit conflicts of interest with the responsibilities of such individuals with respect to student loans and must include provisions specified at § 487(e). <sup>b</sup>	§ 487(a)(25)	The code of conduct must be made publicly available on the institution's website.  All of the institution's officers, employees, and agents with responsibilities for Title IV loans must be annually informed about the provisions of the code of conduct.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Not applicable.		Not applicable.	Upon written request, institutions must disclose to the alleged victim of any crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense.	§ 487(a)(26)	Alleged victim of such crime or offense. (If the alleged victim is deceased as a result of such crime or offense, the information must be disclosed upon request to the victim's next of kin.)
Not applicable.		Not applicable.	Institutions that have entered into a preferred lender arrangement must, at least annually, compile, maintain, and make available a list (in print or other medium) of the specific lenders for loans made, insured, or guaranteed under Title IV, or private education loans that the institution recommends, promotes, or endorses in accordance with such preferred lender arrangement. Preferred lender lists must comply with the requirements of § 487(h) (see below).	§ 487(a)(27)	Students attending the institution and their families.
Not applicable.		Not applicable.	Upon the request of an applicant for a private education loan, institutions must provide to the applicant the form required under the Truth in Lending Act and the information required to complete such form, to the extent the institution possesses such information. (See Title I-E, above.)	§ 487(a)(28)	Applicants for private education loans.



Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<b><i>Audits, Financial Responsibility, and Enforcement of Standards</i></b>					
Institutions must annually have conducted a financial audit of the institution with respect to the financial condition of the institution in its entirety, and a compliance audit with regard to Title IV funds.	§ 487(c)	Results of audits must be submitted to the Secretary, and shall be made available to cognizant guaranty agencies, eligible lenders, and state agencies.	The Secretary may modify these requirements with respect to foreign IHEs; and may waive these requirements with respect to foreign IHEs whose students receive less than \$500,000 in student loans in the award year preceding the audit period.	§ 487(c)	No change.
Institutions must furnish to the holder of a loan insured under Title IV, the latest known address and enrollment status of any student who has a loan ensured under Title IV and who has either formally terminated enrollment or has failed to re-enroll on at least a half-time basis at the institution. This information must be provided within 60 days of termination of enrollment or failure to re-enroll.	§ 487(c); and § 428(a)	Holders of federal student loans.			
<b><i>Preferred Lender Lists</i></b>					
Not applicable.		Not applicable.	Institutions that have entered into preferred lender arrangements must annually compile, maintain, and make available preferred lender lists that clearly disclose the following:  The information relating to education loans required to be disclosed under Title I-E, § 153(a)(2)(A) (see above);  Why the IHE has entered into a preferred lender arrangement with each	§ 487(h)	Preferred lender lists must be made available to students attending the IHE and their families.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
			<p>lender on the list, particularly with respect to terms and conditions favorable to borrowers;</p> <p>The method and criteria used to select lenders for preferred lender arrangements, including lender-provided borrower benefits and high-quality loan servicing; and</p> <p>That students and their families do not have to borrow from a lender on the preferred lender list.</p> <p>Preferred lender lists must contain at least three unaffiliated lenders of FFEL program loans; and if an IHE recommends private education loans, lists must contain at least two unaffiliated lenders of private loans; and</p> <p>Preferred lender lists must indicate for each preferred lender whether it is an affiliate of any other lender on the list; and for those that are affiliated, details of the affiliation.</p>		

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; and applicable regulations.

- a. This requirement was previously included in § 102 of the HEA. The requirement was removed from that section and moved to § 487 by the HEOA.
- b. Codes of conduct must include a ban on revenue-sharing arrangements with lenders; a ban against employees of the financial aid office receiving gifts from lenders, compensation through consulting arrangements or contracts with lenders, and compensation for service on an advisory board, commission, or group established by a lender; prohibitions against IHEs steering borrowers to particular lenders, and against delaying or refusing to certify loans based on a borrower’s selection of lender or guaranty agency; a ban against IHEs receiving funds from lenders for private loans or opportunity pools in exchange for entering into a preferred lender arrangement; and a ban against financial aid offices receiving staffing assistance from lenders. (HEA, § 487(e)).

## **Title IV, Part H—Program Integrity**

Part H of Title IV specifies the roles and responsibilities for the three aspects of the program integrity triad: (1) state authorization, (2) accreditation by an accrediting organization recognized by the Secretary of Education, and (3) eligibility and certification by ED. The triad is intended to provide balance in assuring the eligibility of institutions for Title IV programs. The state role is primarily one of consumer protection, while the accrediting agencies are intended to function as a quality assurance mechanism. These two legs of the triad were developed independently of the federal government. The federal government has historically relied on them to avoid generating concerns about federal interference in educational decision-making. ED is responsible for the third leg of the triad, oversight of compliance; that is, protecting the administrative and fiscal integrity of the federal student aid programs. Most of the reporting requirements in Part H are imposed in response to the third leg of the triad. These requirements, however, are generally specified in regulations rather than statutory language.

### **State Authorization**

The state role in the triad is to provide legal authority for postsecondary institutions to operate in the state in which they are located. The state provides legal authorization to an institution through a charter, license, or other written document issued by the appropriate state agency or state official. Each institution is required to provide evidence to the Secretary that the institution has authority to operate within a state at the time it is certified as eligible for the Title IV federal student aid programs (see discussion below). The HEOA did not amend this requirement. (HEA § 495.)

### **Accreditation**

The second aspect of the triad focuses on accreditation. Institutions that want to participate in the federal student financial aid programs must be accredited by an accrediting agency or organization recognized by the Secretary. The HEA, both prior to and after the enactment of the HEOA, includes numerous requirements that accrediting agencies must meet to gain recognition from the Secretary. These provisions require the accreditors to assess specific aspects of an institution, such as its success with respect to student achievement, curricula, faculty, and student support services. While these provisions apply directly to accrediting agencies, they have an indirect effect on institutions in so far as institutions must provide information and data that accrediting agencies must examine in order to gain recognition from the Secretary. Therefore, this section examines potential reporting requirements that may be placed on institutions by accrediting agencies in response to the requirements accrediting agencies must meet to be recognized by the Secretary. It is unclear to what extent these requirements are actually reporting requirements that are placed on institutions. In addition, this section focuses only on potential institutional reporting in response to the requirements in the HEA. Accrediting agencies may have their own institutional reporting requirements that are not addressed in the HEA.

Accrediting agencies must consistently apply and enforce standards that ensure that the education programs, training, or courses of study offered by an IHE are of sufficient quality to meet the stated objectives for which the programs, training, or courses are offered. The standards used by the accrediting agency or association must assess student achievement, in relation to the

institution's mission, including, as applicable, course completion, passage of state licensing examinations, and job placement rates. The accrediting organization must also consider the institution's curricula, faculty, facilities, fiscal and administrative capacity, student support services, recruiting and admissions practices, measures of program length, objectives of the credentials offered, and student complaints received directly by the agency or association or those that are available to the agency or association. The institution's record of compliance with the institutional requirements of Title IV must also be examined with respect to the most recent student loan default rate data provided by ED, the results of financial or compliance audits, program reviews, and other information provided to the agency or association by ED. (HEA §496(a).)

The HEOA amended the HEA by modifying and adding requirements related to accreditors' assessments of institutions. When consistently applying and enforcing standards, an accrediting agency must do so in a manner that respects the stated mission of the institution, including religious missions. The HEOA also requires accrediting agencies to require institutions that offer distance education or correspondence education to have a process by which the institution is able to determine that the student who registers for a course is the student who participates in, completes, and receives credit for the course. When accrediting agencies evaluate the institution's success with respect to student achievement, their evaluation may include different standards for different institutions or programs, as established by the institution. Finally, as part of an accrediting agency's review of an institution for accreditation or reaccreditation, the accrediting agency must confirm that the institution has transfer of credit policies that are publicly disclosed and include a statement of the criteria used to make transfer-of-credit decisions.

As previously mentioned, this overview of HEA reporting requirements does not focus on the accreditation process. However, there are two sets of special circumstances in which an institution must report information directly to the Secretary with respect to a change in accreditation. Institutions seeking a change in accreditation must provide all materials related to its prior accreditation or preaccreditation, and materials substantiating the need for the change, to the Secretary. In addition, institutions seeking multiple accreditations must provide the Secretary and each accrediting agency with the reasons they seek to do so. (34 CFR § 600.11.) The HEOA did not amend these requirements.

**Table 13** details potential reporting requirements that may be placed on institutions by accrediting agencies in response to the requirements accrediting agencies must meet to be recognized by the Secretary. Unlike previous reporting requirements discussed in this report, it is unclear to what extent these are actually reporting requirements with which institutions must comply.

**Table 13. Reporting Requirements That May Apply to IHEs with Respect to Accreditation**

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<b>Requirements for the recognition of accrediting agencies that may be imposed on IHEs</b>					
Accrediting agencies must assess the institution's:	§ 496(a)(5)	Accrediting agency.	No changes.		No changes.
Success with respect to student achievement in relation to the IHE's mission, including, if applicable, consideration of course completion, state licensing exams, and job placement rates;					
Curricula;					
Faculty;					
Facilities, equipment, and supplies;					
Fiscal and administrative capacity as appropriate to the specified scale of operation;					
Student support services;					
Recruiting and admissions practices, academic calendars, catalogs, publications, grading, and advertising;					
Measures of program length and the objectives of degrees or credentials offered;					
Record of student complaints received by, or available to, the accrediting agency; and					

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Record of compliance with its program responsibilities under Title IV based on the most recent student loan default rate provided by the Secretary, the results of financial or compliance audits, program reviews, and any other information the Secretary may provide to the accrediting agency.					
<b>Change in accreditation and dual accreditation</b>					
Institutions that are in the process of changing their accrediting agency must submit all materials relating to the prior accreditation, including all materials demonstrating reasonable cause for changing the accrediting agency to the Secretary.	§ 496(h)	The Secretary.	No changes.		No changes.
Institutions that are accredited by more than one accrediting agency must submit to each of those accrediting agencies and the Secretary, the reasons for accreditation by more than one agency; and must demonstrate to the Secretary reasonable cause for dual accreditation. Institutions also must designate which accreditation shall be used for purposes of determining its institutional eligibility.	§ 496(i)	Accrediting agencies and the Secretary.	No changes.		No changes.

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; and applicable regulations.

## Eligibility and Certification

ED is responsible for the eligibility and certification portion of the triad. In this capacity, ED is responsible for verifying the institution's legal authority to operate in a state and its accreditation status, and for evaluating its administrative capability and financial responsibility. ED has developed an *Application for Approval to Participate in Federal Student Financial Aid Programs* (E-App) that all institutions must complete in order to be eligible to participate in Title IV programs.<sup>28</sup> Through the application, ED requests information and documentation related to educational programs, telecommunications and correspondence courses, changes in ownership or structure, third-party servicers that perform functions related to the federal student aid programs, administrative capability, and financial responsibility. Eligibility to participate in Title IV programs is authorized for up to six years.<sup>29</sup>

The HEOA did not amend requirements related to eligibility and certification procedures. All institutional reporting requirements discussed in this section were included in the HEA prior to the enactment of the HEAO.

The form used to establish institutional eligibility to participate in Title IV programs is also used for a variety of other purposes. The form is used by an institution that wants to be designated as an “eligible” institution (but not participate in Title IV programs), so that its students may receive deferments on Title IV loans or be eligible to receive the HOPE or Lifetime Learning Scholarship tax credits, or so the institution may apply to participate in non-Title IV HEA programs. Thus, complying with the reporting requirements on the application affects not only an institution's Title IV eligibility but also its eligibility for certain non-Title IV programs. The form must also be completed by an institution that wants to receive initial certification, be recertified, or be reinstated to participate in the federal student aid programs. Institutions that undergo a change of ownership, convert from a for-profit institution to a nonprofit institution or vice versa, or merge with another institution must also complete the form. Finally, institutions that want to expand their federal student aid program eligibility or certification or need to update previously reported information must complete the form.

The application form is developed by the Secretary and is designed to collect enough information from each institution to determine whether the institution meets the requirements of eligibility, accreditation, financial responsibility, and administrative capability. In completing the application, institutions must also describe the relationship between a main campus and all branch campuses and any third-party servicers. In addition, information relating to the institution's administrative capability and fiscal responsibility must be provided, upon request, to the Secretary, the appropriate guaranty agency, and the appropriate accrediting agency. The information must also be provided to the state agency that legally authorizes the institution to operate and to the state agency that approves public postsecondary vocational education, if the institution is a public postsecondary vocational educational institution. (HEA §§ 487(a) and 498(b); CFR § 668.14; and OMB No. 1845-0012.)

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<sup>28</sup> For more information, see ED, Volume 2—FSA Handbook, pp. 2-14. A PDF of the E-App form is available at <http://www.eligcert.ed.gov/ows-doc/eapp.pdf>.

<sup>29</sup> The Secretary must notify each IHE that its eligibility is expiring no later than six months prior to the expiration date.

The institution must indicate on the application if it wants to participate in Title IV programs, and it must submit the required documentation to be considered for certification. For example, each institution must provide evidence that it has the authority to operate within a state at the time it is certified by ED. Institutions currently certified to participate in Title IV programs must apply for recertification periodically. An institution currently certified to participate in at least one Title IV program that wants to participate in one or more additional Title IV programs must submit an application to the Secretary. (HEA § 495(b); and 34 CFR § 600.20 (a).)

Foreign institutions are permitted to participate in the Federal Family Education Loan (FFEL) program authorized under Title IV, Part B. A foreign institution that wants to participate in the FFEL program or continue its eligibility for this program must submit an application to the Secretary with all required information and documentation. Foreign institutions failing to provide this information are not eligible to participate in FFEL. (34 CFR § 600.53.)

**Table 14** summarizes the types of information collected on the E-App.

**Table 14. Institutional Information Collected on the Application for Approval to Participate in Federal Student Financial Aid Programs (E-App)**

Primary purpose	Examples of information requested	Number of questions
General information.	Reason for submitting the application, institution name, OPEID, Taxpayer Identification Number, award year information, website, contact information for key staff (e.g., chief financial aid director), primary contact person for publications, and contact person for questions about the E-App.	14 (12 with multiple parts)
Accreditation and state authorization to operate.	Name of accrediting agency, whether institution offers a flight program, and information about the state agencies that authorize or license the institution.	3 (3 with multiple parts)
Institutional control and structure.	Type of control, changes to type of control, names of members of board of trustees/directors, and contact person for information about the board.	4 (3 with multiple parts)
Information from for-profit institutions; and nonprofit institutions with a change in control.	Type of ownership, contact information for contact person for the corporation, ownership information for individuals or entities owning 25% or greater interest in the corporate owner or entity, owner involvement in other institutions that participated in federal student aid programs or with a third-party servicer.	4 (4 with multiple parts)
Eligible educational programs.	Type of educational programs provided (degree, certificate, and credential program), specific information about non-degree programs (e.g., number of weeks, clock hours, placement rate), contracts with an organization or ineligible institution to provide 25% or more of any educational program.	3 (3 with multiple parts)
Institution locations	Principal location, information about other locations.	2 (2 with multiple parts)



Primary purpose	Examples of information requested	Number of questions
Correspondence courses, ability-to-benefit provisions, and incarcerated students.	Whether programs are offered by correspondence or telecommunications, extent to which programs are offered by correspondence, extent to which students participate in correspondence courses, extent to which regular students are ability-to-benefit-students, and extent to which regular students are incarcerated.	4 (1 with multiple parts)
Information for initial applications, changes in ownership, or reinstatement.	Reason for submitting application, number of full-time equivalent financial aid staff members, identification of the specific federal student financial aid programs for which approval for participation is being sought, anticipated increase in enrollment, drop out rates, and vocational educational programs provided.	6 (5 with multiple parts) (Note: number of questions depends on reason for application.)
Foreign institutions.	Admission criteria, agency or ministry providing legal authority to operate, legal authorization for awarding a degree, whether programs of at least two years are acceptable for full credit toward a bachelor's degree in the United States are offered, location of any administrative or recruiting offices in the United States, location at which a graduate medical or veterinary educational program instruction is provided, entity authorized to evaluate graduate medical program quality, approval to offer graduate medical education, length of graduate clinical and medical instruction, information on clinical instruction provided in the United States, number of graduates, academic year information, enrollment, number of students eligible for federal student aid programs, data on examinations administered by the Education Commission for Foreign Medical Graduates, and location of clinical training provided at an approved veterinary school in the United States.	17 (8 with multiple parts) (Note: number of questions depends on whether the institution provides a graduate medical or veterinary educational program.)
Third-party servicers.	Ability-to-benefit test used, contact information for third-party servicers, and service provided.	1 (1 with multiple parts)  (Note: if only an ability-to-benefit test is used and no third-part servicers are used, only a single response is required.)
Administrative capability and financial responsibility.	System of internal checks and balances for federal student aid administration; division of functions for award determination and disbursement, reconciliation procedures, system to resolve discrepancies in student information related to financial aid, policy for satisfactory academic progress, policy for the return of Title IV funds, process for submitting financial audits on time, use of required electronic processes, contact information for official authorized to certify FFEL loan applications and destination point administrator, and information on gifts received from or contracts entered into with foreign sources.	10 (4 with multiple parts) (Note: some of the information is optional.)

**Source:** U.S. Department of Education, Application to Participate in the Federal Student Aid Programs, OMB Control No. 1845-0012.

In addition to the information collected on the E-App, institutions are required to submit various documents depending on their specific circumstances. These documents are listed below.

- **All applicants:** Current letter of accreditation and any attachments, valid state license or other state authorization, 501(c)(3) designation from the IRS (for nonprofit institutions only), and a copy of approval from the institution's accrediting agency if the institution contracts with an organization or an ineligible institution to provide more than 25% of any educational program.
- **Initial applicants:** Audited financial statements for the two most recently completed fiscal years and a default management plan (unless exempt from providing the latter).
- **Institutions with a change in ownership or structure:** Audited financial statements for the two most recently completed fiscal years, audited financial statements of the new owner of the institution's two most recently completed fiscal years, audited same-day balance sheet showing the financial condition of the institution after the change in ownership, and a default management plan (unless exempt from providing the latter).
- **Institutions seeking reinstatement:** Audited financial statements for the two most recently completed fiscal years and a default management plan (unless exempt from providing the latter).
- **Foreign institutions:** Certified English translation of nonprofit designation status (for nonprofit institutions only), most recent catalog and its certified English translation of all sections dealing with degrees and programs provided, legal authorization and its certified English translation to provide an educational program beyond the secondary school level in the country in which the institution is located, legal authorization and its certified English translation to award a degree that is equivalent to a degree in the United States, legal authorization and its certified English translation to provide graduate medical education (if applicable), audited financial statements for the two most recent years (if an initial applicant), and a default management plan (unless exempt from providing the latter).

Once an institution is determined to be eligible and certified to participate in Title IV programs, the institution must complete a Program Participation Agreement (described earlier). The PPA applies to all Title IV programs with the exception of the Leveraging Educational Assistance Partnership (LEAP) program. Under the PPA, an institution acknowledges that it is bound by the requirements of the Title IV programs and the laws, regulations, and policies governing these programs.

## **Financial and Compliance Issues**

Some financial and compliance reports are required to be submitted on a periodic basis. These reports are often used to determine an institution's initial or continuing eligibility to participate in Title IV programs. They are submitted directly to the Secretary and are made available to guaranty agencies, eligible lenders, and state agencies. In applying for certification or recertification, an institution must submit to the Secretary a financial statement audited by an independent certified public accountant. In addition, to be considered financially responsible, a

public institution must notify the Secretary that it is designated as a public institution in a specific state and must provide a letter from that state or other government entity confirming its designation as a public institution and that it is not in violation of a past performance requirement. (HEA §498(c) and 34 CFR 668.171.)

An institution must comply with requirements for both financial and compliance audits, and the results must be submitted to the Secretary and made available to relevant guaranty agencies, eligible lenders, and state agencies. The financial audit must consider the overall financial condition of the institution, while the compliance audit focuses on funds obtained by the institution under HEA, Title IV or obtained from a student or parent who has a Title IV loan insured or guaranteed by ED. The compliance audit and audited financial statements must be submitted no later than six months after the last day of the institution's fiscal year. In addition, a public institution must submit to the Secretary a statement from the State Auditor General that the institution met all of its financial obligations for the past year and that it continues to have sufficient resources to meet all of its financial obligations. (HEA §487(c); and 34 CFR §§ 668.15 and 668.23.)

If an institution offers more than 50% of its courses by correspondence, has 50% or more of its regular students enrolled in correspondence courses, has more than 25% of its regular students in incarceration, or fails to meet requirements regarding the percentage of students with a high school diploma, the school is ineligible for Title IV. The institution must report this information to the Secretary by July 31 following the end of an award year. If an institution files for bankruptcy or its owner or chief executive officer has committed fraud involving Title IV funds, the institution must report the violation to the Secretary within 10 days. (HEA, § 102; 34 CFR § 600.7.)

Noncompliance with standards for participation in Title IV programs may result in an emergency action; imposition of a fine; limitation, suspension, or termination of participation in a Title IV program; and the limitation, suspension, or termination of the servicer (if an institution uses a third-party servicer) to contract with any institution to administer any aspect of its participation in Title IV programs. Further, if an institution is determined to be not financially responsible or fails to submit its financial and compliance audits by the date required and in the manner required, the institution may be fined or have its participation in Title IV programs limited, suspended, or terminated. If the institution is provisionally certified, its certification may be revoked. The specific reporting requirements that may be associated with an institution's failure to comply with standards for participation are beyond the scope of this report. (34 CFR §§ 668.11, 668.81 through 668.86, 668.92 through 668.95, and 668.171.)

## **End of Participation in Title IV Programs**

If an institution's participation in Title IV programs ends, the institution must notify the Secretary and submit various documents to the Secretary, including a letter of engagement for an independent audit, plans for collection of outstanding loans, and financial and performance reports. The specific reporting requirements that may be associated with the end of an institution's participation in Title IV federal student aid programs are beyond the scope of this report. (34 § CFR 668.26.)

## **Title IV Program-Specific Requirements**

While most requirements for the reporting or disclosure of information, as specified in Title I, or Part G and Part H of Title IV, are applicable to IHEs as a condition of their participation in one or more Title IV programs, several Title IV programs contain specific requirements for IHEs to report or disclose certain program-specific information to the Secretary, to students or borrowers, or to other entities. Some of these requirements are substantially similar to requirements specified elsewhere in the HEA. Also, in some instances, these requirements are operational in nature; for example, calculating financial need for borrowers and forwarding this information to lenders, or notifying lenders of a change in the status of a borrower. In other instances, these requirements pertain to the application to participate in a program and the use of funds for that program, as with the Fiscal Operations Report and Application to Participate (FISAP) for the campus-based programs.

This part of this report examines program-specific reporting and disclosure requirements applicable to IHEs that participate in the FFEL program, the DL program, and the three campus-based programs—the FSEOG program, the FWS program, and the Federal Perkins Loan program.

### **Federal Student Loan Programs (FFEL and DL Programs)**

Most requirements for institutions to report or disclose information with respect to the FFEL and DL programs are specified in the HEA under Title I or Part G—General Provisions, and Part H—Program Integrity of Title IV (see above), and in regulations implementing these provisions. However, the HEA also specifies several institutional requirements for the reporting or disclosure of information in statutory language authorizing the FFEL and DL programs.

#### **Federal Family Education Loan Program (Part B)**

In accordance with FFEL program requirements specified in Title IV, Part B, institutions are required to comply with several reporting and disclosure requirements which are primarily operational in nature. For each borrower of a Stafford Loan, institutions must provide eligible FFEL program lenders with a statement showing relevant need analysis data used in determining the borrower's eligibility for the loan (e.g., EFC, COA, and EFA, as applicable), the loan amount, and a disbursement schedule. Institutions must also provide information on changes in a borrower's permanent address, when the student ceases to be enrolled at least half-time, and any other change in status to the lender or the guaranty agency. The HEOA did not amend these FFEL program requirements. These requirements are presented in **Table 15**.

#### **William D. Ford Federal Direct Loan Program (Part D)**

In accordance with DL program requirements specified in Title IV, Part D, institutions are required to provide timely and accurate information to the Secretary concerning the status of student borrowers while in attendance and after they leave school, for purposes of servicing and collecting on loans. This requirement is similar to the FFEL program requirements described above. The HEOA amended the HEA to establish requirements for institutions that participate in the DL program to comply with the student loan disclosure requirements specified in HEA, § 433

that are applicable to lenders of FFEL program loans, including disclosures before disbursement and before repayment. DL program reporting and disclosure requirements are presented in **Table 16**.

**Table 15. Reporting and Disclosure Requirements for IHEs with Respect to FFEL Program Loans**

HEA, Title IV, Part B

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<p>With respect to Subsidized Stafford Loans, on behalf of each borrower, IHEs must provide eligible lenders a statement showing:</p> <p style="padding-left: 40px;">The loan amount for which the student shows financial need; and</p> <p style="padding-left: 40px;">A disbursement schedule for the loan.</p>	§ 428(a)	Eligible FFEL program lender.	No changes.		No changes.
<p>With respect to Subsidized Stafford Loans, IHEs must determine and document each student's amount of need for a loan based on the student's estimated cost of attendance (COA), estimated financial assistance (EFA), and expected family contribution (EFC).</p>	§ 428(a)	Eligible FFEL program lender.	No changes. <sup>a</sup>		No changes.
<p>The institution at which a borrower is enrolled must notify the loan holder, directly or through the guaranty agency, concerning:</p> <p style="padding-left: 40px;">Any change of the borrower's permanent address;</p> <p style="padding-left: 40px;">When the student ceases to be enrolled on at least a half-time basis; and</p> <p style="padding-left: 40px;">Any other change in status, when such change in status affects the student's eligibility for the loan;</p>	§ 428(b)	Eligible FFEL program lender and guaranty agency.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
With respect to Unsubsidized Stafford Loans, IHEs must determine and document each student's estimated COA and EFA, and must provide them a statement certifying:  The student's eligibility to borrow the loan;  The eligible loan amount; and  A disbursement schedule for the loan.	§ 428H(b)	Eligible FFEL program lender.	No changes.		No changes.

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; applicable regulations.

**Notes:**

- a. P.L. 110-315 made no change to the requirement for IHEs to document students' estimated COA, EFA, and EFC; however, P.L. 110-315 and P.L. 111-39 amended provisions regarding the treatment of veterans' education benefits as part of EFA.

**Table 16. Reporting and Disclosure Requirements for IHEs with Respect to DL Program Loans**

HEA, Title IV, Part D

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
As part of DL program participation agreements with the Secretary, IHEs must provide timely and accurate information to the Secretary concerning the status of student borrowers (and students on whose behalf PLUS Loans are made) while in attendance at the IHE and (upon request of the Secretary) after they leave school for purposes of servicing and collecting on loans.	§ 454(a)	The Secretary	No changes.		No changes.
<b>Loan disclosures to borrowers</b>					
Not applicable.		Not applicable.	Institutions participating in the DL program must comply with each of the disclosure requirements applicable to lenders of FFEL program loans. These are presented below.	§§ 455(p), 433	Borrower.
<b>Required disclosure before disbursement</b>					
Not applicable.		Not applicable.	At or prior to disbursement, IHEs must provide borrowers thorough and accurate information about the loan in simple and understandable terms. Disclosure shall include:  A statement in bold print that the borrower is receiving a loan that must be repaid;	§§ 455(p), 433(a)	Borrower.



Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
			The lender name and address to which communications and payments should be sent;		
			The principal amount of the loan;		
			The amount of any charges, (e.g., loan origination fee), and whether it will be collected at or prior to disbursement, deducted from the loan proceeds, paid separately by the borrower, or paid by the lender;		
			The stated interest rate on the loan;		
			For Unsubsidized Stafford Loans and Grad. PLUS Loans, an explanation that the borrower may pay the interest that accrues while in school, and that if the borrower does not pay such interest, when and how often it will be capitalized;		

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
			<p>For Parent PLUS Loans, an explanation that the parent may defer payment while the student for whom the loan was made is enrolled at least half-time, that if the parent does not pay such interest, when and how often it will be capitalized, and that the parent may be eligible for a deferment if the parent is also enrolled half-time;</p> <p>The yearly and cumulative maximum amount that may be borrowed;</p> <p>A statement of the total cumulative balance owed by the student to that lender (including the loan applied for), and an estimate of the projected monthly payment;</p> <p>An explanation of when repayment of the loan will be required and when the borrower must pay interest that accrues;</p> <p>A description of the types of available repayment plans;</p> <p>A statement of the minimum and maximum repayment term, and minimum annual repayment;</p>		

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
			An explanation of any special options the borrower may have for loan consolidation or refinancing;		
			A statement that the borrower has the right to prepay all or part of the loan, at any time, without penalty;		
			A statement summarizing circumstances when repayment of the loan or the accrual of interest may be deferred;		
			A statement summarizing circumstances in which a borrower may obtain forbearance;		
			A description of available options for loan forgiveness, and applicable requirements;		
			A definition of default and consequences of default, including a statement that defaults will be reported to a consumer reporting agency;		
			An explanation of any cost the borrower may incur during repayment or collection of the loan, including late payment fees and collection costs.		

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Not applicable.		Not applicable.	In addition to the above requirement, at the time a borrower is notified of approval of a DL program loan, IHEs must provide the borrower a separate notification that summarizes, in simple and understandable terms, the borrower's rights and responsibilities with respect to the loan, including a statement of the consequences of default, and that each borrower who defaults will be reported to a consumer reporting agency.	§§ 455(p), 433(c)	Borrower.
<b><i>Required disclosure before repayment</i></b>					
Not applicable.		Not applicable.	At or prior to the start of the repayment period for a DL program loan, the following information must be disclosed to borrowers in simple and understandable terms:  The lender name and address to which communications and payments should be sent;  The date the repayment period is scheduled to begin, or the deferment period is scheduled to end;	§§ 455(p), 433(b)	Borrower.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
			The estimated balance owed by the borrower as of the date the repayment period is scheduled to begin, or the deferment period is scheduled to end;		
			The stated interest rate on the loan or loans, or the combined interest rate of loans with different interest rates;		
			Information on loan repayment benefits, including any contingent on borrower behavior that may reduce the borrower's interest rate or the amount owed, and any limitations on such benefits, how they may be lost, and whether and how they may be regained;		
			A description of available repayment plans and a statement that the borrower may change plans during repayment;		
			The loan repayment schedule for all covered loans, including the first payment date, and the number, amount, and frequency of required payments, according to the borrower's selected repayment plan;		

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
			An explanation of the availability and terms for loan consolidation or refinancing;		
			The projected total of interest charges to be paid on the loan or loans, and any interest already paid; <sup>a</sup>		
			The nature of any fees that may accrue or be charged during repayment;		
			A statement that the borrower has the right to prepay all or part of the loan, at any time, without penalty;		
			A description of how the borrower may avoid or be removed from default, and any associated fees; and		
			Additional resources where borrowers may receive assistance on loan repayment.		

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; applicable regulations.

**Notes:**

- a. With respect to Unsubsidized Stafford Loans and PLUS Loans, sample projections of monthly repayment amounts may be provided which assume different levels of borrowing and interest accrual resulting from capitalization of interest while the borrower is in school, based on the capitalization of both principal and interest, and interest only.

## **Campus-Based Programs (FSEOG, FWS, & Federal Perkins Loans)**

The Federal Supplemental Educational Opportunity Grant program, the Federal Work-Study program, and the Federal Perkins Loan program are collectively referred to as the campus-based programs. These programs are authorized under Title IV, Part A, Subpart 2; Part C; and Part E, respectively. They are need-based federal student aid programs under which students may receive aid made available through the institution they attend. Campus-based aid is funded through a combination of federal allocations to institutions and institutional matching funds. Institutions that participate in the campus-based programs are subject to a number of program-specific reporting requirements specified in the statute or regulations.

### **Fiscal Operations Report and Application to Participate (FISAP).**

As its name implies, the FISAP is a data collection instrument used to gather program and fiscal information from institutions that have participated in one or more of the campus-based programs in a prior award year, and to gather information used in the allocation of funds to institutions that intend to participate in one or more of the campus-based programs in the subsequent award year.<sup>30</sup> The FISAP is intended to ensure the proper and efficient administration of funds that institutions receive from the Secretary. Information reported on the FISAP includes identifying information and characteristics of the IHE, the IHE's request for funds to participate in each applicable program, enrollment information for undergraduate and graduate students arrayed according to income level, fiscal and program data for each applicable program (e.g., allotment of funds, aggregate student financial need, Perkins Loan cohort default rate data, employment in FWS community service, transfer of funds between programs, etc.), the distribution of campus-based program aid recipients by student type and income level, and administrative costs. The FISAP form contains more than 200 line items, and many of these line items have multiple data elements. FISAP forms are made available by July 1 of each year and completed FISAPs are due to ED by October 1 of each year. Institutions submit completed FISAPs to ED electronically via the Student Aid Internet Gateway.

Requirements specified in the HEA for the reporting of information that is collected via the FISAP for the FSEOG, FWS, and Federal Perkins Loan programs are presented in **Table 17**, **Table 18**, and **Table 19**, respectively. The HEOA made relatively few changes to the campus-based programs and these tables show the additional information that IHEs will likely be required to report on the FISAP.

### **FWS—Job Location and Development Program.**

Institutions or groups of institutions may use FWS funds to operate job location and development programs for currently enrolled students. Each institution that operates a job location and development program must enter into an agreement with the Secretary stating that the institution will submit an annual report on the use of the funds under the program and an annual evaluation of the effectiveness of the program in benefitting the institution's students. (HEA, § 446(b)(6)).

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<sup>30</sup> The FISAP form is available at <http://www.ifap.ed.gov/fisapformandinst/attachments/0910FISAPForm.pdf>.

**Table 17. Federal Supplemental Educational Opportunity Grant Program FISAP Reporting Requirements**  
HEA, Title IV-A-2

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Federal share and non-federal share of FSEOG awards.	§ 413C(a)	The Secretary.	No changes.		No changes.
Percentage of Pell Grant recipients who graduate from the IHE or transfer from the IHE to a four-year IHE. <sup>a</sup>	§ 413D(a)(4)(B)	The Secretary.	No changes.		No changes.
Sum of grant aid received by students under Title IV-A-1 (Pell Grants, AC/SMART Grants) and Title IV-A-3 (LEAP/SLEAP).	§ 413D(c)(1)(B)	The Secretary.	Sum of grant aid received by students under Title IV-A-1 (Pell Grants, AC/SMART Grants) and Title IV-A-3 (LEAP/GAP).	§ 413D(c)(1)(B)	The Secretary.
Total revenue received by the IHE from undergraduate tuition and fees for the second preceding academic year; and undergraduate enrollment for the second preceding academic year.	§ 413D(c)(3)(B)	The Secretary.	No changes.		No changes.
Number of dependent undergraduate students and independent undergraduate students in various income categories, as specified by the Secretary.	§ 413D(c)	The Secretary.	No changes.		No changes.
Expended and unexpended amounts of FSEOG allocation.	§ 413D(d)	The Secretary.	No changes.		No changes.
Amount of FSEOG allotment transferred to another fiscal year under carryover or carryback authority.	§ 413E	The Secretary.	No changes.		No changes.



Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Institutions must report the amount of FWS and/or Perkins Loan federal capital contributions transferred to the FSEOG program.	§ 488	The Secretary.	Institutions must report the amount of FWS and/or Perkins Loan federal capital contributions transferred to the FSEOG program; and the amount of FSEOG funds transferred to the FWS program.	§ 488	The Secretary.
Institutions must report the amount of their FSEOG allotment claimed for administrative expenses.	§ 489	The Secretary.	No changes.		No changes.

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; applicable regulations; and Fiscal Operations Report and Application to Participate, OMB No. 1845-0030.

**Notes:**

- a. This requirement would become applicable if the Secretary exercised the authority to allocate up to 10% of Title IV, Part A funding in excess of \$700 million to IHEs from which 50% or more of Pell Grant recipients graduate or transfer from to four-year IHEs. Currently, the Secretary does not exercise this authority, nor require the reporting of this information.

**Table 18. Federal Work-Study Program FISAP Reporting Requirements**  
HEA, Title IV-C

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Percentage of Pell Grant recipients who graduate from the IHE or transfer from the IHE to a four-year IHE. <sup>a</sup>	§ 442(a)	The Secretary.	No changes.		No changes.
Total revenue received by the IHE from undergraduate tuition and fees for the second preceding academic year; and undergraduate student enrollment for the second preceding academic year.	§ 442(c)	The Secretary.	No changes.		No changes.
Total revenue received by the IHE from graduate and professional tuition and fees for the second preceding academic year; and graduate and professional student enrollment for the second preceding academic year.	§ 442(c)	The Secretary.	No changes.		No changes.
Number of dependent undergraduate students, independent undergraduate students, and graduate and professional students in various income categories, as specified by the Secretary.	§ 442(c)	The Secretary.	No changes.		No changes.
Expended and unexpended amounts of FWS allocation.	§ 442(d)	The Secretary.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Total compensation earned by students employed in on-campus jobs, off-campus public and private nonprofit jobs, and off-campus private for-profit jobs; and federal and non-federal shares of compensation.	§ 443	The Secretary.	No changes.		No changes.
Number of students in community service employment; and federal and non-federal share of compensation.	§ 443	The Secretary.	No changes.		No changes.
Number of students employed in tutoring and family literacy jobs, total compensation, and federal share of compensation.	§§ 442(d) and 443	The Secretary.	No changes.		No changes.
Number of students employed as mathematics tutors of children, total compensation, and federal share of compensation.	§ 443(b)(5)	The Secretary.	No changes.		No changes.
Not applicable.		Not applicable.	Information on employment and compensation of students employed in civic education and participation activities.	§ 443(e)	The Secretary.
Amount of FWS allotment transferred to another fiscal year under carryover or carryback authority.	§ 445	The Secretary.	No changes.		No changes.
Total and institutional expenditures on job location and development programs, number of students for whom jobs were developed, and student earnings.	§ 446	The Secretary.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Amount of Perkins Loan federal capital contributions transferred to the FWS program; and amount of FWS funds transferred to the FSEOG program.	§ 488	The Secretary.	Amount of FSEOG and/or Perkins Loan federal capital contributions transferred to the FWS program; and amount of FWS funds transferred to the FSEOG and/or the Perkins Loan program.	§ 488	The Secretary.
Amount of FWS allotment claimed for administrative expenses.	§ 489	The Secretary.	No changes.		No changes.

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; applicable regulations; and Fiscal Operations Report and Application to Participate, OMB No. 1845-0030.

**Notes:**

- a. This requirement would become applicable if the Secretary exercised the authority to allocate up to 10% of FWS funding in excess of \$700 million to IHEs from which 50% or more of Pell Grant recipients graduate or transfer from to four-year IHEs. Currently, the Secretary does not exercise this authority, nor require the reporting of this information.

**Table 19. Federal Perkins Loan Program FISAP Reporting Requirements**

HEA, Title IV-E

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Total revenue received by the IHE from undergraduate tuition and fees for the second preceding academic year; and undergraduate student enrollment for the second preceding academic year.	§ 462(c)	The Secretary.	No changes.		No changes.
Total revenue received by the IHE from graduate and professional tuition and fees for the second preceding academic year; and graduate and professional student enrollment for the second preceding academic year.	§ 462(c)	The Secretary.	No changes.		No changes.
Number of dependent undergraduate students, independent undergraduate students, and graduate and professional students in various income categories, as specified by the Secretary.	§ 462(c)	The Secretary.	No changes.		No changes.
Payments of principal and interest for the second preceding academic year.	§ 462(d)	The Secretary.	No changes.		No changes.
Number of borrowers who entered repayment and the number who defaulted during the cohort default period.	§ 462(g)	The Secretary.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Perkins Loan fund fiscal data, including: Funds in revolving loan fund; Federal capital contributions; Institutional capital contributions; and Reimbursements for loan cancellations; and Loan principal and interest assigned to and accepted by the United States government.	§§ 462, 463, 465, and 466	The Secretary.	No changes.		No changes.
Perkins Loan program collection and administrative costs.	§§ 463(a) and 489	The Secretary.	No changes.		No changes.
Cost of loan principal and interest canceled for the following categories: Certain subject matter teaching service (math, science, foreign languages, bilingual education); Other authorized teaching service; Military service; Volunteer service in the Peace Corps or under the Domestic Volunteer Service Act of 1973; Law enforcement and corrections officer service; Child, family, or early intervention service;	§§ 464, 465, and P.L. 109-292	The Secretary.	In addition to previously existing provisions, Perkins Loans may also be canceled for the following categories: Attorney employed in a defender organization; Firefighter; Faculty member at a Tribal College or University; Librarian with a master's degree at an ESEA, <sup>a</sup> Title I school or public library that serves such a school; and Speech language pathologist with a Master's degree who works with students served under ESEA, Title I.	§§ 464, 465	The Secretary.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Nurse or medical technician service; Death or disability; Bankruptcy; Surviving spouses of public service victims of 9-11 terrorist attacks; and Loans discharged due to closed schools.					
Amount of Perkins Loan federal capital contributions transferred to the FWS and/or FSEOG program.	§ 488	The Secretary.	Amount of FWS funds transferred to the Perkins Loan program; and amount of Perkins Loan federal capital contributions transferred to the FWS and/or FSEOG program.	§ 488	The Secretary.

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; applicable regulations; and Fiscal Operations Report and Application to Participate, OMB No. 1845-0030.

**Notes:**

- a. Elementary and Secondary Education Act of 1965, as amended.

## **Requirements for IHEs as Lenders of Federal Perkins Loans**

Under the Federal Perkins Loan program, institutions make loans directly to students. In their capacity as lenders, institutions are required to disclose certain information about the terms and conditions of Perkins Loans to borrowers prior to making a loan, as part of the loan agreement, and also prior to the commencement of repayment. In addition, institutions must disclose information about borrower's Perkins Loans to consumer reporting agencies, including information about the disbursement and repayment of loans, loan defaults, and the rehabilitation of defaulted loans. Requirements for institutions to report or disclose information about the terms and conditions of Perkins Loans to borrowers, and the repayment of loans to consumer reporting agencies is presented in **Table 20**. In addition, as a requirement of program participation agreements (see previous discussion), institutions must report information on Perkins Loans to the National Student Loan Data System (NSLDS).



**Table 20. Reporting and Disclosure Requirements for IHEs as Lenders of Federal Perkins Loans**

HEA, Title IV-E

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<p>IHEs must enter into cooperative agreements with consumer reporting agencies to provide for the exchange of information concerning student borrowers and must annually disclose:</p> <p>The date of disbursement and the amount of loans made to any borrower;</p> <p>Information concerning the repayment and collection of loans; and</p> <p>The date of cancellation of the note upon completion of repayment by the borrower or upon cancellation or discharge of the borrower's obligation.</p>	§ 463(c)	Consumer Reporting Agencies.	No changes.		No changes.
<p>Institutions must notify consumer reporting agencies whenever a borrower of a loan that is in default makes six consecutive monthly payments.</p>	§ 463(c)	Consumer Reporting Agencies.	No changes.		No changes.
<p>Institutions must disclose the following information to students prior to making a Perkins Loan:</p> <p>The name of the IHE, and the address to which communications and payments should be sent;</p> <p>The loan principal amount;</p>	§ 463A(a)	Borrowers.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
Any charges collected by the IHE at or prior to disbursement, and whether such charges are deducted from the proceeds of the loan or paid separately by the borrower;					
The interest rate on the loan;					
The yearly and cumulative maximum amounts that may be borrowed;					
When repayment of the loan will be required and when the borrower will be obligated to pay interest that accrues on the loan;					
The minimum and maximum repayment term the IHE may impose, the minimum monthly payment required by law, and a description of any penalty imposed as a consequence of default;					
The total cumulative balance owed by the student to the IHE, including the new loan; and an estimate of the projected monthly payment based on the cumulative balance;					
Any special options the borrower may have for loan consolidation;					

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
The right to prepay the loan at any time without penalty, deferment options, and loan repayment for military service;					
The definition of and consequences of default, and a statement that the disbursement of, and the default on, a loan will be reported to a consumer reporting agency;					
To the extent practicable, the effect of accepting the loan on the eligibility of the borrower for other forms of student assistance; and					
An explanation of any cost the borrower may incur in the making or collection of the loan.					

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<p>IHEs must disclose the following information to borrowers prior to repayment of the Perkins loan:</p> <p>The name of the IHE, the address to which communications and payments should be sent;</p> <p>The date the repayment period is scheduled to begin;</p> <p>The estimated balance owed by the borrower on the loan or loans as of the scheduled date that repayment begins;</p> <p>The interest rate;</p> <p>The nature of any fees that may accrue or be charged to the borrower during the repayment period;</p> <p>The repayment schedule;</p> <p>An explanation of any special options the borrower may have for loan consolidation or other refinancing;</p> <p>The projected total interest charges which the borrower will pay on the loan or loans, assuming the payments are made in accordance with the repayment schedule; and</p> <p>That the borrower has the right to prepay all or part of the loan or loans without penalty.</p>	§ 463A(b)	Borrower.	No changes.		No changes.

Requirements in the HEA prior to the enactment of the HEOA			Changes to requirements made by the HEOA		
Requirement	Citation	Recipient of information	Requirement	Citation	Recipient of information
<p>Loan agreements between IHEs and students must contain certain information, including:</p> <ul style="list-style-type: none"> <li>The repayment schedule;</li> <li>The accrual of interest;</li> <li>Reasons the loan would be canceled;</li> <li>Charges for failing to pay all or part of an installment when due; and</li> <li>A notice of the disclosure of default information to consumer reporting agencies.</li> </ul>	§ 464(c)	Borrower.	No changes.		No changes.
IHEs must report the discharge of a borrower's liability for Perkins Loans resulting from the closure of the institution.	§ 464(g)	Consumer Reporting Agencies.	No changes.		No changes.
If a borrower who has defaulted on a Perkins Loan makes 12 on-time, consecutive monthly payments, the loan is considered to be "rehabilitated" and the IHE must request that any consumer reporting agency to which the default was reported remove the default from the borrower's credit history.	§ 464(h)	Consumer Reporting Agencies.	Perkins Loans are now rehabilitated after the borrower makes nine on-time, consecutive monthly payments.	§ 464(h)	No changes.

**Source:** Prepared by CRS based on an analysis of the Higher Education Act (HEA) of 1965, as amended prior to August 2008; amendments to the HEA made by the Higher Education Opportunity Act (P.L. 110-315) and P.L. 111-39; and applicable regulations.

**Notes:**

- a. Elementary and Secondary Education Act of 1965, as amended.

## **Appendix. IPEDS and Other Postsecondary Education Data Collections**

Under Title IV, Part G, as part of Program Participation Agreements, IHEs are required to respond to IPEDS or any other federal postsecondary institution data collection effort, as specified by the Secretary, in a timely manner and to the satisfaction of the Secretary. There are multiple postsecondary data collections that are conducted by ED on either an annual basis (e.g., IPEDS) or every few years (e.g., NPSAS). For some of these data collection efforts the participation of all IHEs is required (e.g., IPEDS), while for others a sample of IHEs are selected for participation (e.g., the National Postsecondary Student Aid Study (NPSAS)). Because IPEDS is an annual, mandated reporting requirement for all IHEs, this appendix provides a detailed depiction of the IPEDS reporting requirements. A review of other postsecondary data collections is beyond the scope of this report.

### **Integrated Postsecondary Education Data System**

IPEDS is the primary postsecondary education data collection program for the National Center of Education Statistics at ED.<sup>31</sup> Through IPEDS, data are collected from all primary providers of postsecondary education in the U.S. through surveys. Data are collected from academic, vocational, and continuing professional education programs that are provided by institutions open to the general public.<sup>32</sup> All IHEs that participate, or are authorized to participate, in any of the federal student aid programs authorized by Title IV of the HEA are required to respond to IPEDS. Other institutions may choose to participate in IPEDS. Selected data for any institution that responds to IPEDS are included in the College Navigator website.<sup>33</sup>

IPEDS data are collected through a series of eight survey components: institutional characteristics, degree completions, 12-month enrollment, human resources (including fall staff and salaries), fall enrollment, finance, financial aid, and graduation rates. Most surveys are conducted annually. Examples of data collected on each of these surveys are provided below.

- Institutional characteristics: institutional contact information, educational offerings, mission statement, control, affiliation, admissions requirements, and student charges.
- Degree completions: level or type of degree (degree programs) and length of program (non-degree programs).
- 12-month enrollment: unduplicated headcounts and instructional activity, and full-time equivalent (FTE) enrollment.
- Human resources: employees assigned by position, including full- or part-time status, function, or occupational category; and faculty status and tenure status; as well as data on fall staff and salaries.

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<sup>31</sup> All information about IPEDS was obtained from <http://nces.ed.gov/IPEDS/about/>.

<sup>32</sup> Data are not collected from vocational or adult basic education programs. Data are also not collected from training sites at prisons, military bases, and corporations.

<sup>33</sup> The College Navigator is available online at <http://nces.ed.gov/collegenavigator/>.

- Fall staff: full-time faculty by contract length and salary intervals, non-faculty employed full time by primary occupational activity and salary class intervals, tenure of full-time faculty, and number of new hires by primary occupational activity (data collected biennially in odd-numbered years from IHEs with 15 or more full-time employees).
- Salaries: number of full-time instructional staff by rank, gender, and length of contract; total salary outlay; and fringe benefit information (data are collected from degree-granting institutions only).
- Fall enrollment: number of full- and part-time students enrolled in the fall, students in courses creditable toward a degree, and students enrolled in courses that are part of a vocational or occupational program; residence of students; and age of students.
- Finance: revenues by source, expenses by function, physical plant assets and indebtedness, and endowment investment.
- Financial aid: number of students receiving federal grants, state and local government grants, institutional grants, and loans; and average amount of aid received by type of aid.
- Graduation rates: number of students entering the institution, number of students completing their program within 150% of the normal period of time, number of students who transferred, and number of students who received athletically related student aid.

It should be noted that not every survey is administered to every institution each year, and that not every student is included in various data elements. For example, the fall staff survey component is conducted only in odd years. The salaries survey component is required to be completed only by degree-granting institutions. Financial aid data are collected for full-time, first-time, and degree- and certificate-seeking students only. In calculating graduation rates, only full-time, first-time, and degree- or certificate-seeking students are counted in the initial calculation of the number of students entering an institution during a particular year. In addition, different versions of various surveys are administered to IHEs depending on whether the IHE is a four-year, two-year, or less-than-two-year institution; on whether the IHE is a public, private nonprofit, or private for-profit institution; and on other institutional factors such as the institution's number of full-time employees.

The individual survey components are administered in either the fall, spring, or winter. For the 2008-2009 academic year, the following components were administered in each of these time periods.

- Fall 2008: Institutional Characteristics, Completions, and 12-Month Enrollment
- Winter 2008-2009: Human Resources, Fall Enrollment, and Finance
- Spring 2009: Graduation Rates and Student Financial Aid, as well as Fall Enrollment and Finance (for IHEs that did not finalize these data during the winter data collection)

**Table A-1** provides an overview of the survey items to which a public, four-year institution would be required to respond. As previously discussed, the specific survey components, survey items,

and number of survey items varies based on institutional characteristics, such as institutional level and control.

**Table A-1. Reporting Requirements for IHEs with Respect to IPEDS**

Survey component/Primary purpose of survey section	Examples of information requested	Number of questions
<b>Institutional Characteristics Survey Component</b>		
Part A: Educational Offerings	Types of instruction/programs offered by the institution.	1
Part A: Mission Statement	Web address for the institution’s mission statement or the text of the mission statement.	1
Part B: Organization—Control and Level	Institutional control or affiliation and award levels offered by the institution below the baccalaureate level and at or above the baccalaureate level.	2
Part B: Organization—Calendar System	Predominant calendar system used by the institution.	1
Part B: Organization—Student Enrollment	Types of students enrolled at various levels (e.g., undergraduate, graduate) and whether students are enrolled full time or part time; estimated fall enrollment by student level, degree/certificate seeking status, full-time/part-time enrollment; and whether the institution had any full-time, first-time degree/certificate seeking students enrolled in programs at the baccalaureate level or below in fall 2002.	2 (1 with multiple parts)
Part B: Organization—System Name	Whether the institution is part of a system or corporate entity.	1
Part C: Admission Requirements and Services—Open Admission	Whether the institution has an open admission policy at the undergraduate level.	1
Part C: Admission Requirements and Services—Admission Considerations	Student data used in undergraduate selection process.	1 (1 with multiple parts)
Part C: Admission Requirements and Services—Selection Process	Number of first-time, degree/certificate seeking undergraduate students who applied, were admitted, enrolled full time, or enrolled part time by gender; and if test scores are used for admissions, the number and percent of students submitting SAT scores, the number and percent of students submitting ACT scores, and the 25 <sup>th</sup> and 75 <sup>th</sup> percentile scores for each SAT or ACT component.	2 (2 with multiple parts) (Note: number of questions depends on whether the institution uses SAT or ACT test scores for admission.)
Part C: Admission Requirements and Services—Special Learning Opportunities	Whether institution accepts dual credit, credit for life experiences, or advanced placement credits; and whether the institution offers special learning opportunities (e.g., distance learning, ROTC).	2
Part C: Admission Requirements and Services—Student Services	Student services offered by the institution, whether the institution has or shares a library, and whether alternative tuition plans are offered by the institution.	4



<b>Survey component/Primary purpose of survey section</b>	<b>Examples of information requested</b>	<b>Number of questions</b>
Part D: Student Charges Questions	Whether full-time, first-time degree/certificate-seeking students are required to live on campus or in institutionally controlled housing; whether the institution charges different tuition for in-district, in-state, and out-of-state students; whether the institution offers institutionally controlled housing; and whether the institution offers board or meal plans.	4
Part D: Undergraduate Student Charges	Undergraduate application fee (if applicable); average tuition and required fee charges for full-time undergraduate students for in-district, in-state, and out-of-state students for the full academic year; and per credit hour charge for part-time undergraduate students for in-district, in-state, and out-of-state students.	3 (2 with multiple parts)
Part D: Graduate Student Charges	Same as above for graduate students.	3 (2 with multiple parts)
Part D: First-Professional Student Charges	First-professional application fee (if applicable); typical tuition and required fee charges for full-time first-professional students for in-district, in-state, and out-of-state students for the full academic year by type of first-professional degree (e.g., dentistry, medicine, law).	2 (1 with multiple parts)
Part D: Student Charges: Room and Board	Room and board charges for the full academic year.	1 (1 with multiple parts)
Part D: Student Charges—Price of Attendance	Price of attendance for full-time, first-time undergraduate students: published tuition and required fees for in-district, in-state, and out-of-state students; books and supplies; on-campus room and board and other expenses; off campus (not with family) room and board and other expenses; and off campus (with family) other expenses.	1 (1 with multiple parts)
Part E: Additional Information—Athletic Association	National athletic association membership, and if the institution is a member of the NCAA or NAIA, the conference for each sport.	2 (1 with multiple parts)  (Note: Only institutions that are members of the NCAA or NAIA have to provide conference information.)
Part E: Additional Information—New Institutions	Percentage of students enrolled primarily in postsecondary programs.	1  (Note: Only new institutions respond to this question.)

Survey component/Primary purpose of survey section	Examples of information requested	Number of questions
<b>Completions Survey Component</b>		
Screening Questions	Method of reporting race and ethnicity and method for reporting data on doctoral and first professional degrees for the Completions survey component.	2
Classification of Instructional Programs (CIP) Data	Number of awards/degrees conferred by gender for each six-digit CIP code and program level/length combination offered.	Varies by institution. (Each six-digit CIP code for which data are reported has multiple parts.)
<b>12-Month Enrollment Survey Component</b>		
12-Month Selection/Instructional Activity Type	12-month period for which data will be reported and units used to measure instructional activity.	2
Screening Questions	Method of reporting race and ethnicity and method for reporting data on doctoral and first professional degrees for the 12-Month Enrollment survey component.	2
Unduplicated Count	12-month unduplicated count by race/ethnicity, gender, and student level (i.e., undergraduate, graduate, and first-professional).	1  (1 with multiple parts)
Instructional Activity (for undergraduate and graduate students only)	Contact hour activity for occupational undergraduate programs, credit hour activity for academic undergraduate programs, and credit hour activity for academic graduate programs; and FTE undergraduate and graduate enrollment (if institution disagrees with NCES automated calculation).	2  (2 with multiple parts)  (Note: only institutions that disagree with the NCES calculation of FTE enrollment must complete the second question.)
<b>Human Resources Survey Component (institutions with 15 or more full-time staff)<sup>a</sup></b>		
Screening Questions	Whether the institution has part-time employees, whether all instructional staff fit into specific categories (e.g., all military), whether the institution wants to voluntarily respond to the fall staff section of the survey (the fall staff survey items are not mandatory in even-numbered years), whether the institution has full-time permanent new hires, and method of reporting race and ethnicity for the Human Resources survey component.	5  (Note: one question is only relevant in even-numbered years.)
Part A: Employees by Assigned Position—Full-Time Staff, Non-Medical School	Number of full-time staff (non-medical school) by faculty status (e.g., tenured, on tenure track) and primary function/occupational activity (e.g., primarily instruction, clerical and secretarial).	1  (1 with multiple parts)
Part A: Employees by Assigned Position—Full-Time Staff, Medical School	Number of full-time staff (medical school) by faculty status (e.g., tenured, on tenure track) and primary function/occupational activity (e.g., primarily instruction, clerical and secretarial).	1  (1 with multiple parts)

<b>Survey component/Primary purpose of survey section</b>	<b>Examples of information requested</b>	<b>Number of questions</b>
Part B: Employees by Assigned Position—Part-Time Staff, Non-Medical School	Number of part-time staff (non-medical school) by faculty status (e.g., tenured, on tenure track, graduate assistants) and primary function/occupational activity (e.g., primarily instruction, clerical and secretarial).	1 (1 with multiple parts)
Part B: Employees by Assigned Position—Part-Time Staff, Medical School	Number of full-time staff (medical school) by faculty status (e.g., tenured, on tenure track, graduate assistants) and primary function/occupational activity (e.g., primarily instruction, clerical and secretarial).	1 (1 with multiple parts)
Part C: Employees by Assigned Position—Total Number of Staff	Total number of staff by employment status (e.g., full-time, part-time, graduate assistants) and primary function/occupational activity (e.g., primarily instruction, clerical and secretarial).	1 (1 with multiple parts)
Part D: Salaries—Full-Time Instructional Staff by Contract Length/Teaching Period—Headcount	Number of full-time instructional staff by contract length/teaching period (e.g., 9/10-month, 11/12-month), gender, and academic rank (e.g., associate professors, lecturers).	1 (1 with multiple parts)
Part D: Salaries—Full-Time Instructional Staff on 9/10-Month Contracts/Teaching Periods—Faculty Status	Number of full-time instructional staff on 9/10-month contracts/teaching periods by faculty status (e.g., tenured, not on tenure track), gender, and academic rank (e.g., associate professors, lecturers).	1 (1 with multiple parts)  (Note: question is only applicable to four-year degree-granting institutions.)
Part D: Salaries—Full-Time Instructional Staff on 11/12-Month Contracts/Teaching Periods—Faculty Status	Number of full-time instructional staff on 11/12-month contracts/teaching periods by faculty status (e.g., tenured, not on tenure track), gender, and academic rank (e.g., associate professors, lecturers).	1 (1 with multiple parts)  (Note: question is only applicable to four-year degree-granting institutions.)
Part E: Salaries—Full-Time Instructional Staff on 9/10-Month Contracts/Teaching Periods—Salary Outlays	Salaries of full-time instructional staff on 9/10-month contracts/teaching periods by gender and academic rank (e.g., associate professors, lecturers).	1 (1 with multiple parts)
Part E: Salaries—Full-Time Instructional Staff on 11/12-Month Contracts/Teaching Periods—Salary Outlays	Salaries of full-time instructional staff on 11/12-month contracts/teaching periods by gender and academic rank (e.g., associate professors, lecturers).	1 (1 with multiple parts)
Part F: Salaries—Full-Time Instructional Staff on 9/10-Month Contracts/Teaching Periods—Fringe Benefits	Number of staff covered by and expenditures on fringe benefits of full-time instructional staff on 9/10-month contracts/teaching periods.	1 (1 with multiple parts)
Part F: Salaries—Full-Time Instructional Staff on 11/12-Month Contracts/Teaching Periods—Fringe Benefits	Number of staff covered by and expenditures on fringe benefits of full-time instructional staff on 11/12-month contracts/teaching periods.	1 (1 with multiple parts)

<b>Survey component/Primary purpose of survey section</b>	<b>Examples of information requested</b>	<b>Number of questions</b>
Part G: Fall Staff—Full-Time Instruction/Research/Public Service Staff—Tenured	Number of full-time staff with faculty status who are tenured and whose primary responsibility is instruction, research, and/or public service by academic rank (e.g., associate professors, lecturers), gender, and race/ethnicity.	1 (1 with multiple parts)
Part G: Fall Staff—Full-Time Instruction/Research/Public Service Staff—On Tenure Track	Number of full-time staff with faculty status who are on tenure track and whose primary responsibility is instruction, research, and/or public service by academic rank (e.g., associate professors, lecturers), gender, and race/ethnicity.	1 (1 with multiple parts)
Part G: Fall Staff—Full-Time Instruction/Research/Public Service Staff—Not on Tenure Track/No Tenure System	Number of full-time staff with faculty status who are not on tenure track (or if institution does not have a tenure system) and whose primary responsibility is instruction, research, and/or public service by academic rank (e.g., associate professors, lecturers), gender, and race/ethnicity.	1 (1 with multiple parts)
Part G: Fall Staff—Full-Time Instruction/Research/Public Service Staff—Without Faculty Status	Number of full-time staff without faculty status and whose primary responsibility is instruction, research, and/or public service by academic rank (e.g., associate professors, lecturers), gender, and race/ethnicity.	1 (1 with multiple parts)
Part H: Fall Staff—Full-Time Instruction/Research/Public Service Staff by Contract Length/Teaching Period—Headcount	Number of full-time staff whose primary responsibility is instruction, research, and/or public service by contract length/teaching period (e.g., 9/10-month contract), gender, and race/ethnicity.	1 (1 with multiple parts)
Part H: Fall Staff—Full-Time Instruction/Research/Public Service Staff on 9/10-Month Contracts/Teaching Periods—Salary Class Intervals	Number of full-time on 9/10-month contracts/teaching periods whose primary responsibility is instruction, research, and/or public service by salary class intervals (e.g., \$30,000-\$39,999), gender, and race/ethnicity.	1 (1 with multiple parts)
Part H: Fall Staff—Full-Time Instruction/Research/Public Service Staff on 11/12-Month Contracts/Teaching Periods—Salary Class Intervals	Number of full-time on 11/12-month contracts/teaching periods whose primary responsibility is instruction, research, and/or public service by salary class intervals (e.g., \$30,000-\$39,999), gender, and race/ethnicity.	1 (1 with multiple parts)
Part I: Fall Staff—Full-Time Executive, Administrative, and Managerial Staff—Salary Class Intervals	Number of full-time executive/administrative/managerial staff by salary class intervals (e.g., \$30,000-\$39,999), gender, and race/ethnicity.	1 (1 with multiple parts)
Part I: Fall Staff—Full-Time Other Professional Staff—Salary Class Intervals	Number of full-time other professional staff by salary class intervals (e.g., \$30,000-\$39,999), gender, and race/ethnicity.	1 (1 with multiple parts)
Part I: Fall Staff—Full-Time Technical and Paraprofessional Staff—Salary Class Intervals	Number of full-time technical and paraprofessional staff by salary class intervals (e.g., \$30,000-\$39,999), gender, and race/ethnicity.	1 (1 with multiple parts)
Part I: Fall Staff—Full-Time Clerical and Secretarial Staff—Salary Class Intervals	Number of full-time clerical and secretarial staff by salary class intervals (e.g., \$30,000-\$39,999), gender, and race/ethnicity.	1 (1 with multiple parts)

<b>Survey component/Primary purpose of survey section</b>	<b>Examples of information requested</b>	<b>Number of questions</b>
Part I: Fall Staff—Full-Time Skilled Crafts Staff—Salary Class Intervals	Number of full-time skilled crafts staff by salary class intervals (e.g., \$30,000-\$39,999), gender, and race/ethnicity.	1  (1 with multiple parts)
Part I: Fall Staff—Full-Time Service/Maintenance Staff—Salary Class Intervals	Number of full-time service/maintenance staff by salary class intervals (e.g., \$30,000-\$39,999), gender, and race/ethnicity.	1  (1 with multiple parts)
Part J: Fall Staff—Part-Time Professional Staff	Number of part-time staff by primary function/occupational activity (e.g., instruction, executive), gender, and race/ethnicity.	1  (1 with multiple parts)
Part J: Fall Staff—Part-Time Non-Professional Staff	Number of part-time staff by primary function/occupational activity (e.g., technical, clerical), gender, and race/ethnicity.	1  (1 with multiple parts)
Part J: Fall Staff—Graduate Assistants and Part-Time Staff Totals	Number of graduate assistants by gender and race/ethnicity.	1  (1 with multiple parts)
Part L: Fall Staff—New Hires—Full-Time Instruction/Research/Public Service Staff—Faculty Status	Number of full-time permanent new hires whose primary responsibility is instruction, research, and/or public service by faculty status (e.g., tenured, not on tenure track), gender, and race/ethnicity.	1  (1 with multiple parts)  (Note: only institutions with new hires need to respond to these questions.)
Part L: Fall Staff—New Hires—Full-Time Staff by Position	Number of full-time permanent new hires by function/occupation activity (e.g., executive, clerical), gender, and race/ethnicity.	1  (1 with multiple parts)  (Note: only institutions with new hires need to respond to these questions.)
<b>Fall Enrollment Four-Year Institutions Survey Component</b>		
Screening	Method of reporting race and ethnicity for the Fall Enrollment survey component.	1
Part Selection	Indicate whether institution will complete enrollment of students by age (optional for 2008-2009 academic year, mandatory in subsequent years).	1
Part A: Fall Enrollment by Race/Ethnicity and Gender	Total number of full-time and part-time undergraduates enrolled in courses creditable toward degrees or certificates who are first-time degree/certificate-seeking, transfer in degree/certificate-seeking, non-degree or non-certificate seeking students by gender and race/ethnicity.	2  (2 with multiple parts)

<b>Survey component/Primary purpose of survey section</b>	<b>Examples of information requested</b>	<b>Number of questions</b>
Part A: Fall Enrollment by Race/Ethnicity and Gender	Total number of full-time and part-time graduate students and first professional students enrolled in courses creditable toward degrees or certificates by gender and race/ethnicity.	2 (2 with multiple parts)
Fall Enrollment: CIP Code Selection	Indicate which fields of study are offered by the institution by CIP Code for undergraduate, graduate, and first professional students.	1
Part A: Fall Enrollment by Race/Ethnicity and Gender	Same information as above for undergraduate, graduate students, and first professional students in each of the specified fields of study offered by the institution.	Varies by institution (multiple parts if field of study offered at any level)
Part B: Fall Enrollment by Age and Gender	Number of full-time and part-time undergraduate, graduate, and first professional students by age (e.g., 18-19, 22-24) and gender.	6 (6 with multiple parts)  (Note: these questions are optional for the 2008-2009 academic year.)
Part C: Freshmen Question	Whether the institution enrolls any first-time, degree/certificate-seeking undergraduate students who graduated from high schools or received their GED within the past 12 months.	1
Part C: Residence of First-Time Undergraduate Students	Enrollment of total undergraduate degree/certificate-seeking students and enrollment of those who graduated from high school or received a GED in the past 12 months by state of residence when student was first admitted.	1 (1 with multiple parts)
Part D: Total Entering Class	Number of full-time, first-time, degree/certificate-seeking undergraduates.	1
Part E: Unduplicated Count	Unduplicated count of the total number of students by gender, race/ethnicity, and level (undergraduate, graduate, first professional) enrolled during the 12-month reporting period.	1 (1 with multiple parts)
Part F: Instructional Activity	Instructional activity reported in units of contact hours or credit hours.	3 (2 with multiple parts)
Part G: Retention Rates	Calculation of retention rate for full- and part-time bachelor's cohorts.	1 (1 with multiple parts)
Part F: Student-to-Faculty Ratio	Data on student enrollment (full time and part time) and instructional staff (full time and part time).	1 (1 with multiple parts)
<b>Finance Survey Component for 4-Year Public Institutions Using GASB (unaligned form)</b>		
Reporting Standard	Reporting standards used to prepare financial statements.	1

<b>Survey component/Primary purpose of survey section</b>	<b>Examples of information requested</b>	<b>Number of questions</b>
Finance: Public Institutions	Use of GASB unaligned or aligned standards (using aligned standards is optional for FY07-08; aligned standard form is not required until FY10-11).	1
General Information	Fiscal year time period, whether the institution received an unqualified audit opinion, specific reporting model used, treatment of expenses for institutions participating in intercollegiate athletics, whether the institution (or its foundations or affiliates) has endowment assets, and number of component units for which data are reported.	6
Part A: Statement of Net Assets	Data needed to determine net assets included data on current assets, noncurrent assets, current liabilities, noncurrent liabilities, restricted and unrestricted assets.	11
Part A: Plant, Property, and Equipment	Beginning balance, additions, and ending balances for land and land improvements, infrastructure, buildings, equipment, art and library collections, property obtained under capital leases, construction in progress, and accumulated depreciation.	8 (8 with multiple parts)
Part B: Revenues and Other Additions	Data need to determine operating revenues, non-operating revenues, grants non-operating revenues, and other revenues and additions.	21
Part C: Expenses and Other Deductions	Current year total, salaries and wages, employee fringe benefits, and depreciation related to operating expenses and non-operating expenses.	15
Part D: Summary of Changes in Net Assets	Net assets at the beginning of the year.	1
Part E: Scholarships and Fellowships	Data on gross scholarships and fellowships from federal, state, local, and institutional level; and discounts and allowances applied to tuition and fees.	7
Part F: Component Unit that Uses FASB Standards	Statement of financial position including long-term investments, total assets, temporarily and permanently restricted net assets, investment return, total expenses, and change in net assets.	13
Part G: Component Unit that Uses GASB Standards	Statement of net assets for component unit including total assets, total liabilities, net assets, operating revenues, operating expenses, non-operating revenues, change in net assets, and net assets at the beginning of the year.	16
Part H: Details of Endowment Assets (Note: Survey did not contain a Part I.)	Value of endowment at the beginning and end of the fiscal year.	2
Part J: Revenue Data for Bureau of Census	Data on total for all funds and operations, education and general/independent operations, auxiliary enterprises, hospitals, and agriculture extension/experiment services for revenue from sales and services, federal grants/contracts, state government, local governments, interest earnings, dividend earnings, and realized capital gains.	11 (6 with multiple parts)

<b>Survey component/Primary purpose of survey section</b>	<b>Examples of information requested</b>	<b>Number of questions</b>
Part K: Expenditure Data for Bureau of Census	Data on total for all funds and operations, education and general/independent operations, auxiliary enterprises, hospitals, and agriculture extension/experiment services for salaries and wages, employee benefits, current expenditures, capital outlay, interest on debt, and scholarships/fellowships.	8 (7 with multiple parts)
Part L: Debt and Assets	Data on long-term and short-term debt and total cash and security assets.	9
<b>Graduation Rates Four-Year Institutions Survey Components</b>		
Screening Questions	Whether the institution uses a website to disclose Student-Right-to-Know student athlete graduation rates and whether the institution offers a bachelor's degree program of five years or longer.	2
Screening Question	Method of reporting race and ethnicity for the Fall Enrollment survey component.	1
Section I—Graduation Rate: Establishing Cohorts	Whether the institution has revisions to its preloaded Initial Cohort (if so, institution must provide revised total cohort counts and bachelor's or equivalent degree-seeking subcohort counts by gender and race/ethnicity).	Varies depending on whether the institution needs to revise its Initial Cohort counts.
Section II—Graduation Rate: Completers within 150%	Data for the subcohort of full-time, first-time students seeking a bachelor's degree or equivalent degree who completed their program within 150% of normal time to completion for completers of programs of less-than-two years, two years but less-than-four years, and bachelor's or equivalent degrees by gender and race/ethnicity.	1 (1 with multiple parts)
Section II—Graduation Rate: Bachelor's Completers by Length of Time to Degree	Data for the subcohort of full-time, first-time students seeking a bachelor's degree or equivalent degree who attained a bachelor's degree or equivalent in four years or less or in five years by gender and race/ethnicity.	1 (1 with multiple parts)
Section II—Graduation Rate: Transfers/Exclusions	Data for subcohort of full-time, first-time students seeking a bachelor's or equivalent degree who transferred out of the institution and any exclusions from this count by gender and race/ethnicity.	1 (1 with multiple parts)
Section II—Graduation Rate: Long Programs	Data for subcohort of full-time, first-time students seeking a bachelor's or equivalent degree who were still enrolled in programs of five years or longer by gender and race/ethnicity.	1 (1 with multiple parts)  (Note: question only applies to institutions that offer bachelor's degree programs of five years or longer).



<b>Survey component/Primary purpose of survey section</b>	<b>Examples of information requested</b>	<b>Number of questions</b>
Section III—Graduation Rate: Completers within 150%	Data for the subcohort of full-time, first-time students seeking other than a bachelor’s degree who completed their program within 150% of normal time to completion for completers of programs of less-than-two years, two years but less-than-four years, and bachelor’s or equivalent degrees by gender and race/ethnicity.	1 (1 with multiple parts)
Section III—Graduation Rate: Transfers/Exclusions	Data for subcohort of full-time, first-time students seeking other than a bachelor’s degree who transferred out of the institution and any exclusions from this count by gender and race/ethnicity.	1 (1 with multiple parts)
Section II—Graduation Rate: Long Programs	Data for subcohort of full-time, first-time students seeking other than a bachelor’s degree who were still enrolled in programs of five years or longer by gender and race/ethnicity.	1 (1 with multiple parts)  (Note: question only applies to institutions that offer bachelor’s degree programs of five years or longer.)

**Graduation Rate Supplement for Four-Year Institutions**

Screening Question	Whether the institution has additional data to report on completers or transfers out of long programs for a previous cohort (if so, the institution has to report data for the subcohort of full-time, first-time students seeking a bachelor’s degree or equivalent degree and the subcohort of full-time, first-time students seeking other than a bachelor’s degree with respect to completers of bachelor’s or equivalent degrees, total transfer-out students, and exclusions to the transfer-out count by gender and race/ethnicity).	Varies depending on whether the institution has additional data to report on completers or transfers out of long programs for a previous cohort.
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**Financial Aid for All Public Institutions Survey Component**

Student Counts	Data for cohort of full-time, first-time degree/certificate-seeking undergraduate students including the total number of these students, the number from in-district, in-state, and out-of-state, and the number of students that received any financial aid during the full academic year.	1 (1 with multiple parts)
Student Financial Aid to Cohort	Data on financial aid provided to cohort of full-time, first-time degree/certificate-seeking undergraduate students, including the number of students receiving various types of aid (e.g., Pell Grants, other federal grants, state/local government grants, institutional grants, federal loans, and other loans) and the average amount of aid they received for each type of aid.	1 (1 with multiple parts)

**Source:** U.S. Department of Education, Institute of Education Sciences, Integrated Postsecondary Education Data System, Archived Survey Library.

**Notes:**

- a. Institutions with fewer than 15 full-time staff complete a similar but shorter survey.

## **Author Contact Information**

David P. Smole  
Specialist in Education Policy  
dsmole@crs.loc.gov, 7-0624

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