

School Disclosures Required by Higher Education Opportunity Act of 2008

Topic	HEA Cite Affected	Issue Summary	Effective Date/Trigger Event
Code of Conduct	487(a)(25) 487(e)	<p>Requires each school to develop and publish on its Web site a code of conduct with which school officers, employees and agents must comply. The school's code of conduct must specifically prohibit, at a minimum, each of the following:</p> <ul style="list-style-type: none"> o Revenue sharing agreements with lenders. o Conflicts of interest. o Accepting gifts above a nominal value from lenders or guarantors. o Accepting private loans conditioned on the use of a lender's Title IV loans. o Contracting arrangements with a lender that provides compensation to school staff (with certain exceptions). o Assigning a lender to a borrower or refusing to certify a loan for a borrower's choice of lender or guarantor. o Accepting from lenders any staffing assistance for call center or financial aid office. o Accepting compensation for service on an advisory board, except that reasonable expenses associated with that service may be reimbursed by the lender or guarantor <p>For these purposes, it is not considered a "gift" to the school for a lender or guarantor to provide:</p> <ul style="list-style-type: none"> o Standard materials, activities or programs on issues related to a loan, default aversion, default prevention or financial literacy (for example, brochures, workshops, training). o Food, refreshments, training or informational material that is designed to improve the service of a lender, guarantor or servicer if the training contributes to the professional development of the school staff. o Favorable terms, conditions and borrower benefits, as long as these are provided to all students at the school. o Entrance and exit counseling services, as long as the school controls the counseling and does not promote the products and services of the lender (See note below.). o Philanthropic contributions not tied to loan volume. 	Aug. 14, 2008

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		<p>Note: Both the lender and guarantor inducement provisions now allow a lender or guarantor to provide exit counseling services for schools; however, the HEOA does not specifically mention in the inducement provisions for guarantors and lenders that entrance counseling services may be provided. Although crafters of the legislation have stated their intent was to allow a guarantor or lender to do both, a technical amendment to the legislation or other clarification from ED may be required.</p>	
<p>Disclosure Requirements for Service on Advisory Boards</p>	<p>485(m)</p>	<p>If a school employee serves on a lender or guarantor advisory board, the school is required to disclose to ED on an annual basis the following:</p> <ul style="list-style-type: none"> o The amount of each specific instance when the employee was reimbursed. o To whom the amount was paid. o The date of the activity for which the reimbursement was paid. o The purpose of the activity for which the reimbursement was paid. 	<p>Aug. 14, 2008</p>
<p>Preferred Lender List Disclosures</p>	<p>487(a)(27), (h), Title 1, Sec. 152(a)</p>	<p>A school that has a preferred lender list must annually compile, maintain and make available its list to prospective student and parent-borrowers. The school also must disclose:</p> <ul style="list-style-type: none"> o Why it chose each lender on the list and the method and criteria it used to develop the list. HEOA requires that this disclosure include benefits that the lender may provide, such as the payment of origination or other fees on behalf of the borrower, competitive interest rates or other competitive terms or conditions of FFELP loans or private loans, high-quality servicing of such loans, and/or additional benefits beyond standard terms and conditions or provisions. o The borrower's right to choose a different lender, and that the school is required to process the documents required to obtain a FFELP loan from any eligible lender. o The affiliated lenders that are on the list. o The maximum amount of federal grant and loan aid available to students 	<p>Aug. 14, 2008</p>

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	153	<p>Additionally, the HEOA requires that at least two unaffiliated private loan lenders be on any preferred lender list that contains private loan lenders. This information must be disclosed on the school's Web site and in all informational materials that discuss education loans.</p> <p>A model disclosure form is to be developed by ED for schools using a preferred lender list.</p>	Not later than 18 months after Aug. 14, 2008.
School Disclosure - Additional Annual Disclosure Requirements for Schools	485(a)	<p>Schools are required to provide additional information in their annual disclosures to enrolled and prospective students. In addition to existing requirements, HEOA requires all of the following:</p> <ul style="list-style-type: none"> o Plans the school may have for improving academic programs. o The terms and conditions of the loans that students receive under parts B (FFELP), D (direct loans) and E (Perkins). o School policies and disciplinary sanctions related to copyright infringement by students. This requirement includes a disclosure that informs students that unauthorized distribution of copyrighted material (including peer-to-peer) may be subject to civil and criminal liabilities and a summary of those penalties. o Data regarding student body diversity of full-time students, including percentages of males, females, students receiving Pell Grants, and self-identified members of major race or ethnic groups. o Placement/employment statistics for graduates of the school's degree or certificate programs. o Types of graduate and professional degree programs in which the graduates of the school's four-year programs enrolled. o Transfer of credit policies. o Fire safety report. o Retention rates for certificate- and degree-seeking students who are first-time, full-time undergraduate students. o School policies related to vaccinations. 	July 1, 2010

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		<p>The statute provides some exclusions from graduation rate calculations for students who leave the school to serve in the Armed Forces, official church missions, or with a foreign aid service of the federal government. If these exclusions represent more than 20 percent of the undergraduate population, the school must recalculate the completion or graduation rates of these students by excluding from the calculation the time period such students were not enrolled due to their service in the above areas.</p> <p>Additionally, the HEOA now requires that information on the completion or graduation rates of certificate- or degree-seeking, full-time, undergraduate students be disaggregated by the following categories:</p> <ul style="list-style-type: none"> o Gender. o Each major racial or ethnic group. o Recipients of Pell Grants. o Students receiving subsidized FFELP or direct loans who did not receive a Pell Grant. o Student who received neither a Pell Grant nor a subsidized FFELP or direct loan. <p>This disaggregation is not required if the number of students in each subgroup above is not sufficient to yield statistically reliable information or if the data might reveal personally identifiable information about a particular student. The school must note in its disclosures if this is the case. This provision does not apply to two-year, degree-granting schools until academic year 2011-2012.</p>	Exclusions from reporting requirements effective Aug. 14, 2008
School Disclosure – Campus Crime/Safety Disclosure	485(f)	<p>Schools are required to add to existing reporting new data that includes:</p> <ul style="list-style-type: none"> o The law enforcement authority of campus security staff. o How campus security staff work with local and state law enforcement. o Policies that encourage the reporting of crimes committed on campus to appropriate authorities. 	Aug. 14, 2008

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		<ul style="list-style-type: none"> o Campus policies with respect to emergency response and evacuation procedures, the communication measures used to notify the campus community of significant emergencies. <p>In addition, schools now are required to annually test emergency response and evacuation procedures.</p>	
School Disclosure – Drug-Related Violations	485(k)	<p>At enrollment, the school must notify students in conspicuous ways that they may lose eligibility for certain types of financial aid if convicted of certain drug offenses while receiving federal aid.</p> <p>Schools also must notify students who lose financial aid due to their conviction on drug-related charges that the aid has been lost and how they may reinstate their eligibility for financial aid.</p>	Aug. 14, 2008
School Disclosure - Entrance Counseling	485(l)	<p>Entrance counseling is required for both Stafford and Grad PLUS loan borrowers. The school must provide counseling prior to or at the time it delivers the first disbursement of the loan to a first-time borrower. The school must obtain a borrower acknowledgement that the borrower received the entrance counseling materials. Written materials must have some acknowledgment signed and returned to the school; online counseling must provide some method by which the borrower acknowledges receipt of the information.</p> <p>Schools must ensure that entrance counseling information is provided in simple and understandable terms, and must enhance existing entrance counseling to include the following:</p> <ul style="list-style-type: none"> o The effects of accepting the loan on eligibility for other types of financial aid. o An explanation of how interest accrues and is capitalized when not paid by the borrower. o A statement that the student has the option to pay accruing interest on any unsubsidized loan while in school. o A definition of half-time enrollment during regular and summer terms, and an explanation of the consequences of not maintaining at least half-time enrollment. o An explanation of the importance of contacting appropriate school offices if the student intends to withdraw. 	Aug. 14, 2008

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		<ul style="list-style-type: none"> ○ A statement that the student must repay the loan in full, even if the student does not complete the program or if the student does not complete the program in the time usually allotted for program completion. ○ Additional information regarding the consequences of defaulting on Title IV loans, including information regarding federal delinquent debt collection procedures. ○ Information on NSLDS and how the student may access records. ○ The name and contact information for a party to whom the student may direct questions about rights, responsibilities, loan terms and conditions. 	
School Disclosure - Exit Counseling Changes	485(b)	<p>Exit counseling is required for both Stafford and Grad PLUS loan borrowers. The school must provide counseling prior to the student's completion of the course of study or at the time that the student is leaving school.</p> <p>Schools must enhance existing exit counseling with each of the following:</p> <ul style="list-style-type: none"> ○ A description of the different features of the various loan repayment options and the difference in interest paid and total payments the student may be expected to make under each. ○ The ED publication that describes federal programs that may be available to assist a student-borrower who is experiencing financial hardship. ○ Expanded information that informs the student of options to prepay a loan, to request a shorter repayment term, and to request changes to the repayment schedule itself. ○ An explanation of the likely consequences of default to include information about federal delinquent debt collection procedures. ○ Additional information regarding loan consolidation, including information about the effect on interest to be paid and the longer repayment period, a statement that consolidation loan benefits may vary from lender to lender, that the student may lose certain rights by consolidating, including all or part of a 	Aug. 14, 2008

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		<p>grace period, deferment benefits and loan cancellation or discharge options.</p> <ul style="list-style-type: none"> ○ Information regarding tax benefits that may be available to students. ○ Notice of the availability of NSLDS and how the student can use the information found there. 	
School Disclosure – Fire And Safety Standards	485(i)	<p>Schools with on-campus housing must publish an annual fire safety report that includes information with respect to the campus fire safety practices and standards, and also includes statistics concerning the following for each on-campus housing facility:</p> <ul style="list-style-type: none"> ○ The number of fires and cause of each fire. ○ The number of injuries related to a fire that result in treatment at a medical facility. ○ The number of deaths related to a fire. ○ The value of property damage caused by a fire. ○ A description of each on-campus housing facility fire safety systems, including the fire sprinkler systems. ○ The number of regular mandatory supervised fire drills. ○ Fire policies, such as those related to the use of open flames, heating devices or other portable electronic devices, smoking in on-campus buildings. ○ Plans for future improvement. 	Aug. 14, 2008
School Disclosure – Missing Persons	485(j)	<p>Schools with on-campus housing must publish a policy that provides that:</p> <ul style="list-style-type: none"> ○ Each student may designate a person who can be notified by the school if that student is determined to be missing. ○ Provides a confidential way for students to register contact information. ○ Establishes campus notification and response rules if the student is missing 24 hours. 	Aug. 14, 2008
School Disclosure - Transferring Credit	485(h)	<p>Schools must disclose in clear and understandable terms their policies related to transfer credits for work completed at another postsecondary school, and must publish a list of schools with which they have agreements for the transfer of academic credits.</p>	Aug. 14, 2008

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Drug and Alcohol Abuse Prevention Programs	120(a)	<ul style="list-style-type: none"> ○ As part of the school's biennial review of its drug and alcohol abuse prevention programs, a school now is required to determine the number of drug- and alcohol-related violations and fatalities that occur on the school's campus or as part of any of the school's activities, and are reported to campus officials. ○ The number and type of sanctions that are imposed by the school as a result drug- and alcohol-related violations and fatalities on the schools' campus or as part of any of the school's activities. 	Aug. 14, 2008
Transparency in College Tuition for Consumers	132	<p>ED is required to develop a College Navigator Web site that contains certain information relating to the cost of attending each school. Schools are required to provide a number of data elements in support of this effort, including:</p> <ul style="list-style-type: none"> ○ Tuition and fees, defined as the average annual cost of tuition and fees for first-time, full-time undergraduates enrolled at the school. ○ Net price, defined as the average yearly price actually charged to first-time, full-time undergraduates receiving student aid after deducting that aid. The calculation is determined by taking the difference between the cost of attendance and the quotient of the total amount of need-based grant and merit aid from federal, state and school sources provided to students and the total number of students receiving such aid. 	Aug. 14, 2008
Transparency in College Tuition for Consumers	132	<p>ED will post to the College Navigator Web site a list of the schools with the highest and lowest tuition and fees and net prices beginning July 1, 2011, for each category of school as defined by ED. The lists include:</p> <ul style="list-style-type: none"> ○ The 5 percent of schools with the highest tuition and fees for the most recent academic year. ○ The 5 percent of school with the highest net price for the most recent academic year. ○ The 5 percent of schools that have the largest increase, expressed as a percentage change, in tuition and fees over the most recent three academic years. 	July 1, 2011

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		<ul style="list-style-type: none"> ○ The 5 percent of schools that have the largest increase, expressed as a percentage change, in net price over the most recent three academic years. ○ The 10 percent of schools with the lowest tuition and fees for the most recent academic year. ○ The 10 percent of schools with the lowest net price for the most recent academic year. <p>The list will be updated annually.</p>	
Transparency in College Tuition for Consumers – Reports to ED for High-Cost Schools	132	<p>Each school that is on the list of the 5 percent of schools with the highest tuition and fees or net price for the most recent three-year period will be required to submit a report to ED that contains the following:</p> <ul style="list-style-type: none"> ○ A description of the major areas in the school’s budget with the greatest cost increases and an explanation of those increases. ○ A description of the steps the school will take to reduce those costs. ○ If the school is on the list for two or more consecutive years, a report on the progress of its efforts toward reducing those costs. ○ An explanation of any cost increases not under the exclusive control of the school and the extent the school’s role in determining that cost increase; as well as the identification of the entity responsible for determining such cost increases. ○ Any other information deemed relevant by the school. <p>A school is exempted from this requirement if the total amount of the increase is less than \$600 over the three-year period. Beginning in 2014, the \$600 figure will be adjusted annually to account for inflation.</p>	July 1, 2011
Transparency in College Tuition for Consumers – Net Price Calculator	132	ED will develop a net price calculator to assist current and prospective students, families or other consumers to estimate the total net price of attending a school. To the extent practicable, the net price calculator will determine the net price on an individual student basis.	Not later than one year after Aug. 14, 2008

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		<p>Schools are expected to begin making the net price calculator publicly available for consumer use no later than two years after the calculator has been created. The calculator can be the one created by ED, or one developed by the school, provided it contains the same data elements as the calculator developed by the ED.</p>	
<p>College Navigator Web Site – Consumer Information Schools Must Provide</p>	<p>132</p>	<p>Not later than one year after enactment, the College Navigator Web site is to be populated with additional consumer information that must be provided by individual schools for the most recent academic year:</p> <ul style="list-style-type: none"> o A statement of the school’s mission. o The total number of undergraduate students who applied to, were admitted by, and enrolled in the school. o For schools that require SAT or ACT scores, the reading, writing, mathematics, and combined scores on the SAT or ACT, as applicable, for the middle 50 percent range of the freshman class. o The number of first-time, full-time, and part-time students enrolled at the school, at the undergraduate and graduate level. o The number of degree- or certificate-seeking undergraduate students enrolled at the school who have transferred from another school. o The percentage of male and female undergraduate students enrolled at the school. o Of the first-time, full-time, degree- or certificate-seeking undergraduate students enrolled, the percentage of such students who are from the state in which the school is located, the percentage of such students from other states, and the percentage of international students. o The percentage of first-time, full-time, degree- or certificate-seeking students, disaggregated by race and ethnic background. 	<p>Not later than one year after Aug. 14, 2008</p>

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		<ul style="list-style-type: none"> ○ The percentage of undergraduate students enrolled who are formally registered with the school's office of disability services as students with disabilities, unless such percentage is 3 percent or less. ○ The percentage of first-time, full-time degree- or certificate-seeking undergraduates who obtain a degree or certificate within: <ul style="list-style-type: none"> ○ The normal time for completion. ○ 150 percent of the normal time for completion. ○ 200 percent of the normal time for completion. ○ The number of certificates, associate degrees, baccalaureate degrees, master's degrees, professional degrees and doctoral degrees awarded. ○ The undergraduate major areas of study at the school with the highest number of degrees awarded. ○ The student-faculty ratio, the number of full-time and part-time faculty, and the number of graduate assistants with primarily instructional responsibilities ○ The cost of attendance for first-time, full-time undergraduate students who live on campus and off campus, and for public schools, those same categories for residents of the state and for non-residents. ○ The average annual grant amount (including federal, state, and school aid) awarded to a first-time, full-time undergraduate student who received financial aid. ○ The average annual amount of federal student loans provided through the school to undergraduate students. ○ The total annual grant aid awarded to undergraduate students from any source. ○ The percentage of first-time, full-time undergraduates receiving federal, state, and institutional grants, student loans, and any other type of financial assistance (for example, Federal Work-Study). ○ The number of students receiving Pell Grants. ○ The school's cohort default rate. ○ The information on campus safety required under 485(j). 	

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		<ul style="list-style-type: none"> ○ A link to the school's Web site that provides: <ul style="list-style-type: none"> ○ Student activities offered by the school. ○ Services offered by the school for individuals with disabilities ○ Career and placement services offered by the school. ○ Policies of the school related to transfer of credit from other schools. ○ The availability of alternative tuition plans. 	
Textbook Cost Information	133	<p>To the extent practicable, each school receiving federal financial assistance must:</p> <ul style="list-style-type: none"> ○ Disclose, on the school's Internet course schedule, and in a manner of the school's choosing, the International Standard Book Number and retail price information of required and recommended textbooks and supplemental materials for each course in the school's course schedule used for preregistration and registration purposes. ○ If the ISBN is not available, the school must include in the Internet course schedule the author, title, publisher and copyright date for the textbook or materials. ○ If the school determines that the disclosures above are not practicable, the school must indicate by placing "To Be Determined" in lieu of the information. ○ If applicable, include on the school's written course schedule a notice that textbook information is available on the school's Internet course schedule, and the address where the schedule can be found. <p>The school must make available, upon request, to an affiliated bookstore the school's course schedule for the next academic period, and for each of those courses provided, the information listed above, plus the number of students enrolled in the course and the maximum enrollment for the course.</p> <p>Schools are encouraged, but not required, to disseminate to students information regarding:</p>	July 1, 2010

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		<ul style="list-style-type: none"> ○ Available school programs for renting or purchasing textbooks. ○ Available school-guaranteed textbook buy-back programs. ○ Available school alternative content delivery programs. ○ Other available school cost-saving strategies. 	
Private Loan Disclosures	Title 1, Sec. 152(a)(1)(B)	<p>If the school provides information regarding private loans from any lender to a prospective borrower, the school shall:</p> <ul style="list-style-type: none"> ○ Provide the borrower with the required disclosures that the Board of Governors of the Federal Reserve System requires to be disclosed by private loan lenders. ○ Inform the prospective borrower that the borrower may qualify for loans or assistance under Title IV, and that the terms of loans made under Title IV may be more favorable than those of private loans. <p>Ensure that information regarding private loans is presented in such a manner to be distinct from Title IV loans.</p>	Not later than 18 months after Aug. 14, 2008
Private Loans – Borrower Self-Certification Form	Title 1, Sec. 155	<p>Borrowers obtaining a private education loan will be required to sign, in written or electronic form, a self-certification form that contains required lender disclosures for private loans. Schools must present this form to the borrower at the borrower’s request, and must also provide the following information to assist the borrower in completing the form:</p> <ul style="list-style-type: none"> ○ The Cost of Attendance. ○ The Expected Family Contribution. ○ The Estimated Financial Assistance. ○ The COA minus the EFA. ○ The EFC plus the difference between the COA and EFA. 	Not later than 18 months after Aug. 14, 2008