

## AIR Alert # 36 Update 2

### Effective Dates of Disclosure Requirements in the Higher Education Opportunity Act of 2008

Prepared: March 2010

Type: Informational

#### Summary

This Alert provides information on the “disclosures” that institutions are required to provide to students, employees, and others under the Higher Education Act of 1965 (HEA), as amended by the Higher Education Opportunity Act of 2008 (HEOA). Many of these disclosures were either added or revised by the HEOA.

#### Current Status

Effective Dates. Twenty-one of the disclosure requirements that were added or revised by the HEOA were effective August 14, 2008 (date of enactment of the HEOA). Institutions were expected to make a good faith effort to comply immediately. Another four became effective on or before August 14, 2009. Ten other new or revised requirements have various future compliance dates specified in the HEOA or in the regulations that implement the HEOA. Also, ten of the disclosures that were required prior to the enactment of the HEOA continue unchanged. (Note: some of the disclosure requirements have multiple parts with different effective dates. ) ***The complete list of disclosures by their effective dates is provided below.***

#### Disclosure Content and Dissemination

The report *Information Required to be Disclosed Under the Higher Education Act of 1965: Suggestions for Dissemination*, which was published by the National Postsecondary Education Cooperative (NPEC) last fall, provides a summary of the content, the required method/s of dissemination, and the intended audience/s for each HEA- required disclosure (<http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2010831rev>). The report includes statutory and regulatory citations, and links to official sources for complete information about the disclosure requirements. The report also provides suggestions for improving the accessibility and comparability of the disclosure information that is posted on institutional websites.

The disclosures required under the HEA (as amended by the HEOA) vary in the required method/s of dissemination. A few items **must be** posted to the institution's website. Several items must be "made available" to the general public, students, or others, and it is considered to be sufficient, although not required, to post that information to the institution's website. Other items must be distributed to the specified recipients, e.g.,

employees or students. In some cases, the distribution may be done via e-mail; in others, the recipient must receive a paper copy.

### **Implications for Institutions**

Institutions will want to do the following:

- share a copy of this Alert and the NPEC report with offices responsible for providing the disclosures;
- ensure that all of the required disclosures are provided by the required dates (see the list below for these dates);
- remind offices that maintain disclosure web pages that those pages must be kept up to date and not removed;
- consider the recommendations in the NPEC report regarding posting disclosure information on the institution's website

### **Timeline**

August 14, 2008 – H.R. 4137, The Higher Education Opportunity Act, signed into law (P.L. 110-315)

August 14, 2008 – Effective date for most of the HEA disclosure requirements added or revised in the HEOA

July 1, 2010 – Effective date for final regulations implementing the HEOA

### **HEA Disclosure Requirements by Their Effective Dates**

*(Note: the reference numbers are from the NPEC report)*

#### **I. HEA Disclosure Requirements Effective on or before August 14, 2008 (date of enactment of the HEOA)**

##### **A. Disclosure Requirements in the HEA Prior to Enactment of the HEOA and Not Changed in the HEOA or by the Regulations Implementing the HEOA**

#2: Contact Information for Assistance in Obtaining Institutional or Financial Aid Information
#5: Privacy of Student Records – Family Educational Rights and Privacy Act (FERPA)
#9: Price of Attendance
#11: Refund Policy, Requirements for Withdrawal and for the Return of Title IV, HEA Financial Aid
#15: Institutional and Program Accreditation, Approval, or Licensure
#20: Security – Timely Warnings and Crime Log
#28: Job Placement Rates
#30: Intercollegiate Athletic Program Participation Rates and Financial Support Data
#L-1: State Grant Assistance Information for Student Borrowers
#L-2: Student Loan Information Published by the Department of Education

**B. HEA Disclosure Requirements Added or Revised in the HEOA with Effective Date of August 14, 2008**

#3: Student Financial Aid Information (The HEOA revised requirement regarding "terms and conditions of Title IV, HEA loans.")
#4: Notice of Federal Student Financial Aid Penalties for Drug Law Violations
#8: Student Body Diversity
#13: Academic Program (Educational Programs, Instructional Facilities, and Faculty) (The HEOA added "any plans for improving the academic program.")
#14: Transfer of Credit Policies and Articulation Agreements
#16: Copyright Infringement Policies and Sanctions (Including Computer Use and File Sharing)
#17: Teacher Preparation Program Report (The HEOA added definitions, and requirements for goals and assurances, pass rates and scaled scores, and program information. Dissemination requirement now limited to state and general public.)
#18: Drug and Alcohol Abuse Prevention Program (The HEOA added the number of drug and alcohol violations and fatalities, and the number and types of sanctions imposed to the information that must be disclosed.)
#19: Vaccinations Policies
#20: Security Report (The HEOA modified statement of law enforcement authority of campus security personnel and their relationship with state and local law enforcement agencies.)
#24: Retention Rate
#27: Placement in Employment
#29: Types of Graduate and Professional Education in Which the Institution's Graduates Enroll
#31: Voter Registration Forms (The HEOA added a provision allowing institutions to electronically distribute voter registration forms.)
#L-3: National Student Loan Data System (The HEOA added requirement for disclosures to borrowers about the NSLDS.)
#L-4: Entrance Counseling for Student Borrowers
#L-5: Exit Counseling for Student Borrowers (The HEOA added several types of information that must be included in exit counseling.)
#L-6: Private Education Loan Disclosures (Including Self-Certification Form)
#L-7: Code of Conduct for Education Loans
#L-8: Preferred Lender Lists
#L-9: Preferred Lender Arrangements

**II. HEA Disclosure Requirements Added or Revised in the HEOA, or Revised in the Regulations Implementing the HEOA, with Effective Dates After August 14, 2008 (listed by effective date)**

<b>Fall Component of 2008-09 IPEDS</b>	#6: Consumer Information on College Navigator Website Institution's URL first collected in Fall Component of <b>2008-09 IPEDS.</b>
<b>July 1, 2009</b>	#25: Completion/Graduation and Transfer-Out Rates – 4-Year Institutions (The HEOA added a new provision regarding exclusions and added a requirement that institutions disclose completion/graduation rates disaggregated by financial aid status, gender, and race/ethnicity.) HEOA amendment effective August 14, 2008 for 4-year institutions. The next annual graduation rate disclosure after August 14, 2008

	was due by <b>July 1, 2009 (for the 2002 cohort)</b> .
July 1, 2009	#26: Completion/Graduation and Transfer-Out Rates for Students Receiving Athletically Related Student Aid – 4-Year Institutions ( <i>The HEOA added a new provision regarding exclusions and added a requirement that institutions disclose completion/graduation rates disaggregated by financial aid status – in addition to the disaggregation by gender and race/ethnicity previously required.</i> ) HEOA amendment effective August 14, 2008 for 4-year institutions. The next annual graduation rate report after August 14, 2008 was due by <b>July 1, 2009 (for the 2002 cohort)</b> .
<b>August 14, 2009</b>	#23: Information for Crime Victims about Disciplinary Hearings Applies to disciplinary proceedings conducted on or after <b>August 14, 2009</b>
<b>July 1, 2010</b>	#12: Textbook Information HEOA amendment effective <b>July 1, 2010</b>
July 1, 2010	#1: Notice of Availability of Institutional and Financial Aid Information ( <i>The final regulations added Transfer of Credit Policies and Articulation Agreements to the list that must be distributed to current students.</i> ) Final regulations effective <b>July 1, 2010</b>
July 1, 2010	#7: Facilities and Services Available to Students with Disabilities ( <i>The final regulations added "including students with intellectual disabilities."</i> ) Final regulations effective <b>July 1, 2010</b>
<b>October 1, 2010</b>	#20: Security Report ( <i>The HEOA added four types of crimes that must be included in hate crime statistics.</i> ) HEOA amendment effective August 14, 2008. New categories of hate crimes for the <b>2009</b> calendar year must be included in the <b>October 1, 2010</b> security report.
October 1, 2010	#20: Security Report ( <i>The HEOA added Emergency Response and Evacuation Procedures to the information that must be included in the Security Report.</i> ) Must be included in annual security report beginning <b>October 1, 2010</b>
October 1, 2010	#21: Security Report ( <i>The HEOA added a requirement that institutions disclose a statement of policy regarding Missing Person Notification Procedures for students who reside in on-campus student housing facilities.</i> ) Must be included in annual security report beginning <b>October 1, 2010</b>
October 1, 2010	#22: Fire Safety Report and Fire Log HEOA amendment effective August 14, 2008. Report must be provided annually beginning <b>October 1, 2010</b> . <b>2010</b> report must include data from <b>2009</b> calendar year.
<b>October 29, 2011</b>	#10: Net Price Calculator Institutions must post net price calculator to website by <b>October 29, 2011</b> . ( <i>See the notice at <a href="http://nces.ed.gov/ipeds/news_room/ana_netprice_1029.asp">http://nces.ed.gov/ipeds/news_room/ana_netprice_1029.asp</a> for more information.</i> )
<b>July 1, 2012</b>	#25: Completion/Graduation Rates and Transfer-Out Rates – 2-Year Institutions ( <i>The HEOA added a new provision regarding exclusions and</i>

	<p><i>added a requirement that institutions disclose completion/graduation rates disaggregated by financial aid status, gender, and race/ethnicity.)</i>  HEOA amendment effective <b>academic year 2011-2012 for 2-year institutions</b>. The 2012 annual graduation rate disclosure will be due <b>July 1, 2012 (for the 2008 cohort)</b>.</p>
July 1, 2012	<p>#26: Completion/Graduation and Transfer-Out Rates for Students Receiving Athletically Related Student Aid -- 2-Year Institutions <i>(The HEOA added a new provision regarding exclusions and added a requirement that institutions disclose completion/graduation rates disaggregated by financial aid status – in addition to the disaggregation by gender and race/ethnicity previously required.)</i>  HEOA amendment effective <b>academic year 2011-2012 for 2-year institutions</b>. The 2012 annual graduation rate report will be due <b>July 1, 2012 (for the 2008 cohort)</b>.</p>

## Resources

***NPEC Report.*** The report, *Information Required to be Disclosed Under the Higher Education Act of 1965: Suggestions for Dissemination*, published by the National Postsecondary Education Cooperative, provides a summary of the content, the required method/s of dissemination, and the intended audience/s for each disclosure (<http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2010831rev>).

*Note: The NPEC report was originally published in October 2009. A revised version was published in November, 2009, following publication of the final regulations implementing the HEOA.*

The Net Price Calculator (NPC) Webinar co-hosted by [AIR](#) and [NASFAA](#) is available at <http://www.airweb.org/?page=2095>

## Regulations

**Final Regulations.** Final regulations for the revised or new loan-related disclosures required under the HEOA amendments to Title I and Title IV of the HEA were published in the October 28, 2009 *Federal Register*: 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; Final Rule (<http://edocket.access.gpo.gov/2009/pdf/E9-25073.pdf>).

Final Regulations for the revised or new non-loan-related disclosures required under the HEOA amendments to Title IV of the HEA were published in the October 29, 2009 *Federal Register*: General and Non-Loan Programmatic Issues; Final Rule (<http://edocket.access.gpo.gov/2009/pdf/E9-25373.pdf>).

**Code of Federal Regulations.** Most of the regulations implementing the HEA disclosure requirements are found in Chapter VI of Title 34 of the U.S. Code of Federal Regulations (CFR) at [http://ecfr.gpoaccess.gov/e/ecfr/ecfrbrowse/Title34/34cfrv3\\_02.tpl](http://ecfr.gpoaccess.gov/e/ecfr/ecfrbrowse/Title34/34cfrv3_02.tpl). Title 34, Part 86 (Drug and Alcohol Abuse Prevention Program) and Part 99 (FERPA) are found at <http://ecfr.gpoaccess.gov/cgi/t/text/text->

[idx?sid=bb5dfea4b7a09d0ebbf8dada1a800751&c=ecfr&tpl=/ecfrbrowse/Title34/34cfrv1\\_02.tpl.](http://www.ed.gov/about/offices/list/ope/policy.html)

*See the Federal Register notices above for amendments to the regulations.*

#### ***Department of Education Guidance.***

HEA disclosure requirements are covered in chapters 3 and 6 of volume 2 of the *Federal Student Aid Handbook*, School Eligibility and Operations

<http://ifap.ed.gov/fsahandbook/attachments/0910FSAHbkVol2Ch3GenRequirements.pdf>  
and <http://ifap.ed.gov/fsahandbook/attachments/0910FSAHbkVol2Ch6Information.pdf>.

The Office of Postsecondary Education (OPE) administers the data collection and the Department of Education reporting for

- Campus Security
- Equity in Athletics (intercollegiate athletic program participation rates and financial support data)
- Title II, HEA Teacher Preparation Program Reports

Information for each of these reporting requirements is available under Data Collection and Reporting at <http://www.ed.gov/about/offices/list/ope/policy.html>.

For information about the Net Price Calculator requirements, see the notice at [http://nces.ed.gov/ipeds/news\\_room/ana\\_netprice\\_1029.asp](http://nces.ed.gov/ipeds/news_room/ana_netprice_1029.asp).

NCES conducts IPEDS. Complete information about the IPEDS surveys and the College Navigator website is available at <http://nces.ed.gov/ipeds>.

#### ***Legislation***

A summary of the HEOA (including statement about effective date of August 14, 2008) is available at <http://ifap.ed.gov/dpcletters/GEN0812FP0810.html>.

The HEOA is available at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_public\\_laws&docid=f:publ315.110.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ315.110.pdf)

#### ***Previous Related AIR Alerts/FYIs***

AIR Alert #36 Update 1. New Disclosure Requirements in the Higher Education Opportunity Act of 2008, May 2009 (<http://www.airweb.org/page.asp?page=1948>)

AIR Alert # 37. Proposed Changes for 2009-10 IPEDS, March 2009 (<http://www.airweb.org/page.asp?page=1905>)

AIR FYI 2009-01. Proposed Net Price Calculator Template and Multiyear Tuition Calculator, March 2009 (<http://www.airweb.org/page.asp?page=1900>)

AIR Alert # 36. New Disclosure and IPEDS Reporting Requirements in the Higher Education Opportunity Act, August 2008 (<http://www.airweb.org/page.asp?page=1601>).  
(*This Alert describes changes to the 2008-09 IPEDS collection required by the HEOA.*)

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Coordinated by the Higher Education Data Policy Committee. All opinions expressed herein do not necessarily reflect the official position of the Association for Institutional Research.