

# Session #25

## Foreign Schools Eligibility Procedures and Consumer Disclosure and Reporting Requirements

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# Agenda

- Definition and Eligibility Requirements
- Eligibility Procedures
- Consumer Disclosure and Reporting Requirements

# Definition & Eligibility Requirements

- For the purposes of students who receive Title IV aid, a foreign school:
  - Has no U.S. locations (except for clinical training sites of foreign medical, veterinary or nursing schools)
  - Has no written arrangements with institutions in the U.S. for students enrolled at foreign institutions to take courses from institutions in the U.S.



# Definition & Eligibility Requirements

- Does not permit students to enroll in any course offered by the foreign institution in the U.S., including research, work, internship, externship, or special studies within the U.S.
  - One exception

# Definition & Eligibility Requirements

- Is legally authorized by the education ministry, council, or equivalent agency of the country in which the institution is located to provide an educational program beyond the secondary education level
- Awards degrees, certificates, or other recognized educational credentials that are officially recognized by the country in which the institution is located

# Definition & Eligibility Requirements

- Proof that a foreign institution is legally authorized to offer educational programs beyond the secondary level may be provided to the Secretary by the appropriate education ministry or equivalent
  - For all eligible institutions in the country
  - For all eligible institutions in a jurisdiction
  - For each separate eligible institution in the country

# Definition & Eligibility Requirements

- A foreign institution is comparable to an eligible institution in the United States if it meets the following requirements:
  - Is a nonprofit or public institution; for profit institutions may only participate if they are med, vet or nursing schools

# Definition & Eligibility Requirements

- Admits as regular students only persons who
  - Have completed secondary school
  - Have a recognized equivalent of a secondary school completion credential

# Definition & Eligibility Requirements

- Provides an eligible program of instruction
  - That leads to a degree that is equivalent to an associate, baccalaureate, graduate or professional degree in the U.S.
  - That is at least a two-academic-year program acceptable for full credit toward a baccalaureate degree
  - That is at least a one-academic year training program that prepares students for gainful employment



# Definition & Eligibility Requirements

- Has no written arrangements with ineligible institutions to provide any part of one or more eligible programs
  - Except affiliation agreements for clinical training at foreign med, vet and nursing
- Does not provide instruction by telecommunications or distance
- Does not pay incentive compensation to persons or entities engaged in recruitment activities or the awarding of financial aid

# Eligibility Procedures



# Institutional Application Purposes

- Initial Certification
- Recertification
- Mergers and Changes in Ownership
- Reinstatement
- Updates (People, Locations, Programs, etc.)
- Voluntary Withdrawal

Submit electronic application updates to  
[www.eligcert.ed.gov](http://www.eligcert.ed.gov)

# Supporting Documents

- Institutional Eligibility Applications
  - Signature page (Section L)
  - Financial statements
  - Most recent catalog(s)
  - Legal authorizations
  - Official recognition of degrees
  - SAP and R2T4 written policies
  - Non-Profit status designation
  - Validation agreement(s) (UK)
  - Recruiting agreements

# Eligibility & Certification Documents

- Approval Documents
  - Program Participation Agreement (PPA)
  - Approval or Acknowledgment Letter
  - Eligibility and Certification Approval Report (ECAR)
- Keep these documents together for audit and inspection purposes

# Expansion of Eligibility

- Locations in other countries (including US)
  - Not eligible, except certain clinical training sites if approved by the Department
- New Gainful Employment rules apply to
  - All programs at foreign for-profit schools
  - Non-degree programs at Foreign public or non-profit schools

# End of Participation

- A participating institution's certification ends if
  - School ceases offering educational programs or closes
  - PPA expires
  - Voluntary withdrawal
  - Change in Ownership or Merger

# End of Participation (cont.)

- A participating institution's certification ends if
  - Change in institution type
  - Department revokes PPA or terminates participation
  - Loss of eligibility occurs if a school files for bankruptcy, or loses its accreditation or legal authorization

# Consumer Disclosure and Reporting Requirements

# Institutional and Financial Aid Information

- Schools must annually distribute a notice of the availability of all consumer information
- Schools must make available to current and prospective students information on how and where to contact staff who can assist students in obtaining institutional and financial aid information

# Student Financial Aid Information

- Schools must make available to students information about:
  - All financial student assistance programs available to students who enroll at the school
  - Terms and conditions of Title IV, HEA loans
  - Criteria for selecting recipients and for determining award amount

# Student Financial Aid Information

- Schools must make available to students information about:
  - Eligibility requirements and procedures for applying for aid
  - Methods and frequency of disbursements of aid
  - Rights and responsibilities of students receiving Title IV assistance
  - SAP requirements

# Student Financial Aid Information

- Schools must make available to students information about:
  - Loan terms including sample repayment schedule and necessity for repaying loan
- Statement about enrolling in study abroad and its impact on applying for financial aid
- Exit counseling information the school provides and collects
- Student loan information published by ED

# Information to be Disclosed

- Schools must make available information about the cost of attending the school including:
  - Tuition and fees
  - Books and supplies
  - Room and board
  - Transportation
  - Additional costs

# Information to be Disclosed

- Schools must make available information about:
  - Any refund policies applicable to the school
  - Requirements and procedures for official withdrawing from the school
  - Summary of R2T4 requirements

# Information to be Disclosed

- Schools must make available information about:
  - Academic programs at the institution
  - Names of accrediting agencies and governmental bodies that approve, accredit or license the school

# Information to be Disclosed

- Annual notice to enrolled students:
  - Right to review educational records
  - Procedures for reviewing records
  - Information regarding disclosure of “directory” information
- Information required to be disclosed under Family Educational Rights and Privacy Act (FERPA)
  - See 34 C.F.R Part 99

# Additional Information to be Disclosed

- Institutional policies regarding vaccines
- Services and facilities for students with disabilities, including intellectual disabilities
- Terms and conditions under which students receive Federal Direct Loans
- Transfer of credit policies
- Notice to borrowers that loan information will be provided to NSLDS

# Retention Rates

- Schools must report retention rates of certificate or degree-seeking, first-time full-time undergraduates entering the institution
- Retention rate is:
  - A measure of the rate at which students persist in their educational program at an institution, expressed as a percentage

# Placement Rates

- Required disclosures:
  - Placement and types of employment obtained by graduates of the institution's degree or certificate programs
- Include any placement rates calculated by institution
- Identify source of information provided, including timeframes and methodology

# Education Loans Code of Conduct

- Title IV Loan Code of Conduct required for all schools participating in FDL
  - Must publish code of conduct prominently on institution's website
  - Must administer and enforce such code
  - Must require that all of the institution's officers, employees, and agents with responsibilities with respect to such loans be annually informed of the provisions of the code of conduct
- See 601.21 for requirements

# Private Education Loans Disclosures

- Must be distinct from information related to Title IV loans
- Disclosures must include
  - Any information required under Truth In Lending Act (TILA)
  - Notice that may qualify for loans or other assistance under Title IV
  - Notice that terms/conditions of Title IV loans may be more favorable than private education loans

# Private Education Loan Self-Certification

- May post form on website or provide paper copy
- TILA requires that completed and signed Self-Certification form be obtained from borrower before a private education loan is consummated
- See Dear Colleague Letter (DCL) GEN-10-11 for additional information

# Private Education Loan Self-Certification

- An institution must provide, upon request of borrower, the Self-Certification form and/or required information:
  - Cost of attendance
  - Estimated financial assistance
  - Difference between COA and EFA

# Preferred Lender Arrangement

- Definition
  - Arrangement/agreement between a lender and an institution or institution-affiliated organization under which lender provides education loans to students or families of students and institution or affiliated organization recommends, promotes, or endorses education loan products of lender
- See 601.2 for detailed information

# Textbook Information Disclosure

- Provisions are established by law and the Secretary has no regulatory authority
- Effective July 1, 2010
- Apply to each institution receiving federal financial assistance

# Textbook Information in Course Schedules

- For each course listed in the school's online course schedule, must disclose:
  - International Standard Book Number
  - Retail price for each textbook
  - Indication that required information is unavailable if it is yet to be determined with designation "to be determined"
- Include a notice on written course schedule that textbook information is on the internet course schedule and include web address

# Textbook Information for College Bookstores

- Schools must provide to college bookstore operated by or in contractual relationship or otherwise affiliated with school
  - The course schedule for the subsequent academic period
- For each course/class for the following academic period:
  - The ISBN and price for material for the class
  - The number of students enrolled
  - The maximum student enrollment

# Peer-to-Peer File Sharing and Copyrighted Materials

- PPA now requires that schools have developed and implemented written plans to effectively combat unauthorized distribution of copyrighted materials including peer-to-peer file sharing
  - Applies to all users of institution's network without interfering with educational and research use of network

# Peer-to-Peer File Sharing

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

# Peer-to-Peer New Disclosures

- Schools must disclose to students:
  - Explicit statement that unauthorized distribution of copyrighted material may subject student to civil and criminal liabilities
  - Description of the institution's policies on unauthorized peer-to-peer file sharing, including disciplinary actions
  - Summary of penalties for violation of federal copyright laws

# Peer-to-Peer File Sharing and Copyrighted Materials

- Institutions must, in consultation with chief technology officer, or other designated officer of institution:
  - Review legal alternatives for downloading or otherwise acquiring copyrighted materials
  - Make available results of the review to students
  - To extent practicable, offer legal alternatives for downloading or acquiring copyrighted materials

# Fire Safety

- Required of institutions that maintain an on-campus student housing facility
- Components:
  - Fire statistics
  - Annual fire safety report
  - Fire log

# Fire Safety: Fire Statistics

- Requires statistics for each on-campus student housing facility:
  - Number and cause of each fire
  - Number of persons with injuries related to a fire that resulted in treatment at a medical facility
  - Number of deaths related to a fire
  - Value of property damage

# Fire Safety: Fire Statistics

- Must cover the three most recent calendar years
- Must be reported annually to the Department in Fire Safety Report

# Fire Safety: Fire Log

- Must be written and easily understood
- Must include all fires in on-campus student housing facilities
  - Nature, date, time and location of each fire
- Fires recorded by date reported
- Entries must be made within two business days of receipt of the information

# Fire Safety: Annual Fire Safety Report

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

# Fire Safety:

## Annual Fire Safety Report

- Report must also include:
  - Procedures for student housing evacuation
  - Policies for fire safety education and training programs for students, faculty, and staff
  - A list of the titles of each person or organization to which individuals should report that a fire has occurred
  - Plans for future improvements in fire safety, if determined necessary by the institution

# Missing Student Notification

- Required of institutions that maintain an on-campus student housing facility
- Effective October 1, 2010
- Must have a policy regarding missing student notification procedures for students who reside in on-campus student housing facilities

# Missing Student Notification

- Titles of persons or organizations to which individuals should report that a student has been missing for 24 hours
- Requires that any missing student reports be immediately referred to campus police or local law enforcement
- Option for each student to identify a contact to be notified within 24 hours of determination by local law enforcement that student is missing

# Missing Student Notification

- Required actions, within 24 of the determination that the student is missing
  - Immediate referral of missing student report to authorities
  - Notification of their parent or guardian, for students under 18 who are not emancipated
  - Initiation of emergency contact procedures

# Drug & Alcohol Abuse Prevention

- HEOA added requirement that as part of biennial review of prevention program effectiveness, that schools:
  - Determine number of drug and alcohol violations and fatalities that occur on campus and are reported to campus officials
  - Determine number and type of sanctions imposed as result of these violations and fatalities

# Drug-Related Offenses

- At enrollment, school must provide student with separate notice regarding penalty for federal or state convictions of drug-related offenses while receiving Title IV assistance
- If a student loses eligibility for this reason, school must notify student of loss of eligibility and ways to regain eligibility

# Special Populations

- There are additional disclosure and reporting requirements for:
  - Co-educational schools that have intercollegiate athletic programs
    - Schools that offer athletically-related student aid
  - See 34 C.F.R. 668.47 for additional information
- Gainful Employment programs

# Resources

- Foreign School Assessments
  - Consumer information
- Consumer Information Disclosures At-a-Glance
  - <http://ifap.ed.gov/ForeignSchoolInfo/attachments/FSConsumerInfoAtAGlance.doc>
- Program Participation Agreement
- 34 C.F.R. 668 Subpart D

# Contact Information

We appreciate your feedback & comments.

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