



THE STATE UNIVERSITY *of* NEW YORK

MEMORANDUM

Date: November 6, 2008

To: SUNY Campus Presidents

From: Michael Trunzo, Vice Chancellor for Government Relations
Nicholas Rostow, University Counsel & Vice Chancellor for Legal Affairs

CC: Interim Chancellor John Clark, SUNY System Administration Senior Staff, Angie Anderson, Liz Clark, John Curtice, Marti Ellerman, Ed Engelbride, Wendy Gilman, John Porter, Joseph Storch, Harold Silverman

RE: Higher Education Opportunity Act of 2008

After six years of deliberation, Congress passed the Higher Education Opportunity Act (HEOA) in August of 2008. A SUNY System Administration HEOA Working Group has reviewed the legislation to determine its impact on SUNY campuses and to provide useful advice about meeting the new requirements of the law. Accordingly, we would like to update you on the work of this group and apprise you of some of the new statutory provisions that will require your campus's immediate attention. The law is far-reaching, and its requirements impact a number of offices on each individual campus, including, but not limited to the following:

- Academic Affairs
- Admissions
- Alumni Affairs
- Athletics
- Bookstore
- Campus Security
- Career Services
- Disability Services
- Financial Aid
- Registrar
- Institutional Research
- Student Activities
- Veteran's Affairs

Individuals on your campuses may have already received advisory information about certain aspects of the HEOA from the Office of SUNY Counsel as well as from national higher education associations and professional organizations.

Some of the most pressing issues include new requirements on disseminating student consumer information; additional institutional disclosures and reporting mandates on subjects such as tuition charges, crime and fire safety, textbook costs, transfer of credit policies, and file sharing; as well as other mandates. The law also addresses Pell Grant availability, changes to individual federal student aid programs, and benefits for veterans and military personnel.

Some of the law's ambiguities will be clarified in an upcoming regulatory process; however, unless specifically noted, the effective date for provisions of the law is August 14, 2008. Institutions are expected to make a good-faith effort to comply with the law until such clarifications are made. The SUNY Working Group mentioned above will continue to monitor regulatory developments so SUNY campuses can work effectively to comply with the HEOA.

The Department of Education is charged with interpreting the law and, through a process known as negotiated rulemaking, is charged with developing regulatory language for some of the new programs

and requirements established in the updated law. In the coming months, the Department will convene negotiated rulemaking committees to draft regulations that will implement these legislative changes. It will be vital for us to join with our colleagues at the national level through professional organizations such as the National Association of Student Financial Aid Administrators (NASFAA), National Association of State and Land Grant Universities (NASULGC), American Association of State Colleges and Universities (AASCU), American Association for Community Colleges (AACC), Association of American Universities (AAU) and the American Council on Education (ACE) to minimize any adverse effects on students. Additionally, the National Association of College and University Business Officers (NACUBO), the International Association of Campus Law Enforcement Administrators (IACLEA) and EDUCAUSE may weigh in on the new law.

Coordination among the affected offices on your campuses and the appropriate SUNY System Administration staff is crucial to ensuring we meet the new requirements of the law. Please let me know if you have any additional questions that the Working Group can help with as we work to understand these new federal requirements while still providing exceptional service to all of SUNY's students. Members of the group will update campus administrators on the HEOA through statewide association meetings and other communications.

SUNY HEOA Working Group

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John Curtice	Financial Aid	518-443-5472
Marti Ellerman	Counsel	518-443-5400
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Liz Clark	SUNY Federal Relations	202-220-1317

The Regulatory Process

The Department has used six recent regional meetings to compose a list of issues to be covered by the to-be-appointed negotiated rulemaking committees. Negotiators are nominated by the public and selected by the Department. The official negotiated rulemaking process will begin in February 2009, although the schedule will be expedited for subject areas where implementation must occur more quickly. Given the size and complexity of the final HEA bill, this process is likely to extend well into 2009.

Additionally, the Department's National Center for Education Statistics (NCES) has established technical review panels to help provide guidance on certain new data reporting requirements. I am pleased to report that John Porter, SUNY Associate Provost for Institutional Research (also a member of the SUNY HEOA Working Group), will serve on the NCES technical review panel that will examine the guidelines the Department utilizes in calculating and reporting net price, as mandated in the new law.

As we work collectively to interpret the new law, it is vital that our Working Group have a strong understanding of how the law affects your operations.

Summary of New Disclosure and Reporting Requirements

The HEOA requires certain information be disclosed to the Department of Education and/or to current and prospective students. I have enclosed an **attachment**, provided by the Office of University Counsel that outlines key changes in the disclosure and reporting requirements. It is critical that you take the necessary steps to educate your campus officials on the new regulations and what the law requires of them. Please review the following information and feel free to contact any member of the SUNY Working Group if you should have questions about a particular item.

The memo addresses new disclosure and reporting requirements in the following areas:

- Teacher Preparation Program Accountability
- Student Consumer Information
- Textbook Cost Disclosure
- Peer-to-Peer File-Sharing
- Campus Safety (Clery Act, Fire Safety, Missing Students)
- Vaccinations Policy
- Transfer of Credit
- Drug/Alcohol Violations
- Treatment of Veterans
- Student Loan & Preferred Lender Lists

Additional HEOA provisions address college cost reporting, net price calculators, and reporting on graduation rates and alumni. Specific details regarding these provisions will be available after the Department of Education completes the rulemaking process. Until then, here is a summary of what the legislation hopes to achieve in those areas:

- **College Costs Lists:** The Department of Education is required to compile, report, and publicize data on tuition and fees and net price (cost of attendance minus average grant aid) as specified by the law. Schools will have to report data underlying those determinations. Schools with the greatest increases in tuition and fees and in net price over 3 years must explain the increases and develop a cost-reduction plan. The Department will post institutional cost comparison information publicly on its College Navigator Web site.
- **Net Price Calculator:** Within one year after enactment, the Department of Education will develop a “net price calculator,” a tool intended to provide a student and his or her family with a more individualized estimate of the net price of attending college. Within two years of its development, each SUNY institution must post a net price calculator on its own web site.
- **Graduation Rates:** Requires institutions to report graduation rates at 100%, 150%, and 200% of the normal time to completion. By lengthening the reporting period, community college completion rates are expected to increase significantly. Also, the legislation requires institutions to track several new cohorts (e.g., Pell Grant recipients, subsidized loan but no Pell Grant, and no federal student aid).
- **Alumni Reporting Requirements:** Requires institutions to report to the Department of Education information on employment placement of graduates and types of employment obtained by graduates; also the numbers enrolling in graduate or professional education programs following graduation.

More information on these issues and others will be coordinated through the SUNY Office of Institutional Research and corresponding offices.

Additionally, HEOA increases the maximum Pell Award in 2009-10 to \$6,000, and provides for year-around awards. Through 2015, the maximum award increases \$400 per year. The statute also prohibits the Department of Education from developing achievement and outcome criteria for accreditation; however, accreditors will be required to make public more information about an institution, including any negative findings.

Attachment: New Disclosure or Reporting Provisions of Higher Education Opportunity Act