

September 24, 2008

To: Kavita Pandit
From: Marti Anne Ellermann
Subject: New Provisions of Higher Education Opportunity Act

This is to advise you and your staff in the Provost's Office about some new reporting requirements that will be imposed on SUNY campuses as a result of the enactment in August 2008 of the Higher Education Opportunity Act ("HEOA", also referred to as the Higher Education Act Reauthorization). As you may know, the HEOA has a substantial number of new reporting and disclosure requirements in multiple areas of college operation. There is a group within System Administration that is working on drafting a memo to presidents on these requirements and the group includes John Porter since many of the reporting requirements will fall within the responsibility of Institutional Research for data collection and reporting. However, I also wanted to bring to your attention several additional requirements that impact academic affairs. Two of the new reporting requirements will be the subject of Department of Education regulation over the next year; however, technically they are effective as of August 14, 2008.

1. Section 205(a)(1) of the HEOA requires institutions with teacher preparation programs to develop annual reports to the State and the general public containing specific information about the quality of their teacher education programs. Existing law (20 USC Section 1027[f]) already requires preparation of institutional report cards on the quality of teacher preparation, however the 2008 HEOA will require inclusion of additional information, including institutional activities to achieve the goals and assurances in Section 206 of the HEOA; on pass rates and scaled scores in teacher licensing examinations; criteria for admission into teacher preparation programs as well as the number of students in the programs disaggregated by race, ethnicity and gender; number of students who have been certified or licensed by subject area; use of technology; teacher training on participation in individualized education program teams and on teaching students with limited English proficiency (attachment 1).

2. Section 133 of the HEOA requires institutions that receive federal financial aid funds to disclose "to the maximum extent practicable" certain information relating to textbooks on any internet course schedules. Effective July 1, 2010, institutions that maintain internet course schedules (there is no requirement to have an internet course

schedule , however) will have to post the International Standards Book Number (ISBN) and retail price information for required and recommended textbooks and supplemental materials for each listed course. If the ISBN number is not available, the campus must disclose the author, title, publisher and copyright date of the textbook instead or if that is not “practicable,” the schedule must state “To be determined”. Written course schedules must advise students that textbook information is available on the campus’s Internet course schedule along with its URL. Additionally, campuses must provide their affiliated bookstore, at its request and “as soon as practicable”, the institution’s course schedule for the subsequent “academic period”, the number of students enrolled in each course, the maximum student enrollment in each course and the ISBN numbers and retail price information of all required or recommended textbooks and supplemental materials. There will be no rulemaking on this requirement.

3. The HEOA adds a number of disclosure requirements to the general institutional information that must be made available to students annually in campus publications, mailings or electronic media. Among these new disclosures is one on transfer of credit policies. Effective August 14, 2008, campuses receiving federal financial aid funds must disclose such information in a readable and comprehensible manner including a statement of any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education and a list of colleges and universities with which the campus has articulation agreements. It is noteworthy that the HEOA says it does not give any legally enforceable right to students to require institutions to accept a transfer of credit.

4. The HEOA also adds a new reporting requirement for institutions that receive funding for a center or program under Title VI of the Higher Education Act for International Education Programs. Such institutions will have to make reports to the US DOE if they receive gifts or contributions from any foreign government, foreign corporation or foundation exceeding \$250,000 in any one fiscal year. There are already reporting requirements under Section 117 of the Higher Education Act for foreign gifts received by an institution of higher education from a foreign source within one calendar year in the amount of \$250,000 or more.

For your reference, I am attaching the sections of the HEOA that are described above. As we learn more about the various provisions of the Act, additional guidance will be provided to campuses and appropriate System staff. Rulemaking on items 1 and 3 above may also shed additional light on these requirements. If you have any questions, please let me know.

Attachments
cc: Nicholas Rostow