

Volume 2 – Contents

CHAPTER 1 – INSTITUTIONAL ELIGIBILITY	2-1
Type & Control	2-1
<i>Type: the three definitions of eligible Institutions, Institutional Control</i>	
Basic Criteria for Eligible Institutions.....	2-3
Legal Authorization by a State	2-3
Accreditation.....	2-5
<i>Alternatives to regular accreditation; Primary accreditor; Dual accreditation</i>	
Admissions Standards	2-5
<i>High school diploma; Recognized equivalent of a high school diploma; Homeschooled students & compulsory school attendance; Preparatory programs for students without high school diploma or equivalent</i>	
“Two-Year” Rule for New Proprietary or Vocational Schools.....	2-7
Factors Leading to Loss of Eligibility	2-8
<i>Limitations; Bankruptcy or crimes involving FSA programs</i>	
Criteria to Participate in TEACH Grant Program	2-9
Applying as an Eligible Nonparticipating School.....	2-9
Withdrawal Rates.....	2-10
The Program Participation Agreement	2-10
<i>Purpose and scope of the PPA; Expiration or termination of the Agreement</i>	
 CHAPTER 2 – PROGRAM ELIGIBILITY, WRITTEN ARRANGEMENTS & DISTANCE EDUCATION	 2-15
Determining Program Eligibility	2-15
Basic Types of Eligible Programs.....	2-16
<i>Eligible programs at an institution of higher education; Eligible programs at a proprietary or postsecondary vocational institution</i>	
Programs Leading to Gainful Employment	2-18
<i>Domestic proprietary institutions & domestic postsecondary vocational institutions, Domestic public and domestic private nonprofit institutions of higher education, Foreign proprietary institutions, Foreign public and nonprofit institutions</i>	
Additional Eligibility Requirements.....	2-20
<i>Transition programs for students with intellectual disabilities, educational programs eligible for ACG and National SMART Grants; Educational programs eligible for TEACH Grants; ESL programs; Direct Assessment programs; Study abroad programs, Flight school programs</i>	
Written Arrangements Between Schools	2-23
<i>Consortium agreement; Contractual agreement; Study abroad or domestic exchange programs; Types of Study-Abroad Programs</i>	
Distance Education & Correspondence Study	2-26
<i>Distance education; Correspondence courses</i>	

Clock-Hour/Credit-Hour Conversions in Determining Program Eligibility.....	2-28
<i>When a school must use clock hours for FSA purposes, Definition of a clock hour,</i>	
<i>Definition of a credit hour, Clock/Credit Hour conversions in determining</i>	
<i>program eligibility, Credits approved by state and accrediting agencies</i>	

CHAPTER 3 – FSA ADMINISTRATIVE & RELATED REQUIREMENTS 2-33

Administrative Requirements for the Financial Aid Office	2-33
<i>Consistency of information & conflicting information; OIG Referrals;</i>	
<i>Coordinating official; Counseling; Adequate staffing; System of checks and balances</i>	
Ownership, Employees & Contractors	2-37
<i>Debarment of school owners or staff; Certifying current or prospective</i>	
<i>employees or contractors; Lower-tier covered transactions;</i>	
<i>Crimes involving FSA program funds; Past performance of persons affiliated with a school,</i>	
<i>Code of conduct, Compensation for serving on an advisory board</i>	
Contracts with Third-Party Servicers	2-40
<i>Excluded functions; Excluded individuals;</i>	
<i>Requirements for contracting with a third-party servicer</i>	
Incentive Compensation Prohibition	2-42
Required Electronic Processes	2-46
<i>Information for Financial Aid Professionals; Minimum systems requirements</i>	
Sharing Information with NSLDS, DL Servicers, and Guarantors	2-47
<i>Reporting student enrollment data to NSLDS; Updating borrower information</i>	
<i>at separation; Sharing information about delinquent/defaulted borrowers;</i>	
<i>Financial aid history & transfer monitoring</i>	
Satisfactory Academic Progress	2-50
<i>Basic elements of a satisfactory progress policy;</i>	
<i>“C” average required after 2 years</i>	
Taking Attendance.....	2-51
Provisions for U.S. Armed Forces Members & Families	2-51
<i>In-state tuition rates for active-duty servicemembers &</i>	
<i>family attending public institutions; Readmission of servicemembers</i>	

CHAPTER 4 – AUDITS, FINANCIAL STANDARDS, LIMITATIONS & COHORT RATES 2-55

FSA Audit Requirements for Schools	2-55
Timing of Audit Submissions	2-56
<i>Simultaneous FSA audit submissions; Submission dates for FSA audits;</i>	
<i>Waivers of requirement for an annual FSA audit</i>	
Standards & Guidelines for FSA Audits.....	2-59
<i>Audited financial statement requirement; FSA compliance audits;</i>	
<i>Single Audit Act (A-133 audit) guidelines; Exemptions, FSA consolidated statements</i>	

90/10 Revenue Test.....	2-61
Audit & Audit Review Process	2-64
<i>Having the audit performed; Review of FSA audit submissions; Access to records</i>	
Audits for third-party servicers	2-66
Demonstrating Financial Responsibility	2-67
<i>Financial responsibility for public schools;</i>	
<i>Financial responsibility for proprietary or private nonprofit schools</i>	
Standards for Financial Responsibility	2-68
<i>Composite score; Refund reserve standards; Returning funds in a timely manner;</i>	
<i>Compliance thresholds for timely return of funds; Letter of credit required when</i>	
<i>funds are not returned in timely manner; Exceptions to the letter of credit requirement;</i>	
<i>Current in debt payments</i>	
Alternatives to the General Financial Standards.....	2-73
<i>Letter of credit alternative for new school, Letter of credit alternative for participating school,</i>	
<i>Zone alternative, Provisional certification for school not meeting standards,</i>	
<i>Provisional certification for school where persons or entities owe liabilities</i>	
Past Performance and Affiliation Standards.....	2-76
<i>Past performance of a school; Past performance of persons affiliated with a school</i>	
Limitations	2-77
<i>Limitation on students admitted without HS diploma or equivalent;</i>	
<i>Incarcerated student limitation; Correspondence course &</i>	
<i>correspondence student limitation</i>	
Cohort Default Rates.....	2-80
<i>Time-frames for cohort default rates, Change to 3-year time-frame for</i>	
<i>FY2009 cohort default rates; Effect of cohort default rates;</i>	
<i>Default prevention & management plan</i>	
 CHAPTER 5 – UPDATING APPLICATION INFORMATION	 2-83
Recertification	2-83
Change in Ownership	2-84
<i>Changes at public institutions; Change in ownership that results in a change of control,</i>	
<i>structure, or governance; Change in ownership for closely-held corporations;</i>	
<i>Change in ownership for publicly traded corporations; Change in ownership</i>	
<i>for corporations that are not closely held or registered with the SEC</i>	
Changes in Ownership Interest and 25% Threshold	2-87
Steps to be Taken During A Change in Ownership.....	2-88
<i>Steps to be taken by former owners; Steps to be taken by prospective owners;</i>	
<i>Accepting liabilities and responsibility for return of funds; Payments to eligible students</i>	
Temporary Approval for Continued Participation	2-90
Reporting Substantive Changes.....	2-92
<i>Approval required from accreditor & state agency;</i>	
<i>Notification of school closure or bankruptcy</i>	
Changes to Location, Branch, or Campus.....	2-95
<i>Eligibility of additional locations; Reporting a new location;</i>	
<i>Applying for approval of a new location; Changing the status</i>	
<i>of a campus or a branch</i>	

Adding programs	2-98
<i>Adding a program—when a school may make eligibility determinations; ED must approve all other added programs; School must notify ED when adding new gainful employment program</i>	
Changes in Accreditation	2-99
<i>Loss of accreditation; Change in institution-wide accreditation; Changing to accreditation by more than one institution-wide accrediting agency</i>	
Changes to 3rd-Party Servicers	2-101

CHAPTER 6 – PROVIDING CONSUMER &

SAFETY INFORMATION..... 2-103

Availability of Information	2-103
<i>Notice to enrolled students; Web dissemination; Availability of employees for information dissemination purposes</i>	
General Student Disclosures	2-104
<i>Financial assistance available to students; Information about the school's academic programs, cost, facilities & policies; Disseminating completion, graduation & transfer-out rates (Student Right-To-Know); Retention, placement & post-graduate study</i>	
Disclosures and Gainful Employment Programs	2-109
<i>Disseminating information about gainful employment programs, Median loan debt, Placement rates</i>	
Campus Crime & Safety Information.....	2-110
<i>Distributing security and fire safety reports to enrolled students & current employees, Dissemination of reports to prospective students & prospective employees</i>	
Information about Athletics	2-113
<i>Report on athletic program participation rates & financial support; Providing completion & graduation rates for student athletes</i>	
Textbook Information	2-114
Loan Counseling	2-114
<i>Entrance counseling; Direct Loan counseling on the Web; Providing borrower information at separation, Exit counseling follow up, TEACH exit counseling; Counseling for correspondence & study-abroad students</i>	
Drug and alcohol abuse prevention information.....	2-119
<i>Information to be included in drug prevention materials for students; Distribution of materials to all students and employees</i>	
Misrepresentation	2-120
<i>Misrepresentation, Substantial misrepresentation</i>	
Information about Private Loans	2-122
<i>Disclosures required for private education loans, Self-certification form for private education loans, Schools as private lenders, Preferred lender lists; Preferred lender disclosures, Use of institution & lender name</i>	

CHAPTER 7 – RECORDKEEPING, ELECTRONIC PROCESSES, & PRIVACY 2-127

Required Records	2-127
<i>Records related to school eligibility; Records relating to student eligibility;</i>	
<i>Fiscal records; Loan program records</i>	
Record Retention Periods.....	2-131
Record Maintenance	2-132
<i>Acceptable formats; Special requirements for SARs and ISIRs</i>	
Examination of records	2-133
<i>Location, Cooperation with agency representatives</i>	
Privacy of Student Information (FERPA)	2-134
<i>Students & parents' rights to review educational records;</i>	
<i>Prior written consent to disclose the student's records, Disclosures to school officials;</i>	
<i>Disclosures to government agencies; Disclosures in response to subpoenas or court orders;</i>	
<i>Documenting the disclosure of information</i>	
The E-Sign Act & Information Security	2-138
<i>Obtaining voluntary consent for electronic transactions;</i>	
<i>Safeguarding confidential information in electronic processes;</i>	
<i>Establishing & maintaining an information security program</i>	
Preventing Copyright Violations.....	2-141

CHAPTER 8 – CAMPUS SAFETY, REPORTS, & OTHER REQUIREMENTS 2-143

Safety Requirements	2-143
<i>Crime log; Policies on timely reporting of crimes; Fire safety;</i>	
<i>Missing persons procedures; Emergency response & evacuation;</i>	
<i>Timely warning & emergency notification</i>	
Reporting Campus Data to ED	2-146
<i>Completion, graduation & transfer rates (Student Right-to-Know); Completion, graduation &</i>	
<i>transfer-out rates for student-athletes; Equity in Athletics (EADA) Report; Annual submission of</i>	
<i>campus security & fire safety statistics</i>	
Information for Gainful Employment Programs	2-148
<i>Information to be reported to ED, Time frame for reporting</i>	
Reporting Information on Foreign Sources & Gifts	2-151
<i>Who must report; Timing and content of submission; Information to be reported;</i>	
<i>Alternative reporting</i>	
Anti-Lobbying Provisions	2-152
<i>Prohibition on use of FSA funds; Campus-based disclosure</i>	
Programs to Prevent Drug & Alcohol Abuse	2-153
<i>Drug & alcohol abuse prevention program, Drug-Free Workplace requirements</i>	
<i>for Campus-Based schools</i>	
Voter Registration	2-154

CHAPTER 9 – PROGRAM REVIEWS, SANCTIONS & CLOSEOUT	2-155
Program Reviews by the Department	2-155
<i>Scope of the review; Location of the review;</i>	
<i>Notification of the review; Entrance and exit/status conference;</i>	
<i>Written report; Final Program Review Determination</i>	
Corrective Actions & Sanctions	2-160
<i>Sanctions; Criminal penalties</i>	
Closeout Procedures (When FSA Participation Ends)	2-162
<i>Involuntary withdrawal from FSA participation, Closeout procedures when</i>	
<i>participation ends, Unpaid commitments, Teachout plan, Closure of a branch or location,</i>	
<i>Loss of eligibility or withdrawal from the Direct Loan Program</i>	