

Campus Safety, Reports & Other Requirements

This chapter discusses school requirements that are not directly related to student aid or academics, such as required policies and procedures for campus security and fire safety. It also discusses several types of reports that must be submitted to the Department and the requirement for the school to have programs to prevent drug and alcohol abuse. Note that several of these requirements are linked to the consumer and safety information requirements in Chapter 6.

SAFETY REQUIREMENTS

Crime log



A school that participates in the FSA programs and has a campus police or security department must maintain a written, easily understood daily crime log. The log must list, by the date the crime was reported, any crime that was reported to the campus police or security department that occurred

- on campus,
- on a noncampus building or property,
- on public property, or
- within the police or security department's patrol jurisdiction.

The crime log must include the nature, date, time, and general location of each crime; and the disposition of the complaint, if known.

The school must make an entry or an addition to an entry to the log within 2 business days (Monday–Friday, except days when the school is closed) of the report of the information to the campus police or security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

A school may withhold one or more of the required pieces of information if there is clear and convincing evidence that the release of the information would—

- jeopardize an ongoing criminal investigation or the safety of an individual,
- cause a suspect to flee or evade detection, or
- result in the destruction of evidence.

However, the school must disclose any information withheld for any of these reasons, once the adverse effect is no longer likely to occur.

The school must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The school must make any portion of the log older than 60 days available within two business days of a request for public inspection.

CHAPTER 8 HIGHLIGHTS

■ Safety Requirements

- Crime log
- Fire safety
- Missing persons
- Emergency response & evacuation
- Timely warning & notification
- Reporting campus data to ED
- Completion, graduation & transfer rates (Student Right-to-Know)
- Equity in Athletics report
- Annual campus security & fire safety reports
- Reporting information on foreign sources & gifts
- Anti-lobbying certification & disclosure
- Programs to prevent drug & alcohol abuse
- Drug & alcohol abuse prevention programs
- Drug-Free Workplace requirements
- Voter registration

Citations

- 34 CFR 668.46(f)
- Fire safety log
- 34 CFR 668.49
- Missing persons
- 34 CFR 668.46(h)
- Emergency response & evacuation
- 34 CFR 668.46(g)

Reporting campus security and fire safety data to ED

Security and fire safety survey data is collected through the Department's Campus Crime and Security Web site (requires password and User ID):

surveys.ope.ed.gov/security

Fire Safety

Fire safety requirements were added by the Higher Education Act of 2008 (HEA 485(i))
34 CFR 668.49

Definitions

On-campus student housing facility—a dormitory or other residential facility for students that is located on a school's campus.
Campus—any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls.

Missing persons procedures—private right of action

The requirements for a school to establish missing persons procedures do not provide a private right of action to any person to enforce a provision of the subsection or create a cause of action against any institution of higher education or any employee of the institution for any civil liability.

HEOA section 488(g) HEA section 485(j)
Effective date: August 14, 2008

Policies on timely reporting of crimes

Schools must have policies that encourage complete timely reporting of all crimes to the campus police and appropriate law enforcement agencies.

Fire safety



A school that has any on-campus student housing facility must maintain a written, easily understood log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time, and general location of each fire.

The school must

- make an entry or an addition to an entry to the log within 2 business days of the receipt of the information,
- must make the fire log for the most recent 60-day period open to public inspection during normal business hours, and
- must make any portion of the log older than 60 days available within two business days of a request for public inspection.

A school must make an annual report to the campus community on the fires recorded in the fire log (see *Chapter 6*, “Providing Consumer Information”), and must annually submit a copy of the fire safety statistics to the Department (see “Annual campus security and fire safety reports” in the next section).

Missing persons procedures



A school that provides on-campus housing must establish a missing student notification policy for students who reside in on-campus housing that—

- informs each student that they have the option to identify an individual that the school can contact no later than 24 hours after the time the student is determined missing according to the school's official notification procedures described below,
- provides each student a way to register confidential contact information in the event the student is determined to be missing for more than 24 hours,
- advises each student under 18 years of age (who is not emancipated) that the school must notify a custodial parent or guardian no later than 24 hours after the time the student is determined to be missing according to the school's official notification procedures, and
- requires the school to initiate the emergency contact procedures that the student designates if campus security or law enforcement personnel have been notified and determine that the student has been missing for more than 24 hours and has not returned to campus.

Students must be advised that their contact information will be registered confidentially and that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

Schools must also establish official notification procedures for a missing student who resides in on-campus housing that

- include procedures for official notification of appropriate individuals at the school that such student has been missing for more than 24 hours, and
- require that any official missing person report relating to such student be referred immediately to the school's police or campus security department.

When a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours the school must, within 24 hours, notify

- the contact person (if the student has designated one), and
- the student's custodial parent or guardian (if the student is less than 18 years old and is not emancipated).

In all cases, the school must inform the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.

Emergency response & evacuation

A school must develop emergency response and evacuation procedures, and include a description of its procedures in its Annual Security Report (see "Annual campus security and fire safety reports" in the next section). The school must test emergency response and evacuation procedures at least once each calendar year. For each test, the school must keep documents describing the exercise, stating the date and time, and indicating whether it was announced or unannounced.

Timely warning & emergency notification



A school must, in a manner that is timely and will aid in the prevention of similar crimes, report to the campus community on crimes that are—

- included in campus crime statistics, such as arson, robbery, burglary, motor vehicle theft, aggravated assault, criminal homicides, and sex offenses (see full listing in sidebar), or
- reported to local police agencies or to campus security authorities (as identified under the school's statement of current campus policies), and
- considered by the school to represent a threat to students and employees.

A school is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

If there is an immediate threat to the health or safety of students or employees occurring on campus, a school must follow its emergency notification procedures. A school that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the school must provide adequate follow-up information to the community as needed.

Definition of "test"

Regularly scheduled drills, exercises, and appropriate followthrough activities, designed for assessment and evaluation of emergency plans and capabilities.

Crimes to be reported to campus community

34 CFR 688.46(c)(1)

- (i) Criminal homicide:
 - (A) Murder and nonnegligent manslaughter.
 - (B) Negligent manslaughter.
- (ii) Sex offenses:
 - (A) Forcible sex offenses.
 - (B) Nonforcible sex offenses.
- (iii) Robbery.
- (iv) Aggravated assault.
- (v) Burglary.
- (vi) Motor vehicle theft.
- (vii) Arson.
- (viii) (A) Arrests for liquor law violations, drug law violations, and illegal weapons possession.
- (B) Persons not included in paragraph (c)(1) (viii)(A) of this section, who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

34 CFR 688.46(c)(3)

An institution must report, by category of prejudice, the following crimes reported to local police agencies or to a campus security authority that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability:

- (i) Any crime it reports pursuant to paragraph (c)(1)(i) through (vii) of this section.
- (ii) The crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.
- (iii) Any other crime involving bodily injury.

Definitions

Undergraduate students—For purposes of §§668.45 and 668.48 [completion and graduation rates for students and student athletes] only, means students enrolled in a bachelor's degree program, an associate degree program, or a vocational or technical program below the baccalaureate.
34 CFR 668.41(a)

Certificate or degree-seeking student—a student enrolled in a course of credit who is recognized by the institution as seeking a degree or certificate.

Reporting rates to IPEDS

The graduation, completion, and transfer-out rates are reported through the Department's Integrated Postsecondary Education Data System (IPEDS) Web site. The IPEDS survey is conducted by the National Center for Education Statistics (NCES). Information on NCES and IPEDS is available at <http://www.nces.ed.gov/IPEDS>

Survey forms, instructions, FAQs, worksheets, and other information are posted at:
nces.ed.gov/ipeds/web2000/springdataitems.asp

Information can only be reported to this system by the school's designated "keyholder." Schools may change keyholders at any time during the year by contacting

Jan Plotczyk
202-502-7459
IPEDS Universe Coordinator
Rm. 8122 1990
K Street NW
Washington DC 20006

Note that your school's graduation rates are displayed on the IPEDS College Navigator site: <http://nces.ed.gov/ipeds/collegenavigator>.

Optional calculations

In addition to calculating the completion or graduation rate as described, a school may, but is not required to—

- (1) Calculate a completion or graduation rate for students who transfer into the school;
- (2) Calculate a completion or graduation rate for students described in paragraphs (d)(1)(i) through (iv) of this section; and
- (3) Calculate a transfer-out rate, even if the school determines that its mission does not include providing substantial preparation for its students to enroll in another eligible school.

REPORTING CAMPUS DATA TO THE DEPARTMENT

Completion, graduation & transfer rates (Student Right-to-Know)

Each year, a school must prepare the completion or graduation rate of its certificate- or degree-seeking, first-time, full-time undergraduate students. Your school must report its completion or graduation rates every spring to the Department through the IPEDS Web site (see sidebar).

If the school's mission includes providing substantial preparation for students to enroll in another eligible school, it must also prepare the transfer-out rate of its certificate- or degree-seeking, first-time, full-time undergraduate students.

The annual rates are based on the 12-month period that ended August 31st of the prior year. The rates will track the outcomes for students for whom 150% of the normal time for completion or graduation has elapsed. Normal time is the amount of time necessary for a student to complete all requirements for a degree or certificate according to the institution's catalog. This is typically four years for a bachelor's degree in a standard term-based institution, two years for an associate degree in a standard term-based institution, and the various scheduled times for certificate programs. (See the IPEDS instructions for further details on calculating the rate.)

Completion, graduation & transfer-out rates for student-athletes

Schools that participate in an FSA program and offer athletically related student aid must use the IPEDS Web survey to provide information on completion or graduation rates, transfer-out rates, if applicable, and other statistics for students who receive *athletically related student aid*.

The definition of *athletically related student aid* used here is the same definition that is also used for the Equity in Athletics Disclosure Act (EADA) disclosure requirements (as discussed in the next section). The definitions of certificate- or degree-seeking students, first-time undergraduate students, undergraduate students, and normal time are the same as those used for the calculation of completion or graduation and transfer-out rates for a school's general student body cohort (also discussed above).

In addition to the completion rates and transfer-out rates, schools must report

- the number of students, categorized by race and gender, who attended the school during the year prior to the submission of the report, and
- within each sport—the number of those attendees who received athletically related student aid, categorized by race and gender.

Equity in Athletics (EADA) report

Any coeducational institution of higher education that participates in an FSA program and has an intercollegiate athletic program must prepare an annual EADA report. Officially, it is *The Report on Athletic Program Participation Rates and Financial Support Data*. It is commonly referred to as the EADA Report.

A school must submit its Equity in Athletics report to the Department via the EADA Survey Web site annually, within 15 days of making it available to students, prospective students, and the public.

The school's EADA report must include information on—

- the number of male and female full-time undergraduate students that attended the school (undergraduate students are those who are consistently designated as such by the school),
- the total amount and ratio of athletically related student aid awarded to male athletes compared to female athletes,
- the expenses incurred by the school for men's and women's sports,
- total annual revenues for men's or women's sports,
- the annual school salary of non-volunteer head coaches and assistant coaches for men's and women's teams,
- for each varsity team in intercollegiate competition, the number and gender of participants and coaches, operating expenses, etc.

For specific categories and reporting rules, please see the EADA User's Guide for the online survey.

Annual campus security & fire safety reports

A school must submit an annual campus crime report to the Department that includes the crime statistics that are documented in the crime log described earlier in this chapter. This report must also describe the school's policies, procedures, and programs related to crime prevention and reporting, drug and alcohol abuse, emergency response and evacuation, and missing student notifications.

A school that maintains any on-campus student housing facility must also submit an annual fire safety report to the Department. The report must include statistics on the number and causes of fires, as well as fire-related injuries, death, and property damage for each on-campus student housing facility during the three most recent calendar years for which data are available. The school must also include information about its fire safety policies and procedures.

This report will be due at the same time as the Annual Security Report. Please visit the *Campus Safety and Security Survey* website (see sidebar) for a detailed explanation of how campus crime and fire safety statistics are to be tabulated, and how information about policies and procedures is to be reported.

Equity in Athletics Disclosure Act (EADA)

Equity in Athletics Disclosure Act (EADA) of 1994

Section 485(e) and (g) of the Higher Education Act of 1965

20 U.S.C. 1092

34 CFR 668.41(g)

34 CFR 668.47

Reporting EADA data to ED

Schools report their EADA data on the Web at the Athletic Disclosure Web site:

<http://surveys.ope.ed.gov/athletics>

Note that a password and user ID are required for use of this Web site. They are sent by the Department to the chief administrator at the school. For help with this site, contact: eadahelp@westat.com

Handbook for Campus Crime Reporting

To assist schools in fully complying with the Crime Awareness and Security Act of 1990, the Department has developed *The Handbook for Campus Crime Reporting*. The *Handbook* defines the categories of crime and procedures for reporting them, as well as the requirements for timely warnings and maintenance of a daily crime log.

The Handbook is available at:

www.ed.gov/admins/lead/safety/campus.html

Reporting campus crime & fire safety information

Each year in the late summer, a letter and a certificate from the U.S. Department of Education are sent to the school's president or chief executive officer. The certificate includes the User ID and password needed to access the Campus Crime and Security Survey Web site.

<https://surveys.ope.ed.gov/security/>

Where to report foreign gift information

Foreign gift, contract, and ownership or control reports must be submitted to the FSA School Participation Teams using FSA's electronic application (E-App) found at www.eligcert.ed.gov

Go to Section K, Question 71, and enter the appropriate information about the foreign gift, contract, or ownership and control, then go to Section L, to complete the signature page. You may then submit your report.

Foreign gifts references

Higher Education Act: Sec. 117
Reminder to schools of requirements for reporting foreign gifts.
DCL: GEN-04-11, Oct. 4, 2004.

Definitions

A *foreign source* is

- a foreign government, including an agency of a foreign government;
- a legal entity created solely under the laws of a foreign state or states;
- an individual who is not a citizen or national of the United States; and
- an agent acting on behalf of a foreign source.

A *gift* is any gift of money or property.

A *contract* is any agreement for the acquisition by purchase, lease, or barter of property or services for the direct benefit or use of either of the parties.

REPORTING INFORMATION ON FOREIGN SOURCES & GIFTS

Federal law requires most 2-year and 4-year postsecondary schools (whether or not the school is eligible to participate in the FSA programs) to report

- ownership or control by foreign sources.
- contracts with or gifts from the same foreign source that, alone or combined, have a value of \$250,000 or more for a calendar year.

Who must report

A school (and each campus of a multicampus school) must report this information if the school—

- is legally authorized to provide a program beyond the secondary level within a state,
- provides a program that awards a bachelor's degree or a more advanced degree, or provides at least a two-year program acceptable for full credit toward a bachelor's degree,
- is accredited by a nationally recognized accrediting agency, and
- is extended any federal financial assistance (directly or indirectly through another entity or person) or receives support from the extension of any federal financial assistance to the school's subunits.

Timing of submission

A school must report this information by January 31 or July 31 (whichever is sooner) after the date of receipt of the gifts, date of the contract, or date of ownership or control. The January 31 report should cover the period July 1–December 31 of the previous year, and the July 31 report should cover January 1–June 30 of the same year.

Information to be reported

Using the E-App, you must report the following information in Section K, question 71:

- for gifts received from or contracts entered into with a foreign government—the name of the country and the aggregate amount of all gifts and contracts received from each foreign government,
- for gifts received from or contracts entered into with a foreign source other than a foreign government—the name of the foreign state to which the contracts or gifts are attributable, and the aggregate dollar amount of the gifts and contracts attributable to a particular country (The country to which a gift or a contract is attributable is the country of citizenship; or, if unknown, the principal residence for a foreign source who is a natural person and the country of incorporation, or if unknown, the principal place of business for a foreign source that is a legal entity.),
- in the case of a school that is owned or controlled by a foreign entity—the identity of the foreign entity, the date on which the

foreign entity assumed ownership or control, and a description of any substantive changes to previously reported ownership or control, or institutional program or structure resulting from the change in ownership or control,

- for restricted or conditional gifts received from, or restricted or conditional contracts entered into with a foreign government—the name of the foreign country, the amount of the gift or contract, the date of the gift or contract, and a description of the conditions or restrictions,
- for restricted or conditional gifts received from or restricted or conditional contracts entered into with a foreign person—the citizenship (or if unknown, the principal residence) of that person, the amount of the gift or contract, the date of the gift or contract, and a description of the conditions and restrictions, and
- for restricted or conditional gifts received from or restricted or conditional contracts entered into with a foreign source (legal entity other than a foreign state or individual—the country of incorporation or, if unknown, the principal place of business for that foreign entity), the amount of the gift or contract, date of the gift or contract, and a description of the conditions and restrictions.

Any conditions or restrictions on the foreign gift must be reported in question 69.

Once you've entered the appropriate information about the foreign gift, contract, or ownership and control, then go to Section L to complete the signature page. You may then submit your report.

Alternative reporting

In lieu of the reporting requirements listed above:

- If a school is in a state that has substantially similar laws for public disclosure of gifts from, or contracts with, a foreign source, a copy of the report to the state may be filed with the Department. The school must provide the Department with a statement from the appropriate state official indicating that the school has met the state requirements.
- If another department, agency, or bureau of the Executive Branch of the federal government has substantially similar requirements for public disclosure of gifts from, or contracts with, a foreign source, the school may submit a copy of this report to the Department.

Restricted or conditional gift or contract

A restricted or conditional gift or contract is any endowment, gift, grant, contract, award, present, or property of any kind that includes provisions regarding

- the employment, assignment, or termination of faculty;
- the establishment of departments, centers, research or lecture programs, or new faculty positions;
- the selection or admission of students; or
- the award of grants, loans, scholarships, fellowships, or other forms of financial aid restricted to students of a specified country, religion, sex, ethnic origin, or political opinion.

Penalties

If a school fails to comply with the requirements of this law in a timely manner, the Department is authorized to undertake a civil action in federal district court to ensure compliance. Following a knowing or willful failure to comply, a school must reimburse the Treasury of the United States for the full costs of obtaining compliance with the law.

For additional information & alternative reporting

Contact the School Participation Team for your state. Contact information for these Teams is posted on the IFAP Web site, under "Help—Contact Information":

ifap.ed.gov

Prohibition on use of FSA funds

HEOA section 119

Effective date: August 14, 2008

Anti-Lobbying Certification & Disclosure

Section 319 of Pub. L. 101-121, enacted October 23, 1989, amended title 31, United States Code, by adding a new section 1352, entitled “Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions,” commonly known as the Byrd Anti-Lobbying Amendment.

As a result of that legislation, the Office of Management and Budget (OMB) issued interim final common regulations on February 26, 1990, for implementing and complying with the law. The Department of Education (ED) codified these regulations at 34 CFR Part 82, which is part of the Education Department General Administrative Regulations (EDGAR). 34 CFR Part 82

ACA may not be used for association membership

A school may not use its Administrative Cost Allowance to pay for its membership in professional associations (such as the National Association of Student Financial Aid Administrators, the National Association of College and University Business Officers, etc.), regardless of whether the association engages in lobbying activities.

ANTI-LOBBYING PROVISIONS

Prohibition on use of FSA funds

FSA funds may not be used to pay any person for attempting to influence

- a Member of Congress or an employee of a Member of Congress, or
- an officer or employee of Congress or any agency.

This prohibition applies to the making of a federal grant or loan, awarding federal contracts, and entering into federal cooperative agreements, as well as to the extension, continuation, renewal, amendment, or modification of a federal contract, grant, loan, or cooperative agreement.

In addition, FSA funds may not be used to hire a registered lobbyist or to pay any person or entity for securing an earmark. Schools receiving FSA funds will have to certify their compliance with these requirements annually.

Campus-based disclosure

If a school that receives more than \$100,000 in Campus-Based funds has used *nonfederal* funds to pay any person for lobbying activities in connection with the Campus-Based programs, the school must submit a Disclosure Form (Standard Form LLL) to the Department. The school must update this disclosure at least quarterly and when changes occur.

The disclosure form must be signed by the Chief Executive Officer (CEO) or other individual who has the authority to sign on behalf of the entire school. A school is advised to retain a copy in its files.

The school must require that this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

PROGRAMS TO PREVENT DRUG & ALCOHOL ABUSE

Every school that participates in the FSA programs must have a drug and alcohol prevention program for its students and staff, as described below. A school that receives Campus-Based funding must also have a drug prevention program for its employees.

Drug & alcohol abuse prevention program

Every participating school must certify that on the date it signs the Program Participation Agreement, it has a drug and alcohol abuse prevention program in operation that is accessible to any officer, employee, or student at the school. The program adopted by the school must include an annual distribution to all students, faculty, and staff of information concerning drug and alcohol abuse and the school's prevention program.

A school must review its program once every two years to determine its effectiveness and to ensure that its sanctions are being enforced. As a part of this biennial review, the school must determine—

- the number of drug and alcohol-related violations and fatalities that occur on a school's campus, or as part of any of the school's activities and are reported to campus officials; and
- the number and type of sanctions that are imposed by the school as a result of drug and alcohol-related violations and fatalities on the school's campus or as part of any of the school's activities.

A school that does not certify that it has a prevention program, or that fails to carry out a prevention program, may lose its approval to participate in the FSA programs.

Drug-Free Workplace requirements for Campus-Based schools

A school that participates in the Campus-Based programs must take certain steps to provide a drug-free workplace, including—

- establishing a drug-free awareness program to provide information to employees,
- distributing a notice to its employees of prohibited unlawful activities and the school's planned actions against an employee who violates these prohibitions, and
- notifying the Department and taking appropriate action when it learns of an employee's conviction under any criminal drug statute.

A school's administrative cost allowance may be used to help defray related expenses, such as the cost of printing informational materials given to employees. The administrative cost allowance is discussed in *Volume 6 – Campus-Based Programs*.

The drug-free workplace requirements apply to all offices and departments of a school that receives Campus-Based funds. Organizations that contract with the school are considered subgrantees not subject to the requirements of the Drug-Free Workplace Act.

Drug & alcohol abuse prevention programs

These requirements are found in 34 CFR 86–Drug and Alcohol Abuse Prevention. The regulations published in the Federal Register, August 16, 1990 offer a number of suggestions for developing a drug prevention program.

Measuring the effectiveness prevention programs

The effectiveness of a school's prevention program may be measured by tracking the number of drug & alcohol-related

- disciplinary actions;
- treatment referrals;
- incidents recorded by campus police or other law enforcement officials.

You may also find it useful to track the number of students or employees attending self-help or other counseling groups related to alcohol or drug abuse; and survey student, faculty, and employee attitudes and perceptions about the drug and alcohol problem on campus.

Drug-Free Workplace

The FSA requirements are derived from the 1989 Amendments to the Drug-Free Schools and Communities Acts of 1986 and 1988. See: Public Law 101-226. Because a school applies for and receives its Campus-Based allocation directly from the Department, the school is considered to be a federal grant recipient, and as such is required to make a good faith effort, on a continuing basis, to maintain a drug-free workplace. 34 CFR Part 84. Also see the Drug-Free Workplace Act of 1988 (Public Law 101-690).

Additional sources of information

The following resources are available for schools that are developing prevention programs.

- The Drug Free Workplace Helpline—Provides information to private entities about workplace programs and drug testing. Proprietary and private nonprofit schools may use this line (1-800-967-5752). <http://www.workplace.samhsa.gov/>
- Substance Abuse & Mental Health Services Administration – SAMHSA (U.S. Department of Health & Human Services) Treatment and Referral Hotline 1-800-662-HELP (1-800-662-4357) Publications <http://store.samhsa.gov/home>.

Applicability of voter registration requirement


The voter registration requirement was included in the National Voter Registration Act of 1993. In essence, if a participating school is located in a state that requires voter registration prior to election day and/or does not allow the ability to register at the time of voting, then the school must make a good faith effort to distribute voter registration forms to its students.

The Department of Justice has identified the states that meet this criteria—

The requirements of the National Voter Registration Act of 1993 (also known as the “NVRA” or “motor voter law”) apply to 44 States and the District of Columbia. Six States (Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming) are exempt from the NVRA Likewise, the territories are not covered by the NVRA (Puerto Rico, Guam, Virgin Islands, American Samoa).

—From U.S. Department of Justice, “Questions and Answers” on “The Voter Registration Requirements of Sections 5, 6, 7 and 8 of the National Voter Registration Act.”

VOTER REGISTRATION

Schools in most states and the District of Columbia must make a good faith effort to distribute voter registration forms to their students. (Schools in Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming are exempt from this requirement.) The school must make the voter registration forms widely available to its students. It must individually distribute the forms to its degree- or certificate-seeking (FSA-eligible) students. 

The school can mail paper copies, or, alternatively, it may distribute voter registration forms by electronically transmitting to each student a message containing an acceptable voter registration form or an Internet address where that form can be downloaded. The electronic message must be devoted exclusively to voter registration.

In states where this condition applies, schools must request voter registration forms from the state 120 days prior to the state’s deadline for registering to vote. This provision applies to general and special elections for federal office, and to the elections of governors and other chief executives within a state. If a school does not receive the forms within 60 days prior to the deadline for registering to vote in the state, it is not liable for failing to meet the requirement during that election year.