



How to Research Questions



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How to Research Questions

Eileen Welsh
Training Specialist
Division of Training & Regulatory Assistance, NASFAA



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Where do you go to find an answer about the Title IV programs?

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Hierarchy of Resources

Statutory
Regulatory
Subregulatory

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Statutory Resources

Laws creating and amending the Title IV programs

- Higher Education Act of 1965, as amended
- NASFAA maintains searchable compilation of Title IV legislation on its website under Members/Professional Practice Tools tabs
- The law supersedes regulations
- Federal law takes precedence over state law

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Major Parts of Title IV of the HEA

- Part A (Grant Programs)
- Part B (Federal Family Education Loan Program)
- Part C (Federal Work-Study Program)
- Part D (Federal Direct Student Loan Program)
- Part E (Federal Perkins Loan Program)

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Major Parts of Title IV of the HEA

- Part F (Need Analysis)
- Part G (General Provisions)
- Part H (Program Integrity)

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Statutory Resources

Statement of Managers

- Often accompanies Conference Report resolving differences between Senate and House of Representatives bills
- Identifies differences
- Summarizes each chamber's position
- States conferees' recommendations
- Often provides insight into conferees' intent

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Regulatory Resources

- Regulations
 - Govern actions of program participants
 - Provide procedural guidance in the management of the programs
 - Have the “force of law”
- Preambles to Notices of Proposed Rulemaking (NPRMs) and final rules

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Development of Regulations

Title IV regulations developed through negotiated rulemaking

- Involves representatives of affected groups
- Goal is to achieve consensus on proposed rule language of regulatory package under consideration
 - If consensus on all issues, ED must abide by agreement
 - If consensus not reached, ED free to construct proposed rule language as it sees fit

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Development of Regulations

- Results of negotiated rulemaking published as NPRM in the *Federal Register* for public comment
- After NPRM comment period over, ED:
 - Reviews comments
 - Incorporates changes
 - Publishes final rule or interim final rule

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Preambles to NPRMs and Final Rules

- Identify regulatory parts, programs affected, and action being taken
- Contain summary statement identifying
 - Purpose of the regulation
 - Broad topics covered
- Lists individual(s) and contact information for further information about the package

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Preamble to a NPRM

Contains background information about the proposed changes

- Applicable statutory and/or current regulatory references
- Description of what would change
- ED's reason(s) for making the change

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Preamble to a Final Rule

- Identifies date the regulations become effective
 - May have more than one effective date
 - May have implementation date that differs from the effective date
- Summarizes comments received and includes ED's responses to comments
 - If change made, notes and explains change made
 - If no change made, explains reason(s) ED did not make the change

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Structure of Title IV Regulations

- Regulations governing the Title IV programs are in the Code of Federal Regulations (CFR)
- CFR divided into 50 Titles
 - Regulations relating to education designated as *Title 34 of the Code of Federal Regulations* or *34 CFR*
- Each Title divided into parts

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Parts of 34 CFR

- Part 86 Drug Free Schools and Campus
- Part 99 Family Education Rights and Privacy
- Part 600 Institutional Eligibility
- Part 601 Institution and Lender Requirements Relating to Education Loans
- Part 602 Secretary's Procedures and Criteria for Recognition of Accrediting Agencies
- Part 603 Secretary's Recognition Procedures for State Agencies

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Parts of 34 CFR

- Part 668 Student Assistance General Provisions
- Part 673 General Provisions for Federal Perkins Loan, Federal Work-Study and Federal Supplemental Educational Opportunity Grant Programs
- Part 674 Federal Perkins Loan Program
- Part 675 Federal Work-Study Program
- Part 676 Federal Supplemental Educational Opportunity Grant Program

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Parts of 34 CFR

- Part 682 Federal Family Education Loan Programs
- Part 685 William D. Ford Federal Direct Student Loan Program
- Part 686 Teacher Education Assistance for College and Higher Education (TEACH) Grant Program
- Part 690 Federal Pell Grant Program
- Part 694 Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

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Parts of 34 CFR

- Each Part divided into sections
- Sections are composed of paragraphs of increasingly specific levels:

Level 1	(a), (b), (c), etc.	§ 668.22(a)
Level 2	(1), (2), (3), etc.	§ 668.22(a)(1)
Level 3	(i), (ii), (iii), etc.	§ 668.22(a)(1)(i)
Level 4	(A), (B), (C), etc.	§ 668.22(a)(1)(i)(A)
Level 5	<i>(1), (2), (3), etc.</i>	§ 668.22(a)(1)(i)(A)(1)
Level 6	<i>(i), (ii), (iii), etc.</i>	§ 668.22(a)(1)(i)(A)(1)(i)

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Parts of 34 CFR

- Sections are followed by subsections (lower case letter)
- Subsections are divided into paragraphs (Arabic number)
- Paragraphs are followed by clauses (lower case Roman numerals)
- Clauses are followed by phrases (capital letters, then italicized Roman numerals)

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Parts of 34 CFR

Example:

668.22(f) *Percentage of payment period or period of enrollment completed.* (1) For purposes of paragraph (e)(2)(i) of this section, the percentage of the payment period or period of enrollment completed is determined—

- (i) In the case of a program that is measured in credit hours, by dividing the total number of calendar days in the payment period or period of enrollment into the number of calendar days completed in that period as of the student's withdrawal date; and
- (ii)(A) In the case of a program that is measured in clock hours, by dividing the total number of clock hours in the payment period or period of enrollment into the number of clock hours scheduled to be completed as of the student's withdrawal date.

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How to Research Questions

Online Compilations of Title IV Regulations

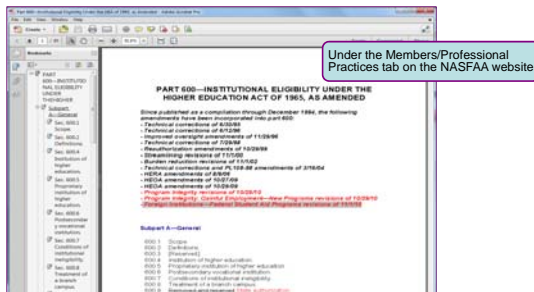
- Government Printing Office (GPO) Electronic Code of Regulations e-CFR at:

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>
- NASFAA Compiled Title IV Regulations on NASFAA website under Members/Professional Practice Tools tabs

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NASFAA Compiled Title IV Regulations



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Subregulatory Resources

- Help decipher meaning of regulations
- Available on the Department of Education's (ED's) Information for Financial Aid Professionals (IFAP) website
- Major subregulatory resources are *FSA Handbook*, Dear Colleague Letters, Electronic Announcements, and other ED guides

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IFAP Home Page



www.ifap.ed.gov

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ED Publication on IFAP



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ED Program Integrity Qs&As



<http://www2.ed.gov/policy/highered/reg/hearulemaking/2009/integrity.html>

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Subregulatory Resources

Includes ED guidance in areas that the law prohibits ED from regulating, such as:

- Part F of the HEA
 - Need analysis
 - Professional judgment authority

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Questions?

Please send your questions to: welshe@nasfaa.org

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Researching a Title IV Question: Sample Questions

1. Can a school award Federal Supplement Education Opportunity Grant (FSEOG) for both the fall and spring semesters to a Federal Pell Grant eligible student who reaches his lifetime eligibility used (LEU) after receiving a Federal Pell Grant payment during the fall semester?
2. A dependent was selected for verification for 2013–14 and the parents received an IRS extension to file their 2012 federal income tax return. Does the school have to reverify the student's application when the parents file their 2012 return?
3. Suppose a student completes a bachelor's degree and enrolls in a second bachelor's degree program. If coursework completed for the first program also counts toward the second program, how does the school apply the 150 percent maximum timeframe for determining satisfactory academic progress?
4. May a school's satisfactory academic progress policy include automatic "academic amnesty" in certain circumstances, for example, after the student has not attended a certain number of payment periods or years?
5. A student enrolls in a Master of Business Administration (MBA) program after completing a Master in Health Administration. The student did not borrow any loans while an undergraduate, and borrowed only unsubsidized loans while completing the Master in Health Administration, including the higher annual additional unsubsidized loan amount for health professions students. How do you determine the student's remaining eligibility for an unsubsidized loan for the MBA program?



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