



How to Research Questions



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National Association of Student
Financial Aid Administrators


**How to Research
Questions**

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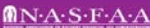
 

How to Research Questions



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

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How to Research Questions

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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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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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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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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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	(1), (2), (3), etc.	§ 668.22(a)(1)(i)(A)(1)
Level 6	(i), (ii), (iii), etc.	§ 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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On-Line 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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Exercise Using Regulations

1. Is this a Notice of Proposed Rulemaking, or is this a final rule?

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Exercise Using Regulations

2. What parts of the Code of Federal Regulations are being amended, and what programs are affected?

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Exercise Using Regulations

3. Why was it necessary to publish these regulations?



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Exercise Using Regulations

4. What is the effective date of these regulations?

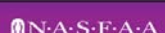
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Exercise Using Regulations

5. Did ED designate any regulation for early implementation?

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Exercise Using Regulations

6. Who at ED is identified as able to answer questions about the provisions related to misrepresentation?

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Exercise Using Regulations

7. Suppose you want to refer back to the NPRM that proposed making the major changes in this final rule package. Where would you look?

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Exercise Using Regulations

8. Where does ED explain the treatment of a 2010 summer payment period under the new satisfactory academic progress requirements, and what is that treatment?

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Exercise Using Regulations

9. Did ED, based on the comments received, make any changes to the proposed rules regarding the frequency with which schools must evaluate satisfactory progress? If so, what was the change?

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Exercise Using Regulations

10. When calculating the student's pace in completing his or her program of study, how is remedial coursework treated?

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Exercise Using Regulations

11. What does ED say about students who change majors?

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Exercise Using Regulations

12. What reasons does ED provide for requiring that a student submit an appeal before placing the student on an academic plan?

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Exercise Using Regulations

13. 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% maximum timeframe?

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Exercise Using Regulations

14. How does a school calculate the pace at which a student is completing his or her program, and where is this information in the regulations?

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Exercise Using Regulations

15. If a school's SAP policy does not allow appeals, what must the school's SAP policy state, and where is this information found in the regulations?

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Exercise Using Regulations

16. What is the 150% maximum timeframe for graduate programs, and where is this information found in the regulations?

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Questions?

Please send your questions to:

askregs@nasfaa.org

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