



NASFAA

PRISON EDUCATION PROGRAM

WEB CENTER

# NASFAA Prison Education Program Learning Series

## Consumer Information Requirements for Prison Education Programs

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### 2023-24 and 2024-25

**What are required consumer information disclosures?** Every year, all colleges and universities receiving federal financial aid funds must report accurate consumer information to prospective and enrolled students, the students' parents if the student is dependent, and the school's employees to help them make informed decisions about their education or employment. Schools must update and notify students annually about where they can access this information. This summary sheet focuses on the annual notice requirements and the options for delivery mechanisms. The actual content details of the consumer information material appear in the *Federal Student Aid Handbook*. This summary discusses the requirements that pertain to Prison Education Programs (PEPs), unique challenges faced by PEPs, and considerations for addressing those challenges.

**Why are consumer information and required disclosures important?** The Department of Education (ED) defines the consumer information colleges and universities must provide, and these reports and disclosures must be complete, accurate, timely, and understandable. Failure to provide the required disclosures puts the school at risk of partial or full loss of federal student aid eligibility, as well as the school having to pay significant fines.

**What is the required annual consumer information notice to students?** Every year, schools must distribute individually, to all enrolled students, a notice listing and briefly describing all the categories of consumer information, disclosures, and reports the school must make available to them and how they can obtain that information.

**This annual notice does not usually contain the actual disclosures and reports themselves, which are often quite long.** The annual notice is a "short list" outlining the topics covered by the full consumer disclosures and reports available to students. It must indicate exactly where the content can be found, state that a printed copy of any disclosure or report will be available on request, and include a brief description of required information about the following:

- Financial assistance programs available to enrolled students
- The academic institution's programs, services, and policies
- Student retention, completion and placement data
- Students' and parents' rights under the Family Educational Rights and Privacy Act (FERPA)
- School's report on athletic participation rates and financial support data required under the Equity in Athletics Disclosure Act (EADA)
- Campus security and fire safety data

A sample of an annual notice appears at the end of this summary.

**Delivery of the annual notice.** Schools can deliver the annual notice via direct email or one-to-one campus email to each enrolled student. PEPs where students cannot receive the notice electronically must provide it individually to students in print form.

**What kind of student advising and support should accompany the distribution of the annual notice?** PEP advisors should use the annual notice as an opportunity to counsel students about the consumer information available to them. PEP students should understand that they are entitled to all federally required consumer information about the school and its programs, but because they are not on campus, there is some information (e.g., study abroad or vaccinations) that doesn't apply to them but is available upon request. They also need to understand that even within topics like the financial aid programs, there may be content, such as loan disclosures, that does not apply to them while they are inside. This information may still be of interest to PEP students, especially if they plan to transition to studying on campus when they leave the facility, so PEP advisors should be ready to help them receive and understand any consumer information they want to know more about.

**Making the full content of disclosures and reports available.** If the consumer information outlined in the report will be made available to PEP students online, the annual notice must indicate the exact location where the report can be found (not just a link to the school's home page.) The PEP should also ensure the specific locations of all required consumer information are "allow-listed" by the correctional authority.

PEPs where students do not have electronic access to all required consumer information must make the reports and disclosures available in hard copy. Even students with internet access have the right to request printed copies of any report, so virtually all PEPs need to work with their facility to identify a location where students can easily access printed consumer information, such as the facility's library.

It's a good practice to include the process for providing students with access to consumer information in the PEP's memorandum of understanding with the facility. Some facilities do not permit paper brought in from the outside, so PEPs need to coordinate closely with officials at the facility to print out and deliver the annual notice as well as provide access to the required consumer information content.

Facilities often prohibit items like spiral notebooks or ringed binders, so PEP advisors should also discuss with the facility what options are acceptable for keeping the content together, such as perfect binding, saddle stitching, comb binding, or stapling pages. Because all these methods have size limitations, large documents may need to be separated into smaller segments or modules, numbered and titled appropriately, and combined in a packet or folder. A table of contents or list of all disclosures can help students quickly find the information they need. Any method for presenting disclosure content and any approach to page numbering should account for the need to update content regularly.

**An important disclosure specific to PEPs.** One information requirement pertains only to PEPs that are designed to meet educational requirements for a specific professional license or certification necessary for employment in an occupation. These PEPs must disclose to students whether that occupation typically involves prohibitions about licensing or employing formerly incarcerated students in the state where the facility is located. For students incarcerated in federal facilities, the disclosure should pertain to the states where individuals generally live after release, according to annually updated data.

**Required disclosures not included in the annual notice.** Some mandatory consumer information is not part of the annual notice requirement but still must reach students. A number of these topics may not directly apply to students who are incarcerated or may actually conflict with information provided by the correctional authority. Sensitivity and clear communication - with both the student and corrections - can help alleviate confusion in these areas.

- *Drug and alcohol abuse prevention.* Written information on the school's drug and alcohol abuse prevention program must be provided individually to every student. This does not need to be a separate notice, so it can be added to the annual notice or included in some other written piece that will be delivered to each student individually. PEP administrators should work closely with their correctional partners to determine what should and can be included in this disclosure.
- *Voter registration.* All students receiving federal student aid *who are eligible to vote* must receive an electronic or hard copy voter registration form. If delivered electronically, the message must be exclusively about voter registration. Exceptions are states without voter registration requirements, states with automatic voter registration (e.g., motor/voter states), or states with election day on-site polling place registration. This disclosure is not necessary if the student is incarcerated in a state that prohibits voting by this population.
- *Net Price Calculators.* All schools participating in the federal student aid programs must include on their website an online estimator of the net price of attending. Most schools use the National Center for Education Statistics' Net Price Calculator. This electronic tool creates estimates using cost and financial aid data based on the school's general population, which could be misleading to most incarcerated students. However, the information may be useful for PEP students who have online access and are considering enrolling when they are on the outside.
- *Constitution Day and Citizenship Day.* Schools that participate in the federal student aid programs must recognize Constitution Day and Citizenship Day on September 17 (or Monday/Friday if it falls on a weekend). ED has provided no formal guidance on this disclosure requirement. Some schools observe the day with events while others send students historical information about the U.S. Constitution or a link to the full text.

**Sample Framework for the Annual Notice:** The following is a model framework for an annual consumer information notice for “XYZ University.” Some elements, like improvement plans, adverse actions, and teach-out plans may be omitted if they do not pertain to your school. The model shows “[URL]” where a specific link to the required disclosure or report appears on the school’s website. If PEP students cannot access online content, the notice should inform them of where they can obtain a printed copy of all of the pertinent consumer information, such as the facility’s library. The annual notice should always indicate that a paper copy of any consumer information listed may be made available upon request.

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### Sample Framework of the Annual Notice XYZ University’s Annual Notice of Consumer Information

This notice summarizes the consumer information that XYZ University must disclose to students under the rules of the Higher Education Act of 1965, as amended, and tells you where you can find this information. All consumer information is available on the XYZ website at the indicated URLs. [PEPs without electronic access may instead wish to state something like this: A printed copy of reports and disclosures most relevant to PEP students is also available in the (title of the library or other central location where students can access copies of the disclosures.)] Copies of all other disclosures are available in printed form upon request.

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#### Reports and Disclosures Directly Relevant to Prison Education Program (PEP) Students

**Financial aid programs.** Information about the financial aid programs available at XYZ University, including:

- Federal, state, local, private, and school-based need- and non-need-based programs available, procedures for applying, eligibility requirements, criteria for selecting recipients and determining award amounts, and rights and responsibilities under each program: [URL]
- Rights and responsibilities of students receiving federal student aid, criteria for continued student eligibility, and standards for satisfactory academic progress requirements: [URL]
- The method and frequency of financial aid disbursement: [URL]
- How to obtain required books and supplies: [URL]

#### **Academic programs offered:**

- XYZ’s current degree programs and other educational and training programs: [URL]
- Plans for improving the programs: [if such plans exist; URL]
- Information about any programs designed to meet educational requirements for a specific license or certification required for employment in an occupation: [URL]

**Cost of attendance.** Information about the cost of tuition and fees; books; course materials, supplies, and equipment; and licensing and credentialing if any for the Prison Education Program: [URL].

**Withdrawal policies.** Information about policies that apply when students officially or unofficially withdraw from XYZ:

- The withdrawal process: [URL]
- Requirements for returning funds to the Title IV federal student aid programs: [URL]
- Refunds of school charges: [URL]

**Accreditation.** XYZ is accredited by [name(s) of the accrediting body] to award [types of degrees awarded by the school]: [URL]

- Information about adverse actions, which includes any enforcement action or prosecution brought against the school that can negatively affect accreditation: [URL]
- Information about the teach-out plan: [if the school's accrediting agency requires a plan; URL]

**Facilities and services available to students with disabilities.** Information about services and accommodations for students with disabilities, including intellectual disabilities: [URL]

**Credit transfer policies.** Policies relating to evaluating and accepting transfer credits from other schools or programs or credit for prior experience: [URL]

**Copyright infringement policies.** Policies on copyright violations and peer-to-peer file sharing, including penalties: [URL]

**Student body diversity.** Data describing the diversity of XYZ's student body: [URL]

**Student retention and completion data.** Annually updated statistics about student retention and completion at XYZ, including:

- Graduation, completion, and transfer-out rates: [URL]
- Placement and types of employment obtained by graduates: [only applies if required by the school's accrediting agency or state; URL]
- Job placement rates and licensing requirements: [only applies if the school advertises job placement rates for student recruitment; URL]
- Retention rate of first-time, full-time students: [URL]
- Types of post-graduate study pursued by four-year-degree graduates: [URL]

**Employment and licensing prohibitions.** Information on any prohibitions about licensing or employing formerly incarcerated students for programs designed to meet educational requirements for employment in an occupation: [URL]

**Improvement plans [if applicable].** Information about plans to improve academic programs: [URL]

**Family Rights and Privacy Act (FERPA).** Information about students' rights to review their educational records and amend those records, consent to disclosures of personally identifiable information, file complaints to ED, and refuse inclusion in the school directory. FERPA also addresses disclosures of personally identifiable education records to school officials with legitimate educational interests: [URL]

## Other Reports and Disclosures

The following disclosures may not directly pertain to students enrolled in the PEP because they refer to programs that are only accessible to students based on a campus or campus-centered topics such as student activities or fire safety. These disclosures may be useful to students who plan to continue their education at XYZ University outside of the PEP.

**Study abroad.** A description of how enrollment in a study abroad program approved for credit is treated the same as enrollment at XYZ for federal student aid purposes: [URL]

**Written agreements.** XYZ's policies relating to coursework performed as part of a written agreement with another school or program: [URL]

**Equity in Athletics Data Analysis Report (EADA).** This information requirement should include the school's official EADA report which is a publicly available document; [URL]

**Campus-centered topics.** Disclosures specific to XYZ's physical campus, including information about:

- Instructional, laboratory, and other physical plant facilities that relate to its academic programs: [URL]
- Student activities: [URLs]
- Annual campus security and fire safety report and plans: [URL]
- Vaccination and immunization policies: [URL]

Students who need help in obtaining any of the consumer information outlined in this notice should contact [title, mailing address, phone number, and email address of the individual or individuals who can help students with consumer information requests.] If there is no specific contact or department that works with all consumer information requests, then this area should specify the title and contact information of those who can help with each specific topic.

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