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# Written Agreements Between Schools

*Two or more schools may enter into a consortium or contractual agreement so that a student can continue to receive FSA funds while studying at a school or organization other than his or her “home” school. (The home school is the one that will grant the student’s degree or certificate.) This chapter discusses the specific requirements for such agreements.*

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Under a consortium or contractual agreement (including those for study-abroad programs), the home school must give credit for courses taken at the other schools on the same basis (in terms of instructional time) as if it provided the training itself. The underlying assumption of such an agreement is that the home school has found the other school’s or organization’s academic standards to be equivalent to its own, and a completely acceptable substitute for its own instruction.

A home school may decline to give credit for courses in which a student earns a grade that is not acceptable at the home school even though the host school has a policy of accepting that grade for its resident students. In addition, even though grades received through consortium or contractual agreements do not have to be included in the calculation of the student’s grade point average (GPA), they must be included when calculating the quantitative component (the percentage of credits earned vs. attempted) of a student’s satisfactory academic progress (SAP).

If not written for an individual student or group of students, agreements between schools can go on indefinitely. These agreements do not have to be renewed unless the terms of the agreement change.

## DEFINITIONS

*Consortium agreement* — a written agreement between two or more eligible schools.

*Contractual agreement* — a written agreement between an eligible school and an ineligible school.

*Home school* — the school where the student is enrolled in a degree or certificate program.

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### Arrangements between institutions cite

34 CFR 668.5

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### The FSA Assessment module

that can assist you in understanding and assessing in your compliance with the provisions of this chapter is “Institutional Eligibility,” at

<http://ifap.ed.gov/qamodule/InstitutionalEligibility/AssessmentA.html>

There are sections on consortia and contractual agreements.

*Host school* — the school where the student is taking part of his or her program requirements through either a consortium or contractual agreement.

*Two plus two program* — a partnership between a two-year and four-year school that facilitates a student's completing the last two years of the student's four-year degree.

## CONSORTIUM AGREEMENT

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### Consortium agreement cite

34 CFR 668.5

**A consortium agreement can apply to all FSA programs.** Under a consortium agreement, students may take courses at a school other than the *home* school and have those courses count toward the degree or certificate at the home school. **A student can only receive FSA assistance for courses that are applicable to the student's certificate or degree program.**

### *Elements of a consortium agreement*

A consortium agreement can be a blanket agreement between two or more eligible schools, or it can be written for a specific student. Such an agreement is often used when a student takes related courses at neighboring schools or when a student is enrolled in an exchange program with another eligible school for a term or more. A school could have –

- one agreement for each student;
- a separate agreement with each host school; or
- a blanket agreement with a group of schools.

In a consortium agreement there is no limit on the portion of the eligible program that may be provided by eligible schools other than the home school. Agreement contents can vary widely and will depend upon the interests of the schools involved and the accrediting or state agency standards. The Department does not dictate the format of the agreement (which can be executed by several different offices) or where the agreement is kept. However, the following information should be included in all agreements:

- the school that will grant the degree or certificate;
- the student's tuition, fees, and room and board costs at each school;
- the student's enrollment status at each school;
- the school that will be responsible for disbursing aid and monitoring student eligibility; and
- the procedures for calculating awards, disbursing aid, monitoring satisfactory progress and other student eligibility requirements, keeping records, and distributing FSA refunds.

Usually, the home school is responsible for disbursing funds, but if the student is enrolled for a full term or academic year at the host school, it may be easier for the host school to monitor the student's eligibility and make payments.

When there is a written arrangement between eligible institutions, any of the institutions participating in the written arrangement may make FSA calculations and disbursements without that school being considered a third-party servicer. This is true even if the student is not currently taking courses at the school that is calculating and disbursing the aid.

The school that disburses an FSA award is responsible for maintaining information on the student's eligibility, how the award was calculated, what money has been disbursed, and any other documentation associated with the award (even if some of that documentation comes from other schools). Moreover, the school paying the student must return FSA funds if required (for example, in refund/return or overpayment situations). For details on how agreements affect Federal Pell Grant calculations, see *Volume 3 – Calculating Awards and Packaging*.

## CONTRACTUAL AGREEMENT

Provided the limitations in the following paragraphs are adhered to, an *eligible* institution may enter into a *contractual agreement* with an *ineligible school or organization* under which the ineligible school or organization provides part of the educational program of students enrolled at the eligible school.

Eligible institutions are prohibited from entering into contracts with ineligible schools or organizations if the ineligible school or organization –

- has had its eligibility to participate in the FSA programs terminated by the Department; or
- has voluntarily withdrawn from participation in the FSA programs under a termination, show-cause, suspension, or similar type proceeding initiated by the institution's state licensing agency, accrediting agency, guarantor, or by the Department.

### *Limitations on contractual agreements*

**Under a contractual agreement, the eligible school is always the home school.** The home school performs all the aid processing and disbursement functions for its students attending the ineligible school or organization. The home school is responsible for maintaining all records necessary to document student eligibility and receipt of aid (see chapter 7).

**For schools in a contractual agreement, there is a limit on the portion of the program that can be offered by the ineligible school.** If both the home and ineligible schools are owned or controlled by the same individual, partnership, or corporation, no more than 25% of the educational program can be provided by the ineligible school. If the two schools are separately owned or controlled, the ineligible school can provide up to 50% of the educational program. However, in the case of separately owned schools, if the contracted portion is more than 25% of the program, the home school's accrediting agency or state agency (in the case of a public postsecondary vocational institution) must determine and confirm in writing that the agreement meets its standards for contracting out education services.

## STUDY ABROAD OR DOMESTIC EXCHANGE PROGRAMS



**Reminder**

A study abroad program must be part of a written contractual or consortium agreement between two or more schools. The home school must be located in the United States. The study abroad program does not have to be a required part of the eligible program at the home school in order for the student to be eligible to receive FSA funds. However, the credits earned through the study abroad or exchange program must be acceptable toward graduation in the student's program by the home school.

Study abroad program configurations include:

1. A home school sends students to a study abroad program at an eligible or ineligible foreign (host) school. (The home school must have a consortium or contractual agreement with the foreign school.)
2. A home school allows a student to complete a portion of the student's program at an eligible host school in the United States and that host school offers a study abroad program in conjunction with either an eligible or ineligible foreign school.
  - The home and host schools in the United States must have a consortium agreement.
  - The host school in the United States must have a consortium or contractual agreement with the foreign school.
3. A home school has a written arrangement with a study abroad organization that represents one or more foreign institutions instead of a separate agreement directly with each foreign school that its students are attending.

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**Arrangements with a study abroad organization cite**

34 CFR 668.5

For purposes of administering the FSA programs, the written agreement between the eligible institution and the study abroad organization must adequately describe the duties and responsibilities of each entity and meet the requirements of the regulations.

A variant of the study abroad program occurs when a home school sends faculty and students to a foreign site. This does not represent a consortium or contractual study abroad program. Rather, the foreign site is considered *an additional location* under 34 CFR 600.32.

When there is a written arrangement between eligible institutions, any of the institutions participating in the written arrangement may make FSA program calculations and disbursements without that institution being considered a third-party servicer. This is true even if the student is not taking courses at the institution that is calculating and disbursing the aid.

Students enrolled in study abroad programs with costs of attendance higher than those of the home school should have those costs reflected in the COA on which their aid is based. This may result in a student being eligible for additional Federal Student Aid, including a higher Pell award, not to exceed the Pell award maximum.

### ***Students in approved study abroad programs are entitled to FSA***

Some eligible students have had problems receiving FSA program funds for study abroad or domestic-exchange programs, because neither the student's home school nor the school the student is temporarily attending considered the student enrolled in an eligible program of study. These circumstances have caused otherwise eligible students to be denied financial assistance at both schools.

**The law states that a student participating in a study abroad program approved by the home school is eligible for FSA funds, regardless of whether the program is required for the student's regular, eligible program of study, as long as**

- the student is an eligible regular student enrolled in an eligible program at the home school; and
- **the eligible institution approves the program of study abroad for academic credit.**

The Program Participation Agreement (PPA) requires participating institutions to establish procedures that ensure that its students participating in study abroad programs receive the FSA funds to which they are entitled.

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#### **Eligibility of students in a study abroad program cite**

34 CFR 668.39

When there is a written arrangement between eligible institutions, any of the institutions participating in the written arrangement may make FSA program calculations and disbursements without that institution being considered a third-party servicer. This is true even if the student is not taking courses at the institution that is calculating and disbursing the aid.

Students enrolled in study abroad programs with costs of attendance higher than those of the home school should have those costs reflected in the COA, which may result in a higher Pell award, not to exceed the Pell award maximum.