

## Comité de Regulaciones Federales y Estatales – Boletín 2018- 16

### ELECTRONIC ANNOUNCEMENT

Esta DCL resume la Ley de Alivio Educativo (*Education Relief Act of 2017*) de los Huracanes Harvey, Irma y María del 2017 y anuncia una exención al requisito de acciones no federales y modificaciones a las reglas de reasignación de Campus-Based para fondos suplementarios y no utilizados.

#### **Exención del requisito de participación no federal (*Non-Federal Share Requirement*)**

La HEA establece que las adjudicaciones bajo el Programa Federal de Estudio y Trabajo (FWS) y el Programa FSEOG incluyen una participación federal y una participación no federal; la porción federal de cada asignación no puede exceder el 75 por ciento. Bajo la Ley de Alivio, el Secretario puede eximir de este requisito no federal de participación a una institución de educación superior que esté:

- ubicada en el área afectada, o
- no está localizada en un área afectada pero ha matriculado o ha aceptado matricular a estudiantes afectados por los huracanes o tormentas tropicales.

El Secretario ha ejercido la autoridad de exención otorgada por la Ley de Alivio para las instituciones y estudiantes afectados por huracanes o tormentas tropicales Harvey, Irma y María. Para recibir esta exención, las instituciones reportarán información adicional en el *FISAP* con fecha límite del 1 de octubre de 2018.

#### **Exención de las Reglas de reasignación y penalización por infrautilización**

El Secretario reasignará los fondos del AY2016-2017 devueltos a los programas de Campus-Based a las instituciones elegibles afectadas por los huracanes o las tormentas tropicales Harvey, Irma o María.

El Secretario también eximirá la reducción de asignación (*underuse penalty*) para cualquier institución elegible que devuelva más del 10 por ciento de su asignación para el AY2017-2018. Estas instituciones estarán exentas de la penalización por infrautilización que de lo contrario se aplicaría a sus asignaciones de FWS y FSEOG. El USDE le comunicará sobre el proceso para completar la exención por subutilización en un anuncio electrónico publicado en enero de 2019.

Una institución elegible es una que:

- participa en el programa para el cual se reasignan las asignaciones en exceso; y
- está ubicado en un área afectada; o
- se ha registrado o aceptado registrar cualquier estudiante afectado en el AY2017-2018.

El Secretario determinará la manera en que se reasignarán las asignaciones en exceso, y dará prioridad para hacer reasignaciones a las necesidades de las instituciones de educación superior ubicadas en un área afectada.

## Disponibilidad de fondos por extensión de fecha

La Ley de Alivio extendió el plazo hasta el **30 de septiembre de 2018**, para la reasignación de fondos suplementarios o fondos no utilizados a instituciones elegibles. Las instituciones deben dar prioridad a los estudiantes afectados al otorgar estos fondos. Un estudiante afectado es una persona que solicitó o recibió ayuda federal y que se matriculó o fue aceptado no más tardar del 25 de agosto de 2017:

en una institución ubicada en un área afectada;

como un estudiante dependiente cuyos padres o padres residieron o fueron empleados en un área afectada; o

quien sufrió dificultades económicas directas como resultado de los huracanes o tormentas tropicales Harvey, Irma o María, según lo determine el Secretario.

Para información adicional hacer referencia al correo electrónico o número de teléfono al final del anuncio.

Publication Date: March 26, 2018

DCL ID: GEN-18-02

Subject: Modifications to the Campus-Based Programs for institutions and students affected by Hurricanes or Tropical Storms Harvey, Irma, and Maria

Summary: This letter summarizes the Hurricanes Harvey, Irma, and Maria Education Relief Act of 2017 and announces a waiver to the non-Federal share requirement, and modifications to the campus-based reallocation rules for supplemental and unexpended funds.

Dear Colleague:

Congress enacted the Hurricanes Harvey, Irma, and María Education Relief Act of 2017 (Relief Act) (Public Law 115-64) on September 29, 2017. This law provides the Secretary with authority to waive the reallocation rules, as well as authority to extend the deadline by which funds have to be reallocated, in the Campus-Based aid programs under the Higher Education Act of 1965, as amended (the HEA), due to Harvey, Irma, and Maria.

I summarize below the major provisions of the Relief Act.

### **Waiver of the Non-Federal Share Requirement**

The HEA prescribes that awards under the Federal Work Study (FWS) Program and the Federal Supplemental Educational Opportunity Grant (FSEOG) Program include a Federal share and a non-Federal share; the Federal share of each award cannot exceed 75 percent. Under the Relief Act, the Secretary may waive the non-Federal share requirement for an institution of higher education that is either:

- located in the affected area, or
- not located in an affected area but has enrolled or accepted for enrollment any students affected by the hurricanes or tropical storms.

The Secretary has exercised the waiver authority granted by the Relief Act for institutions and students affected by Hurricanes or Tropical Storms Harvey, Irma, and María. To receive this waiver, institutions will report additional information on the next Fiscal Operations Report and Application to Participate (FISAP) that is due on **October 1, 2018**.

### **Waiver of the Reallocation Rules and Underuse Penalty**

The Secretary will reallocate any 2016-2017 funds returned for the Campus-Based programs to eligible institutions affected by Hurricanes or Tropical Storms Harvey, Irma, or María.

The Secretary also waives the allocation reduction (underuse penalty) for any eligible institution that returns more than 10 percent of its allocation for award year 2017-2018.

These schools will be exempt from the underuse penalty that would otherwise be applied to their FWS and FSEOG allocations. The Department will communicate the process for completing an underuse waiver in an electronic announcement published in January 2019.

An eligible institution is an institution that:

- participates in the program for which excess allocations are being reallocated; and
- is located in an affected area; or
- has enrolled or accepted for enrollment any affected students in award year 2017-2018.

The Secretary will determine the manner in which excess allocations will be reallocated, and will give preference in making reallocations to the needs of institutions of higher education located in an affected area.

### **Availability of Funds Date Extension**

The Relief Act extended the deadline to September 30, 2018, for reallocating any supplemental funds or unexpended funds to eligible institutions. Institutions should give priority to affected students when awarding these funds. An affected student is an individual who has applied for or received Federal student aid and who was enrolled or accepted for enrollment no later than August 25, 2017:

- at an institution located in an affected area;
- as a dependent student whose parent or parents resided or were employed in an affected area; or
- who suffered direct economic hardship as a direct result of Hurricanes or Tropical Storms Harvey, Irma, or Maria, as determined by the Secretary.

### **Additional Information**

For purposes of determining which institutions or students are in an affected area, an affected area is one that has been declared a major disaster by the President in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191) as a result of the Hurricanes or Tropical Storms Harvey, Irma, or María. Major disaster designations are available by date of declaration on the Federal Emergency Management Agency's (FEMA) website at [www.fema.gov/disasters](http://www.fema.gov/disasters).

If you have questions about any of the information contained in this letter, please contact the Common Origination and Disbursement (COD) School Relations Center at 1-800-848-0978. Both English and Spanish-speaking customer service representatives are available Monday through Friday from 8:00 a.m. until 11:00 p.m. (ET). You may also email [CODSupport@ed.gov](mailto:CODSupport@ed.gov) for assistance.

Sincerely,

James F. Manning  
Delegated the Authority to Perform  
the Functions and Duties of the Under Secretary

Attachments/Enclosures:

[GEN-18-02: Modifications to the Campus-Based Programs for institutions and students affected by Hurricanes or Tropical Storms Harvey, Irma, and Maria in PDF Format, 629KB, 3 Pages](#)