APPENDIX C

CHECKLIST TO EVALUATE A STATE STUDENT PROTECTION FUND (SPF)

1. Does the SPF have sufficient funding?
   - ☐ Current amount in SPF: $______________
   - ☐ SPF minimum: $______________.
   - ☐ SPF cap: $______________.
   - ☐ State has process for estimating and updating amount of funds necessary to pay for costs of student relief and administration.
   - ☐ Agency required to take action against school that fails to pay into SPF.
   - ☐ Agency has discretion to levy and set amount of SPF assessments.
   - ☐ SPF fund not available to state’s general fund.

2. Does state law require schools to post surety bond to:
   - ☐ Indemnify SPF losses
   - ☐ Reimburse agency for administration of SPF claims from school’s students

3. Are students of the following schools eligible for relief?
   - ☐ All for-profit degree-granting institutions
   - ☐ All for-profit non-degree granting institutions
   - ☐ All private nonprofit non-degree granting institutions that generate profits for owners or board members
   - ☐ All private nonprofit degree granting institutions that generate profits for owners or board members
   - ☐ In-state students enrolled in distance education programs offered by out-of-state schools that lack a physical presence
   - ☐ Out-of-state students enrolled in distance education programs offered by schools whose physical headquarters is located in-state
4. □ Are the above students covered by one SPF?

5. Does SPF provide relief to students based on the following?
   □ Student unable to complete program due to school closure
   □ Student unable to complete program due to program discontinuance, including students on a leave of absence
   □ Student unable to obtain their diploma or degree after school has closed, even though student completed his/her program
   □ Student withdrew from a school within 180 days of the school or campus closure, or a period commensurate with any longer federal period as determined by the U.S. Department of Education or state agency
   □ State agency has determined that the school violated any state consumer protection law, including a state’s Unfair and Deceptive or Abusive Practices (UDAP) law or higher education consumer protection law, based on a preponderance of the evidence presented to the agency
   □ School failed to pay a refund ordered by state agency
   □ State agency has determined that the school breached the enrollment agreement
   □ Student withdrew from a program before completion and institution failed to pay or refund tuition loan or grant proceeds as required by federal or state law
   □ School failed to pay judgment or arbitration award granting monetary relief to students based on violation of state law
   □ School lost institutional accreditation
   □ Program lost the accreditation necessary to find employment after graduation
   □ U.S. Department of Education or a guaranty agency granted the student’s borrower defense claim

6. Group Claims and Automatic Relief – Does the SPF law authorize:
   □ State attorney general, state agency or other government agency to file a group claim based on judgment or administrative findings?
   □ State agency to grant claims automatically, without an application from students?

7. □ Are people who financially contributed to a student’s education eligible for SPF relief?
8. **Is there a limited time period for filing SPF claims?**
   - ☐ No claims period
   - ☐ Students may file claims as long as they are facing private student loan debt collection
   - ☐ Other: _________
   - ☐ Does the law specify that the limitations period does not begin to run, for events of which a state agency should be aware, until the state agency notifies students of their potential eligibility?

9. **SPF Relief:**
   a. Does the SPF cover all of the following?
      - ☐ Full amount of federal loans
      - ☐ Full amount of private loans
      - ☐ All cash paid by student to school
      - ☐ All local, state and federal grants, funds or monies paid to the school or student
      - ☐ All third-party payments, including payments made by private entities, paid to the school or student
      - ☐ All cash paid by student to obtain instructional equipment and supplies
   b. Teach-outs and transfers:
      - ☐ Students who enroll in teach-outs are eligible for full relief unless they complete teach-outs approved by accrediting agency and state
      - ☐ Students who transfer credits are eligible for full or partial relief unless they transfer all credits and complete the same or similar program at another school

10. **Does state law require timely resolution of SPF applications?**
    - ☐ State agency must decide eligibility of student receiving completed application within _______ days
    - ☐ State must provide relief on all non-federal sources of granting application within _______ days
    - ☐ State does not delay awarding relief for federal financial aid more than one year
11. **SPF Claim Procedures:**
   - School required to provide contact information to state for all students potentially eligible for SPF relief
   - State must notify all potentially eligible students regarding SPF relief and process
   - School or state required to maintain all student records for as long as a student is eligible to apply for SPF relief (at least 10 years)
   - If school is not able to maintain student records, then state is required to maintain them
   - School and/or state required to provide student records at no charge to students
   - Clear and readable information about how to file SPF claims must be available online and in all languages in which licensed schools provide instruction
   - Application must be easy for students to complete and be available in all languages in which licensed schools provide instruction
   - A government office separate from the oversight agency is charged with helping students complete and submit SPF claims
   - Legal services who help students obtain private or federal loan discharges are eligible for reimbursement for their legal services from the SPF

12. **Are state agencies required to publicly report annual SPF data?**