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Subject: The Higher Education Opportunity Act

Summary: This letter provides a summary of the Higher Education Opportunity Act.

Dear Colleague:

The Higher Education Opportunity Act (Public Law 110-315) (HEOA) was enacted on August 14, 2008, and reauthorizes the Higher Education Act of 1965, as amended (the HEA). The HEOA makes a number of changes to programs authorized under the HEA, authorizes new programs, and makes changes to other laws. The attachment to this letter provides a summary of most of the provisions of the HEOA, organized by subject area.

The provisions of the HEOA were effective upon enactment, August 14, 2008, unless otherwise noted in the law. Institutions should use these summaries in conjunction with reviewing the text of the HEOA itself. The summaries are provided to assist institutions to understand the changes to the HEA, and do not change any requirements in the law. Affected parties are responsible for taking the steps necessary to comply by the effective dates established by the HEOA, unless the HEOA specifies that regulations are necessary to implement certain provisions or, if so indicated by the Department, operational steps must be taken by the Department before parties may comply. Because this will require program participants to implement a large number of new provisions before receiving guidance from the Department, during subsequent reviews of compliance with the HEOA, we will take into account any written guidance that had been provided by the Department during the period under review or, as applicable, the absence of such guidance. For your convenience, we have included at the end of this letter a chart that groups the provisions by effective date.

As required by the HEA, the Department will issue regulations for some of the programs affected by the HEOA through the negotiated rulemaking process. For other programs, the necessary regulatory changes will be made either through notice and comment rulemaking or, where the new regulations will merely reflect the changes

to the HEA and not expand upon those changes, without notice and comment. The Department may also offer further guidance through additional Dear Colleague Letters. For more information on the negotiated rulemaking process now under way, and to follow the Department's implementation of the HEOA, please refer to the Department's HEOA website at www.ed.gov/HEOA.

While the HEOA authorizes numerous new programs, only the following three are funded at this time: (1) Promoting Postbaccalaureate Opportunities for Hispanic Americans; (2) Master's Degree Programs at Historically Black Colleges and Universities; and (3) Master's Degree Programs at Predominantly Black Institutions. The other new programs cannot be implemented until funding is provided.

We thank you for your continued cooperation as we work to implement these changes. If you have any questions on the issues discussed in this letter, please contact the appropriate office listed on the following pages.

Sincerely,

Vincent Sampson
Deputy Assistant Secretary for
Policy, Planning, and Innovation
Office of Postsecondary Education

Attachments/Enclosures:

[GEN-08-12, FP-08-10: The Higher Education Opportunity Act in PDF Format, 84KB, 2 pages](#)

[The Higher Education Opportunity Act in PDF Format, 683KB, 219 pages](#)

 [Plugins & Viewers](#)