The Torch

August 28, 2015

A bi-weekly report from the Coalition of Higher Education Assistance Organizations

COHEAO

- **Perkins Grassroots Update**
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  A new study from the Federal Reserve Bank of New York (FRBNY), "Do We Know What We Owe? Consumer Debt as Reported by Borrowers and Lenders," found that the amount of student loan debt reported by students is significantly lower than the amount reported by lenders.
- **New IFAP and *Federal Register* Announcements**
  Recent additions to the Information for Financial Aid Professionals (IFAP) website and *The Federal Register* have been made that may be of interest to COHEAO members.

Industry

- **Court Approves Corinthian Liquidation Plan**
  On Wednesday, a U.S. bankruptcy court in Delaware approved the Corinthian liquidation plan, setting aside around $4.3 million to former students so they can continue to press their case for discharge of their federal student loans.
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  Navient Corporation disclosed in a Securities Exchange Commission filing on Monday that its subsidiary, Navient Solutions Inc (NSI), received a Notice and Opportunity to Respond and Advise ("NORA") letter.

Attachments

- COHEAO Commercial Members
- COHEAO Board of Directors
- List of Organizations Supporting H.Res. 290

COHEAO

Perkins Grassroots Update

Congress remains out of session on its summer recess, which lasts until after Labor Day, but COHEAO has been extremely busy working on initiatives to support the continuation of the Perkins Loan Program. The focus has turned to making sure that Perkins is included in legislation that would make sure programs covered by the Higher Education Act all continue after Oct. 1. COHEAO has been in touch with many Congressional offices and has been working closely with other higher education associations and with leaders on individual universities to support Perkins.

At this time, it is not certain that Congress will pass an extension of the Perkins program by Oct. 1, but that appears to be the intent. Other matters may lead to a delay, such as fights over funding legislation keeping the government open as a whole after the end of the fiscal year on Sept. 30. Of course, even if there is a delay, the only immediate consequence to Perkins would be that no Perkins Loans could be made to new borrowers until Congress reauthorizes the program. Campuses would continue to service their loan portfolios as they do now, and new borrowers can receive loans once the program is reauthorized.

Congress plans to pass a bill that will extend Perkins at least until the entire Higher Education Act is reauthorized, but the only sticking point is that the Congressional Budget Office has indicated there may be a federal cost associated with extending Perkins. That cost would have to be offset, which is challenging, even though no new federal spending would be taking place. COHEAO is aware of this issue and is working extremely hard on helping Congress figure out a way forward. No decisions will be made for a few weeks, however.

Meanwhile, there is much that can be done to encourage Congress to find a way to continue the Perkins program. For example, the Change.Org petition is nearing its goal of 20,000 signatures. Please sign it if you haven't already and encourage colleagues and especially student to sign it as well. Go to https://www.change.org/p/save-perkins-now and sign!

Additionally, COHEAO continues to coordinate calls with staff in Senate and House offices and college and university representatives. A call took place today involving four Virginia campuses and the office of Sen. Mark Warner. More calls are scheduled in the next few weeks.

Another great development is a "Dear Colleague" letter supporting Perkins that has 95 signatures in the House of Representatives. Rep. Louise Slaughter of New York has scheduled a press conference for next week to announce the delivery of the letter to the chairman and ranking minority member of the House Committee on Education and the Workforce.

Finally, the House resolution, H.Res. 290, supporting reauthorization of Perkins had 46 cosponsors as of July 31. More will be added when Congress returns on Sept. 8. Dozens of national and regional education organizations and campuses have endorsed the resolution. A list of organizations which have offered their formal support for the resolution is attached with today's edition.

COHEAO continues to welcome support for the Save Perkins Now campaign. Please contact Legislative Chair Jan Hnilica, President Maria Livolsi, other members of the Board of Directors, or the COHEAO staff in Washington, DC, with questions and ideas.

COHEAO Submits Comments on Perkins/NDSL Assignment Form

Although there wasn't a lot to say, COHEAO wanted to stay engaged in the process so it submitted a comment on the Federal Perkins/NDSL Loan Assignment Form.

The comment says in relevant part: "After careful review of the instructions provided for the most recent Assignment Form and Institutional Certification Sheet, we have found no substantive changes have been made to the form or the instructions for the form. The Form and Instructions are very clear, concise and the directions for electronic submittals appear easy to follow and should allow for the process to flow smoothly.

"Our experience with assigning loans via paper submission indicates that it typically takes 45 – 60 minutes, especially for those accounts with a lengthy history."

For more information, please contact the COHEAO Co-Chair for Regulatory issues Lee Anne Wigdahl.

New STAR Task Force Resource Page Offers State by State Information for A/R Issues

COHEAO is pleased to announce a new online resource available to COHEAO members. Thanks to the work of Chairman Larry Rock and the STAR Task Force, COHEAO now has an online, members-only resource page covering issues in student tuition accounts receivable management. The new webpage includes information on statutes of limitations and collection fees on a state-by-state basis.

This benefit is available exclusively to COHEAO members. To visit the STAR Task Force Resource website, please use the following link: https://coheao.site-ym.com/?STAR_Documents You will need to enter your username and password for the COHEAO membership site to access this webpage. If you do not know your username and password, please contact Michelle Cravez at mcravez@wpllc.net.

Reminder to COHEAO Institutional Members: Please Send Dues Payments

On May 5, institutional membership dues invoices were sent out to the primary account holders for each institutional membership. Dues may be paid by logging into your COHEAO account: navigate to "Manage Profile," select "Invoices" under Invoicing, Payments & History. On this page, be sure to select the dues tab and your open invoice should appear with an option to submit payment.

If you are the primary point of contact for your college or university's COHEAO membership and you did not receive a notice of an open dues invoice please contact Michelle Cravez at mcravez@wpllc.net. Feel free to reach out to Michelle if you have any other questions pertaining to membership dues, how to submit payment or view open invoices. Institutional membership dues were due July 1**.**

Congress

Rep. Kildee Unveils Package of Legislation Addressing Student Loans

Rep. Dan Kildee (D-MI) unveiled a three-bill package last week that he intends to introduce as soon as Congress returns to session in September. Kildee's new legislation seeks to decrease the burden of student loans on students and their families. A summary of the three bills is below:

- *Scholarship Tax Relief for Students Act:* This bill would fully exempt Pell Grants and scholarships from income taxes, giving back $200 million annually to students and their families to help pay for college. Currently, taxes on scholarships decrease the value of financial aid.
- *Student Debt Repayment Fairness Act*: This bill would end certain lending practices by private lenders that the congressman sees as unfair. Currently, if a student takes out a loan from a private lender and their cosigner dies, the lender can automatically treat the student as in default and require them to immediately pay back the entire loan amount. *The Student Debt Repayment Fairness Act* would prevent this practice as long as students are up to date on their payments.
- *Student Loan Bankruptcy Parity Act:* This bill would permit student loans to be discharged in bankruptcy proceedings, just like mortgages, credit-card balances and auto loans. Current federal law prohibits student loans from being discharged in bankruptcy, except in rare circumstances.

For more information, see: http://dankildee.house.gov/congressman-dan-kildee-aims-to-address-student-loan-debt-make-college-more-affordable-for-michigans-hardworking-students-and-families/

White House & Administration

Department of Education to Appoint Negotiated Rulemaking Committee to Discuss Federal Direct Loan Discharge Eligibility

The Department of Education announced last Thursday that it would create a negotiated rulemaking committee starting next month to draft regulations to streamline the loan forgiveness process and develop stronger provisions to hold schools accountable for discharged federal direct loans.

"The process we are beginning today aims to create a clearer, more comprehensive system to assist students who believe they were defrauded by their college," said U.S. Education Secretary Arne Duncan. "And we think it is critical that this solution also does right by American taxpayers. That's what they deserve."

Current provisions in federal law and regulations called "defense to repayment" or "borrower defense" allow borrowers to seek loan forgiveness of their Direct Loans if their college's acts give rise to a cause of action. These provisions have been rarely used in the past, but the recent Corinthian Colleges collapse has raised issues with the process as an unprecedented number of borrowers are seeking debt relief.

Specifically, the Department plans to work with the committee to clarify:

- the procedures to be used for a borrower to establish a defense to repayment;
- the criteria that the Department will use to identify acts or omissions of an institution that constitute defenses to repayment of Federal Direct Loans to the Secretary;
- the standards and procedures that the Department will use to determine the liability of the institution participating in the Federal Direct Loan Program for amounts based on borrower defenses; and
- the effect of borrower defenses on institutional capability assessments.

For a press release from the Department of Education, see: http://www.ed.gov/news/press-releases/us-department-education-launches-effort-better-help-defrauded-students-seeking-debt-relief

Office of Federal Student Aid Releases New Recommendations on Best Practices In Performance-Based Contracting

The Department of Education published a blog posting today that announced new recommendations on best practices in performance-based contracting. The Presidential memorandum, "A Student Aid Bill of Rights to Help Ensure Affordable Loan Repayment" called for an interagency task force to monitor trends in the student loan portfolio, budget costs, and borrower assistance efforts and then directed this Task Force to make recommendations on best practices in performance based contracting. Today, these recommendations were released by the Office of Federal Student Aid.

The Task Force worked with the CFPB as well as several experts on performance-based contracting, student lending, and servicing other forms of consumer debts. The recommendations will help guide the Department of Education in the upcoming rebidding of loan servicer contracts.

The Department of Education's blog lists the Task Force's following recommendations:

- Ongoing development of an enterprise complaint system to track and support complaint resolution across all aspects of aid delivery, including servicing.
- Targeted email campaigns to borrowers regarding available repayment options, including campaigns related to IDR enrollment.
- Enhanced performance metrics and incentive-based pricing for Federal loan servicers to ensure consistency and accountability while creating additional incentives to focus on reduced delinquency and default, more effective borrower counseling and outreach, and enhanced customer satisfaction.
- Development and implementation of a robust enterprise data warehouse and analytics capability to support research of the portfolio.
- Designing and implementing a quarterly delinquency reduction compensation program to provide additional incentives for success in reducing delinquency in payments among our largest servicers' portfolios with the greatest number of at risk borrowers.
- Increased focus on military service members, including a match with DOD to proactively provide service members with SCRA benefits,
- Enhanced loan counseling and the ability for borrowers to select their repayment plan based on their individual circumstances during exit counseling.
- Enhanced communication with and tools for borrowers including repayment calculators, loan consolidation application, and online application for income-driven repayment.
- A pilot to test different approaches for curing delinquent loans.

- For the Department of Education's blog post, see: http://www.ed.gov/blog/2015/08/another-step-forward-under-the-student-aid-bill-of-rights/
- For the Task Force's list of recommendations, see: http://www2.ed.gov/finaid/loans/repay/best-practices-recommendations.pdf

New Data Shows Significant Enrollment Increase in Income-Based Repayment Plans

The Department of Education released new data last Thursday that shows significantly more student loan borrowers are using income-based repayment plans. Enrollment in income-based repayment plans grew 56 percent in the past year to include about 3.9 million borrowers.

The increased use of the income-based repayment plans drew satisfied comments from Secretary Duncan for reducing delinquency rates. But there were also expressions of concern about more of the cost of college being transferred from individual students to federal taxpayers.

Of interest is the publication of more detail on federally held loan performance by the Department's Federal Student Aid Data Center. For example, ED reported that 31-day delinquencies fell from 23 to 21 percent during the 2014-15 academic year. While this is an improvement, it may be occurring in large part because borrowers are stretching out their payment plans, so it is not much of an indication of improved performance. Forbearance and deferment rates are also down slightly. It's also true that income based repayment could make forbearance unnecessary in some cases. Here are the highlights from the ED press release:

- Delinquency rates are dropping. The proportion of Direct Loan borrowers who are more than 31 days late in their repayments dropped from 23 percent on June 30, 2014, to 21 percent a year later.
- The total dollar balance of Direct Loans delinquent for more than 31 days fell from 17.2 percent to 15.9 percent.
- Likewise, the proportion of delinquent Department-held Federal Family Education Loan (FFEL) borrowers declined from 24.2 percent to 21.8 percent.
- The total dollar balance of delinquent, Department-held FFEL loans went down from 24.6 to 23 percent.

The new data also reveal other encouraging signs in the number of borrowers in deferment and forbearance. Deferments now represent less than 12 percent of outstanding Direct Loan volume, less than 8 percent of outstanding FFEL Program volume, and the most frequent reason continues to be because borrowers have returned to school. The proportion of Direct Loans in forbearance has also decreased, and now represents 10.5 percent of Direct Loan volume.

But enrolling in income-based repayment plans can carry risks for both borrowers and the government. Under some plans, borrowers who stay current on their bills have their remaining balances forgiven after 10, 20, or 25 years, depending on their plan. With such a large increase in enrollment in such plans, this sort of loan forgiveness could drain revenue from the student-loan program.

For more information, see: http://www.ed.gov/news/press-releases/income-driven-repayment-plan-enrollment-jumps-delinquency-rates-drop-new-student-loan-data

CFPB Sends Letter to Student Loan Servicers on IBR Issues

In a blog post last week aimed toward borrowers, Deputy Assistant Director and Acting Student Loan Ombudsman Seth Frotman announced he had sent a letter to student loan servicers which responded to the Bureau's request for information on servicing practices earlier this year. The letter states:

> *In May, the Bureau, in partnership with the Department of Education and the Department of Treasury, launched an initiative on student loan servicing through which we sought feedback from consumers, market participants and other stakeholders. Thank you for providing a response on behalf of your organization.*

The Bureau's preliminary analysis of input received as part of this initiative has identified a number of consumer comments reporting issues related to seeking to obtain affordable monthly student loan payments. The purpose of this letter is to request additional clarification around the policies and procedures in place at your organization related to federal student loan modification programs, specifically the recertification process for certain income-driven repayment plans. As you note in your response, public data on these plans is quite limited.

The letter asks a series of questions on the recertification process for income-driven repayment on federal loans, IBR and PAYE enrollment, and the use of forbearance and auto-payments in the cases of a failed recertification. It also suggests there is a dearth of information on FFELP loans.

In the blog post announcing the letter, Frotman highlights an unverified complaint from a borrower who claimed to turn in all of the necessary documentation in a timely fashion only to have a full payment automatically withdrawn from their account. The blog post also encourages further complaints from borrowers as the CFPB, Treasury, and Education Department contemplate next steps.

The *Huffington Post* picked up on the letter with an article suggesting servicer practices relating to IBR/PAYE recertification are "undermining a key plank in the Obama administration's campaign to limit the potentially negative impact of rising federal student debt burdens." Despite the letter and blog post indicating that the review of servicing practices was done in partnership with the Departments of Treasury and Education, the piece suggests a simmering frustration at the White House and CFPB with ED and its servicers.

The article characterizes the Department's pilot program on communicating better with borrowers as "geared toward either improving borrower responsiveness or bypassing the need for servicer competence," while the Bureau scrutinizes servicing practices for violations of consumer protection laws. It offered the following quote from Chris Hicks of the Debt-Free Future Campaign:

"If the Department of Education was doing its job, the Consumer Financial Protection Bureau wouldn't need to send these letters to student loan servicers."

- For the CFPB blog post, see: http://www.consumerfinance.gov/blog/when-you-make-student-loan-payments-on-an-income-driven-plan-you-might-be-in-for-a-payment-shock/
- For the CFPB letter to Student Loan Servicers, see: http://files.consumerfinance.gov/f/201508_cfpb_sample-letter-to-student-loan-servicers.pdf
- For the Huffington Post letter, see: http://www.huffingtonpost.com/entry/cfpb-probes-education-department-loan-contractors-over-potentially-faulty-practices_55d23c11e4b0ab468d9e0a1d?622zkt9

CFPB Publishes Newest Complaint Report Spotlighting Credit Reporting Bureaus

The Consumer Financial Protection Bureau (CFPB) published its monthly consumer complaints snapshot this week. The report spotlights credit reporting complaints, which sharply increased compared to the prior month and the prior year. According to the report, the majority of the credit reporting complaints were about problems with incorrect information on the reports. The report shows a 45 percent year over year increase in complaints about credit bureaus.

The concern over credit bureaus dovetails with concerns over how student loan servicers report information to the bureaus. This will be a continuing focus of the Bureau with some kind of formal action likely to commence by next year. This month's snapshot also highlights trends seen in complaints coming from the Los Angeles, Calif. metro area.

The report also showed growth in student loan complaints, although given the amount of publicity about problems with student loan repayment, the monthly average number of 639 for the May-July period is still relatively small. It's up 12 percent from the year-ago period.

The report also states that for the 23rd consecutive month, the Bureau received the most complaints about debt collection, representing about 31 percent of all complaints submitted this past July. The data shows a one percent reduction in debt collection complaints from last year.

For the CFPB news release and report, see: http://www.consumerfinance.gov/newsroom/cfpb-monthly-complaint-snapshot-spotlights-credit-reporting-complaints/

IRS Hack Creates Issues for Some Pell Grant Recipients

A recent IRS hack has created some challenges for Pell Grant students this summer. The IRS shut down the online Get Transcript system after hackers used it to access around 100,000 tax accounts in early May, making it difficult for some Pell recipients to download a PDF copy of their tax returns for verification purposes. Students are randomly selected by the IRS for verification and must show proof that the tax information they provided on their FAFSA forms is correct. These students must now request this information via the mail instead of instantly downloading from the online system.

The Chronicle of Higher Education reports, "Requesting a transcript by mail can take between five and 10 business days, according to the IRS website. Calling and requesting the IRS to fax the information to colleges can involve hours on hold. Some students live nearly 100 miles away from an IRS office, where they could also obtain a transcript in person. That's left some financial-aid offices in a sticky situation, with some low-income students about to start their classes without having completed the aid process."

This is only an issue for those students who have waited until the last minute to verify their information. However, some schools have had to come up with alternatives to assist students caught in this verification delay. For example, South Texas College, where 82 percent of students are Pell Grant recipients, is allowing students to provide a down payment until their federal aid can be disbursed. For students planning to use their federal aid for non-tuition expenses such as textbooks or rent, the challenge may be more complicated as schools may be unable to assist.

For more information, see: http://chronicle.com/article/IRS-Hack-Poses-Challenges-to/232641/

New York Federal Reserve Finds Borrower-Reported Student Debt Noticeably Lower Than Lender-Reported

A new study from the Federal Reserve Bank of New York (FRBNY), "Do We Know What We Owe? Consumer Debt as Reported by Borrowers and Lenders," found that the amount of student loan debt reported by students is significantly lower than the amount reported by lenders. The study also found that borrowers reported significantly lower credit card debt amounts than lenders.

In its press release, the FRBNY note, “The aggregate student debt balances implied by the SCF are 25 percent lower than those implied by the CCP, which, in turn, are similar to aggregates drawn from other student debt sources. This difference may be explained in part by the non-institutional, household-level sampling frame of the SCF. Nevertheless, the authors note the similarity in the steep upward trends in student debt measured in the two sources.”

For more information, see:
http://www.newyorkfed.org/research/epr/2015/EPR_2015_comparisons_brown.pdf

New IFAP and *Federal Register* Announcements
Recent additions to the Information for Financial Aid Professionals (IFAP) website and *The Federal Register* have been made that may be of interest to COHEAO members.

FSA IFAP and *Federal Register* Announcements:
- Liaison for Proprietary Institutions of Higher Education
- Gainful Employment Electronic Announcement #59 - New NSLDS Gainful Employment Program Tracking Functionality
- Federal Student Aid Posts Updated Reports to FSA Data Center
- Upcoming SAIG Message Class File Update
- Volume 2 - School Eligibility and Operations [2015-2016 Federal Student Aid Handbook]
- Direct Loan Origination Fee Change October 1, 2015
- Reminder - October 1, 2015 Deadline for Submitting FISAP

Industry

Court Approves Corinthian Liquidation Plan
On Wednesday, a U.S. bankruptcy court in Delaware approved the Corinthian liquidation plan, setting aside around $4.3 million to former students so they can continue to press their case for discharge of their federal student loans.

The court has agreed to allow the CFPB and attorneys general from California, Massachusetts, and Wisconsin to continue their legal cases against Corinthian. This is significant because the chances of the students’ defenses against repayment being successful are stronger in cases where government agencies take legal action. That means that the billions of federal dollars that were lent to them may not ever have to be repaid if the borrowers get their way. However, *The Chronicle of Higher Education* reports, “officials at the U.S. Department of Education said it was premature to speculate on how such legal actions might affect loan-relief requests.”

For more information, see: http://chronicle.com/article/Corinthian-Ruling-Could-Mean/232693/

Navient Reports It Could Face CFPB Lawsuit
Navient Corporation disclosed in a Securities Exchange Commission filing on Monday that its subsidiary, Navient Solutions Inc (NSI), received a Notice and Opportunity to Respond and Advise (“NORA”) letter. The document serves as notification the Office of Enforcement is considering a recommendation the

CFPB take legal action against NSI in relation to a previously disclosed investigation into NSI's disclosures and assessments of late fees and other matters.

In the SEC filing, Navient said that it "continues to believe that its acts and practices relating to student loans are lawful and meet industry standards and, where applicable, the statutory contractual requirements of NSI's other regulators." NSI intends to make a NORA submission to the CFPB to answer the Bureau's allegations.

- For coverage from The Street, see: http://www.thestreet.com/story/13267222/2/navient-gets-cfpb-warning-that-its-day-in-court-may-be-on-the-horizon.html
- For the SEC filing, see: http://www.sec.gov/Archives/edgar/data/1593538/000119312515300307/d77848d8k.htm

COHEAO Would Like to Thank Our Commercial Members for Supporting More Education for More People

We Encourage Those Seeking Services to Give These Committed Organizations Priority Consideration

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Asset Management Outsourcing

Automated Collection Services, Inc.

Campus Partners

Coast Professional, Inc.

ConServe

Core Recoveries

Credit World Services, Inc.

Delta Management Associates, Inc.

Educational Computer Systems

Enterprise Recovery Systems, Inc.

General Revenue Corporation

Higher One, Inc.

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Immediate Credit Recovery, Inc.

Key 2 Recovery

Meade and Associates, Inc.

National Credit Management

National Enterprise Systems

National Recoveries, Inc.

NCC Business Services

NCO Financial Systems, Inc.

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Current List of Letters of Support of the Perkins Loan Program and H.Res. 294

Institutions

Eastern Oregon University
Lubbock Christian University
Minot State University
Otterbein University
Pepperdine University
South Carolina State University
State University of New York
University of California System
University of Pittsburgh
University of Wisconsin System
Valparaiso University
William Jewell College

Regional/National Organizations

American Council on Education (ACE)
American Association of Colleges of Pharmacy (AACP)
American Association of State Colleges and Universities (AASCU)
Association of American Universities (AAU)
Association of Jesuit Colleges and Universities (AJCU)
Big 10 Financial Aid Administrators
Coalition of Higher Education Assistance Organizations (COHEAO)
Colorado Association of Administrators of Student Loans and Accounts Receivable (CAASLAR)
Commission on Independent Colleges and Universities (CICU)
Consortium of Universities of the Washington Metropolitan Area
Council of Independent Colleges and Universities (CIC)
Higher Education Accounts Receivable Organization (HEARO)
Illinois Student Loan Administrators (ISLA)
Kentucky Association of Student Receivable Officers (KASRO)
Kentucky Association of Student Financial Aid Administrators (KASFAA)
Massachusetts Bursars Association
Michigan Association of Student Financial Services Administrators (MASFSA)
Midwest Association of Student Financial Aid Administrators (MASFAA)
Minnesota Collection Network
Minnesota State Colleges and Universities (MnSCU)
National Association of Financial Aid Administrators (NASFAA)
National Association of Independent Colleges and Universities (NAICU)
National Education Association (NEA)
New York State Financial Aid Administrators Association (NYSFAAA)
Ohio Bursars Association (OBA)
Pennsylvania Association of Student Financial Aid Administrators (PASFAA)
State University of New York College Admissions Professionals (SUNYCAP)

State University of New York Financial Aid Professionals (SUNYFAP)
State University of New York Student Assembly
State University of New York Business Officers Association (SUBOA)
Texas Bursars for Universities and Colleges (Texas BUCS)
Utah Association of Student Loan Administrators (UASLA)
Wisconsin Association of Independent Colleges and Universities (WAICU)