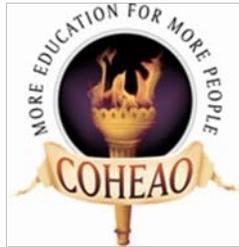


The



Torch

February 28, 2014

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

COHEAO News

- [Registration for the COHEAO Mid-Year Conference Available](#)
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- [Applications Available for 2014-2015 COHEAO Scholarship](#)
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- [Discount for COHEAO Members: The Institute for Financial Literacy Annual Conference on Financial Education](#)
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Congress

- [Capitol Hill Prepares for Release of FY 2015 Budget Request](#)
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- [Warren Seeks Detailed Info from Sallie Mae](#)
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- [New America Looks at Debt Levels of Last Three NPSAS Classes](#)
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- [Very Few Details, But Illinois AG Leading Multistate Sallie Mae Investigation](#)
Illinois Attorney General Lisa Madigan confirmed that she is leading a multistate investigation into the servicing and debt collection practices of Sallie Mae.

Attachments

- [COHEAO Commercial Members](#)
- [Board of Directors](#)
- [Hard Copy Mid-Year Conference Registration Form \(Online Registration Available Next Week\)](#)

Registration for the COHEAO Mid-Year Conference Available

Registration is now open for the COHEAO Mid-Year Conference. A hard copy registration form is included with today's edition as an attachment and online registration will be available early next week. Set for August 3-5 at the Grand Hyatt in downtown Denver, the COHEAO Mid-Year conference is sure to offer an informative and engaging agenda.

The COHEAO Agenda Committee is in the process of developing our conference program. A request for proposals for conference sessions was sent to COHEAO members. The deadline is next Friday, March 7. It is also available online: <http://www.coheao.com/wp-content/uploads/2014/02/Call-for-Presentations-2014-mid-year.pdf>

In the meantime, for COHEAO members looking to get ahead of the game with their hotel reservations, the Hyatt is already taking reservation at COHEAO's excellent group rate of \$169 per night (information below). For COHEAO members seeking more information on what Denver has to offer, please visit www.denver.org.

To book a hotel room at COHEAO Mid-Year Conference, please visit https://resweb.passkey.com/Resweb.do?mode=welcome_ei_new&eventID=10806646
If you would like to make your reservations over the phone, you may also call 402.592.6464 and mention you are with COHEAO to receive the COHEAO special rate.

Applications Available for 2014-2015 COHEAO Scholarship

COHEAO is pleased to offer up to five \$1,000 scholarships for the 2014-2015 Academic Year. Applicants must be entering either their sophomore, junior or senior year at COHEAO member colleges and universities. Applications must be postmarked by April 30, 2014 and scholarships will be awarded by June 30, 2014.

For those of you who would like to spread the word electronically, all of this information is available on a webpage dedicated to the 2014-2015 COHEAO Scholarships: <http://www.coheao.com/about-2/scholarship/>

- [Click here](#) for a list of COHEAO members
- [Click here](#) for the 2014-2015 COHEAO Scholarship Application
- [Click here](#) for the 2014-2015 COHEAO Scholarship FAQs
- [Click here](#) for the 2014-2015 COHEAO Scholarship Poster

If you have any questions on the 2014-2015 COHEAO scholarship, please send an email to [Jeane Olson](#) of Northern Arizona University, COHEAO Scholarship Chair. You may also submit questions to [Wes Huffman](#) of the COHEAO staff.

Donating to the COHEAO Scholarship Fund

The primary fundraiser for the COHEAO Scholarship Fund is the Silent Auction held each year at the COHEAO Annual Conference. In 2014, the Silent Auction raised more than \$3,500 for the COHEAO Scholarship Fund and we thank all who participated in this great event. We also accept Silent Auction donations throughout the year. If you are interested in donating to the COHEAO Scholarship Fund, please contact [Wes Huffman](#) or [Jeane Olson](#).

Discount for COHEAO Members: The Institute for Financial Literacy Annual Conference on Financial Education

The Institute for Financial Literacy, an Organizational Member of COHEAO, is offering a 10% discount on attendee registration for its 2014 Annual Conference on Financial Education (www.ACFEonline.org) to fellow COHEAO Members.

The Annual Conference on Financial Education is national in scope with attendees and speakers from all over the United States and Canada. This year's Conference, in New Orleans April 9-11, 2014, is an opportunity for financial literacy professionals from diverse industries to promote cross-pollination of effective financial education strategies, learn about developing trends and techniques, and make important personal connections that support collaborative efforts among organizations.

This year's agenda includes several sessions on the practical integration of behavioral economics with financial education, including results from field-research. There is also a concurrent session track specifically for attendees working with post-secondary audiences. A full schedule can be found at www.ACFEonline.org.

Attendees work in higher education, credit unions, banks, the military, and other financial services organizations. They are joined by professionals from K-12 education, social services and those who work with low income and underserved communities. This year 175+ professionals are expected to attend. Questions can be directed to John Linfield at jlinfield@financiallit.org or 207-221-3602.

To take advantage of this special pricing, register online at www.ACFEonline.org and use Promo Code **COHEAO10**.

Congress

Capitol Hill Prepares for Release of FY 2015 Budget Request

Next week the President will send his budget recommendations for FY 2015 to Capitol Hill. In anticipation, members of Congress from both sides of the aisle and both sides of the Capitol have released information to bolster their positions in response to the President's new spending plan before they have seen the document.

COHEAO is expecting the document will again include a proposal, as it has for the past four years, to eliminate the traditional Perkins Loan Program and create a new unsubsidized direct loan program that in the past has been called "Perkins." The proposal seems to have very little interest in Congress.

This year the President's budget is coming in two installments. On Tuesday, March 4, the Congress will receive an overview of the funding requests for all federal agencies. On March 11, the justifications produced by all the agencies and other critical back up material will be forwarded.

General Budget Committee hearings have already been held on the overall health of the economy and the employment picture, and once the budget is released hearings can be scheduled for the heads of all agencies. The budget release will also spark announcements from House and Senate offices and committees of due dates for Dear Colleague letters, letters of support for various programs and report language to accompany the bills.

Many Democrats attacked the Administration last year for offering cuts to entitlements in the FY 2014 budget as an offer to work on a big budget deal with Republicans. It has been made clear by the President's staff that won't happen this time.

The House leadership announced that the House will vote on a budget resolution this year, setting forth Republicans ideas for budget policy changes, even though the bipartisan budget agreement reached in December covers FY2015. But today, Senate Budget Committee Chair Patty Murray (D-WA) announced that Senate Democrats will not be introducing a FY2015 budget resolution. She added that by her calculations, more than \$3.3 trillion in deficit reductions have been put in place over the past few years and called for more funding for education.

These differences and the general partisan gridlock mean that calls from the two Appropriations Committee Chairs, Sen. Barbara Mikulski (D-MD) and Rep. Harold Rogers (R-KY) to move the 12 funding bills one at a time through "regular order" are likely to go unheeded.

Warren Seeks Detailed Info from Sallie Mae

This week, Sen. Elizabeth Warren wrote Sallie Mae (now Navient) CEO Jack Remondi on the company's efforts to assist struggling borrowers. In part, the letter states:

Federal student loan servicers have a number of tools to help prevent student loan default. They can offer borrowers a different repayment plan—including an income based program—or they can place the loan into a deferment or forbearance. But these tools are not all equally beneficial for students. Some, like deferment or forbearance, provide short-term relief but ultimately may not help borrowers get on a path to repayment. And these default prevention strategies result in capitalized interest that can actually harm borrowers in the long term, leaving them with more debt and bigger monthly payments.

The letter continues on to request that Navient release all sorts of information on its policies for assisting borrowers struggling with their federal student loans. The full letter is available online: <http://www.warren.senate.gov/files/documents/2%2025%2014%20Letter%20to%20SLM.pdf>

Ways & Means Chairman Camp Releases Tax Reform Plan

House Ways and Means Committee Chairman Dave Camp (R-MI) released a draft tax reform proposal this week. As it is an election year and Camp's time with the chairman's gavel ends after this year, action on this proposal, or a major tax reform bill of any type, is not expected in 2014. However, the release of the draft proposal does offer some markers for upcoming negotiations.

In terms of education, the plan seeks to simplify and consolidate many of the provisions, with many tax benefits for students and parents eliminated or cut in order to reduce the overall tax rates. Other changes would impact colleges and universities in other ways, such as taxation of employee tuition benefits and elimination of the use of tax-exempt bonds by private colleges. A listing of the student and parent-related education provisions is provided below:

Sec. 1201. American opportunity tax credit

Sec. 1202. Expansion of Pell Grant exclusion from gross income

Sec. 1203. Repeal of exclusion of income from United States savings bonds used to pay higher education tuition and fees.

Sec. 1204. Repeal of deduction for interest on education loans

Sec. 1205. Repeal of deduction for qualified tuition and related expenses
Sec. 1206. No new contributions to Coverdell education savings accounts
Sec. 1207. Repeal of exclusion for discharge of student loan indebtedness
Sec. 1208. Repeal of exclusion for qualified tuition reductions
Sec. 1209. Repeal of exclusion for education assistance programs
Sec. 1210. Repeal of exception to 10-percent penalty for higher education expenses

Faced with opposition to the plan, including from a financial community objecting to a new tax on large banks, Republican leaders have indicated this is merely the first step in a long process, and some have said that the bill won't reach the Floor. Nevertheless, once a provision is included a draft proposal like this, it becomes "on the table" for whenever Congress may ultimately tackle tax reform. Its proposals also offer a blueprint for offsets for any spending or tax-cut idea that a Member of Congress may have.

A section by section analysis of the proposal is available online:

http://waysandmeans.house.gov/uploadedfiles/ways_and_means_section_by_section_summary_final_022614.pdf

GAO on Impact of Increased Loan Limits on Rising Tuition: ?????

For the second time in recent weeks, the Government Accountability Office (GAO) examined the federal student loan programs and came back with inconclusive results. In defense of the GAO, Congress asked questions that were nearly impossible to answer.

This week's report, "Impact of Loan Limit Increases on College Prices Is Difficult to Discern," was the fifth and final one required by the ECASLA legislation of 2009. In addition to allowing the Department to purchase loans, the ECASLA legislation increased Stafford Loan Limits, and GAO was tasked with a series of reports on the potential impact on tuition increases.

As the title would indicate, the impact of these increased limits "is difficult to discern." GAO has not examined the potential impact of federal PLUS loans, which are available up to the full cost of attendance less other financial aid, on tuition pricing. An excerpt from this week's GAO report is below:

For more than a decade, college prices have been rising consistently and have continued to rise at a gradual pace after the Stafford loan limit increases were enacted in 2008 and 2009. However, it is difficult to determine if a direct relationship exists between increases in college prices and the Stafford loan limit increases because of the confluence of many other factors that occurred around the time the loan limit increases took effect. Specifically, when the loan limit increases took effect, the nation was in a recession, which created one of the most tumultuous and complex economic environments in recent history. GAO's analysis found that the economic effects of the recession, which affected families' employment, income, and net worth make it difficult to isolate the impact the recession had on students' decisions to borrow money to finance college expenses versus the impact of the loan limit increases. Further, federal, state, and institutional aid available to students also increased significantly around the same time the loan limit increases went into effect. It is difficult to determine the extent to which the increased availability of this financial aid influenced the decisions of students on whether and how much money they should borrow versus the availability of increased loan limits. Conversely, GAO's analysis shows that even though college prices continued to increase at a gradual pace over the last decade as well as after the loan limits increased, enrollment, which can be sensitive to price increases, also generally continued to grow across both public and private institutions and in all regions of the country.

Around the time that the loan limit increases took effect, the number of students taking out private education loans decreased across all types of institutions; lenders were making fewer loans and students borrowed less. Specifically, before the loan limit increases, the number of students borrowing private loans for academic year 2007-08 was about 2.8 million; after the limits went into effect the number dropped by over 50 percent to about 1.3 million for academic year 2011-12. Similarly, the average amount of money that students borrowed from private student loans decreased by about 17 percent after the loan limits went into effect. For example, for academic year 2007-08 students' private student loans averaged about \$7,048 and for academic year 2011-12 this had dropped to about \$5,870. According to the federal and institutional officials as well as financial lending experts that GAO spoke with, many factors may explain the changed private loan landscape. For example, these officials and experts noted that:

- *lenders tightened lending criteria—such as requiring higher credit scores and co-signers—making it more difficult to obtain these loans;*
- *Congress enacted new protections to raise students' awareness about private loans, including disclosures of loan rates and terms; and*
- *colleges took steps to help students find alternatives to private borrowing and reduce reliance on private loans, such as increasing institutional aid and providing financial literacy counseling to help inform students about their federal assistance options.*

The full report is available online: <http://www.gao.gov/products/GAO-14-7>

White House & Administration

COHEAO Submits 95-Page Comment on Debt Collection ANPR to CFPB

COHEAO today submitted a detailed comment to the Consumer Financial Protection Bureau as a response to its Advance Notice of Proposed Rulemaking on Debt Collection (Regulation F). The 95-page document provides answers and perspectives from COHEAO on most of the 162 questions, plus sub-questions, asked in the CFPB's ANPR announcement of Nov. 5, 2013. COHEAO's response can be found on the COHEAO web site: <http://www.coheao.com/wp-content/uploads/2014/02/COHEAO-CFPB-FDCPA-ANPR-Response-Composite-FINAL.pdf>

COHEAO's CFPB Working Group spent many hours developing the response, with sub-groups addressing groups of questions. Compilation and writing was led by David Stocker, the Working Group Chair, with Michael Mietelski leading the writing of an opening statement. COHEAO staff assisted.

The document explains the debt collection process and points out problems with current regulations. Among the points made are that collection of campus-based loans and other obligations at institutions of higher education is fundamentally different than other types of debt collection. Colleges and universities use loan servicers and collection agencies that specialize in higher education, and colleges dictate strict operating protocols through their third-party contracts that are governed by state and federal law.

The response notes that COHEAO members recognize the importance of financial literacy invites the CFPB to review COHEAO's extensive and ongoing work in this area, led by the COHEAO Financial Literacy Task Force.

COHEAO asked the Bureau to consider the existing environment of strong regulatory oversight within which institutions of higher education and their third party partners currently operate and suggested considering the higher education collection operations as a model in other areas of debt collection. However, to further regulate this area risks adding unnecessarily to the workload of campus administrators, with a direct impact on the cost of higher education.

COHEAO has had a cooperative working relationship with the CFPB and offered to continue this collaboration for the benefit of students, the COHEAO consumers.

CFPB Brings First Student Loan Related Enforcement Action

The Consumer Financial Protection Bureau (CFPB) has filed a lawsuit against ITT Educational Services, Inc., accusing the for-profit college chain of “predatory student lending.” The CFPB alleges that ITT exploited its students and pushed them into high-cost private student loans that were very likely to end in default. The CFPB is seeking restitution for victims, a civil fine, and an injunction against the company.

The move represents the first enforcement action brought by the CFPB related to student lending. CFPB Director Richard Cordray held a press conference on the suit at the annual meeting of the National Association of Attorneys General.

Flanked by several state AGs investigating for-profit colleges, Cordray said the suit was a “first step” and remarked about coordination between the Bureau and the state AGs investigating these matters. Though all of the remarks from Cordray and other officials centered on the proprietary sector of higher education, it was an institutional loan program that drew the first enforcement action.

The loan program in question has been discontinued, but Bureau officials contend ITT “coerced” students into taking these loans and knew a large proportion would ultimately default. ITT counters that it made no income from this program, the program was administered by independent third-parties, and notes the core claims of the complaint address six months of loans.

As indicated by Cordray’s remarks, more CFPB complaints against for-profit colleges are expected in the coming weeks and months. Corinthian Colleges has disclosed a CFPB investigation in recent SEC filings.

Critics of the for-profit sector cheered the CFPB for filing the complaint, suggesting the Bureau, and not the Department of Education, is better at policing the consumer experience associated with higher education. In the wake of the news, Sen. Dick Durbin (D-IL) wrote Secretary of Education Arne Duncan and the school’s accrediting agency, the Accrediting Council of Independent Colleges and Schools, urging them to take action against ITT.

The CFPB’s press release on the complaint is available online:

<http://www.consumerfinance.gov/newsroom/cfpb-sues-for-profit-college-chain-itt-for-predatory-lending/>

A press release from ITT-ESI is available online: <http://www.ittesi.com/2014-02-27-ITT-Educational-Services-Rejects-the-CFPBs-Claims>

CFPB’s Antonakes: “Business as Usual Has Ended in Mortgage Servicing”

Speaking at the Mortgage Bankers Association annual conference, CFPB Deputy Director Steve Antonakes emphasized the Bureau’s disappointment with progress within mortgage servicing. And

while the CFPB is looking for a “good faith effort” from mortgage services, it has felt like “Groundhog Day” with mortgage servicing for far too long, Antonakes argued.

“Servicers have had more than a year now to work on implementation. We put out plain-language summaries of the rules and posted video guidance. We issued readiness guides. And, we worked with our fellow regulators to publish inter-agency procedures on the new rules to familiarize industry stakeholders with our expectations...But please understand, business as usual has ended in mortgage servicing. Groundhog Day is over,” Antonakes said

Many informed observers believe the CFPB will use its efforts to regulate mortgage servicing as the groundwork for regulating the servicing of additional asset classes. For instance, Rohit Chopra, the Director of the CFPB’s Office of Students, and many others at the Bureau often state that they see many parallels between the issues consumers face in both the mortgage and student loan servicing markets.

Antonakes’ prepared remarks are available online:

<http://www.consumerfinance.gov/newsroom/deputy-director-steven-antonakes-remarks-at-the-mortgage-bankers-association/>

Industry

TCPA Update: California and Florida Courts Rule Providing Cell Number Gives Proper TCPA Consent for Text Messages

In a recent update, the law firm of Ballard Spahr highlighted two cases in Florida and California where courts have ruled that providing a cell phone number satisfies the “prior express consent” requirement of the Telephone Consumer Protection Act (TCPA). In part, the alert reads:

In [Baird v. Sabre, Inc., et al.](#), the plaintiff had provided her cell phone number to an airline in booking a flight on the airline’s website. Subsequently, she received a text message from the defendant, the airline’s vendor, offering flight notification services. In [Murphy v. DCI Biologicals Orlando, LLC, et al.](#), the plaintiff had provided his cell phone number to a blood collection center on a donor information sheet in connection with making a paid blood donation. He later received an initial text message from the defendant, a company with a controlling ownership interest in the center, notifying him that unless he replied to stop them, he would receive further text messages. After the plaintiff allegedly failed to reply, he received a second text message offering him a payment for another blood donation. Both plaintiffs alleged that the text messages they received violated the TCPA provision that makes it unlawful to make autodialed or prerecorded non-emergency calls to a cell phone number unless the call is made with “the prior express consent of the called party.” In a 1992 order, the Federal Communications Commission (FCC) ruled that “persons who knowingly release their phone numbers have in effect given their invitation or permission to be called at the number which they have given, absent instructions to the contrary.” (emphasis added)

In ruling that the text messages at issue did not violate the TCPA, both the California federal court in Baird and the Florida federal court in Murphy deferred to the FCC’s interpretation. (The Florida federal court observed that the FCC’s interpretation was binding under the Hobbs Act, which gives exclusive jurisdiction to the federal courts of appeals to review the validity of FCC rulings.)

Both courts found that by voluntarily providing their cell phone numbers, the plaintiffs had given “express consent” to be contacted by the defendants on their cell phones. While the court

in Baird observed that the defendant who sent the text message was a different company from the airline, it stated that “no reasonable consumer” could believe that consenting to be contacted by an airline about flight-related information did not extend such permission to a vendor for the airline

The full alert from Ballard Spahr is available online:

<http://www.ballardspahr.com/alertspublications/legalalerts/2014-02-28-voluntarily-providing-cell-phone-number-gives-texting-consent-under-tcpa-courts-rule.aspx>

NY Fed Reports on Growth of Student Debt

The Federal Reserve Bank of New York released its report on household debt and credit for the fourth quarter of 2013. In addition to notice that student debt has grown by 12% to \$1.08 trillion, the report looked at changes in net debt by age group and credit score.

For student loans, the credit score data may portend a troubling trend—much of the growth in student borrowing has come from borrowers with the lowest credit scores. Of course, traditional credit modeling does not quite apply to student lending, as it is a debt obligation based on future earnings, but the growth in student debt among those with lower credit scores does not dissipate with age.

This suggests there are more factors at play than student borrowers typically building a better credit profile. The following is from the New York Fed’s “Liberty Street Economics” blog:

There’s been a tremendous amount of attention to the growth of student loans in recent years, and these charts indicate some of the reason why. First, student loans grew the most of any debt product in both periods (in percentage terms). Second, the growth in educational debt, like that of auto loans, is concentrated among the lower and middle credit score groups.

The full Liberty Street Economics blog post is available online:

<http://libtystreeteconomics.newyorkfed.org/2014/02/just-released-whos-borrowing-now-the-young-and-the-riskless.html>

The interactive graphic on change in debt by borrowing and credit score is available online:

<http://www.newyorkfed.org/change-in-debt/>

New America Looks at Debt Levels of Last Three NPSAS Classes

The New America Foundation released “The Student Debt Review,” which examines the debt loads of graduating students in the classes of 2003-2004, 2007-2008, and 2011-2012. The report shows a growth in debt loads, proportion of borrowers, and monthly payments across the NPSAS data classes. It also offers data on debt by sector as well as individual demographics.

The report includes some of the best data available on debt loads. However, as it only focuses on those who completed their degree, it also exposes a lack of information on the federal loan programs.

Nevertheless, readers who enjoy a deep dive into data will likely find this report useful. It is available online: http://education.newamerica.net/publications/policy/the_student_debt_review

Very Few Details, But Illinois AG Leading Multistate Sallie Mae Investigation

Illinois Attorney General Lisa Madigan confirmed that she is leading a multistate investigation into the servicing and debt collection practices of Sallie Mae. The company disclosed another investigation in

filing its annual report, and Madigan confirmed she was leading an effort of attorneys general, but declined to name the additional states involved or when the investigation begun.

The business practices of Sallie Mae have received increased scrutiny from regulators in recent months. In a separate filing, the company indicated it has set aside \$70 million for increased compliance costs due to investigations from multiple federal agencies. At times, it appears to be a cycle. Sallie Mae will disclose that it is aware of another investigation, the media will report on such investigations, and media reports fuel further inquiries.

To date, there has been no indication from Madigan's office that the inquiry goes beyond Sallie Mae. However, a statement from Madigan's office appears to acknowledge the inquiry is driven by media reports.

"We're looking into the increasing reports of abusive servicing practices involving consumers who have taken on considerable student debt loads," Madigan's spokesperson, Natalie Bauer, e-mailed reporters.

**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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