The Torch

September 26, 2014

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

COHEAO

- **COHEAO Continues to Advocate for Perkins and Campus Flex, Grassroots Activities Beginning to Take Shape**
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- **Save the Date(s): Several Exciting COHEAO Webinars on the Way**
  The COHEAO Agenda Committee has been hard at work developing exciting programming for the remainder of the year.
- **Nominations for COHEAO Board of Directors Due by October 8**
  In accordance with the Bylaws of the Coalition of Higher Education Assistance Organizations (COHEAO), an election is held each year to fill Board of Directors positions on a rotating basis.

Congress

- **Congress Heads Home to Campaign, Warren Bill Not Reconsidered**
  In a minor surprise, both the House and Senate headed for the airports late last week, starting a seven-week recess for campaigning for the Nov. 4 mid-term elections.
- **HELP Committee Approves ESRA Reauthorization, Final Action Expected in Lame Duck**
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- **Blumenthal Introduces Legislation to Make PSLF Function More Like Perkins Cancellations**
  Senator Richard Blumenthal (D-CT.) unveiled new legislation this week to reform the Public Service Loan Forgiveness (PSLF) program for Stafford and PLUS Loans.
- **Rep. Susan Davis Introduces Legislation to Eliminate Fees on Direct Loans**
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White House & Administration

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- **CFPB Sues Corinthian Colleges on Student Loans**
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Industry

- **New Report Claims Student Debt Harming Housing Markets, But Overall Research Remains Mixed**
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Attachments

- **COHEAO Commercial Members**
- **COHEAO Board of Directors**

COHEAO

COHEAO Continues to Advocate for Perkins and Campus Flex, Grassroots Activities Beginning to Take Shape

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We're happy to report that the efforts of COHEAO members are making a real difference in the fight to save Perkins. We still have a very long way to go, but the tone of several of our meetings suggest there is a real interest in the halls of Congress in either pursuing COHEAO's "Campus Flex" proposal or otherwise preserving Perkins Loans.

This, of course, is very encouraging news for Perkins Loan advocates. However, momentum is really only effective if it continues to build. To that end, COHEAO hosted a call today with several members charged with coordinating grassroots efforts in different states.

In the coming days, weeks, and months, please be on the lookout for a call or email from the COHEAO DC office or a fellow COHEAO member on advocacy efforts within your state. Thank you for your continued support of COHEAO and the Perkins Loan Program.

Save the Date(s): Several Exciting COHEAO Webinars on the Way

The COHEAO Agenda Committee has been hard at work developing exciting programming for the remainder of the year. Before the end of the year, COHEAO will host the following webinars.

- **October 14th - Federal Perkins Loan Assignments**
- **October 30th - NSLDS Reporting (featuring Valerie Sherrer of NSLDS)**
- **November 13 - Department of Education Update (featuring Gail McLarnon of the Department)**
- **December TBA - Bankruptcy & Litigation**

Registration information on our first webinar on Federal Perkins Loan Assignments will be sent to COHEAO members early next week. That event will feature Sharon Cameron of Campus Partners providing regulatory and compliance insights and Bob Gallo of DeVry Education Group offering critical information on the nuts and bolts of the process.

Nominations for COHEAO Board of Directors Due by October 8

In accordance with the Bylaws of the Coalition of Higher Education Assistance Organizations (COHEAO), an election is held each year to fill Board of Directors positions on a rotating basis. COHEAO members were sent a message yesterday with this information. Please complete our online nominations form to submit your nominations. The deadline for submissions is October 8.

All nominees will be contacted to confirm their interest and that they are able to serve a two-year term. The Membership will elect the President and Vice-President positions. The Chairperson Appointments are made by the Executive Board, consisting of the President, Vice-President, Treasurer and Secretary.

The positions of Treasurer, Secretary and the three Member-At-Large positions will be elected by COHEAO Members next year.

The new Board of Directors will take office at the upcoming Annual Conference in Washington, DC January 25-28, 2015. If you have any questions, please feel free to contact Jeane Olsen, COHEAO Internal Operations Chair (Jeane.Olson@nau.edu) or Wes Huffman (whuffman@wpllc.net).

Congress

Congress Heads Home to Campaign, Warren Bill Not Reconsidered

In a minor surprise, both the House and Senate headed for the airports late last week, starting a seven-week recess for campaigning for the Nov. 4 mid-term elections. The recess is actually longer than the five-week August-September recess just completed, as several DC publications were quick to note. In the end, Congress defaulted to the least common denominator and put off major decisions on legislation while passing what was necessary to keep the government limping along.

The main order of business was to pass a Continuing Resolution (CR) keeping the government operating after the end of the fiscal year next Tuesday. None of the 12 appropriations bills have passed, so Congress punted again, leaving it for the lame duck session starting Nov. 12 to do more on the appropriations front. The current CR funds government at this fiscal year's levels until December 11, giving the lame duckers a month to figure something else out. There is a strong possibility that the something else will be another CR, punting the appropriations measures into the next Congress, which commences the first week of January. Most observers think if Republicans win a majority of the Senate, they will want to postpone appropriations bills until they have more power. Another school of thought is that they will want to get the old business out of the way so they can start fresh without dealing with a possible government shutdown.

Other measures passed were a short extension of the authorization for the Export-Import Bank, which was about to have to close down, and a lot of routine actions.

One action that didn't happen was reconsideration of Sen. Elizabeth Warren's (D-MA) student loan refinancing measure. Warren was apparently told that her colleagues would rather go home and campaign for election than spend hours more on an attempt to move her bill forward. Warren asked for unanimous consent to bring her bill up for action, but Sen. John Cornyn (R-OK) asked for unanimous consent to amend her request so as to open the bill for additional amendments, which Warren objected to. In turn, Cornyn objected to Warren's original request, and that was that.

HELP Committee Approves ESRA Reauthorization, Final Action Expected in Lame Duck

There was some surprising education legislative activity just before Congress recessed last week. The Strengthening Education through Research Act (H.R. 4366) flew through a HELP Committee markup and will be on the Senate floor in November. The bill has already been in conference with the House, so absent troubling floor amendments, it should quickly reach the President's desk this fall.

During the markup, Sen. Elizabeth Warren (D-MA) put forward an amendment on making additional student loan data available for researchers. Warren withdrew her amendment during the markup as the bill was the product of an agreement between the House and Senate. However, she did use her time during the markup to complain about the Department's lack of response to her inquiries on student loan servicing.

"In March, I submitted a request to the Education Department on how well student loan servicers were preforming," Warren said. "This is not difficult stuff. It should have at its fingertips. Yet six months later, still nothing. This isn't right. [The Department] can't avoid accountability by hiding."

Outside of the student loan space, bipartisanship was the word in Congress on education policy in the final week before the election recess. A similar fate is expected for the Child Care Development Block Grant (CCDBG) after an agreement was announced between Senator Harkin and Senator Pat Toomey (R-PA), who had put a hold on the bill to press for his efforts to expand background checks for school employees and private contractors. A cloture vote on CCDBG is now set for the week of November 11, and education advocates are hopeful that will succeed.

Blumenthal Introduces Legislation to Make PSLF Function More Like Perkins Cancellations

Senator Richard Blumenthal (D-CT.) unveiled new legislation this week to reform the Public Service Loan Forgiveness (PSLF) program for Stafford and PLUS Loans. In fact, Blumenthal's legislation would make the broad PSLF program function much more like the targeted cancellations within Perkins Loans, albeit over 10 years. Here is how Blumenthal's office describes the current situation with PSLF in the press release announcing the legislation.

Unfortunately, the current PSLF program is structured as an all-or-nothing deal; unless you complete ten years of public service, even if you lose your job after nine years and eleven months, you don't receive any relief from your student loan debt. For PSLF participants whose loans continued to accrue interest over those years, losing a public service job could feel like being forced to start repayment efforts from scratch.

According to Blumenthal's office, the legislation would:

- Allow new PSLF participants to have their eligible loans placed in deferment (meaning participants would not make payments on their loans) during their public service.
- Allow new PSLF participants to have a certain percentage of their eligible loan balance cancelled after every two years of public service:
    - **After 2 years:** 15 percent of the original loan balance, along with any accrued interest, is cancelled
    - **After 4 years:** an additional 15 percent of the original loan balance, along with any accrued interest, is cancelled
    - **After 6 years:** an additional 20 percent of the original loan balance, along with any accrued interest, is cancelled

- **After 8 years:** an additional 20 percent of the original loan balance, along with any accrued interest, is cancelled
- **After 10 years:** the remaining 30 percent of the original loan balance, along with any accrued interest, is cancelled

CBO has not provided a cost estimate for the legislation. Given the size of the Stafford and Grad PLUS Loan portfolio, it would likely score as very costly for the government.

Rep. Susan Davis Introduces Legislation to Eliminate Fees on Direct Loans

Just before recess, Rep. Susan Davis (D-CA) introduced legislation to eliminate all origination fees on federal student loans. According to Davis' office, by ending these fees, students would save over $1.5 billion per year.

Davis' Fee Free Student Loan Act removes all origination fees paid by borrowers on federal student loans, which can range from more than one to more than four percent, on federal student loans. In addition, under the Bipartisan Budget Act of 2013, these fees have increased the past two years and are scheduled to increase slightly again next year due to sequestration.

White House & Administration

Default Rate Ticks Down, Questions Raised on Department's Calculation of CDRs

The Department of Education announced this week the official three-year federal student loan cohort default rate has declined to 13.7 percent for students who entered repayment in FY 2011. That drop was across all sectors of higher education - public, private and for-profit institutions – even though an additional 650,000 students entered repayment in FY 2011 compared to FY 2010. The default rate for FY 2010 was 14.7 percent.

"While it's good news that the default rate decreased from last year, the number of students who default on their federal student loans is still too high, and we remain committed to working with postsecondary education institutions and borrowers to ensure that student debt is manageable," said Secretary of Education Arne Duncan.

The FY11 default rates were calculated using the cohort of borrowers who entered repayment on their Direct Loans or FFEL Program loans between October 1, 2010 and September 30, 2011 and who defaulted before September 30, 2013. During this time, more than 4.7 million borrowers entered repayment, and about 650,000 defaulted on their loans. These borrowers attended 5,908 postsecondary schools across the country.

The three-year rate decreased over last year's rates for all sectors, decreasing from 13 percent to 12.9 percent for public institutions and from 8.2 percent to 7.2 percent for private non-profit institutions. The default rate decreased at for-profit institutions from 21.8 percent to 19.1 percent, though the sector still has the highest three-year rate.

The most recent reauthorization of the Higher Education Act requires that, starting this year, sanctions against institutions with high cohort default rates be based on the three three-year cohort default rates.

Congress changed the calculation of the cohort default rate to include an additional year of monitoring to better capture the percentage of borrowers who ultimately default on their federal student loans.

The Department stirred up some controversy from the media and various commentators with its decision to unilaterally declare certain students' defaults don't count – for schools, not for the students. In addition to announcing the rates, ED also indicated that a certain number of schools had borrowers dropped from their CDR calculations due to split-servicing issues.

Immediately after the announcement was posted, many critics took to Twitter and other outlets to make the point that if the Department is saying its federal loan servicing problems may have caused some students to default, and those defaults shouldn't push certain schools over the CDR cliff to lost Title IV eligibility, what about the borrowers? There has been no indication that the approximately 400 borrowers whose defaults were not counted against their former schools have received any relief, nor is there an indication that the many thousands of borrowers in the same situation and lower default schools are being saved from the disastrous consequences of federal loan default. According to Department officials on a press briefing call Wednesday, they decided not to count defaults from borrowers who had loans being serviced by different servicers where one loan defaulted but another didn't.

All but one of the 21 schools who will lose Title IV eligibility because there three-year CDR exceeds 30 percent each of the past three years are small proprietary schools. According to a press report today, at least 13 colleges were saved by the decision not to count split-serviced borrower defaults. Seven are for-profit institutions, four are historically black colleges and two are community colleges, according to the report by *Huffington Post*.

The announcement from the Department is available online: http://www.ed.gov/news/press-releases/new-data-shows-lower-percentage-students-defaulting-federal-student-loans
Additional information is also available at www.ifap.ed.gov

CFPB Sues Corinthian Colleges on Student Loans

The Consumer Financial Protection Bureau (CFPB) sued for-profit college chain Corinthian Colleges, Inc., alleging an "illegal predatory lending scheme." According to the CFPB, "Corinthian lured tens of thousands of students to take out private loans to cover expensive tuition costs by advertising bogus job prospects and career services. Corinthian then used illegal debt collection tactics to strong-arm students into paying back those loans while still in school. To protect current and past students of the Corinthian schools, the Bureau is seeking to halt these practices and is requesting the court to grant relief to the students who collectively have taken out more than $500 million in private student loans."

Corinthian Colleges, Inc. is one of the largest for-profit, post-secondary education companies in the United States. The publicly traded company has more than 100 school campuses across the country. The company operates schools under the names Everest, Heald, and WyoTech. As of last March, the company had approximately 74,000 students.

In June, the U.S. Department of Education delayed Corinthian's access to federal student aid dollars because the company failed to meet a deadline to provide data requested by the Department. Since then, Corinthian has been selling most of its campuses and scaling down its operations at others as part of an agreement with the Department of Education. However, Corinthian continues to enroll new students.

The CFPB lawsuit alleges a pervasive culture across the Everest, Heald, and WyoTech schools that allowed employees to routinely deceive and illegally harass private student loan borrowers. Under the Dodd-Frank Wall Street Reform and Consumer Protection Act, the CFPB has the authority to take action against institutions engaging in unfair, deceptive, or abusive practices. Based on its investigation, the CFPB alleges that the schools made deceptive representations about career opportunities that induced prospective students to take out private student loans, and then used illegal tactics to collect on those loans. The lawsuit covers the period from July 21, 2011 to the present.

In response, Corinthian said that "strongly disputes the allegations in today's complaint filed by the Consumer Financial Protection Bureau, which wrongly disparages the career services assistance that we offer our graduates and mischaracterizes both the purpose and practices of the "Genesis" lending program."

The CFPB also published a special notice for current and former Corinthian students to help them navigate their options in this time of uncertainty, including information on loan discharge options. The Bureau's complaint is not a finding or ruling that Corinthian has actually violated the law.

The complaint against Corinthian can be found at:
http://files.consumerfinance.gov/f/201409_cfpb_complaint_corinthian.pdf
The CFPB Notice for Current and Former Corinthian Students can be found at:
http://files.consumerfinance.gov/f/201409_cfpb_notice-for-current-and-former-corinthian-students.pdf
A statement from Corinthian is available online:
http://files.shareholder.com/downloads/COCO/3474868062x0x782051/0C70795E-E338-4C7C-947F-3348B6A19FA7/CFPB_Response_and_Key_Facts_-_09-16-14.pdf

Industry

New Report Claims Student Debt Harming Housing Markets, But Overall Research Remains Mixed

Last Friday, John Burns Real Estate Consulting released a report indicating that student debt could be responsible for an $83 billion decline in the housing market. However, many other reports have questioned the relationship between growing student debt levels and declining home sales.

Those who believe student debt is harming the housing market focus on first-time homebuyers, but skeptics note the myriad factors that may preclude would-be first-time homebuyers, such as an increased desire to live in expensive cities, declining wages, and attitudes that may no longer consider a home as a "safe investment." *Businessweek* offers additional coverage:

> *Case closed, right? Not exactly. Research on the effect of education debt on the housing market has produced frustratingly few firm conclusions, experts say, partly because its hard to isolate student loan debt from a broader economic malaise.*

"There are lots of other factors that are affecting young people in addition to rising student loan debt," says Jed Kolko, chief economist at Trulia (TRLA), citing high unemployment and stagnating incomes as two important drivers of low housing demand.

"If the people who are struggling most under student loan debt are also people who spent many years being unemployed, or saw their income suffer in the first place, it may not be the student loan debt that's having the impact" on housing, Kolko says.

An April 2013 report by the Federal Reserve Bank of New York produced some answers, along with more questions. In 2012, people with student loan debt became less likely to take out a mortgage than their debt-free peers for the first time in at least a decade.

But that data didn't do much to parse the impact of student debt alone on housing, since it also showed a broader distaste for home buying among young people. People in their late twenties were less likely to buy homes than they were before the 2008 crisis, regardless of whether they had student debt.

An August report by two Goldman Sachs (GS) analysts fell on the grim-but-qualified side of the argument, suggesting student debt dampens housing demand but only among people in the worst financial circumstances. Households with student debt topping $50,000—less than a fifth of all households—were 8 percentage points less likely to own a home, the report found. The even tinier group of debtors with monthly payments that were more than 10 percent of their income had a homeownership rate 22 percentage points lower than their peers.

If you're looking for a neat take-away about whether and how much ballooning student loan debt is taking a toll on the housing recovery, sorry: You read this far only to be disappointed. If anything, the pile of research on this point demonstrates just how hard it is to break out student loan debt as a discrete factor affecting homeownership.

The full article from *Businessweek* is available online: http://www.businessweek.com/articles/2014-09-23/we-dont-actually-know-if-student-debt-will-end-your-home-buying-dreams#r=bus-lst
An infographic from John Burns Real Estate Consulting is available online:
http://realestateconsulting.com/blog/rick-palacios-jr/student-loans-will-cost-industry-83-billion-year

Occupy Offshoot Buys $3.8 Million to Forgive Corinthian Private Loan Debts

Occupy Student Debt, an offshoot of the Occupy Wall Street movement, announced last week that it had purchased $3.8 million in private student loans to provide forgiveness for borrowers. Despite its relative minimal impact, the unique move caught the attention of many major media outlets.

Occupy Student Debt purchases old private student loans as a debt buyer for pennies on the dollar. The organization, in turn, forgives the loans of the debtors. The group has focused on private debts from Corinthian Colleges, forgiving the debts of 2,700 Corinthian students.

Coverage from CNN is available online: http://money.cnn.com/2014/09/17/pf/college/occupy-wall-street-student-loan-debt/

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

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