



# Federal Update

**Zack Goodwin**      **RIASFAA Conference, Kingston, RI**  
**US Department of Education**      **October 14, 2015**

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## Perkins Loan Program Updates



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### Perkins Loan Program History

- The statutory authority for schools to make Perkins Loans (HEA Section 461) ended on September 30, 2014, with an automatic one-year extension to September 30, 2015
- Language (now outdated) in HEA Section 466 calls for schools to return Federal share funds from the Perkins Loan Program to the government after October 1, 2012
- Department has interpreted HEA Section 461 to govern the duration of the Perkins program

*Dear Colleague Letter GEN-11-02*

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## Current Program Status

Since Congress did not ultimately act to extend the program, the authority to make Perkins Loans to new borrowers ended September 30, 2015

- If school made the first disbursement of a Federal Perkins Loan for the 2015-2016 award year *prior* to October 1, 2015, school may make any remaining disbursements
  - Loan may be *increased* in 2015-2016 assuming the student is eligible and the first disbursement was made prior to October 1

*Dear Colleague Letter GEN-15-03*

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## Perkins Grandfathering

Narrow “grandfathering” provision allows schools to make Perkins Loans to certain students through September 30, 2020...if:

- Student received at least one Perkins Loan disbursement on or before June 30, 2015 (for 2014-15 award year or earlier), *and*
- Student is enrolled at same institution where the last Perkins Loan disbursement was received, *and*
- Student is enrolled in same academic program for which student received his or her last Perkins Loan disbursement
  - First four digits of the program’s CIP code are identical

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## Perkins Grandfathering

Grandfathered Perkins Loan can be awarded only after student is awarded all Direct Subsidized Loan aid for which s/he is eligible

- Full Direct Subsidized Loan eligibility must *always* be considered when determining Perkins eligibility
- Declining a Subsidized Loan does not mean a Perkins Loan may be added to a student’s aid package, or increased

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## Undeclared Majors

For students whose program is "Undeclared" or "Undecided," students may continue to receive Perkins under grandfathering provisions until and after they declare a major

- Once a major is declared, students must remain in that program to continue receiving Perkins

*Perkins Loan Wind-Down Q&A:*

<http://ifap.ed.gov/cbpmaterials/attachments/PerkinsQandAs.pdf>

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## Excess Liquid Capital

Section 466(c) of the Higher Education Act requires institutions to return to ED the Federal share of any Excess Liquid Capital (ELC) in the institution's Federal Perkins Loan Revolving Fund

- ELC is the amount of the Fund's "Cash On Hand" that exceeds the institution's estimated immediate needs.

*Dear Colleague Letter GEN-15-19*

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## Excess Liquid Capital

Federal share of Excess Liquid Capital (ELC) must be returned by December 31, 2015

- ELC is calculated using worksheet attached to [Dear Colleague Letter GEN-15-09](#)
- If funds must be returned, follow "Instructions for Returning Perkins Funds" on the IFAP website:

<http://ifap.ed.gov/cbpmaterials/attachments/InstructionsForReturningPerkinsFunds.pdf>

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## Perkins Loan Assignments

- For several years, the Department has encouraged schools to assign dormant loans
- Schools may choose to assign loans when:
  - A Perkins Loan remains in default after due diligence, or
  - An initial determination has been made for a total and permanent disability discharge, or
  - The school wishes to voluntarily liquidate its Perkins portfolio

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## Perkins Loan Assignments

- The Department has developed an easier electronic Perkins Loan assignment process
- This new Perkins Loan Assignment System (PLAS) allows users to:
  - Electronically submit loan assignment requests, either for individual loans or for multiple loans as a batch file
  - Securely upload supporting documentation
  - Search, view, and edit submitted loan assignment information
  - View reports of accepted/rejected loans for assignment

*Electronic Announcements: April 22 and September 21, 2015*

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## Perkins Loan Assignments

- Those wishing to use the new PLAS must request access
  - Access request form and User Guide available at <https://efpls.com>
- More information about Perkins Loan Assignment Procedures is available at the Campus Based Processing Information site:

<http://ifap.ed.gov/ifap/cbp.jsp>

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## Application Processing



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## 2016-2017 FAFSA

- Comments on draft 2016-2017 FAFSA and SAR were due October 13, 2015
  - Final version expected by December 2015

*Electronic Announcement: August 13, 2015*

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## Beginning 2017-2018

- The FAFSA will open October 1 instead of January 1
  - 2017-2018 FAFSA filing will begin October 1, 2016

*Electronic Announcement: September 14, 2015*

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## Beginning 2017-2018

- FAFSA income information will be derived from the prior-prior-year
  - 2017-2018 FAFSA will collect tax year 2015 income data
  - Reduces the use of estimated income and increases the use of the Data Retrieval Tool (DRT)

*Electronic Announcement: September 14, 2015*  
*Dear Colleague Letter expected by December 2015*

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## Cohort Default Rates



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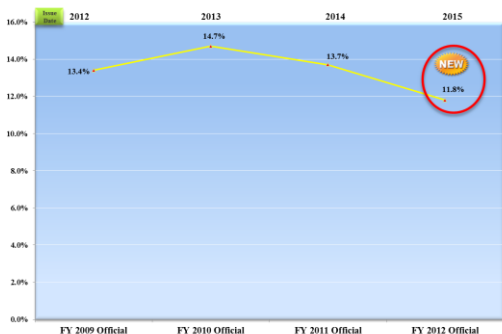
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National Student Loan Default Rates



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## National Default Rates – FY 2012

- On September 28, 2015, the Department electronically distributed FY 2012 three-year official Cohort Default Rates
- Appeal period opened on October 6, 2015
- Default rate questions?  
[fsa.schools.default.management@ed.gov](mailto:fsa.schools.default.management@ed.gov)  
 Operations Performance Division Hotline: 202.377.4259

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## Sequestration

### Dear Colleague Letter GEN-15-07




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**Direct Loan Fees for FY 2015 and FY 2016**

Loan Type	Impacted Loans	Loan Fee Percent	Fee Example
Direct Subsidized Loans and Direct Unsubsidized Loans	FY 2015 First disbursed on or after October 1, 2014 and before October 1, 2015	1.073	\$59.01 on a \$5,500 loan
	FY 2016 First disbursed on or after October 1, 2015 and before October 1, 2016	1.068	\$58.74 on a \$5,500 loan
Direct PLUS Loans (Parent and Grad/Prof Student)	FY 2015 First disbursed on or after October 1, 2014 and before October 1, 2015	4.292	\$429.20 on a \$10,000 loan
	FY 2016 First disbursed on or after October 1, 2015 and before October 1, 2016	4.272	\$427.20 on a \$10,000 loan

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## Verification Policy Updates

Victims of IRS tax-related identity theft must submit:

- Statement signed and dated by tax filer indicating s/he was a victims of IRS tax-related identity theft and the IRS has been made aware; and
- An IRS Tax Return Database View (TRDBV) transcript
  - Tax filers who cannot obtain a TRDBV transcript may instead submit another official IRS document if it includes all of the income and tax information required to be verified

*Guidance applies to 2015-2016 and subsequent years  
Federal Register: June 26, 2015*

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## Verification Policy Updates

Individuals who filed an amended tax return must submit:

- an IRS Tax Return Transcript, or any other IRS tax transcript(s) that include the income and tax information required to be verified; and
- a signed copy of the IRS Form 1040X that was filed with the IRS

*Guidance applies to 2015-2016 and subsequent years  
Program Integrity Q & A website: Effective August 13, 2015*

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## 2015-2016 Documentation Update

- Alternative documentation may now be accepted when tax filer requested but is unable to obtain an IRS Tax Return Transcript using the IRS *paper or on-line* request process
  - Exception not permitted due to:
    - Transcripts being unavailable because the IRS has not had time to process the data, due to recent filing
    - The removal of the "Get Transcript Online" tool

*Electronic Announcement: October 2, 2015*

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## 2015-2016 Documentation Update

Alternative documentation includes:

- Signed copy of 2014 IRS tax return, *and*
- Statement from tax filer, on or attached to the return, certifying data is the same as submitted to the IRS, *and*
- Communication from IRS stating request unsuccessful
  - Letter from IRS (signed and dated by tax filer) *or*
  - Screen shot print (signed and dated by tax filer), *and*
- Completed and signed IRS Form 4506 T-EZ or 4506-T listing institution as third party
  - For mailing only if accuracy is doubted

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## 2016-2017 Verification Overview

- Same data elements as for 2015-2016
- Tracking group V3 eliminated
- Some modifications and clarifications to acceptable documentation
- In limited circumstances, an applicant's Verification Tracking Group could be changed to V5

*Dear Colleague Letter GEN-15-11*  
*Federal Register Notice: June 26, 2015*  
*Suggested text coming soon!*

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## Career Pathway Programs and Title IV Eligibility

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## Dear Colleague Letter GEN-15-09

- Students without a high school diploma or equivalent who enrolled in an eligible career pathway program on or after July 1, 2014 may be eligible to receive Title IV aid if they:
  - Pass an independently administered Department of Education approved Ability to Benefit (ATB) test
  - Complete at least 6 credit hours or 225 clock hours that are applicable toward a degree or certificate offered by the postsecondary institution
  - Completes a State process approved by the Secretary
    - *No State process has ever been sent for ED approval*

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## Electronic Announcement: June 24, 2015

- Identifies ATB tests that continue to be approved, and newly approved tests
  - Includes passing scores and publisher contact information
- Identifies ATB tests that are *no longer* approved

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## Eligible Career Pathway Program

- An eligible career pathway program must:
  - Concurrently enroll students in connected adult education and eligible postsecondary programs
  - Provide students with counseling and supportive services to identify and attain academic and career goals
  - Provide structured course sequences that:
    - Are articulated and contextualized, and
    - Allow students to advance to higher levels of education and employment
  - Provide opportunities for acceleration for students to attain recognized postsecondary credentials

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## Eligible Career Pathway Program

- An eligible career pathway program must:
  - Be organized to meet the needs of adults
  - Be aligned with the education and skill needs of the regional economy, and
  - Have been developed and implemented in collaboration with partners in business, workforce development, and economic development

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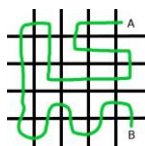
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## Eligible Career Pathway Program

- Eligible career pathway programs contains 2 components:
  - an adult education component, and
  - a Title IV-eligible postsecondary program component




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## Limited Pell Grants

- Any student whose first enrollment in any Title IV-eligible postsecondary program was on or after July 1, 2015, and who is eligible under the Career Pathway ATB provisions, will only be eligible for a limited Pell Grant award
  - Maximum *limited* 2015-2016 Pell Grant s **\$4,860**
  - Maximum *regular* Pell Grant is **\$5,775** (non-ATB) Regular Pell Grant Payment and Disbursement Schedules for 15/16 published in GEN-15-02

*Limited Pell Grant schedules attached to GEN-15-09*

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## Electronic Announcement: July 9, 2015

*Schools are responsible for determining student eligibility and the correct award amount for students who receive a Federal Pell Grant award under the Career Pathway Alternative Pell Grant Disbursement Schedules*

- COD does not reflect these schedules and there are no system edits on the Pell Grant award amount related to these schedules

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Title IV Eligibility for Students Without a Valid High School Diploma or Its Recognized Equivalent Who Are Eligible Under One of the ATB Alternatives First Enrolled in Any Title IV Eligible Postsecondary Program				
		Prior to July 1, 2012 (Grandfathered Students)	On or after July 1, 2012, but prior to July 1, 2015	On or after July 1, 2015
Type of Program in Which Student is Currently Enrolled	Title IV eligible postsecondary program that is part of an eligible career pathway program	Eligible for Title IV aid, including a Regular Pell Grant award* for all award years, including 2014-2015 and thereafter	Eligible for Title IV aid, including a Regular Pell Grant award* for only 2014-2015 and thereafter	Eligible for Title IV aid, including a Limited Pell Grant award** for only 2015-2016 and thereafter
	Title IV eligible postsecondary program that is NOT part of an eligible career pathway program	Eligible for Title IV aid, including a Regular Pell Grant award* for all award years, including 2014-2015 and thereafter	Not eligible for Title IV aid	Not eligible for Title IV aid

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## Gainful Employment




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## GE Reporting

- Reported prior-year Title IV students by July 31, 2015
  - For award years 2008-09 through 2013-14 award years
- Report future award years by October after end of the award year
  - Reported 2014 – 2015 Award Year by October 1, 2015

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## Gainful Employment Measure

- Debt-to-earnings (D/E) rates
  - Annual and discretionary
  - Passing: Annual rate  $\leq 8\%$  or Discretionary  $\leq 20\%$
  - Failing: Annual D/E  $> 12\%$  or Discretionary  $> 30\%$
  - Zone: Annual D/E  $> 8\%$  and  $\leq 12\%$  or Discretionary D/E  $> 20\%$  and  $\leq 30\%$

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## Gainful Employment Results

- Program loses Title IV eligibility if:
  - Fails in two out of three years
  - Fails or in the zone for four consecutive years

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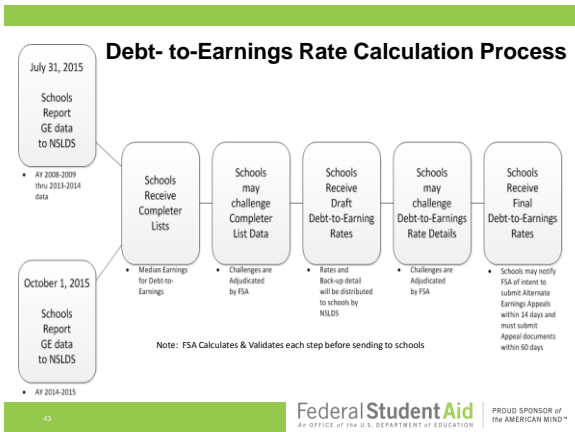
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## GE Program Tracking

- Gainful Employment Program Tracking page on NSLDS
  - Listed under the ORG Tab
  - Provides a listing of the GE programs ED records show the institution offers
  - Shows whether the institution has reported to NSLDS the GE information for any required programs

*NSLDS Gainful Employment User Guide, Chapter 4*

*"GE Program Detail Response Status Report" provides GE data institution has reported to NSLDS*

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## GE Program Tracking – Corrections

*GE Electronic Announcement #60: September 4, 2015*

- GE programs listed were based in part on COD origination information for 2014-2015 that indicated a program was a Gainful Employment program
- Many errors are program credential level code errors
- Errors must be corrected in NSLDS and COD accordingly

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## GE Program Tracking List

**Gainful Employment Program Tracking List**

Display Only: Institution Code: 087899  Summarize  
 Institution Location Code:  (\*) by All  
 Award Year: 2013   
 Status: ALL    
 Reported by COD: YES   
 Reported by GE: ALL

**NORTH SOUTH UNIVERSITY 08789900**

Update	CIP	CIP Program Name	Cred. Level	Source COD	Source GE	Status Reason	Status Date	Status User ID	Inst. Type	Inst. Length
<input type="checkbox"/>	030511	Forest Technology/Technician	01	YES	NO	Q 2	07/01/2015	GE	PUBLIC	4 YEARS OR MORE
<input type="checkbox"/>	030599	Forestry, Other	01	YES	NO	Q 2	07/01/2015	GE	PUBLIC	4 YEARS OR MORE
<input type="checkbox"/>	030601	Wildlife, Fish and Wetlands Sci	01	YES	NO	Q 2	06/30/2015	EDTST25	PUBLIC	4 YEARS OR MORE

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## Important Dates

**Reporting**

**July 31, 2015**  
(for 2008/2009 to 2013/2014 data)

**Oct 1, 2015**  
(for 2014/2015 data)

**Program Certifications**

**Dec 31, 2015**

**Draft Debt-to-Earnings Rates**

**Summer 2016**

**Disclosures**

**Jan 31, 2015**  
(per Current Regulations)

**Disclosures**

**Jan 1, 2017**  
(per New Regulations)

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## Certifications

*GE electronic announcement #54: June 11, 2015*

- New Program Participation Agreements (PPAs) executed on or after July 1, 2015 will have new certifications included
- Schools that won't execute a PPA between July 1, 2015 and December 31, 2015 must provide a Transitional Certification signed by the CEO/President
  - Certifies each GE program meets all TIV eligibility criteria
  - Sent to GECertification@ed.gov

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## Disclosures

- Current disclosure requirements remain in effect through December 31, 2016
- New disclosure requirements will be effective as of January 1, 2017
  - ED to conduct consumer testing to determine new disclosure requirements and prepare new disclosure template

*Final Rule: October 31, 2014*

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## Regulatory Activity



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## Negotiated Rulemaking

- Program Integrity
  - Cash Management
  - Repeat Coursework
  - Clock-to-Credit Conversion
- Pay as You Earn (PAYE) repayment plan
- Defense to Repayment

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# Odds and Ends

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## Dear Colleague Letter GEN-15-08

### Citizenship and Immigration Documentation

- If unable to provide original documentation (e.g., distance education), school policy may permit students to submit photocopies or images of immigration documents
  - Eligible noncitizen status
    - The school must initiate paper secondary confirmation process using the G-845 form
    - The G-845 is never required for confirmation of *citizenship*

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# Training



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## 2015 FSA Training Conference

December 1–4, 2015

Mandalay Bay  
Las Vegas, Nevada

Conference registration and  
lodging are open!

- [fsaconferences.ed.gov](http://fsaconferences.ed.gov)  
(right-hand side of IFAP website)




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## Thank you!

Zack Goodwin  
 zachary.goodwin@ed.gov  
 617.289.0051




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## We Appreciate Your Feedback

To ensure quality training we ask all participants to please fill out an online session evaluation:

- <https://www.surveymonkey.com/s/ZacharyGoodwin>

This evaluation tool provides a means to inform us of areas for improvement, and to support an effective process for listening to our customers.

Additional feedback about training can be directed to [Joann.Borel@ed.gov](mailto:Joann.Borel@ed.gov).

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### Department of Education Contacts

#### Region I Training Officers (New England)

Pam Gilligan  
pam.gilligan@ed.gov  
617.289.0022

Zack Goodwin  
zachary.goodwin@ed.gov  
617.289.0051

Anita Olivencia  
anita.olivencia@ed.gov  
617.289.0130



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### Department of Education Contacts

#### Research and Customer Care Center

800.433.7327  
fsa.customer.support@ed.gov



**Reach FSA**  
855.FSA.4FAA -- 1 number to reach 10 contact centers!

- |                                 |   |
|---------------------------------|---|
| <i>Campus Based Call Center</i> | <i>eZ-Audit</i>                               |
| <i>COD</i>                      | <i>School Eligibility Service Group</i>       |
| <i>CPS/SAIG</i>                 | <i>Foreign Schools Participation Division</i> |
| <i>NSLDS</i>                    | <i>Research and Customer Care Center</i>      |
| <i>G5</i>                       | <i>Nelnet Total &amp; Permanent</i>           |
|                                 | <i>Disability Team</i>                        |

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