The Torch

November 9, 2012

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

COHEAO News

- **Seeking Nominations for the Board of Directors—Due Today!**
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- **November 15 COHEAO Webinar—Making the Most of NSLDS: Edits & Errors, Tips & Tricks**
  We are really looking forward to the upcoming COHEAO webinar, "Making the Most of NSLDS: Edits &Errors, Tips & Tricks." The webinar, set for November 15 at 2:00 PM ET.
- **The 2013 COHEAO Annual Conference—Come to DC to Learn More on ED & the CFPB**
  The COHEAO Annual Conference offers those involved in student financial services, particularly loan servicing and collection, an opportunity to learn first-hand from the key players in Washington on what to look for in the 113th Congress.

The 2012 Elections

- **The Results Are In, Now What?**
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Congress

- **Following Elections, Talk Turns to Fiscal Cliff**
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- **Early Committee Look: HELP to Remain Stable, Multiple Changes Expected on Ed & Workforce**
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- **Ivy Tech Community College General Counsel Joins Ranks of Congress**
  Rep-Elect Susan Brooks (R-IN), who easily won the state's 5th District, is senior vice president and general counsel for Ivy Tech Community College, Indiana's statewide community college system.

Administration

- **Final Rules on New Income Based Repayment Plan Released—Details on Implementation Forthcoming**
  The Department of Education published the first set of regulations stemming from the latest round of negotiated rulemaking on the Title IV Programs.
- **Mention of "Unintended Moral Hazard" Tucked in New IBR Rules**
  Buried deep in the regulations, the Department of Education mentioned the possibility "unintended moral hazard" with the new Pay as You Earn program.

Industry News

- **Student Loans in the Police Blotter—Florida Couple's Fraudulent Service**
  Shaneva Boyd, 30, of Clearwater, FL was sentenced to prison this week for student loan fraud.

Attachments

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

COHEAO News

Seeking Nominations for the Board of Directors—Due Today!

COHEAO needs your help. Do you know of someone who you feel would make a good Member of the Board of Directors? We are seeking nominations for positions on the Board for a term starting in January 2013 **and they are due today.** Nominations are currently being accepted for the elected positions of President, Vice President and for 10-12 appointed board chairs and co-chairs. All positions are two-year terms (with a two-term limit for any individual position).

We encourage you to submit nominations. Nominations can be made via email at COHEAOelections@wpllc.net with a cc to t-schm@umn.edu, via fax at 1-202-371-0197, or by mailing the form attached at the end of the Torch to:

COHEAO
1101 Vermont Ave. N.W.
Suite 400
Washington DC 20005-3521

All nominations must be received by November 9. Nominations can be made by any COHEAO member but only primary institutional or commercial members can serve on the Board. All nominees will be contacted in November and encouraged to pursue one of the available Board positions.

The election for President and Vice President will be conducted via email ballot in late November/December. The chairs and co-chairs will be appointed by the COHEAO officers.
If you have any questions, please contact Tom Schmidt, COHEAO Internal Operations Chair, at t-schm@umn.edu; Harrison Wadsworth, executive director, at hwadsworth@wpllc.net; or Wes Huffman, legislative and communications director, at whuffman@wpllc.net.

November 15 COHEAO Webinar—Making the Most of NSLDS: Edits & Errors, Tips & Tricks

We are really looking forward to the upcoming COHEAO webinar, "Making the Most of NSLDS: Edits &Errors, Tips & Tricks." The webinar, set for November 15 at 2:00 PM ET and registration is available here:
https://netforum.avectra.com/eweb/Shopping/Shopping.aspx?Site=COHEAO&WebCode=Shopping&cart=0

The webinar will feature Valerie Sherrer of NSLDS, Bob Frick of University Accounting Service, and Carol Moyer of Baylor University. The panel will offer their insights from a government, school, and servicer perspective and, perhaps more importantly, discuss how all of these entities intersect via NSLDS.

If you work in NSLDS or are affected by it, this is a can't miss webinar. An example of the material to be covered is included below:

- What schools can see/use NSLDS for tips and tricks to using this important tool
- What students can see/use NSLDS for. How to use the site.
- Most common NSLDS Reporting errors and how to stop them from happening.
- NSLDS Edit check discussion, new data elements/issues.
- NSLDS Reporting Statistics

- Type of Error Reports
- How to stay ahead of reporting errors (time of year) removing the mystery.
- When is it time to submit a ticket to NSLDS to correct an account?
- Why are some errors easy to correct while others can take as long as 90 days to correct?

If you have any questions or difficulties registering online, please contact Wes Huffman at whuffman@wpllc.net or 202.289.3910. Additional information and a link for registration is also available at http://www.coheao.com/conference-events/upcoming-events/webinars/

The 2013 COHEAO Annual Conference—Come to DC to Learn More on ED & the CFPB

The COHEAO Annual Conference offers those involved in student financial services, particularly loan servicing and collection, an opportunity to learn first-hand from the key players in Washington on what to look for in the 113th Congress.   Registration for the 2013 COHEAO Annual Conference is now available. Click here to register!

In addition to sessions from COHEAO Executive Director Harrison Wadsworth and the Department of Education, John Culhane, Jr., a partner at Ballard Spahr, LLP and a principal author of the firm's "CFPB Monitor" blog will review the activities of the Consumer Financial Protection Bureau relating to student loans and higher education.

The conference will explore other pressing issues in student financial services, such as the use of technology and consumer expectations, reforming the Telephone Consumer Protection Act (TCPA), servicing and collections in institutional lending for international students, as well as a legal session for attendees to ask attorneys questions on the top concerns at their office or organization.

The event will again be held at the Ritz-Carlton Pentagon City, which is located just outside of Washington, DC. COHEAO has again been able to negotiate a great rate of $219 for conference attendees at this fantastic venue. To receive the COHEAO rate, you can call the Ritz Carlton at (703) 415-5000 and tell them you are attending the 2013 COHEAO Annual Conference. You can also register online by visiting https://www.ritzcarlton.com/en/Properties/PentagonCity/Reservations/Default.htm#top and entering a special discount code included with your 2013 COHEAO Annual Conference registration confirmation.

We will be providing additional details on the 2013 COHEAO Annual Conference via email and through www.coheao.org. As always, if you have any questions on this event, please contact Wes Huffman of COHEAO (whuffman@wpllc.net, 202.289.3910) and we look forward to seeing you in January.

- **When:** **January 27-January 30, 2013**
- **Where:** **Ritz-Carlton Pentagon City (located in Arlington, VA, near Reagan Airport, and just outside of Washington, DC)**
- **Costs:** **Institutions and Organizations: ($590 members, $690 non-members); Commercial: ($590 COHEAO members; $1,590 non-members).** *****Please note: These are early registration prices, conference fees increase by $50 after January 9***
- **Additional info: http://www.coheao.com/conference-events/upcoming-events/**

The 2012 Elections

The Results Are In, Now What?

COHEAO's initial analysis of the elections was sent earlier this week to all members. As we detail in this edition of *The Torch*, speculation on Committee assignments in Congress and the top leaders in the second term of the Obama Administration has begun in earnest and we will be reporting on these developments as they occur.

Leadership elections and Committee decisions are not official until January, but unofficial announcements are expected throughout November and December. COHEAO will be providing updates from now through January on the composition of the 113th Congress. In terms of freshman members, *National Journal* has excellent resource for biographies an brief summaries of their races, "The New Faces of the 113th Congress." It is available online: http://www.nationaljournal.com/congress-legacy/the-new-faces-of-the-113th-congress-20121105

From an advocacy standpoint, it is critical for organizations such as COHEAO to begin to lay the groundwork for educating new legislators on Perkins Loans and other critical issues facing our members. The new Representatives and Senators will spend the next several months becoming acclimated with Capitol Hill in both a literal and figurative sense and, as they get settled, smart offices will begin to seek information from as many sources as possible, particularly their constituents.

COHEAO is currently developing materials to help these new legislators understand who we are and the issues affecting our members. Additionally, the Annual Conference is perfectly scheduled for COHEAO members to introduce themselves as a resource to both new and veteran legislators in the 113th Congress.

We will be offering multiple opportunities for COHEAO members to get involved, learn more, and share ideas on the legislative and advocacy process between now and the Annual Conference. Stay tuned.

Congress

Following Elections, Talk Turns to Fiscal Cliff

In the wake of the elections, the President celebrated and stayed out of public view, but Congressional leaders continued with posturing, albeit from moderately new positions.

House Speaker John Boehner (R-OH) struck a somewhat conciliatory tone in a public statement and subsequent interviews. However, there was much for Democrats to object to in his characterization of the past, present, and future state of affairs on the fiscal cliff and he was already hearing concerns from the Republican Conference when he conceded the elections meant the Affordable Care Act was the "law of the land."

In his public remarks, Senate Majority Leader Harry Reid also did not sound like a person looking to compromise. However, reports indicate discussions among all parties, including the White House, are already underway.

The Congressional Budget Office (CBO) issued a report which indicated doing nothing will reduce GDP by 3 percent, throwing the country back into negative growth, the dreaded recession. Both sides pointed to the report as evidence for the need for action, but gave little in the way of compromise beyond Boehner's acknowledgement that revenue could be raised through the tax code (without raising rates).

CBO released an accompanying report, "Choices for Reducing the Federal Deficit," which suggested changes to Pell Grant eligibility and the interest rate structure on federal student loans as a possible means for providing savings. The report listed targeting Pell to needier students as a way to save $1 billion in 2020. It states altering the interest rate structure on student loans could save $10 billion over the same time frame.

The sequestration cuts take January 2 and the tax cuts expire on December 31. Though an aide for Boehner would not rule out completing a deal before the end of the year, the conventional wisdom is Congress will eventually pass a short-term deal to avert the sequestration cuts and, in the words of Senate Finance Committee Chairman Max Baucus (D-MT) "bridge the fiscal cliff," but taxes for earners over $250,000 remains a thorny issue.

Early Committee Look: HELP to Remain Stable, Multiple Changes Expected on Ed & Workforce

The election is only days old and there are still proportion issues to be worked out and new members of the 113th Congress still need to get acclimated, but speculation on Committee assignments has begun in earnest. Though much of the speculation is futile at the present time, the contrast between the veteran makeup of the HELP Committee and the (likely) relative inexperience of the House Education and the Workforce Committee may make for an interesting dynamic in the next Congress.

Relatively few changes are likely for the Senate HELP Committee. Sen. Jeff Bingaman (D-NM), who decided not to seek re-election, was the only member of the Committee to depart the Senate. However, the current 12/10 split among Democrats and Republicans could be changed, so two new Democratic members, prior to any internal shifting, seems likely.

In terms of HELP leadership, Sen. Tom Harkin (D-IA) will remain chairman, but Sen. Lamar Alexander (R-TN) is expected to replace Senator Michael Enzi (R-WY) as ranking member. Though they are largely aligned in terms of policy, Alexander's style and personality are different than Enzi's and he is expected to be more vocal as the Committee's top Republican.

Compared to the stability on the HELP Committee, the Education and the Workforce is going to have much greater turnover. Seven members are departing. On the Republican side, Rep. Judy Biggert (R-IL) lost her bid for the 11th District and Rep. Todd Platts (R-PA) is retiring. In terms of Democrats, Rep. Dale Kildee (D-MI) and Rep. Lynn Woolsey (D-CA) are retiring, Rep. Mazie Hirono (D-HI) won her race for the Senate, and Rep. Dennis Kucinich (D-OH) and Rep. Jason Altmire (D-PA) lost in primaries. In addition, since Education and the Workforce is not traditionally a coveted Committee assignment among Republicans, the likelihood for internal shifts is much greater than in the Senate.

Leadership on Education and the Workforce is likely to remain intact. Representative John Kline is expected to remain as Chairman and Rep. George Miller (D-CA) will remain the ranking Democrat. Representative Virginia Foxx (R-NC) is expected to chair the Subcommittee on Higher Education and Workforce Training and Ruben Hinojosa (D-TN) is likely to remain ranking member.

Warren to HELP to Focus on Student Loan & Consumer Issues?

One of the most talked about topics in Washington is where Sen-Elect Elizabeth Warren (D-MA) going to end up in terms of Committee assignments. At least one analyst, Isaac Boltansky of Compass Point Research & Trading, LLC, is suggesting she should seek a seat on the HELP Committee specifically to focus on student loans and other consumer protection issues in higher education.

"There is a real decision to be made about where she can have the most impact. I think the Senate Health and Education Committee gives her more of an opportunity to do so than Senate Banking," Boltansky told *Bloomberg BNA.*

The most natural places for Warren to land would be the Senate Banking, Housing, and Urban Affairs Committee or the Judiciary Committee. However, there is the issue of seniority, which may prevent her from joining the Banking Committee where more senior Democrats, such as Sen. Mark Warner (D-VA) and Sen. Bob Casey (D-PA), have indicated an interest on serving.

There is also a view that Warren, undoubtedly a rising star within the party, may want to expand her portfolio as she considers a future national run. Many have noted wherever Warren lands Committee-wise, she will be considered a strong Democratic voice on consumer issues.

Congress Losing Two Champions of Financial Literacy

Raising financial literacy awareness has long been a bipartisan issue on Capitol Hill, but the issue is facing a void in leadership as two longtime champions, Sen. Daniel Akaka (D-HI) and Rep. Judy Biggert (R-OH), are leaving Congress.

Akaka, who at times has been referred to as the "Godfather of Financial Literacy," was among the first to raise the issue at the federal level. He used his position on the Senate Banking Committee and as Chairman of the Senate Subcommittee on Oversight of Government Management to discuss substantive issues in federal financial literacy policy and highlight programs in local communities and the private sector. He won his first seat in the House in 1976 and was appointed to a Senate seat in 1990 which he held through three subsequent elections until his retirement at the end of this term.

Akaka was joined as a host of Financial Literacy Day by Rep. Judy Biggert. Serving on the House Education and the Workforce Committee and House Financial Services Committee, Biggert joined with Rep. Ruben Hinojosa (R-TX) to form the Financial and Economic Literacy Caucus. The two teamed together to pass legislation to create the Financial Literacy and Education Commission (FLEC), which is designed to coordinate federal financial literacy efforts. In addition to her support for federal programs, such as the Excellence in Economic Education program, Biggert also highlighted the work of financial institutions on this important issue.

Biggert won her first race for the House in 1998, holding the seat for the Illinois' 13th District through this term. Due to redistricting, she was placed in the Democratic leaning 11th District and to former Rep. Bill Foster (D).

Ivy Tech Community College General Counsel Joins Ranks of Congress

Though freshman members of the House of Representatives generally have little power as the newest faces in a body of 435, college officials should at least find a sympathetic ear on the burden of federal regulations with Rep-Elect Susan Brooks (R-IN). Brooks, who easily won the state's 5th District, is senior vice president and general counsel for Ivy Tech Community College, Indiana's statewide community college system.

Brooks won in a tough primary and draws comparisons to current Indiana Governor Mitch Daniels for her "understated conservatism." Daniels himself is moving from politics to academia, planning to serve president of Purdue University after his term as governor.

National Journal's profile of Brooks is available online: http://nationaljournal.com/congress-legacy/indiana-5th-house-district-20121101

Administration

Final Rules on New Income Based Repayment Plan Released—Details on Implementation Forthcoming

Last week, the Department of Education published the first set of regulations stemming from the latest round of negotiated rulemaking on the Title IV Programs. The initial package addresses the acceleration of SAFRA's increased Income-Based Repayment benefits (via changes to Income Contingent Repayment regs), also known as "Pay as You Earn," as well as regulations surrounding the discharge of a FFELP, Perkins or Direct loan for borrowers with a Total and Permanent Disability (TPD).

Negotiators were able to reach consensus on this regulatory package. However, because President Obama's call to accelerate a scheduled increase in IBR benefits was an impetus for the negotiations, the regulations have been separated into two packages for publication in the *Federal Reserve* to speed up those changes.

Package One was published on the last possible day, November 1, 2012, in order to take effect by July 1, 2013, under the Master Calendar rules. However, the Secretary also has the authority to call for early implementation of certain regulations and is exercising this authority for the Pay as You Earn regulations. The notice indicates "the Secretary intends to implement the regulations governing the Pay as You Earn repayment plan as soon as possible" and notes a separate *Federal Register* notice is forthcoming. Package Two, which contains a major post-SAFRA rewrite of the Direct Loan regulations to make them stand alone as well as many related FFELP changes, is expected later this year or early in 2013. Those regulations, assuming they are published by Nov. 1, 2013, will be effective on July 1, 2014.

Below is a summary of the major provisions of the regulations, as identified by the Department:

The final regulations will—

Create a new ICR plan (the so-called Pay As You Earn repayment plan) in the Direct Loan program based on the President's Pay As You Earn repayment initiative. The regulations support the administration's goal of making the statutory improvements made by the SAFRA Act included in the Health Care and Reconciliation Act of 2010 (Pub. L.111–152) to the IBR plan available to some borrowers earlier than July 1, 2014, and make technical corrections and minor changes to the current ICR plan regulations, including the addition of provisions related to notification of income documentation requirements and the ICR loan forgiveness process.

Amend the regulations governing the IBR plan to incorporate statutory changes made by the SAFRA Act and add new provisions related to notification of income documentation requirements, repayment options after leaving the IBR plan, and the IBR loan forgiveness process.

Revise the FFEL and Perkins Loan program regulations to permit borrowers to apply directly to the Department for a TPD discharge. In the Direct Loan program, borrowers would continue to apply directly to the Department for TPD discharges, as they do under the current Direct Loan regulations.

Revise the FFEL, Perkins and Direct Loan program regulations to permit a TPD discharge based on a borrower's Social Security Administration (SSA) notice of award for Social Security Disability Insurance (SSDI) benefits or Supplemental Security Income (SSI) benefits indicating that the borrower's eligibility for disability benefits will be reviewed on a five- to seven-year schedule. This five- to seven-year review schedule classifies the borrower as permanently impaired—medical improvement not expected. Borrowers will still be subject to the three-year discharge review that is currently in place.

Make conforming changes throughout the FFEL, Perkins and Direct Loan program regulations referencing the use of an SSA disability notice of award in the TPD process.

Reinstate a title IV loan discharged based on the borrower's TPD if the borrower receives a notice from the SSA indicating that the borrower is no longer disabled or the borrower's continuing disability review will no longer be the five- to seven-year period indicated in the SSA disability notice of award.

Require a FFEL, Perkins or Direct Loan borrower to notify the Secretary, during the three-year period following a TPD discharge, if the borrower has been notified by the SSA that the borrower is no longer disabled or that the borrower's continuing disability review will no longer be the five- to seven-year period indicated in the SSA disability notice of award.

Modify regulations in the, FFEL, Perkins Loan and Direct Loan programs to provide more detailed information to borrowers in letters explaining why a disability discharge has been denied.

Define the term ''borrower's representative'' for purposes of the disability discharge application process and state that references to a borrower or a veteran in the TPD discharge regulations include a borrower's representative or a veteran's representative.

Specify that the Department will deny a disability discharge application and collection will resume on the borrower's loans if the borrower receives a disbursement of a new title IV loan or receives a new grant under the Teacher Education Assistance for College and Higher Education (TEACH) grant program made on or after the date the physician certified the borrower's disability discharge application or on or after the date the Secretary receives the borrower's SSA disability notice of award and before the date the Department makes a decision on the borrower's application for a TPD discharge.

Specify that if a borrower's FFEL, Perkins or Direct Loan program loan is reinstated, it returns to the status that it would have had if the TPD discharge application had not been received.

Make corresponding changes to the TPD application process based on a certification from the Department of Veterans Affairs.

The full regulations are available online at this link: **http://www.gpo.gov/fdsys/pkg/FR-2012-11-01/pdf/2012-26348.pdf**

Mention of "Unintended Moral Hazard" Tucked in New IBR Rules

Buried deep in the regulations, the Department of Education mentioned the possibility "unintended moral hazard" with the new Pay as You Earn program. Many observers, most vocally the New America Foundation, have said the new program may encourage overborrowing and/or offer a "windfall" for high income/high debt borrowers.

In the discussion under the "Need for Regulatory Action" in the new rules (p. 28 of the PDF), the Department stated the following:

To achieve the goals of the President's Pay As You Earn initiative and provide the maximum benefit to borrowers, the Secretary is revising the ICR repayment plan while implementing the statutory IBR changes. The revisions offer eligible borrowers lower payments and loan forgiveness after 20 years of qualifying payments. As discussed earlier in this section, income-based repayment options may encourage higher borrowing and potentially introduce an unintended moral hazard, especially for borrowers enrolled at schools with high tuitions and with low expected income streams. Some commenters disagreed with the inclusion of this moral hazard statement, noting that the aspect of more generous income-based repayment plans causing increased borrowing has not been established. The Department has not found any definitive studies on the matter but since some analysts, academics, and others have suggested the possibility of this inducement effect, we wanted to address it to ensure comprehensive coverage of this issue.

Industry

Student Loans in the Police Blotter—Florida Couple's Fraudulent Service

Shaneva Boyd, 30, of Clearwater, FL was sentenced to prison this week for student loan fraud. The *Tampa Bay Times* reports:

> *Prosecutors said Boyd and her husband, James Isaac Boyd, 40, formed Graduate Assistance and Consolidations Inc. in early 2006, a business they claimed would help students apply for financial aid.*
>
> *But prosecutors said the couple assisted individuals without either a high school diploma or a General Equivalency Degree, which would have barred them from attending college or qualifying for financial aid.*
>
> *The Boyds, prosecutors said, caused false statements to be made on aid applications.*
> *The couple then had checks sent to addresses associated with their company and kept a substantial cut for themselves, prosecutors said.*

Shareva Boyd will also be under supervision for three years after her prison release. James Boyd has pleaded guilty to student loan fraud and aggravated identity theft. He faces sentencing on January 13.

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

Account Control Technology, Inc.

ACS Inc.

AMO Recoveries, Inc

Bass & Associates

Bonded Collection Corporation, Inc.

Campus Partners

Client Services, Inc.

Coast Professional

ConServe

Credit Adjustments, Inc.

Credit Control, LLC

Credit World Services, Inc.

Delta Management Associates

Educational Computer Systems, Inc.

Security Credit Systems, Inc.

Capital Management Services, LP

CR Software, LLC

Higher One

Enterprise Recovery Systems, Inc.

Ceannate, Inc.

General Revenue Corporation

Immediate Credit Recovery, Inc.

JC Christensen and Associates

National Credit Management

NCO Financial Systems, Inc.

Premiere Credit

Progressive Financial Services, Inc.

Recovery Management Services, Inc.

Regional Adjustment Bureau, Inc.

Reliant Capital Solutions, LLC

Todd, Bremer & Lawson, Inc.

Williams & Fudge, Inc.

Windham Professionals

National Enterprise Systems, Inc.

Cedar Financial

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Coalition of Higher Education Assistance Organizations
Request for Nominations

COHEAO Board of Directors Nomination Form-Due by 11/9/2012

I nominate the following ***primary*** member(s) for the COHEAO Board of Directors as noted:

President: Their Organization:

Vice President: Their Organization:

Chairperson nominations - You may nominate as many **primary** members as you wish.

Nominee's Name: Organization:

Nominee's Name: Organization:

Nominee's Name: Organization:

Nominee's Name: Organization:

Nominee's Name: Organization:

Nominee's Name: Organization:

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Nominee's Name: Organization:

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Nominee's Name: Organization:

Nominee's Name: Organization:

Nominee's Name: Organization:

Chair and Co-Chair Positions are: Internal Operations, Membership (3 positions), Legislative (5 positions), Commercial, Financial Literacy and Account Receivables(STAR).

Please return form via email to: COHEAOelections@wpllc.net with a cc to t-schm@umn.edu or send it by mail to: COHEAO, 1101 Vermont Ave. N.W., Suite 400, Washington, DC 20005-3521 or by fax to: 1-202-371-0197.