

The



Torch

April 3, 2009

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

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COHEAO News

Register Today for the Mid-Year Conference

You may now register for the COHEAO Mid-Year Conference. As Congress begins to consider the President's call for major changes to the Perkins Loan Program, COHEAO is making plans for its upcoming Mid-Year Conference. Scheduled for August 1-4, 2009 at the Westin Philadelphia, this event will provide you with an update on what changes (if any) are in store for the program.

Campus accounts receivable management practices and policies will be a focus of this event. Policies and practices in this important area of campus administration will be covered through a conference session and this year's Mid-Year Workshop. The Mid-Year Workshop will take place from noon-5:00 PM on August 4 and costs an additional \$75. The additional costs include lunch at the hotel and workshop fees, and you may register for the workshop when you register for the Mid-Year Conference.

In addition to information on campus accounts receivable management and updates on legislative and regulatory developments, the Mid-Year Conference will offer several informative and entertaining sessions on additional issues related to COHEAO members' day-to-day activities. Session topics under consideration include the FTC Red Flag Rule (a follow-up to the COHEAO teleconference), legal issues including bankruptcy litigation, campus accounts receivable management, new cancellations in the Title IV loan programs, cohort default rates, and efforts to mitigate the impact of the economic downturn for students.

COHEAO is pleased to continue to offer affordable rates for its events. The prices for this year's Mid-Year Conference remain unchanged from last year, \$470 for members and \$570 for non-members school attendees if you register before June 30. Non-member commercial institutions may register for \$1,575 before June 30, and all registrations increase by \$25 after the June 30 discount deadline.

We were also able to negotiate a very affordable rate at a wonderful hotel for this event, the Westin Philadelphia. COHEAO conference attendees registering with the Westin before June 30 are eligible for a rate of \$169 per night, a room rate less than at our previous two Mid-Year Conferences. The hotel's Rittenhouse Square location offers numerous shopping and dining options, as well as museums and historical attractions, including the Liberty Bell, Independence Hall, and the Constitution Center.

Call the hotel at (888) 627-8153 by June 30 and let them know you are attending the Coalition of Higher Education Assistance Organizations meeting to receive this fantastic deal!

Please register for the conference by visiting www.coheao.org. If you have any questions about this event, please do not hesitate to contact Wes Huffman at whuffman@wpllc.net.

Distribution Policy for *The Torch*

COHEAO would like to remind all of our members, to please abide by the distribution policy for *The Torch*. Redistribution of this memorandum or its content outside the immediate organization of the intended recipient without the express prior permission of COHEAO is prohibited.

If you have any questions regarding this policy, please contact Krista Heckler or Harrison Wadsworth.

Get Your Spring Fashions at the COHEAO Store

Spring is around the corner and that means it's time to update your wardrobe with the latest from the COHEAO store, <http://www.westernprinting.net/coheao>, where you will find high-quality clothing and outerwear bearing the distinctive COHEAO flame logo. The net proceeds from the sale of the clothing will go to the COHEAO scholarship fund, which awards \$1,000 scholarships every year to deserving students with financial need who are attending COHEAO member institutions of higher education. Check it out today and help yourself – and a student who can really use the assistance.

Congress

House and Senate Pass Budget Resolutions, Staff to Begin Informal Conference Negotiations During Easter Recess

Late Thursday night, the House and Senate, on strong party line votes, adopted FY 2010 Budget resolutions. Though the bills differ modestly in spending authority, they both offer President Obama an endorsement of much of his spending and policy plan for the year.

In the compromise measure that will be worked out over the next two weeks, Congress is expected to trim Obama's discretionary spending increase by roughly eight percent. The focus of this increased spending will be education, healthcare and energy.

Both versions of the resolution contain a "deficit neutral reserve fund" – really just a statement – suggesting that Congress make improvements to the financial aid programs. These reserve funds do not require any further action. The House version of the resolution has a "reconciliation instruction" that tells the House Education and Labor Committee to develop and approve legislation saving \$1 billion in the programs under its jurisdiction over the next five years. The Senate version of the resolution does not have this provision.

Reconciliation is the complicated, yet unresolved aspect of the budget debate. Though the Senate did not include reconciliation instructions in its resolution and specifically prohibited this process—a legislative maneuver employed to overcome the 60 votes required to prevent filibusters—for energy reform, it remains a possibility in the student loan and healthcare debate.

If the final resolution has a reconciliation instruction, it is likely to be used as a way to eliminate or modify the FFEL Program. Perkins changes may be part of the same legislation, but it is in no way a certainty.

There is nothing in these resolutions that dictates what will happen to the Perkins Loan Program. In fact, Perkins is mentioned in neither resolution, which is simply an outline of Congress's broad plans for funding federal programs in Fiscal Year 2010, which begins

October 1, 2009. A positive for Perkins funding is that the budget plans call for more discretionary spending, which may include Perkins funding if appropriators later decide to do that.

Congress heads into a two-week recess for the holiday, but staff will be meeting for informal negotiations during that time. Upon Congress' return, conferees are expected to meet to work out the particularly thorny differences between the two resolutions. Leadership in the House and Senate has indicated they intend to complete consideration of the budget by the week of April 20.

Bayh, Carper, and Lincoln Form Moderate Democrat Working Group

Sixteen Senate Democrats recently announced the formation of a new moderate coalition that will meet regularly to shape public policy, the "Moderate Dems Working Group." The group's goal is to work with the Senate leadership and the new administration to craft common-sense solutions to urgent national problems. Leading the new group are Democratic Senators Evan Bayh of Indiana, Tom Carper of Delaware and Blanche Lincoln of Arkansas.

In addition to Senators Bayh, Carper and Lincoln, others joining the group are Senators Mark Udall and Michael Bennet of Colorado, Mark Begich of Alaska, Kay Hagan of North Carolina, Herb Kohl of Wisconsin, Mary Landrieu of Louisiana, Joe Lieberman of Connecticut, Claire McCaskill of Missouri, Ben Nelson of Nebraska, Bill Nelson of Florida, Mark Pryor of Arkansas, Jeanne Shaheen of New Hampshire, and Mark Warner of Virginia.

The Moderate Dems Working Group will meet every other Tuesday before the Democratic Caucus lunch to discuss legislative strategies and ideas. The working group was formed to "pursue pragmatic, fiscally sustainable policies across a range of issues, such as deficit containment, health care reform, the housing crisis, educational reform, energy policy and climate change."

"We have a wonderful opportunity to break gridlock in Washington and accomplish big things for the American people, but we also have a responsibility to pursue sensible solutions that will work," Bayh said. "Our group seeks to work collaboratively with the Obama administration and Senate leadership to make sure legislation is crafted in a practical way that will solve people's problems. It's going to take all of us working together in the Senate to get the 60 votes necessary to deliver the change the American people deserve."

For more information, visit: <http://bayh.senate.gov/news/press/release/?id=B30D7F79-9EB1-4819-980F-9489825825BA>

House Passes HEOA Technical Corrections Act, Bill Addresses PLUS Auction and Rehabbed Loans

With hopes of securing enactment of changes to the student loan rehabilitation program and delaying the controversial PLUS parent loan auction program, the House passed H.R. 1777 on Monday. Unfortunately, the Senate recessed for the upcoming spring break before being able to approve the bill.

The 54 page bill, includes dozens of most technical and typographical corrections. The two most prominent provisions relate to rehabilitated loans and the PLUS auction. The loan rehabilitation program rewards defaulted student loan borrowers in the FFEL program that make nine consecutive on-time programs with “rehabilitation.” The regain eligibility for Title IV student aid and the record of the default is removed from the credit records. For a student to receive these benefits, however, the loan must be sold by the FFEL guaranty agency and the credit crunch resulted in no market for these loans.

H.R. 1777 addresses this problem by authorizing the Secretary to buy rehabilitated loans if no purchaser is found for them. This approach would effectively assure that any borrower that “earned” rehabilitation would receive the intended benefits.

The PLUS parent loan auction provisions were included in the bill at the request of dozens of financial aid administrators and their associations, including NASFAA. Schools have reported that uncertainties as to what lenders might win auctions or how loans will be handled if no lender bids prompted Chairman George Miller to seek a one year delay in the auction.

The Department of Education is now in the process of preparing for the auction later this month. Unfortunately, failure of the Senate to act on the legislation will result the auction going forward. Unconfirmed reports suggest the auction will be “a bust” as a result of no bids being received in many if not all states.

Senate HELP Committee Chairman Kennedy was viewed as supportive of H.R. 1777 and he is expected to move consideration of the legislation when Congress returns to session April 20th. Kennedy may alter one provision in the legislation relating to credit bureau reporting. Due to a technical drafting error in H.R. 1777, a borrower achieving loan rehabilitation would have all evidence of having been delinquent on their student loan removed from their credit records rather than just the default. This goes beyond the intent of the House drafters and is likely to be corrected in the Senate version of the legislation.

The complete text of H.R. 1777 may be found on: <http://thomas.loc.gov/>.

Congress Passes “Serve America Act”

On Tuesday, the House approved the Senate amendments to H.R. 1388, the *Edward M. Kennedy Serve America Act* by a bipartisan vote of 275-149. The bill passed the Senate on March 26 by an overwhelmingly bipartisan margin, 79-19.

The bill was previously passed in the House as the *Generations Invigorating Volunteerism and Education (GIVE) Act*. The bill, renamed to honor Sen. Kennedy, authorizes a massive expansion of the volunteer national service programs for Americans of all ages.

"The legislation makes good on President Obama's call for Americans to do their part to help the nation's economy recover by making a difference in their communities. When enacted, this will be the first major piece of the President's agenda to receive overwhelming bipartisan support in both chambers of Congress," said House Education and Labor Committee Chairman George Miller (D-CA).

INSIDE ED AND THE ADMINISTRATION

Shireman Discusses Perkins Proposal at Neg Reg

On Wednesday, the Department of Education's Bob Shireman visited the Team II negotiated rulemaking session to provide an overview of the Administration's plans to "modernize and expand" the Perkins Loan program. Under the modernized Perkins program, the Department would handle origination, servicing, and collection of loans, as opposed to schools.

According to Shireman, should the President's proposal ultimately be approved by Congress, the Administration expects institutions currently participating in the program to recapture the institutional contribution in existing revolving accounts. However, as current borrowers continue to repay their loans, schools would remit the federal contribution to the Department, which would originate all Perkins loans in the future.

Some negotiators questioned how this approach would better serve schools that do not currently participate in the program. Shireman replied that the expansion of funding, an increase from \$1 billion to \$6 billion, would benefit all schools.

There was also some discussion of the current allocation formula, which partially relies on tuition costs. According to Shireman, the Administration believes the current formula "incentivizes tuition increases," and the Department is currently exploring ways to use the allocation formula to incent schools to increase graduation rates and serve more low-income students.

HEOA Neg Reg Continues for Team I and Team II

The Department convened the second round of negotiated rulemaking for HEOA student loan related issues this week. No major disputes were reported for the lender-based negotiating team, Team I, which finished its negotiations on Wednesday. However, Team II, which addresses school-related student loan issues, has not been able to make as much progress in its negotiations.

As they did two years ago during negotiated rulemaking over the implementation of student loan “sunshine” laws, preferred lender lists are again making it difficult for non-federal and federal negotiators to reach consensus. HEOA built upon the regulation of the preferred lender lists for the FFEL program by also including lists of private loan lenders. However, by including non-federal loans, the new regulations impose additional reporting requirements on many more financial aid offices.

Team II just concluded its negotiations late today. As warranted, additional details will be provided in next week’s edition of the Torch.

Kanter Nominated as Under Secretary of Education

On Wednesday, President Obama announced his nomination of Martha J. Kanter to serve as Under Secretary of Education. Kanter currently serves as Chancellor of the Foothill-De Anza Community College District.

Prior to her current post, Kanter served as Vice President of Instruction and Student Services at San Jose City College where she formerly worked as a teacher and created the school’s first program for students with learning disabilities. Kanter also served as a Director, Dean and subsequently Vice Chancellor for Policy and Research of the California Community Colleges Chancellor's Office in Sacramento. Kanter also currently serves as National Chair of the Community College Advisory Panel of The College Board.

To read the announcement, visit: http://www.whitehouse.gov/the_press_office/President-Obama-Announces-More-Key-administration-posts-04-01-09/

Department Issues DCL on FAA Use of Professional Judgment

Dan Madzellan, Acting Assistant Secretary for Postsecondary Education, sent a Dear Colleague Letter to financial aid administrators this week on professional judgment and special circumstances for adjusting a student’s federal aid eligibility.

“I am writing to remind you of the authority you, as a financial aid administrator, have under the law (section 479A of the Higher Education Act) to make adjustments, on the basis of adequate documentation, and on a case-by-case basis, to address circumstances not reflected in a student’s original Free Application for Federal Student Aid (FAFSA).”

Given the current economic climate, Madzellan said he thought it was appropriate to remind financial aid administrators to use professional judgment in special circumstances. While the letter provides information on the statutory limitations in its review of this area administering financial aid, it also encourages school officials to reach out to students who may be currently experiencing a “rough patch” in difficult times.

Madzellan's letter acknowledges that the use of professional judgment will not necessarily always result in the awarding of grant aid, but it may allow students to qualify for subsidized Stafford Loans and Perkins Loans.

The letter also reminds financial aid administrators that all students are eligible for unsubsidized Staffords, stating "Most non-federal loans have high, variable interest rates, loan fees well above those for the federal student loan programs, limited repayment options, and almost none of the features and protections provided in the federal programs, including payment deferment, forbearance, and cancellation."

To view the full DCL, visit: <http://www.ifap.ed.gov/dpcletters/GEN0904.html>

FTC Releases Guide on Red Flags Rule

The Federal Trade Commission (FTC) has posted a how-to guide online for its "Red Flags Rule." The Red Flags Rule provides businesses and organizations with a series of requirements for developing, implementing, and administering identity theft prevention programs.

The FTC's how-to-guide provides information on identifying the warning signs of identity theft, as well as additional steps for mitigating risks. In addition to material on identity theft prevention, the how-to guide helps business understand whether or not the rule applies to them.

A session on the Red Flags Rule is currently under consideration for the COHEAO Mid-Year Conference. This session would build upon the information provided during the Annual Conference and the recent teleconference by Naomi Lefkowitz of the FTC.

For more information, and to access the Fighting Fraud with the Red Flags Rule: A How-To-Guide for Business, visit: www.ftc.gov/bcp/edu/microsites/redflagsrule/index.shtml.

INDUSTRY NEWS

ACE Seeking "Opportunity to Assist" Congress on Reform

ACE sent a letter in support of the House budget resolution this week. The letter expresses support for additional Pell Grant funding (and the possibility of making Pell an entitlement), but does not offer outright support for the President's plan. Instead, the college presidents are seeking a seat at the table in negotiating student loan reform.

"We recognize that, as part of these efforts, Congress may also consider changes to the federal student loans programs. The nature of those changes is of great interest to our colleges and universities, and we would welcome the opportunity to assist you in the development of policies that will best meet the needs of students and their families. We look forward to an ongoing dialogue with you and your staff on these issues in the coming months,"

To view the ACE letter, visit:

http://www.acenet.edu/AM/Template.cfm?Section=Government_Relations_and_Public_Policy&template=/CM/ContentDisplay.cfm&ContentID=31890

AASCU Names New President

The American Association of State Colleges and Universities (AASCU) announced Tuesday that Muriel A. Howard, president of Buffalo State College, State University of New York (SUNY), has been appointed president, succeeding Constantine W. (Deno) Curris.

Howard has served as president of Buffalo State College, SUNY, since 1996. Prior to that time Howard spent almost 15 years in administration at the University at Buffalo, SUNY, including four years as vice president for public service and urban affairs from 1992-1996. She holds a Bachelor of Arts from Richmond College, CUNY, and a Master of Education and a Ph.D. from the University at Buffalo, SUNY.

Howard's appointment was welcomed within the Washington higher education community.

PIRG, Campaign for America's Future Issues State by State Report in Support of Obama Proposal

The Campaign for America's Future and U.S. PIRG teamed up for a report in support of the President's student loan proposal. The groups also released state-by-state info, which applies the increased Pell funding towards the average cost of higher education in a specific state.

The report essentially repeats information on college costs from other sources, and applies the increased Pell to those costs. The authors of the report claim the estimated average \$121 increase in Pell funding is "the type of reinvestment that is needed to get students into college so they get the education they need to move the country forward."

For more information, visit:

<http://socialsecurity.ourfuture.org/report/2009031325/obama-s-budget-supporting-students-not-banks>

Mother Obtains Fraudulent Student Loans for Casino Trips

Cynthia Tiemann of St. Peters, Missouri has been charged with taking out \$139,000 in student loans under her daughters' names and gambling it away. Tiemann stands accused of forging her two daughters' names on seven student loan checks, and then using the money to gamble.

Tiemann also forged her 71-year-old mother's name as a co-signer of the loans. The alleged fraudster was caught after one of her daughters discovered the student loans on her credit report nearly a year and a half after the checks had been forged.

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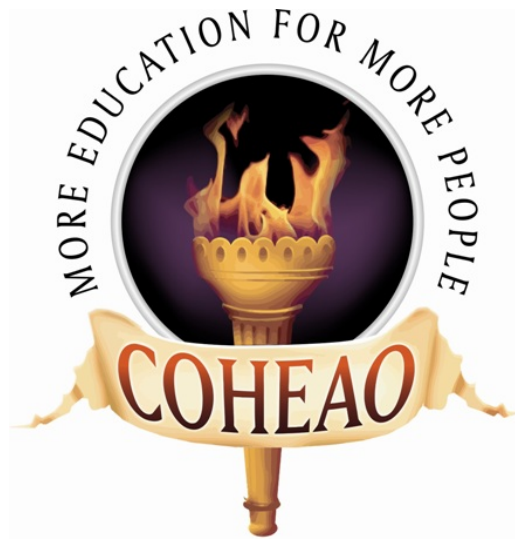
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Supporting
More Education for More People**



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ConServe	RC Services, Inc.
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Delta Management	Strategic Recovery Systems, Inc.
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General Revenue Corporation	Williams & Fudge, Inc.
Immediate Credit Recovery, Inc.	Windham Professionals
JM Associates, LLC	National Credit Management
Gila Corporation	AMO Recoveries, Inc.
Reliant Capital Solutions, LLC	Account Control Technology, Inc.

COHEAO Scholarship

2009-2010



For the 2009 – 2010 academic school year, the Coalition of Higher Education Assistance Organizations (COHEAO) will award four \$2,000 scholarships.

The eligibility requirements for applicants for the 2009-2010 academic year are as follows:

- Applicants must be U.S. citizens;
- Applicants must attend a COHEAO Member School;
- Applicants must have a minimum GPA of 3.75 on a 4.0 scale;
- Only undergraduate students, who will be entering their sophomore, junior, or senior year in 2009-2010, are eligible to apply: freshmen and graduate students are not eligible;
- Only one scholarship per family per academic year will be awarded; and
- COHEAO members and their immediate family members are not eligible for COHEAO scholarships.

Further information about the COHEAO scholarship is available via the Web at: <http://www.coheao.org/scholarship/scholarship.html>

The application deadline is March 21th, 2009