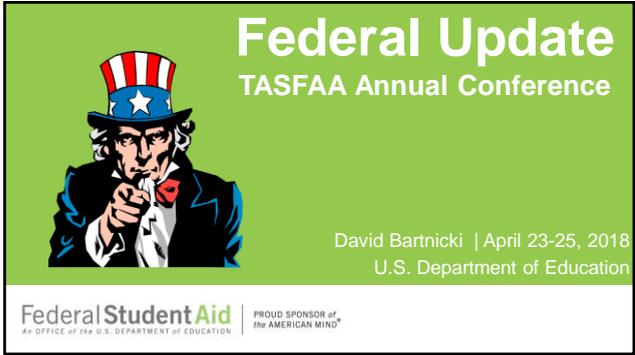


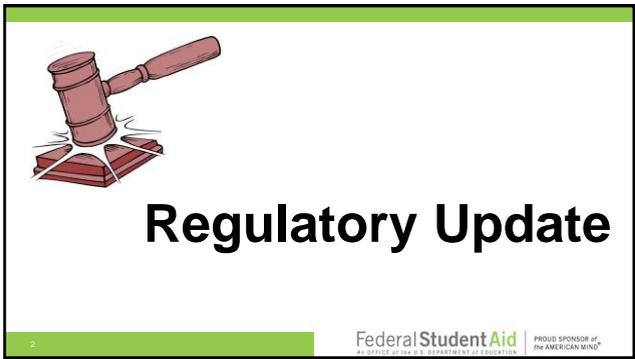
Federal Update



Federal Update
TASFAA Annual Conference

David Bartnicki | April 23-25, 2018
U.S. Department of Education

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Regulatory Update

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Borrower Defense (background)

- On November 1, 2016, the Department published final regulations that were scheduled to take effect on July 1, 2017. The final regulations:
 - Created a new Federal standard for borrower defense
 - Prohibited mandatory arbitration clauses
 - Required repayment rate disclosures under some circumstances

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Federal Update

Borrower Defense / Published FR 6-16-2017

- Federal Register published June 16, 2017: Postponement of Certain Provisions of the Borrower Defense Regulations
 - Certain provisions of the Borrower Defense final rules published on 11/1/2016 have been postponed
- Borrower Defense provision published in 1995 is still in effect

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Borrower Defense

- The Department did not postpone provisions in the Borrower Defense regulations relating to:
 - Documentation for discharges for death
 - Mandatory administrative forbearance or suspension of collection of FFEL loans that the borrower intends to consolidate for borrower defense
 - Direct Loan Consolidation of Perkins and Nursing Student Loans and Nurse Faculty Loans
 - Severability
 - Technical corrections

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Notice of Intent to Negotiate

- Notice of intent to negotiate the following topics published June 16, 2017:
 - Borrower Defense
 - Gainful Employment
 - Authority of Guaranty Agencies to charge collection costs to defaulted FFEL borrowers who enter into repayment agreements
- Federal Register – August 30, 2017: Negotiator Nominations and Committee Meetings
 - Nomination Deadline - September 29, 2017
 - Negotiations - November 2017 - March 2018
- Aiming to publish final regulations by November 1, 2018

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Federal Update

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Federal Update

GE Disclosures – EA 1/19/2018 (#110)

- Must comply with 668.412 (c) to provide a completed disclosure template, or link, to its GE web page
- 2018 GE template released on January 19, 2018 (2016-2017 award year data)
- Institutions have until **April 6, 2018** to update disclosures for EACH of their GE programs, using the 2018 GE Disclosure Template

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Gainful Employment Negotiation

A negotiated rulemaking committee was formed to consider the Gainful Employment rules, and the committee will meet:

- Session 1: December 4-7, 2017
- Session 2: February 5-8, 2018
- Session 3: March 12-15, 2018

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FAFSA and CPS Processing



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Federal Update

2018-19 Award Year

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IRS DRT Changes - Elec. Ann. 8/7/17

- The IRS DRT function reinstated for the 2018-2019 FAFSA on the Web
- To enhance the security and privacy of the sensitive personal data, all DRT data is encrypted/masked and hidden from view on:
 - IRS DRT website
 - FAFSA web pages
 - Student Aid Report (SAR)
- Applicants and parents will see the words "Transferred from the IRS" in the data entry fields on the FAFSA web pages and SAR

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IRS Data Retrieval Tool (DRT) Changes

- Institutional and state agency ISIRs will have IRS data
 - Because transferred data is not displayed, applicants and parents cannot make corrections to IRS DRT transferred items on FAFSA form before or after submission
 - However, institutions can continue to make any necessary DRT data field corrections
 - Few corrections anticipated since data coming from IRS
 - Possible corrections: rollover correction; not allowed to use DRT; amended tax return
 - If access is secure, schools are able to share IRS-DRT information with student/spouse/parent

September 5, 2017 Electronic Announcement

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IRS Data Retrieval Tool (DRT) Changes

- Special provisions for Rollovers:
 - If greater than \$0 transferred from IRS into Untaxed Portions of IRA Distributions field/Untaxed Portions of Pensions field, applicant/parent required to answer a new question about a rollover
 - If they answer "yes," he/she will be required to provide the amount of the rollover in a new entry field
 - System will subtract user-reported rollover amount from the IRA/Pension distribution that was transferred from the IRS, and the result will be used in the calculation of the EFC

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IRS Data Retrieval Tool (DRT) Changes

- IRS Data Field Flags
 - NEW set of flags to help financial aid administrators know what, if any, specific information was changed once retrieved from the IRS and transferred into the FAFSA form
 - Flags provided separately for student and parent
 - Flags listed for EACH IRS-related data field that can be transferred from the IRS
- DIFFERENT flags than the IRS Request Flags
 - 02 Request flag still means no data changed for verification purposes

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IRS Data Retrieval Tool (DRT) Changes

- List of *IRS Data Field Flag* values:
 - Blank = IRS data not transferred from IRS (FAFSA submitted via paper or by a financial aid administrator)
 - 0 = IRS data not transferred from IRS (FAFSA not submitted via paper or by a financial aid administrator)
 - 1 = IRS data transferred from IRS – Not changed by user
 - 2 = IRS data transferred from IRS – Field changed by user prior to submission of application (only occur if IRA/Pension fields changed by user entering rollover amount)
 - 3 = IRS data transferred from the IRS – Field corrected by the user on this transaction
 - 4 = IRS data transferred from the IRS – Field corrected by the user on a previous transaction

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Federal Update

IRS Data Retrieval Tool (DRT) Changes

- Any web edits that include information transferred from IRS will no longer be presented to the applicant or parent
- Instead, new SAR comments will display on the ISIR (and SAR) to alert financial aid administrators that at least one edit was triggered but could not be displayed and therefore, could not be resolved online
- Comment Codes:
 - 400 (parent) = Your Financial Aid Administrator may contact you to resolve any issues related to parental data reported on your FAFSA
 - 401 (student) = Your Financial Aid Administrator may contact you to resolve any issues related to data reported on your FAFSA

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Reasons for Comment Code 400

For Parents of Dependent Students

- Parent is a tax filer (FAFSA Question 80) and the AGI retrieved from the IRS is zero, but the total income earned from work (FAFSA Questions 88 and 89) is greater than zero
- The **total** of the Additional Financial Information fields reported on the FAFSA form (FAFSA Questions 93a-f) is greater than the AGI transferred from the IRS
- Any item** from the FAFSA list of Untaxed Income (FAFSA Questions 94a-i) is equal to or exceeds the AGI transferred from the IRS

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Reasons for Comment Code 401

For Dependent Students and Independent Students

- Student is a tax filer (FAFSA Question 32) and the AGI retrieved from the IRS is **zero**, but the total income earned from work (FAFSA Questions 39 and 40) is greater than zero
- The **total** of the Additional Financial Information fields reported on the FAFSA form (FAFSA Questions 44a-f) is greater than the AGI transferred from the IRS
- Any item** from the FAFSA list of Untaxed Income (FAFSA Questions 45a-j) is equal to or exceeds the AGI transferred from the IRS

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Federal Update

Special Notes – Comment Code 400/401

- When Comment Code 400 or 401 appears on an ISIR and an institutional review confirms that none of the relevant data items for a 400/401 condition exists, the institution need not take any further action
- *Comment Code 400/401 can be considered resolved if (V1 or V5) verification is completed for the same applicant for the same ISIR record*

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Comment Code 399

- The 2017–18 FAFSA will continue to be flagged with a comment code 399 if there is a conflict with the applicant's last 2016–17 ISIR transaction
- CPS review will determine if any conflicting income and/or tax information would, once resolved, produce a significant change in the student's expected family contribution (EFC)
- If so, the Central Processing System (CPS) will flag the applicant's 2017–18 ISIR with a 'C' Code and Comment Code 399

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Comment Codes 399 and 400/401 Resources

<p>Comment Code 400/401:</p> <ul style="list-style-type: none"> • Electronic Announcement Published August 7, 2017 	<p>Comment Code 399:</p> <ul style="list-style-type: none"> •Dear Colleague Letter GEN-16-14 •Electronic Announcement published August 10, 2017 •Frequently Asked Questions (FAQ) on IFAP at https://ifap.ed.gov/EarlyFAFSA/earlyfaisaFAQv1.html
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Federal Update

Amended Return Filers & the IRS

ISSUE

Applicants and parents who self-reported that they amended their tax return could not use the IRS DRT to transfer tax return information into the FAFSA.

RESOLUTION

- Amended tax return filtering question has been removed
- Applicant/parent can use IRS DRT to import info from original return
- IRS indicates if there's an amended return on file
 - IRS Request Flag 07
- Institution must obtain documentation for the updated information and make any necessary corrections regardless if selected for verification



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G-845 Process

Immigration

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Electronic G-845 Process

- Please note that beginning *May 1, 2018*, the U.S. Citizenship and Immigration Services (USCIS) will be moving to an electronic process for reviewing and replying to G-845 data ("third step verification")
 - Systematic Alien Verification Entitlement System (SAVE) is an electronic process to verify students who were not confirmed as eligible noncitizens through FSA's Primary and Secondary batch process
 - Forms received on or after 5/1/18 will be rejected
- More information will be available from ED and USCIS in the future through a variety of communication formats

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Federal Update

DHS/SAVE – Step 3 Form G-845

ISSUE	RESOLUTION
<ul style="list-style-type: none"> Filling out the form is a cumbersome process FAAs wait 10-20 business days for a response Forms get lost in the mail 	<ul style="list-style-type: none"> The paper third step (Form G-845) will be replaced by an online process <ul style="list-style-type: none"> Less data entry FAAs will usually receive a response in 3-5 business days Student only needs to be reviewed by one school Search by DHS Verification Number & Date of Birth Scan, download, and attach applicant's immigration documents

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DHS/SAVE Communication

- 1 EA will notify schools PDPA's SAVE User ID is available on Participation Management system "Manage your SAIG Mailboxes" link
 - PDPA will enroll themselves through SAIG Enrollment
 - Once PDPA in SAVE, can create additional 3rd Step Verification Users
- 2 IFAP posting anticipated for Spring 2018:
 - Instructions for logging in and utilizing the system
 - FSA Handbook updated to include SAVE information
- 3 User ID dissemination planned for March 2018
- 4 DHS/SAVE will reject Paper Form G-845 beginning May 1, 2018

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Verification

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Federal Update

2018-2019 Verification

- May 5, 2017 Federal Register and GEN-17-05
 - No changes to verification tracking groups
- EA 8/16/2017: 2018-19 Verification Suggested Text
- Updates:
 - Internal Revenue Service (IRS) Data Retrieval Tool (DRT) is available again (masking process)
 - *Dependent students* who are nontax filers do **not** have to provide confirmation of nonfiling status from the IRS or other relevant tax authority
 - Other parties do (parents, independent students, etc.)

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2018–2019 Verification

Verification of Nonfiling (VNF)

IRS documents that clearly indicate that the IRS does not have a tax return record on file for the tax year are acceptable for VNF

- Includes Tax Return Transcripts/Tax Account Transcripts that indicate “no record of return filed” or “no transcript on file”
- Includes any version of IRS Form 13873 that clearly states that the form is provided to the individual as verification of nonfiling or states the IRS has no record of a tax return

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2018–2019 Verification

- Updates: (tax extensions)
 - Individuals granted only the automatic six-month extension must use the IRS DRT or submit an IRS Tax Return Transcript
 - Only individuals granted a filing extension by the IRS beyond the automatic six-month extension for tax year 2016 may submit the documentation for extension filers
 - Individuals called up for active duty or for qualifying National Guard duty may submit a statement certifying that he or she has not filed an income tax return or a request for a filing extension because of that service

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Federal Update

2018-2019 Verification

- Updates:
 - An unexpired valid government-issued photo identification is one issued by the U.S. government, any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, a federally recognized American Indian and Alaska Native Tribe, American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau

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Verification Guidance - Rollovers

- If DRT transfers a non-zero amount into the untaxed pension or IRA distribution field, applicant will be able to report amount of a rollover and Central Processing System (CPS) will subtract it
- The IRS Data Field Flag will be "2" - field changed by user prior to submission of application
- *To complete verification for this item, collect a signed statement certifying that the untaxed pension or IRA distribution contained a rollover*

35 Verification Q & A – VI-Q4 FederalStudentAid PROUD SPONSOR of the AMERICAN MIND®

Verification Guidance - Amended Returns

- Students or parents who filed an amended tax return may use the IRS DRT
- IRS Request Flag value of 07
- To complete verification the institution must obtain a *signed copy of the IRS Form 1040X**, AND *one of the following*:
 - IRS tax return transcript; or
 - IRS DRT information on an ISIR record with all tax information from the original tax return

*Note: An applicant and/or spouse, or parent(s) who did not file an IRS Form 1040X with the IRS, but whose tax and income information was amended by the IRS, may submit documentation from the IRS that include the change(s), in addition to one of the items mentioned above

36 Verification Q & A – DOC-Q2 FederalStudentAid PROUD SPONSOR of the AMERICAN MIND®

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Federal Update

V4 and V5 Tracking Results

- V4 and V5 tracking process in Financial Aid Administrator (FAA) Access continues to be in effect for 2018–2019
- Institutions need to select the proper award year for which they are providing results
- Value #6 added to drop down options
 - Verification attempted, issues found with both identity and high school completion

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Federal Pell Grant Program



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Year-Round Pell: DCL GEN-17-06

- Per the Consolidated Appropriations Act of 2017, a student may now receive Pell Grant funds up to 150% of the Scheduled Award in an award year
 - 1st 100% is initial scheduled Pell award
 - Final 50% is considered the additional Pell award (YRP)
- Effective with the 2017-18 award year
- Technical information – Electronic Announcement: June 20, 2017

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Federal Update

Year-Round Pell: Student Eligibility

- Student must be enrolled at least half-time in the payment period(s) for which s/he receives the additional Pell Grant funds (additional 50%)
 - Dropping below half-time enrollment after Pell is disbursed and enrollment status is locked in, will not render the student ineligible
 - A Pell recalculation to less than half-time will render the student ineligible
- Pell calculations and formulas remain unchanged
- The additional Pell Grant funds will be reflected in the student's 600% maximum Pell Lifetime Eligibility Used (LEU)

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Year-Round Pell: Student Eligibility

- Choice of crossover payment period award year can be made based on an institutional policy that—
 - Provides for an individual decision for each student
 - Applies to all students (or a category of students) without exception or
 - Applies to all students (or a category of students) with allowance for an individual student exception

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2018-2019 - Pell Payment Schedules

- Maximum Scheduled Award - \$6,095
 - Increase of \$175 from 2017-18
 - May be able to receive up to 150% of scheduled Pell award
- Minimum Award - \$650
- Maximum eligible EFC – 5486 (up from 5328 in GEN-18-01)
- Payment Schedules – See DCL GEN-18-04 (April 10, 2018)
 - Replaces GEN-18-01

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Federal Update



Perkins Loan

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Perkins Wind-down

- Federal Perkins Loan Program Extension Act of 2015
 - Enacted on December 18, 2015
 - Extended the Perkins Loan program through September 30, 2017
 - Eliminated grandfathering of students after the new expiration date
 - Prohibits any further extensions of the Perkins Loan Program under GEPA

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Perkins Awarding

- No new Perkins Loans should have been awarded to graduate students after September 30, 2016
- No new Perkins Loans should have been awarded to undergraduate students after September 30, 2017
 - Subsequent disbursements may *only be made through June 30, 2018*, including for summer 2018, as long as the loan is first disbursed between July 1, 2017 and September 30, 2017

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Federal Update

Perkins Wind-down

- DCL GEN-17-10 (posted October 6, 2017)
- Schools are NOT required to liquidate their Perkins Loan portfolios
 - Schools may...
 - Continue to service their own portfolios
 - Contract with a third-party servicer for servicing
 - Choose to assign any or all loans to the Department, whether defaulted or not, at any time

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Excess Liquid Capital

- Excess Liquid Capital (ELC)
 - Amount of Revolving Fund's "Cash On Hand" in excess of institution's estimated immediate needs for the Federal Perkins Loan Program
 - Separate and distinct from Distribution of Assets process
- Section 466(c) of the HEA requires institutions to:
 - return to the Department the Federal share of any Excess Liquid Capital (ELC) from the institution's Federal Perkins Loan Revolving Fund (Revolving Fund)
 - return the institutional share to the institution

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Excess Liquid Capital

- Electronic Announcement – 9/6/17
 - ED will delay 17/18 Excess Liquid Capital notification/collection process until after eCB System transition to COD is completed in late March
 - Institutions with ELC in Revolving Fund will be notified about process for requesting adjustment/returning Federal share in mid-April 2018
- **Do not** return funds to the Department until after you have received notification that your institution has ELC in its Fund

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Federal Update

Distribution of Assets

- The Extension Act requires schools to return to the Department the **Federal share** of the institution's Perkins Loan Revolving Fund (the Fund)
- The Department will begin collecting the Federal share of schools' Perkins Funds after **October 1, 2018**

See Dear Colleague Letter (DCL) GEN-17-10, published on October 6, 2017:
<https://ifap.ed.gov/dpclatters/GEN1710.html>

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Asset Distribution Process

- Similar to the existing Excess Liquid Capital process
 - FISAP data used
 - Notification of amounts and deadline for remitting funds through Campus-Based system
 - Funds submitted through G5

If your data is inaccurate, then your figures will be inaccurate.
 Please ensure integrity and quality of FISAP data.

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Asset Distribution Process

- Distributional Shares Formula
 - Accounts for changes in matching requirements and institutional overmatching
 - Considers Federal funds previously returned to the Department and institutional funds returned to the institution
 - **Replaces the Excess Liquid Capital process**
 - Requests Federal share of collections annually

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Federal Update

Perkins Cancellations

- Funding for cancellation reimbursements ended with the 2008-09 award year
 - Consolidated Appropriations Act of 2010
- Neither the schools nor the Department will be reimbursed for Perkins cancellations
- Section 465(b) of the HEA prohibits the use of any Federal funds for cancellation reimbursement

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Perkins Reminders

- No ACA can be claimed for an award year from the Perkins revolving fund if no loans were advanced in that award year
- Cannot transfer campus-based funds with Perkins fund in an award year where no loans were advanced



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COD



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Federal Update

eCB Functionality Moving to COD

- **February 6, 2018** – eCB System is closed to schools
- **March 23-25, 2018** – Campus-Based processes implemented in the COD System (COD Release 17.0)
- **March 25, 2018 and forward** – User access transition and Campus-Based processes become available
 - eCB System users will begin the process to gain access to the COD System, if they don't already have COD System access
- Specific instructions about user access and how and when users will need to transition to the COD System will be provided in spring 2018
- See December 21, 2017 EA <https://ifap.ed.gov/eannouncements/122117eCBTransNum2CBProcTransTimelineDecMar2018.html>

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eCB Functionality Moving to COD

February 15, 2018 Electronic Announcement – Campus-Based User Access and User Roles in COD

- Schools begin using COD for CB processes March 26, 2018
- Attachments identify different User roles that can be assigned and steps to gain User access to COD
 - **User access** determines if a user is authorized to log in to the COD System
 - **User role** defines the types of Campus-Based business processes a user can complete once he or she logs in to the COD System

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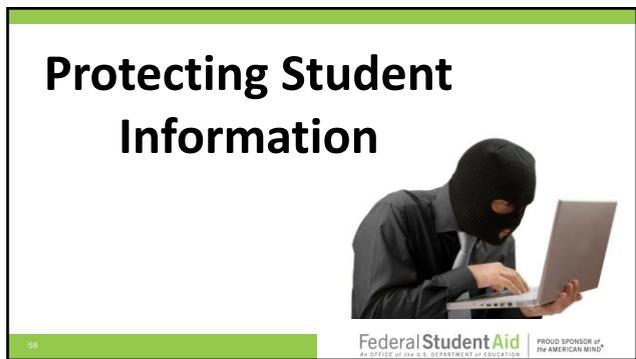
Upcoming Enhancements to COD

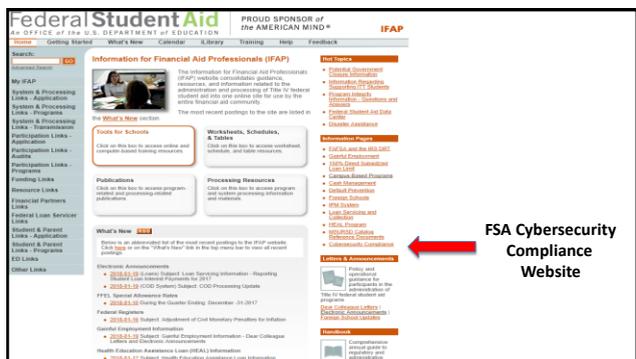
- COD Release 17.1 PLANNED for early Summer 2018
 - We plan on adding a “handful” of school-facing enhancements
 - New edit for Direct Loan Program
 - New TEACH Counseling process and report
 - Enhanced Iraq and Afghanistan Service Grant processing

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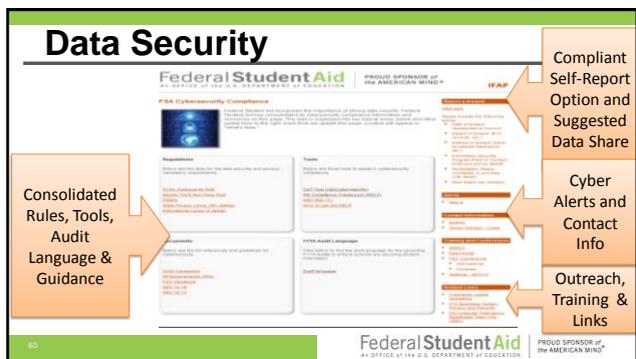
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Federal Update





FSA Cybersecurity Compliance Website



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Federal Update

New FAQ at CyberSecurity Site

Q. We recently heard in an FSA conference session that we can no longer accept faxed or emailed copies of taxes or tax transcripts. Is this the case? Are we permitted to accept such documents via a student's school email account?

A. Schools should never solicit personally identifiable information (PII)—especially sensitive personally identifiable information (SPII)—through means that are known to be insecure. Schools must remediate this type of data breach immediately each time it occurs. However, at this time, this type of data breach does not need to be reported as an institutional data breach to FSA*

*Please see complete Answer at FAQs at <https://ifap.ed.gov/eannouncements/attachments/CyberFAQ.pdf>

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Protecting Student Privacy

studentprivacy.ed.gov

Student Privacy 101: STUDENT PRIVACY AT THE U.S. DEPARTMENT OF EDUCATION

This U.S. Department of Education is committed to student privacy, the protection of the Family Educational Rights and Privacy Act (FERPA), and we provide technical assistance to help schools and school districts meet privacy in their use and management of information about students. This site is to assist educators in promoting transparency of student data by providing other guidance on FERPA, related best practices and the answers to frequently asked questions. Responsibility for the Department's student privacy operations lies in the Office of the Chief Privacy Officer. To learn more about FERPA please click on the video to the right.

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Recent Guidance

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Federal Update

Dear Colleague Letters

GEN-18-03 - 2019-20 Verification Items and Acceptable Documentation

- No changes to verification tracking groups or FAFSA verification items from 2018-2019
- No changes to the acceptable documentation requirements from 2018-2019
- 2019-20 Verification Suggested Text - forthcoming
- Information also listed in the March 28, 2018 Federal Register

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Dear Colleague Letters

ANN-18-06 – FISAP in COD recording

- Recorded version of our March webinar described transition of business processes for the Campus-Based programs from the eCampus-Based (eCB) System to the Common Origination and Disbursement (COD) System
- Webinar explained the reasons for the transition and provided an overview of Campus-Based functionality in the COD System
- <https://ifap.ed.gov/ifap/ifapMedia.jsp#030718FISAPinCODSystem>

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Electronic Announcements

3/29/18– Single Audit submission criteria for FY ending in 2018

- Type A programs (larger Federal programs) to be low-risk, must have been audited as a major program in at least one of the two most recent audit periods
- Public/non-profit institutions participating in TIV that submit a Single Audit that does not include Student Financial Assistance Cluster as a major program *will not be required to notify* their School Participation Division of the low-risk assessment
- Institutions *must still submit* (eZ-Audit system) complete Single Audit each year by due date regardless if Student Financial Assistance Cluster was a major program
- The impact on year three testing requirements (after two years of low risk assessments) for fiscal year 2019 audits and beyond is still under review
- Questions - contact Patrice Fleming - (202) 377-4209; Patrice.Fleming@ed.gov

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Federal Update

Electronic Announcements

March 26, 2018 – FWS Community Service Waivers

- Waiver request for seven percent community service requirement and/or the reading tutors of children or family literacy project requirement now *submitted through COD*
- Submission deadline is April 23, 2018
- Department plans to notify, via email, when a determination has been made no later than June 30, 2018
 - Determinations can be viewed in COD

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Electronic Announcements

March 2, 2018 – Service and website Updates

- On March 23, 2018, the Campus-Based Call Center will close and all support services will be provided by the COD School Relations Center beginning March 26, 2018
 - cod.ed.gov (website), CODSupport@ed.gov (email), 800-848-0978
- Teacher Cancellation Low Income (TCLI) Directory website will move and become part of the StudentLoans.gov website as of March 26, 2018
 - users will not need to be logged in to the site to complete a search

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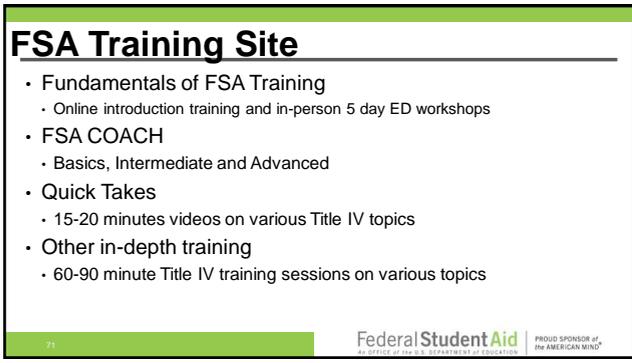
FSA Training

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For Discussion Purposes Only

Federal Update







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Federal Update

Contacts

- **Kansas City School Participation Team**
 - Main Number: 816-268-0410
 - Jim Wyant (IIS) - 816-268-0431
- **Atlanta Training Officers**
 - David Bartnicki – 404-974-9312

Email: firstname.lastname@ed.gov



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Training Feedback

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

- Go to <http://s.zoomerang.com/s/DavidBartnicki>
- This feedback tool will provide a means to educate and inform areas for improvement and support an effective process for “listening” to our customers
- Additional feedback about training can be directed to mark.gerhard@ed.gov

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Questions about this session?

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