

How to Find Answers to Your Regulatory Questions



How to Find Answers to Your Regulatory Issues

Amanda Sharp – Training Specialist
NASFAA Division of Training and
Regulatory Assistance

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How to Find Answers to Regulatory Questions



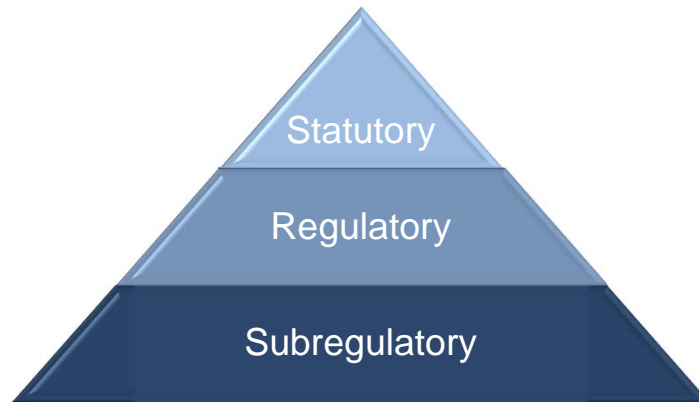
Where do you go to
find an answer about
the Title IV programs?

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How to Find Answers to Your Regulatory Questions

Hierarchy of Resources



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Statutory Resources

Laws creating and amending the Title IV programs

- Higher Education Act of 1965, as amended
- NASFAA maintains searchable compilation of Title IV legislation on its website under Members/Professional Practice Tools tabs
- The law supersedes regulations
- Federal law takes precedence over state law

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How to Find Answers to Your Regulatory Questions

Regulatory Resources

- Regulations
 - Govern actions of program participants
 - Provide procedural guidance in the management of the programs
 - Have the “force of law”
- Preambles to Notices of Proposed Rulemaking (NPRMs) and final rules

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Preambles to NPRMs and Final Rules

- Identify regulatory parts, programs affected, and action being taken
- Contain summary statement identifying
 - Purpose of the regulation
 - Broad topics covered
- Lists individual(s) and contact information for further information about the package

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How to Find Answers to Your Regulatory Questions

Preamble to a NPRM

Contains background information about the proposed changes

- Applicable statutory and/or current regulatory references
- Description of what would change
- Department of Education (ED) reason(s) for making the change

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Preamble to a Final Rule

- Identifies date the regulations become effective
 - May have more than one effective date
 - May have implementation date that differs from the effective date
- Summarizes comments received and includes ED's responses to comments
 - If change made, notes and explains change made
 - If no change made, explains reason(s) ED did not make the change

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How to Find Answers to Your Regulatory Questions

Preamble to a Final Rule

Federal Register / Vol. 77, No. 212 / Thursday, November 1, 2012 / Rules and Regulations 66111

Leaving the IBR Plan (§§ 682.215(d)(3) and 685.221(d)(2)(iii))

Comments: Many commenters requested that the Department modify the IBR regulations to permit borrowers to exit the IBR plan without what the commenters believe is a prohibitive penalty. These commenters requested that borrowers not be required to repay their loans under the standard repayment plan when exiting the IBR plan or, if they are required to enter the standard plan, that borrowers not be required to make a payment under the standard repayment plan before being allowed to move to another repayment plan for which the borrower is eligible. Commenters asserted that requiring borrowers to exit the IBR plan and enter the standard repayment plan, or requiring such borrowers to make one payment under the standard plan before switching to another repayment plan for which the borrower is eligible, constitutes a prohibitive penalty because the borrower's payment amount under the standard repayment plan would be far higher than under the IBR plan or another repayment plan for which the borrower may be eligible.

Discussion: Section 493C(b)(8) of the HEA requires a borrower who leaves the IBR plan to repay the loans formerly repaid under the IBR plan under the standard repayment plan. The borrower also becomes subject to the maximum statutory repayment period under the standard plan with the time spent in the IBR plan counted against that statutory maximum repayment period. The Department has interpreted the statutory requirement that borrowers exiting the IBR plan must repay under the standard repayment plan to be satisfied if the borrower makes one full monthly payment under the standard plan before the borrower switches to another repayment plan. Because the time spent repaying in IBR counts against the statutory maximum repayment periods applicable to the other repayment plans, the outstanding balance of the loan at the time the borrower exits the IBR plan must be amortized over the remaining years available to the borrower under the standard plan to determine the standard plan payment amount. Any unpaid accrued interest the borrower may have is also capitalized when the borrower leaves the IBR plan. As a

need not be longer than one month, we agree that the forbearance period can be limited to the time associated with the one required monthly payment under the standard repayment plan. Finally, because the forbearance is granted while the borrower is repaying under the standard repayment plan, and not when the borrower is transferring to the standard repayment plan, there is no basis under the for not capitalizing any unpaid accrued interest related to the forbearance period.

Changes: None.

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Online Compilations of Title IV Regulations

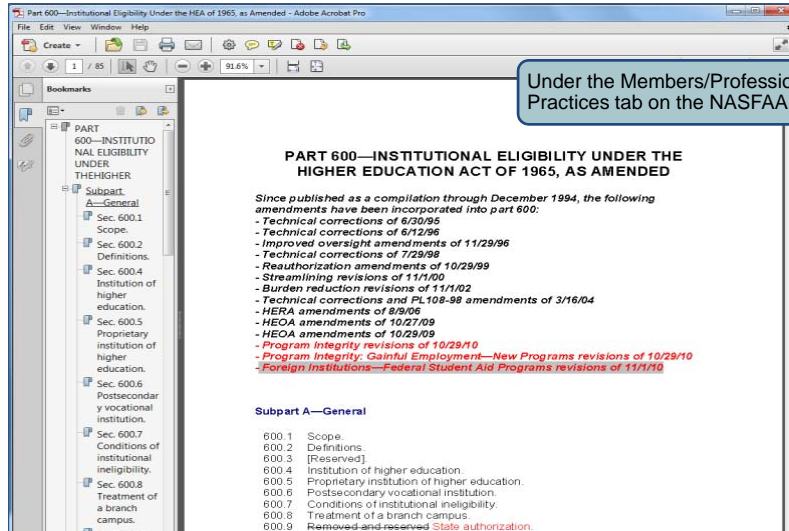
- Government Printing Office (GPO) Electronic Code of Regulations e-CFR at www.ecfr.gov
- NASFAA Compiled Title IV Regulations on NASFAA website under Members/Professional Practice Tools tabs
- NASFAA Student Aid Index (sai.nasfaa.org)

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How to Find Answers to Your Regulatory Questions

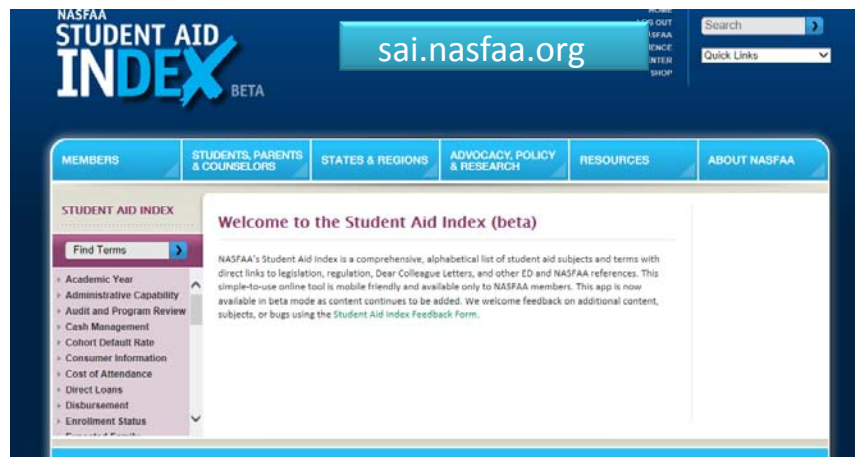
NASFAA Compiled Title IV Regulations



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Student Aid Index



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How to Find Answers to Your Regulatory Questions

Student Aid Index

STUDENT AID INDEX

Find Terms [▶](#)

- ▶ **Academic Year**
- ▶ Administrative Capability
- ▶ Audit and Program Review
- ▶ Cash Management
- ▶ Cohort Default Rate
- ▶ Consumer Information
- ▶ Cost of Attendance
- ▶ Direct Loans
- ▶ Disbursement
- ▶ Enrollment Status
- ▶ Expected Family Contribution (EFC)
- ▶ Federal Supplemental Educational Opportunity Grant Program (FSEOG)
- ▶ Federal Work-Study Program (FWS)
- ▶ Financial Responsibility of

Academic Year

The academic year is a standardized measure that affects a number of federal student aid functions, including definitions of eligible programs and payment periods. It is expressed as a minimum number of credit or clock hours accrued over a minimum number of weeks of instructional time. "Academic year" is not to be confused with other measures of time, such as award year (July 1 - June 30), federal fiscal year (October 1 - September 30), or academic calendar (dates set by school).

Related topics in this index: [Program Eligibility](#); [Payment Period](#)

- ▶ [Statutory Authority](#)
- ▶ [Regulations](#)
- ▶ [ED References](#)

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Student Aid Index

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- ▶ Federal Supplemental Educational Opportunity Grant Program (FSEOG)
- ▶ Federal Work-Study Program (FWS)
- ▶ Financial Responsibility of Institutions
- ▶ Institutional Eligibility
- ▶ Loan Counseling
- ▶ Misrepresentation
- ▶ Need Analysis
- ▶ Overawards and Overpayments
- ▶ Packaging

Academic Year

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Related topics in this index: [Program Eligibility](#); [Payment Period](#)

- ▶ [Statutory Authority](#)
- ▶ **Regulations**
- ▶ [ED References](#)
- ▶ [NASFAA Publications and Articles](#)
- ▶ [Subtopics](#)

Sec. 668.3 Academic year.

(a) General. Except as provided in paragraph (c) of this section, an academic year for a program of study must include—

(1)(i) For a program offered in credit hours, a minimum of 30 weeks of instructional time; or

(ii) For a program offered in clock hours, a minimum of 26 weeks of instructional time; and

(2) For an undergraduate educational program, an amount of instructional time whereby a full-time student is expected to complete at least—

(i) Twenty-four semester or trimester credit hours or 36 quarter credit hours for a program measured in credit hours; or

(ii) 900 clock hours for a program measured in clock hours.

(b) Definitions. For purposes of paragraph (a) of this section—

(1) A week is a consecutive seven-day period;

(2) A week of instructional time is any week in which at least one day of regularly scheduled instruction or examinations occurs or, after the last scheduled day of classes for a term or payment period, at least one day of study for final examinations occurs; and

(3) Instructional time does not include any vacation periods, homework, or periods of orientation or counseling.

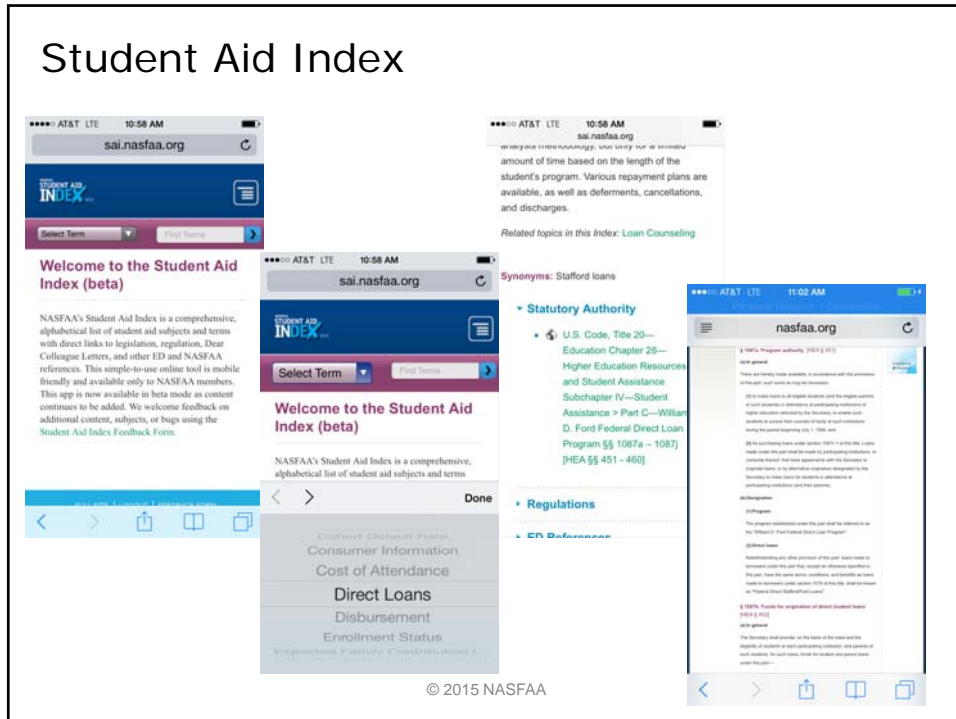
(c) Reduction in the length of an academic year.

(1) Upon the written request of an institution, the Secretary may approve, for good cause, an academic year of 26 through 29 weeks of instructional time for educational programs offered by the institution if the institution offers a two-year program leading to an associate degree or a four-year program leading to a baccalaureate degree.

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Student Aid Index



Parts of 34 CFR

- Part 86 Drug Free Schools and Campus
- Part 99 Family Education Rights and Privacy
- Part 600 Institutional Eligibility
- Part 601 Institution and Lender Requirements Relating to Education Loans
- Part 602 Secretary's Procedures and Criteria for Recognition of Accrediting Agencies
- Part 603 Secretary's Recognition Procedures for State Agencies

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Parts of 34 CFR

- Part 668 Student Assistance General Provisions
- Part 673 General Provisions for Federal Perkins Loan, Federal Work-Study and Federal Supplemental Educational Opportunity Grant Programs
- Part 674 Federal Perkins Loan Program
- Part 675 Federal Work-Study Program
- Part 676 Federal Supplemental Educational Opportunity Grant Program

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Parts of 34 CFR

- Part 682 Federal Family Education Loan Programs
- Part 685 William D. Ford Federal Direct Student Loan Program
- Part 686 Teacher Education Assistance for College and Higher Education (TEACH) Grant Program
- Part 690 Federal Pell Grant Program
- Part 694 Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

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How to Find Answers to Your Regulatory Questions

Subregulatory Resources

- Help decipher meaning of regulations
- Available on the ED Information for Financial Aid Professionals (IFAP) website
- Major subregulatory resources are *FSA Handbook*, Dear Colleague Letters, Electronic Announcements, and other ED guides

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Subregulatory Resources

Includes ED guidance in areas that the law prohibits ED from regulating, such as:

- Part F of the HEA
 - Need analysis
 - Professional judgment authority

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How to Find Answers to Your Regulatory Questions

IFAP Home Page

www.ifap.ed.gov

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ED Publications on IFAP

www.ifap.ed.gov/ifap/publications.jsp

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How to Find Answers to Your Regulatory Questions

Recent Dear Colleague Letter Topics

- GEN-15-01: 2015–16 Federal Pell Grant Payment and Disbursement Schedules
- GEN-14-23: Competency-Based Education Programs – Questions and Answers
- GEN-14-17: NSLDS Program-Level-Enrollment Reporting
- GEN-14-15: Additional Guidance on the Supreme Court’s Ruling on the Defense of Marriage Act
- GEN-14-13: Implementation of Changes to the Clery Act made by the Violence Against Women Reauthorization Act of 2013 (VAWA)

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Recent Dear Colleague Letter Topics

- Gen-14-10: FY 2015 Sequester Required Changes to the Title IV Student Aid Programs
- GEN-14-07: Changes to NSLDS Enrollment Reporting Program-Level Reporting and More Frequent Reporting
- GEN-14-06: Recognized Equivalent of a High School Diploma
- GEN-14-05: IRS Tax Return Transcript Processes for 2014-15
- GEN-14-01: 2014–15 Federal Pell Grant Payment and Disbursement Schedules

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Recent Electronic Announcement Topics

- 02/03/2015: Direct PLUS Loan Changes – Operational Impacts to Schools and Preliminary COD System Information
- 01/27/2015: Early Implementation of Changes in Regulations on Adverse Credit History Under the Direct PLUS Loan Programs
- 01/12/2015: FSA ID Information – Communicating the Transition to Students
- 01/09/2015: Gainful Employment Electronic Announcement #51 – NSLDS Gainful Employment Submittal File Record Layouts

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ED Program Integrity Questions and Answers



U.S. Department of Education

Search

Student Loans

<http://www2.ed.gov/policy/highered/reg/hearulemaking/2009/integrity.html>

LAWS & GUIDANCE / HIGHER EDUCATION

Program Integrity Information - Questions and Answers

In order to ensure questions coming into the Department of Education about the Program Integrity Regulations are consolidated and easily accessible to interested parties, we have created this Web site containing questions and answers. We will update this list on a regular basis, therefore be sure to check back for any new information. You will also find links to various resources with additional guidance pertaining to the Program Integrity issues.

- High School Diploma
- State Authorization
- Retaking Coursework
- Credit Hour
- Ability-to-Benefit
- Incentive Compensation
- Misrepresentation
- Return of Title IV Funds
- Satisfactory Academic Progress
- Gainful Employment
- Verification
 - Verification - Archived Guidance



Program Integrity Home | Negotiated Rulemaking 2009-10 | OPE Policy Page

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How Do I Find...

- Student loans, forgiveness
- College accreditation
- No Child Left Behind
- FERPA
- FAFSA
- 1098-E Tax Form
- 2015 Budget Proposal

More >

Information About...

- Transforming Teaching
- Family and Community Engagement
- Early Learning
- K-12 Reforms

More >

Connect



More >

Related Topics

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Information Page on Subsidized Loan Limit

150 Percent Direct Subsidized Loan Limit Information

On May 16, 2013, we published [interim final regulations](#) in the Federal Register implementing the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Public Law 112-141) that added a new provision to the Direct Loan statutory requirements that limits a first-time borrower's eligibility for Direct Subsidized Loans to a period not to exceed 150 percent of the educational program ("the 150% limit"). Under certain conditions, the provision also causes first-time borrowers who exceeded the 150 percent limit to lose the interest subsidy on their Direct Subsidized Loans.

Please visit this page for information and updates as they become available.

Frequently Asked Questions

These Frequently Asked Questions provide information and operational guidance on implementing the 150% limit. Schools must review the interim regulations as published in the Federal Register on May 16, 2013 and associated guidance to ensure that they are in compliance with all of the 150% limit requirements.

The listing of Frequently Asked Questions will be updated periodically and include the date of the update. New and/or updated questions and answers will be marked NEW and appear in red font. If you have questions that have not been addressed, please submit them to the 150% Questions mailbox at 150PercentQuestions@ed.gov. Please include the name of your school in the subject line.

- [First-Time Borrowers](#)
- [Maximum Eligibility Period](#)
- [Subsidized Loan Limit](#)
- [Remaining Eligibility Period](#)
- [Loss Of Eligibility](#)
- [Interest Subsidy](#)
- [Entrance And Exit Counseling](#)
- [Discontinuing Enrollment](#)
- [Teacher Certification](#)
- [Indefinite](#)
- [Other](#)
- [Academic Year And Loan Period Reporting](#)

Training

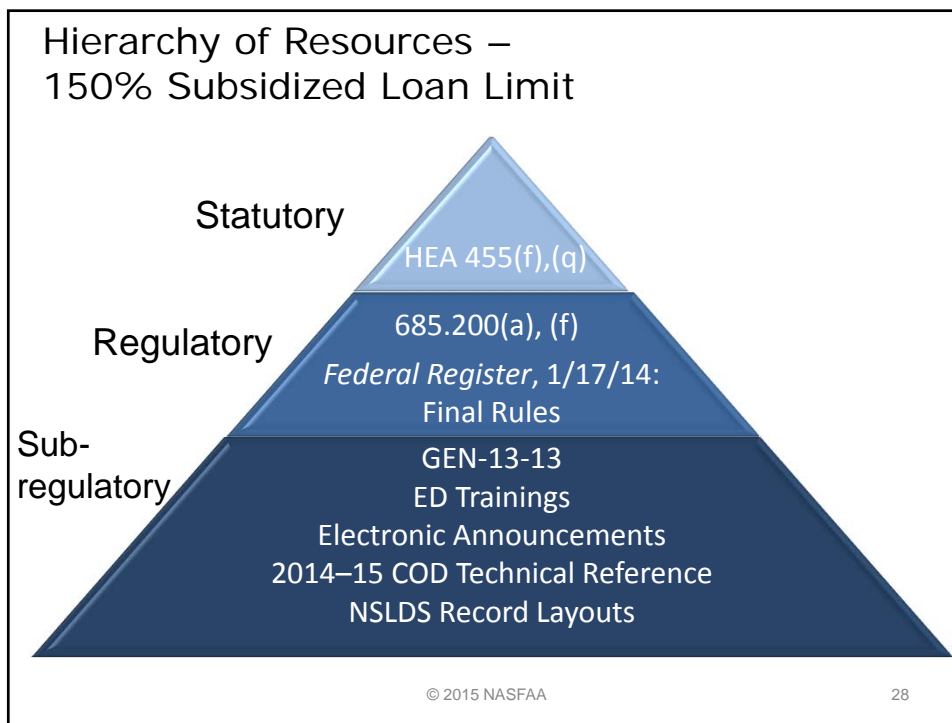
Please see the following upcoming training opportunities and links to previously held webinars and other training.

Resources

These resources provide valuable information on the 150% limit.

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Hierarchy of Resources – 150% Subsidized Loan Limit



How to Find Answers to Your Regulatory Questions

Subscribe to IFAP – Register for My IFAP

https://www.ifap.ed.gov/ifap/newuserreg_01.jsp

My IFAP - New User Registration

To register for the My IFAP area, please fill out the following required information and click on the "Continue" button. Upon receipt of your information, you will receive a username and password via e-mail within 3 business days. You will also automatically be registered to receive the weekly subscription email notifications.

New User Registration * Required

First Name: * This is your First Name (e.g. John)

Last Name: * This is your Last Name (e.g. Doe)

Email: * e.g. John.Doe@myemail.net

Confirm Email:

Institution / Organization: * e.g. Universities, Academies, Colleges, Seminaries, Institutes of Technology, Organizations or Department of Education

Institution Type: * e.g. Two-Year (private), Four-Year (public), or Career Colleges

City: * Enter the City of the Institution/Organization

State: * AL - Alabama
Click the drop down button to select from the list of States

Group: * Other
Click the drop down button to select from the list of Groups

If "Other", please specify:

Discussion Groups: I would like to participate in discussion groups with users of similar interests

Terms of Service: [Read the Terms of Service.](#) * I agree to the Terms of Service

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My IFAP - Subscription Options

The IFAP Subscription system is designed to notify you when a new publication has been added to the wealth of information available on the IFAP Web site. For your initial visit to this page, please review all subscription options prior to choosing your selection. Based on your subscription selection, summaries of all new additions will be sent to the e-mail address you used during your initial registration process. Please verify that we have your correct e-mail address.

The IFAP system currently has your e-mail address as tapth@gmail.com. Please go to Account Details now if this is not your current e-mail address. After your e-mail address has been updated, you may continue with the subscription process.

ALL registered IFAP customers will automatically receive an electronic mail message that summarizes the new additions to IFAP for the week. IFAP Web site updates average 6-10 documents per week. You must visit the IFAP Web site (<http://ifap.ed.gov>) to read, print and/or download the actual document.

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Note: You have a maximum of 30 minutes to complete and submit this form before your session will time out.

Weekly Email Summary Content Specific Email (listed below)

Subscription Options: Content Specific Email Settings

If you prefer to receive content specific emails that are generated every 48-hours, select from the options below. You may choose to select all of the content listed by clicking on "Check All." Once you have made your selections, click on the "Submit" button.

Frequently Generated IFAP Additions Dear Colleague Letters Electronic Announcements

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Document Type **CHECK ALL** **UNCHECK ALL**

<input type="checkbox"/> Application Processing System Specifications for Software Developers	<input type="checkbox"/> FFEL Special Allowance Rates
<input type="checkbox"/> Blue Book	<input type="checkbox"/> FFEL Variable Interest Rates
<input type="checkbox"/> Campus-Based Awards	<input type="checkbox"/> FISAP Forms and Instructions
<input type="checkbox"/> Closed School Guide	<input type="checkbox"/> FISAP Technical Reference
<input type="checkbox"/> COD Computer-Based Training	<input type="checkbox"/> Foreign School Updates
<input type="checkbox"/> COD Technical Reference	<input type="checkbox"/> Foreign Schools FSA Handbook
<input type="checkbox"/> COD XML Schema	<input type="checkbox"/> FSA New School Guide
<input type="checkbox"/> Cohort Default Rate Guide for Lenders and Guaranty Agencies	<input type="checkbox"/> Gainful Employment Information
<input type="checkbox"/> Conferences and Presentations	<input type="checkbox"/> Gainful Employment Operations Manual
<input type="checkbox"/> Counselors and Mentors Handbook	<input type="checkbox"/> ISIR Guide
<input type="checkbox"/> CPS Test System User Guide	<input type="checkbox"/> NSLDS Reference Materials
<input type="checkbox"/> Default Prevention Resource Information	<input type="checkbox"/> Perkins Cohort Default Rate Guide
<input type="checkbox"/> Default Rate Materials	<input type="checkbox"/> Podcast
<input type="checkbox"/> ED Express Technical Reference	<input type="checkbox"/> Program Review Guide
<input type="checkbox"/> EFC Formula Guide	<input type="checkbox"/> SAR Comment Codes and Text
<input type="checkbox"/> Ensuring Continued Access to Student Loans (ECASLA)	<input type="checkbox"/> School Electronic Process Guide
<input type="checkbox"/> FAFSA Materials	<input type="checkbox"/> Student Aid Eligibility Worksheets
<input type="checkbox"/> Federal Registers	<input type="checkbox"/> Student Web Application Products Process Guide
<input type="checkbox"/> Federal School Code List	<input type="checkbox"/> Summary of Changes for the Application Processing System
<input type="checkbox"/> Federal Student Aid Handbook	<input type="checkbox"/> Verification Worksheets

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Subscribe to IFAP Emails

Additional Publications by Program and Functional List **CHECK ALL** **UNCHECK ALL**

If you would like the program type for each document to appear on your IFAP subscription e-mail, check here.

<input type="checkbox"/> 150% Direct Subsidized Loan Limit	<input type="checkbox"/> GS
<input type="checkbox"/> Academic Competitiveness Grant (ACG) Program	<input type="checkbox"/> Gainful Employment
<input type="checkbox"/> All Title IV Federal Student Aid Programs	<input type="checkbox"/> Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)
<input type="checkbox"/> Application Processing	<input type="checkbox"/> General
<input type="checkbox"/> Audits and Program Reviews	<input type="checkbox"/> Grant and Direct Loan (COD) Processing
<input type="checkbox"/> Calculating Awards and Packaging	<input type="checkbox"/> Integrated Partner Management (IPM)
<input type="checkbox"/> Campus-Based Processing	<input type="checkbox"/> Iraq and Afghanistan Service Grant Program
<input type="checkbox"/> Central Processing System (CPS)	<input type="checkbox"/> Leveraging Educational Assistance Partnership (LEAP) Program
<input type="checkbox"/> Common Origination and Disbursement (COD) System	<input type="checkbox"/> Laws & Regulations
<input type="checkbox"/> Computer-Based Training	<input type="checkbox"/> Managing Federal Student Aid Funds
<input type="checkbox"/> Conference Presentation	<input type="checkbox"/> National Science and Mathematics Access to Retain Talent Grant (National SMART Grant) Program
<input type="checkbox"/> Direct Loan Consolidation	<input type="checkbox"/> National Student Loan Data System (NSLDS)
<input type="checkbox"/> Direct Loan Servicing	<input type="checkbox"/> Overawards, Overpayments, and Withdrawal Calculation
<input type="checkbox"/> Default Prevention and Management	<input type="checkbox"/> Overview of TV
<input type="checkbox"/> eCampus-Based (eCB) System	<input type="checkbox"/> Perkins Processing
<input type="checkbox"/> EDESuite (EDEXpress, DL Tools, SSCR)	<input type="checkbox"/> Professional Judgment
<input type="checkbox"/> Expected Family Contribution	<input type="checkbox"/> Quality Assurance Program
<input type="checkbox"/> Experimental Sites	<input type="checkbox"/> Required Reporting
<input type="checkbox"/> Federal Family Education Loan (FFEL) Program	<input type="checkbox"/> Robert C. Byrd Honors Scholarship (Byrd Scholarship) Program
<input type="checkbox"/> Federal Pell Grant (Pell Grant) Program	<input type="checkbox"/> School Eligibility and Application
<input type="checkbox"/> Federal Perkins Loan (Perkins Loan) Program	<input type="checkbox"/> Special Leveraging Educational Assistance Partnership (SLEAP) Program
<input type="checkbox"/> Federal Supplemental Educational Opportunity Grant (FSEOG) Processing	<input type="checkbox"/> Student/Parent Eligibility
<input type="checkbox"/> Federal Supplemental Educational Opportunity Grant (FSEOG) Program	<input type="checkbox"/> Student Aid Internet Gateway (SAIG)
<input type="checkbox"/> Federal Work-Study Processing	<input type="checkbox"/> Student Aid Report (SAR)
<input type="checkbox"/> Federal Work-Study (FWS) Program	<input type="checkbox"/> Teacher Education Assistance for College and Higher Education (TEACH) Grant Program
<input type="checkbox"/> FFEL - Lender and Guaranty Agency	<input type="checkbox"/> Training
<input type="checkbox"/> FFEL - School	<input type="checkbox"/> Verification
<input type="checkbox"/> Financial Statements/Compliance Audits	<input type="checkbox"/> William D. Ford Federal Direct Loan (Direct Loan) Program
<input type="checkbox"/> Foreign Schools	
<input type="checkbox"/> Free Application for Federal Student Aid (FAFSA)	
<input type="checkbox"/> FSA Assessment	

CANCEL **SUBMIT**

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How to Find Answers to Your Regulatory Questions

AskRegs Knowledgebase

The screenshot shows the AskRegs Knowledgebase website. At the top, there is a navigation bar with links for HOME, ONLINE SUPPORT, REQUEST SUPPORT, and MY SUPPORT. Below this is the NASFAA logo and a welcome message for Amanda. A search bar is prominently displayed with the text "Search the AskRegs Knowledgebase" and a magnifying glass icon. To the right of the search bar is the AskRegs logo, which features a hand icon pointing upwards. Below the search bar, there is a welcome message and a "Knowledgebase" section with a "Category" dropdown menu. The main content area is divided into three columns: "Most Popular Topics" with a "Viewed" column, "Most Recent Topics" with a date column, and "My Recent Topics". Each column lists various regulatory questions and their corresponding view counts or dates.

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Hints to Remember in Researching

- Check the current *FSA Handbook*. Search through the Table of Contents for a key term
- On IFAP, search by topic for information from all sources, including prior ED presentations
- Look at regulations referenced by the Handbook. These are the “legal” documents that support the Handbook
- Review preambles to proposed and final regulations
- Search AskRegs
- Search NASFAA Student Aid Index

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How to Find Answers to Your Regulatory Questions



The logo for the SASFAA MIMSHI Annual Conference features a stylized blue and yellow guitar with musical notes and birds flying around it. The text 'SASFAA' is on the left, 'MIMSHI' is in large colorful letters in the center, and 'ANNUAL CONFERENCE' is at the bottom. 'FEB. 22-26, 2015' is on the right.

Q & A

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Sample Question #1

Can a school award Federal Supplemental Education Opportunity Grant (FSEOG) funds for both the fall and spring semesters to a Federal Pell Grant eligible student who reaches his lifetime eligibility used (LEU) after receiving a Federal Pell Grant payment during the fall semester?

ANSWER: Yes, the fact that the student is receiving a Federal Pell Grant during the fall semester places him in the first selection group when awarding FSEOG, and he may be awarded FSEOG for both the fall and spring semesters.

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How to Find Answers to Your Regulatory Questions

Justification – From *FSA Handbook*

Selecting FSEOG recipients

When awarding FSEOG funds for an award year, you must first select students with the lowest expected family contributions (EFC) who will also receive Pell Grants in that award year. This group is known as the FSEOG first selection group. A student who will receive a Pell Grant in the award year is a student who has demonstrated Pell Grant eligibility for the same award year based upon an EFC that you have calculated for the student or the EFC on the student's valid SAR or ISIR.

A student who receives a Pell Grant at any time in the award year may be awarded an FSEOG for that award year; the student does not have to receive a Pell Grant in the same payment period as the FSEOG. For example, in the case of a student who receives a Pell Grant for the fall semester only due to reaching his lifetime eligibility used (LEU), the student may be awarded an FSEOG for both the fall semester and subsequent winter semester.

If you have remaining FSEOG funds after making awards to all Pell Grant recipients for that award year, you must next select students with the lowest EFCs who are not receiving Pell Grants. This group of students is known as the FSEOG second selection group. This group also includes students who have exceeded their LEU. LEU is covered fully in Chapter 3 of this volume.

You must keep documentation of the eligible EFC that was calculated for the student, and you must confirm Pell Grant eligibility prior to disbursement of the FSEOG. If the FSEOG recipient does not actually receive a Pell Grant during the award year, but the documentation shows that the FSEOG award and disbursement was made in good faith, you are not required to recover the FSEOG funds. If the student loses Pell Grant eligibility prior to disbursement of the FSEOG, you must cancel the FSEOG award.

FSEOG cites

Selection Procedures 34 CFR 676.10

Frequency of disbursements 34 CFR 676.16(a) and (e)

Minimum and maximum awards 34 CFR 676.20

2014–15 *FSA Handbook*
p. 3-130

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Justification – From Compiled Regulations

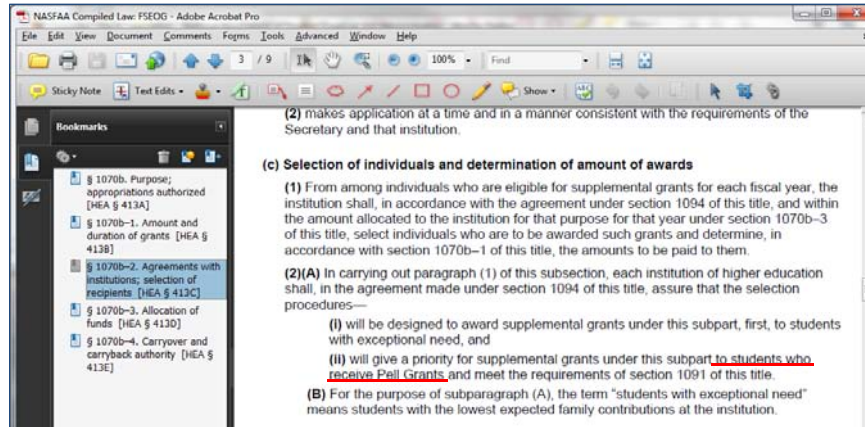
The screenshot shows a PDF document titled "PART 676—FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM" in Adobe Acrobat Pro. The document is displayed in a window with a toolbar and a bookmarks sidebar on the left. The sidebar shows a tree view of the document's sections, with "Sec. 676.10 Selection of students for FSEOG awards." highlighted in red. The main content area shows the title "PART 676—FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM" and the section heading "Sec. 676.10 Selection of students for FSEOG awards." Below this, there are three paragraphs of text, with the first paragraph (a)(1) highlighted in red. The text of (a)(1) reads: "(a)(1) In selecting among eligible students for FSEOG awards in each award year, an institution shall select those students with the lowest expected family contributions who will also receive Federal Pell Grants in that year." The second paragraph (2) describes the process for awarding remaining FSEOG funds to students who do not receive Pell Grants. The third paragraph (b) describes the allocation of FSEOG funds to part-time and independent students.

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How to Find Answers to Your Regulatory Questions

Justification – From Compiled Legislation



Sample Question #2

A dependent student was selected for verification for 2014–15. His parents received an extension from the IRS to file their 2013 federal income tax return. Must the school reverify the student’s application after his parents file their 2013 return?

ANSWER: The school may, but is not required to, request that the parents submit tax return information using the IRS Data Retrieval Tool or by submitting an IRS Tax Transcript after they file their 2013 return. If, after the return is filed, the school receives either an ISIR showing tax information obtained using the IRS Data Retrieval Tool or the parents’ IRS Tax Transcript, the school must reverify the student’s application.

How to Find Answers to Your Regulatory Questions

Justification – From *FSA Handbook*

Special tax situations

- **Filing extensions.** For students and parents granted a tax filing extension, you must accept a copy of IRS Form 4868, *Application for Automatic Extension of Time to File U.S. Individual Income Tax Return*. They must also provide a copy of all their W-2 forms or, if they are self-employed, a signed statement with the amount of their AGI and their U.S. income taxes paid. You may require those with a filing extension to use the DRT or submit to your school a tax transcript after the return has been filed. If you do that, you must reverify the income information.

2014 – 15 *FSA Handbook*,
p. AVG-83

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Justification – Program Integrity Q & A

The screenshot shows the U.S. Department of Education website. At the top, there is a search bar and navigation tabs for Student Loans, Grants, Laws, and Data. The main heading is "LAW & GUIDANCE / HIGHER EDUCATION Program Integrity Information - Questions and Answers". Below this, there is a paragraph explaining the purpose of the site and a list of topics including High School Diploma, State Authorization, Retaking Coursework, Credit Hour, Ability-to-Benefit, Incentive Compensation, Misrepresentation, Return of Title IV Funds, Satisfactory Academic Progress, Gainful Employment, and Verification. A "How Do I Find..." section lists resources like Student loans, forgiveness, College accreditation, No Child Left Behind, FERPA, FAFSA, 1098-E Tax Form, and 2015 Budget Proposal. There are also sections for "Information About..." and "Connect" with social media icons for Facebook, Twitter, YouTube, Email, RSS, and Google+.

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How to Find Answers to Your Regulatory Questions

Justification – Program Integrity Q & A

DOC-Q16. May an institution require an individual who has been granted a tax filing extension by the IRS to use the IRS Data Retrieval Tool (IRS DRT) or obtain an IRS Tax Return Transcript before proceeding with verification? Must the tax return information be submitted to the institution after the income tax return has been filed?

DOC-A16. An institution may not delay completing verification for an applicant when a tax filing extension has been granted by the IRS. The income and tax verification regulatory requirements are met if a tax filer who has been granted a filing extension by the IRS provides the institution with a copy of IRS Form 4868 and a copy of IRS Form W-2 for each source of employment income received for the tax year; and if self-employed, a signed statement certifying the amount of the AGI and the U.S. income tax paid for the tax year. This provision provides extension filers with a timely alternative to complete the verification process to avoid delaying the applicant's receipt of aid because of the IRS granted extension. For an individual who was called up for active duty or for qualifying National Guard duty during a war or other military operation or national emergency, in lieu of IRS Form 4868, an institution must accept a signed statement from the individual certifying that he or she has not filed an income tax return or a request for a filing extension because of that service (see final regulations published on September 27, 2012, at <http://ifap.ed.gov/register/attachments/FR092712.pdf>).

An institution may require an individual granted an IRS tax filing extension to submit, after the tax return is filed, tax return information using the IRS DRT, or by submitting an IRS Tax Return Transcript within the deadline it established that is consistent with the deadline to submit verification documents published in the annual *Federal Register* notice. If the required documentation is not submitted by the institution's established deadline, any subsidized Title IV aid previously received for that award year must be returned by the student and no additional subsidized student financial assistance may be disbursed for that award year. However, an institution may not apply this provision to individuals granted a filing extension beyond the institution's established deadline because the individual was called up for active duty or for qualifying National Guard duty during a war or other military operation or national emergency. [Section 668.57 and 668.60] [Guidance issued 04/25/2013; revised 05/02/2014]

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Sample Question #3

Suppose a student completes a bachelor's degree and enrolls in a second bachelor's degree program. If coursework completed for the first program also counts toward the second program, how does the school apply the 150% maximum time frame for determining satisfactory academic progress?

ANSWER: The 150% maximum time frame applies to the student's current program of study, and the school has the flexibility in determining how previously taken coursework applies to the student's current program of study.

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How to Find Answers to Your Regulatory Questions

Justification – AskRegs Knowledgebase

150 percent

Advanced Search of AskRegs Knowledgebase

Knowledge Base
Searched For: 150 percent

Can a School's Satisfactory Academic Progress Policy for the Maximum Timeframe Be More Stringent Than the Regulations? Scenario: Our school's SAP policy for the maximum timeframe to complete a program study is 125 percent, instead of the regulatory 150 percent. Answer: Yes, a school's maximum timeframe policy may be stricter.
Category: [SAP](#)

How Do We Set a SAP Policy for Second Bachelor's Degrees? The regulations do not specifically state what institutions must do with regards to second bachelor's degree students. However, it is addressed in the *Federal Register*, 10/29/2010, pp. 66886 to 66887. It states: "The Department
Category: [SAP](#)

What If We Know a Student Cannot Graduate Within 150% of the Maximum Timeframe? I think I know what you're looking for; however, the new SAP regulations and ED guidance don't seem to state it quite that way—at least not formally. ED has long stated informally that a
Category: [SAP](#)

Is an Academic Plan Available to Students Who Reach the 150% Maximum Timeframe and Start a New Program? A student can appeal the 150% maximum time frame; this is true under both the current and new requirements. Under the new requirements, if the school is working on developing an academic plan, the
Category: [SAP](#)

How Do We Determine the Maximum Timeframe for a Clock Hour Program in This Scenario? Scenario: We are a nonterm 9-month, 36-week diploma school. We have 24 weeks of classes (each class is 3 weeks) and a 12-week internship. We are trying to determine the 150% timeframe to complete for
Category: [SAP](#)

How is Maximum Time Frame Measured for SAP in a 24-Month Program? Scenario: We are a 24-month program. One hundred and fifty percent of our program length is 36 months. Students must complete 125 credits to graduate. Maximum time frame by attempted credits, is 187. If
Category: [SAP](#)

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Justification – AskRegs Knowledgebase

Search the AskRegs Knowledgebase

Advanced Search of AskRegs Knowledgebase

How Do We Set a SAP Policy for Second Bachelor's Degrees?

Knowledgebase > Category > SAP

The regulations do not specifically state what institutions must do with regards to second bachelor's degree students. However, it is addressed in the *Federal Register*, 10/29/2010, pp. 66886 to 66887. It states: "The Department believes in allowing institutions the flexibility to define the 150 percent maximum timeframe in the most appropriate way for the program in question. In particular, individual institutions are in the best position to determine whether their combined programs, such as those noted by the commenters, should be evaluated as the sum of its parts (i.e., part clock hour and part credit for example) or as one type of program based on the structure of the majority of the program. The 150 percent maximum timeframe only applies to the student's eligibility to receive title IV, HEA aid. The Department has never regulated whether or not a student is able to continue on to degree completion under an institution's academic criteria. The Department also wishes to clarify that the 150 percent maximum timeframe applies only to the student's current program of study. Under these regulations, institutions retain flexibility to define their programs of study in their SAP policy, as well as how they will determine how previously taken coursework applies to the student's current program of study."

Knowledgebase

- Category
- Administrative Capability
- Agreements Between Schools
- Application Processing
- Campus-Based (Common)
- Cash Management
- Consumer Information
- Cost of Attendance

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How to Find Answers to Your Regulatory Questions

Justification – Final Rules

*Preamble to the Final Regulations, published in *Federal Register*, 10/29/10, pages 66886-66887

66886 Federal Register / Vol. 75, No. 209 / Friday, October 29, 2010 / Rules and Regulations	
<p>Maximum Timeframe</p> <p><i>Comment:</i> Several commenters stated that the Department should clarify the 150 percent maximum timeframe requirement. One of the commenters noted that § 668.34(b) did not define maximum timeframe, as applied to programs that are a combination of credit and clock hours or a combination of undergraduate and graduate work. One of the commenters argued that the final regulations should reinforce the 150 percent maximum timeframe requirement for all programs. Another commenter stated that we should clarify that the 150 percent maximum timeframe only applies to determining title IV, HEA eligibility. This commenter suggested that this maximum timeframe should not be used for other purposes. For example, the commenter stated that it was not appropriate for the Government to determine whether or not a student should be allowed to complete a degree simply because title IV, HEA eligibility had run out. Another commenter asked whether the 150 percent maximum timeframe applied to the student's entire academic career or only to the student's current academic program. The commenter gave the example of a student who had one degree, and asked if an institution would include those earned credits when evaluating whether the student was progressing in his or her program within the maximum timeframe.</p>	<p><i>Discussion:</i> The Department believes in allowing institutions the flexibility to define the 150 percent maximum timeframe in the most appropriate way for the program in question. In particular, individual institutions are in the best position to determine whether their combined programs, such as those noted by the commenters, should be evaluated as the sum of its parts (<i>i.e.</i>, part clock hour and part credit for example) or as one type of program based on the structure of the majority of the program.</p> <p>The 150 percent maximum timeframe only applies to the student's eligibility to receive title IV, HEA aid. The Department has never regulated whether or not a student is able to continue on to degree completion under an institution's academic criteria. The Department also wishes to clarify that the 150 percent maximum timeframe applies only to the student's current program of study. Under these regulations, institutions retain flexibility to define their programs of study in their SAP policy, as well as how they will determine how previously taken coursework applies to the student's current program of study.</p> <p><i>Changes:</i> None.</p>

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Sample Question #4

May a school's satisfactory academic progress policy include automatic "academic amnesty" in certain circumstances? For example, after the student has not attended a certain number of payment periods or years?

ANSWER: No. The regulations permit use of the automatic financial aid warning status for institutions that review SAP at the end of each payment period. No other status may be granted automatically. A successful appeal is needed to grant financial aid probation status or to develop an academic plan.

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How to Find Answers to Your Regulatory Questions

Justification – *FSA Handbook*

Volume 1—Student Eligibility 2014–15

Grades and SAP: Academic amnesty/renewal

Some schools have academic amnesty/renewal procedures through which a student can apply to have credits attempted and grades earned in previous semesters excluded from the calculation of the student's grade point average. The FSA program regulations make no provision for the concept of academic amnesty or academic renewal. Therefore, a school must always include courses applicable to a student's major (whenever taken) in evaluating a student's satisfactory academic progress (both quantitative and qualitative components). This may, however, be an item that is subject to appeal if the school's policy permits such appeals.

Completed program, no degree
A student who completes the academic requirements for a program but does not yet have the degree or certificate is not eligible for further additional FSA funds for that program.

dividing the total number of hours the student has successfully completed by the total number he has attempted. You may include, but aren't required to include, remedial courses when making the quantitative assessment.

Checking a student's pace of completion allows for variations of enrollment status since you look at the percentage of classes successfully completed rather than the number. Also, you can use a graduated completion percentage for each year of a program. For instance, your policy can permit students to complete a lower percentage of their classes in the first academic year but require them to complete an increasing percentage in subsequent years so that they finish their program in time. A student is ineligible when it becomes mathematically impossible for him to complete his program within 150% of the length of the program. In this situation, an appeal would be possible if your school accepts appeals.

Your policy must explain how GPA and pace of completion are affected by course incompletes, withdrawals, and repetitions, and by transfer credits from other schools. At a minimum, transfer credits that count toward the student's current program must count as both attempted and completed hours. You may have reasonable rules for students who initially enroll in specific courses but modify that enrollment within a limited time. However, your policy cannot exclude from the progress review courses in which a student remained past the add/drop period and earned a grade of "W" (or its equivalent), nor can it routinely exclude certain hours attempted, such as those taken during a summer session.

Generally, all periods of the student's enrollment count when assessing

2014–15
FSA Handbook,
p.1-10

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Justification – Program Integrity Q & A

APP-Q3: Can a student appeal the 150% maximum timeframe?

APP-A3: Yes. The regulations do not prohibit a student from appealing the maximum timeframe. [Guidance issued 8/26/2011]

APP-Q4: May an institution's SAP policy include automatic "academic amnesty" in certain circumstances, such as, after a student has not attended for a certain number of payment periods or years?

APP-A4: No. The regulations permit use of the automatic financial aid warning status for institutions that review SAP at each payment period. No other status may be granted automatically. A successful appeal is needed to grant financial aid probation status or to develop an academic plan. [Guidance issued 8/26/2011]

[↶ Top](#)

Financial Aid Warning (WARN)


WARN-Q1: How long is the financial aid warning period?

WARN-A1: Financial aid warning lasts for one payment period only and does not require action (such as an appeal) by the student. This option may only be used by an institution that reviews both SAP measures at every payment period. [Guidance issued 8/26/2011]

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How to Find Answers to Your Regulatory Questions



The logo for the SASFAA MIMSHI Annual Conference features a central blue double bass. Above the bass, several blue birds are flying. The text 'SASFAA' is on the left and 'FEB. 22-26, 2015' is on the right. Below the bass, the letters 'MIMSHI' are written in large, colorful, stylized font, with 'ANNUAL CONFERENCE' written in smaller letters underneath.

Please send any questions to:
sharpa@nasfaa.org

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Structure of Regulations and *FSA Handbook*

Parts of 34 CFR

Part 86 Drug Free Schools and Campus

Part 99 Family Education Rights and Privacy

Part 600 Institutional Eligibility

Part 601 Institution and Lender Requirements Relating to Education Loans

Part 602 Secretary's Procedures and Criteria for Recognition of Accrediting Agencies

Part 603 Secretary's Recognition Procedures for State Agencies

Part 668 Student Assistance General Provisions

Part 673 General Provisions for Federal Perkins Loan, Federal Work-Study and Federal Supplemental Educational Opportunity Grant Programs

Part 674 Federal Perkins Loan Program

Part 675 Federal Work-Study Program

Part 676 Federal Supplemental Educational Opportunity Grant Program

Part 682 Federal Family Education Loan Programs

Part 685 William D. Ford Federal Direct Student Loan Program

Part 686 Teacher Education Assistance for College and Higher Education (TEACH) Grant Program

Part 690 Federal Pell Grant Program

Part 694 Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

FSA Handbook Volumes

Application and Verification Guide

- Completing the FAFSA
- Calculating an Expected Family Contribution (EFC)
- Verification, Updates, and Corrections
- Professional Judgment and Other Special Cases

Volume 1 – Student Eligibility

- Eligibility Criteria Checked and Monitored by the School
- Eligibility Criteria Checked During the Application Process
- Eligibility Criteria Unique to Each Title IV Program

Volume 2 – School Eligibility and Operations

- Institutional Eligibility and Administration of Title IV Aid Programs
- Consumer Information
- Maintaining Records

Volume 3 – Calculating Awards and Packaging

- Academic Year, Calendar, and Payment Period Concepts
- Cost of Attendance
- Awarding Criteria for Each Title IV Program

Volume 4 – Processing Aid and Managing Federal Student Aid Funds

- Cash Management
- Disbursing Title IV Funds
- Overawards and Overpayments

Volume 5 – Withdrawals and the Return of Title IV Funds

- Return of Title IV Funds
- Case Studies

Volume 6 – Managing Campus-Based Programs

- General Program Requirements
- Program-Specific Requirements

receive the same treatment as Direct Loan borrowers. In the Direct Loan program, the Secretary will grant a reduced-payment forbearance to borrowers in this circumstance. These commenters also requested that the Department set a ceiling on the payment amount required under the reduced-payment forbearance agreement, require that interest accruing during such a forbearance period not be capitalized, and clarify that the reduced-payment forbearance period may be as short as the time needed for a borrower to make one reduced payment.

Several commenters also requested that the Department clarify that the reduced-payment forbearance granted to such borrowers could result in a payment of any amount greater than \$0.

Discussion: Section 493C(b)(8) of the HEA requires a borrower who leaves the IBR plan to repay the loans formerly repaid under the IBR plan under the standard repayment plan. The borrower also becomes subject to the maximum statutory repayment period under the standard plan with the time spent in the IBR plan counted against that statutory maximum repayment period. The Department has interpreted the statutory requirement that borrowers exiting the IBR plan must repay under the standard repayment plan to be satisfied if the borrower makes one full monthly payment under the standard plan before the borrower switches to another repayment plan. Because the time spent repaying in IBR counts against the statutory maximum repayment periods applicable to the other repayment plans, the outstanding balance of the loan at the time the borrower exits the IBR plan must be amortized over the remaining years available to the borrower under the standard plan to determine the standard plan payment amount. Any unpaid accrued interest the borrower may have is also capitalized when the borrower leaves the IBR plan. As a result, the resulting payment calculated for the borrower under the standard repayment plan may be quite large. Other borrowers whose time repaying under IBR already exceeds the maximum repayment periods available under other repayment plans may not be able to leave the IBR plan, which provides for a longer repayment period.

During negotiated rulemaking, the Department acknowledged that borrowers exiting IBR may be required to make a large payment under the standard plan before requesting to move to another repayment plan. As a result, the proposed IBR regulations permit the borrower to make a lesser payment under a reduced-payment forbearance agreement to satisfy the one-payment

requirement under the standard repayment plan.

With regard to the commenters' request that the Department require FFEL loan holders to grant a reduced-payment forbearance to borrowers exiting IBR, section 428(c)(3)(A) of the HEA requires loan holders to grant forbearances in limited circumstances specified in the HEA. Otherwise, section 428(c)(3)(B) of the HEA states that lenders may grant forbearance for the benefit of the borrower as permitted under regulations of the Secretary. Under the proposed regulations, FFEL holders are authorized to grant reduced-payment forbearances to borrowers in these circumstances and we strongly recommend and expect that they will do so. However, we do not believe that under the HEA we can mandate that FFEL holders grant forbearances in these circumstances.

With regard to the comments that sought clarification on the payment amount required under the reduced-payment forbearance for such a borrower, the amount of any reduced-payment forbearance is a matter negotiated between the borrower and the loan holder. The Department believes that for these borrowers it can be any amount that is greater than \$0 and less than the borrower's scheduled monthly payment under the standard repayment plan. For example, one approach to determining the reduced payment amount in this circumstance would be to require the borrower to pay the scheduled monthly payment amount the borrower would pay under the repayment plan the borrower seeks to pay under after leaving the standard repayment plan. If the borrower is eligible for and wants to enter the extended repayment plan, the reduced-payment forbearance amount could be set at the amount the borrower would otherwise be required to pay under the extended repayment plan.

With regard to the commenters' request for clarification that the reduced-payment forbearance period need not be longer than one month, we agree that the forbearance period can be limited to the time associated with the one required monthly payment under the standard repayment plan. Finally, because the forbearance is granted while the borrower is repaying under the standard repayment plan, and not when the borrower is transferring to the standard repayment plan, there is no basis under the for not capitalizing any unpaid accrued interest related to the forbearance period.

Changes: None.

Leaving the IBR Plan (§§ 682.215(d)(3) and 685.221(d)(2)(ii))

Comments: Many commenters requested that the Department modify the IBR regulations to permit borrowers to exit the IBR plan without what the commenters believe is a prohibitive penalty. These commenters requested that borrowers not be required to repay their loans under the standard repayment plan when exiting the IBR plan or, if they are required to enter the standard plan, that borrowers not be required to make a payment under the standard repayment plan before being allowed to move to another repayment plan for which the borrower is eligible. Commenters asserted that requiring borrowers to exit the IBR plan and enter the standard repayment plan, or requiring such borrowers to make one payment under the standard plan before switching to another repayment plan for which the borrower is eligible, constitutes a prohibitive penalty because the borrower's payment amount under the standard repayment plan would be far higher than under the IBR plan or another repayment plan for which the borrower may be eligible.

These same commenters also requested that the FFEL regulations be revised to require FFEL holders to grant a reduced-payment forbearance to borrowers who exit the IBR plan if the borrower is unable to make the scheduled monthly payment under the standard repayment plan. The commenters requested this revision to ensure that FFEL borrowers would