



Tuesday, July 12, 2022

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NCHER Summer Legal Meeting: Virtual Option Now Available, Register Today!

NCHER will hold its Summer Legal Meeting on Thursday, July 28, at the offices of Norton Rose Fulbright, which is located downtown at 799 9th St. NW, Suite 1000, Washington, DC. For those members unable to travel, NCHER has decided to offer a virtual option so that all members can take advantage of the program agenda. The program agenda can be found [here](#), and includes an update on the activities of the Consumer Financial Protection Bureau, developments in financing federal and private student loans, legal issues with federal student loan forgiveness and Operation Fresh Start, a discussion of state laws affecting student loan servicing and private student loan lending, and a primer on federal contracting, as well as a Washington update. The registration fee is \$400 for

members and \$500 for nonmembers. So [register today!](#)

Department of Education Slated to Publish NPRM on Borrower Defense, PSLF in Federal Register Tomorrow

The U.S. Department of Education will officially publish the [Notice of Proposed Rulemaking \(NPRM\)](#) making revisions to the existing processes for borrower defense to repayment, Public Service Loan Forgiveness (PSLF), Total and Permanent Disability (TPD), closed school discharge, false certification discharge, and interest capitalization in the *Federal Register* tomorrow. As previously reported, the NPRM includes the following changes:

- Amends current regulations to establish a new federal standard and process for determining whether a borrower has a defense to repayment on a loan.
- Prohibits the use of certain contractual provisions regarding dispute resolution processes by institutions of higher education, and to require certain notifications and disclosures by institutions regarding their use of arbitration.
- Amends the current process for granting TPD discharges by eliminating the income monitoring period and expands allowable documentation allowing additional health care professionals to provide a certification that a borrower is totally and permanently disabled.
- Amends the closed school discharge provisions to expand borrower eligibility for automatic discharges and eliminate provisions pertaining to reenrollment in a comparable program.
- Amends current regulations to streamline those rules governing false certification discharges.
- Amends the Federal Direct Loan regulations to eliminate interest capitalization in instances where it is not required by statute.
- Amends regulations governing PSLF to clarify and expand definitions for full-time employment, qualifying employers, and qualifying monthly payments.

The publication will kick-off a 30-day public comment period.

FSA Announces Additional Updates to StudentAid.gov

Earlier this week, the U.S. Department of Education's Office of Federal Student Aid (FSA)

announced that it had made additional updates to [StudentAid.gov](https://studentaid.gov), which are designed to improve the information and self-service tools available to its customers. The features include the following:

- **Two-Step Verification.** This new process requires customers to provide two or more pieces of information to verify their identity when logging in to StudentAid.gov. Customers will use their username and password (FSA ID) and will also need to provide a secure code that is provided to the user by text, email, or through an authenticator app. As of July 10, all new customers (users creating an account for the first time) are required to set up one or more two-step verification methods (text, email, or authenticator app) as part of the “Create an Account” process. Beginning in November 2022, FSA will require existing customers to set up two-step verification during the log-in process if they have not already done so. This requirement will be implemented on a rolling basis to minimize impacts to customers and contact centers.
- **Public Service Loan Forgiveness (PSLF) Employer Search.** FSA added a new PSLF Employer Search, which will allow customers to search for qualifying employers without logging in to the PSLF Help Tool. The PSLF Employer Search will provide easy-to-follow prompts and guides users through the process to determine if their employer qualifies for PSLF. Users will receive a message about next steps if their employer qualifies for PSLF, does not qualify for PSLF, or is not listed in the database. The employer search functionality is accessible to any user on StudentAid.gov, regardless of whether the user is logged in to the site or not. The link for the PSLF Employer Search is [here](#).
- **Additional Website Updates.** FSA also made modifications and improvements to several features across the website including:
 - Aidan@virtual assistant
 - Borrower defense application experience
 - Income-driven repayment plan landing page
 - *Master Promissory Note*
 - *PLUS Application*
 - Status Center
 - gov home page and search functionality
 - “Submit a Complaint”
 - Total and Permanent Disability forms

Tyton Partners Releases Report on Student Supports

Tyton Partners recently released a report titled, [Driving Towards a Degree: Closing Outcomes Through Student Supports](#), that uses a new methodology to calculate equity gaps in academic outcomes. The report measures gaps at colleges or universities by comparing the graduation rates of Black, Latino, and Indigenous students to the average graduation rate for all students within a particular sector of higher education, such as community colleges or public four-year universities, from 2010 to 2020. This approach diverges from the more common method of measuring equity gaps by comparing minority groups' outcomes to white students' outcomes. The report drew on responses from 2,000 advisers, faculty members, and administrators representing 1,022 colleges, including 136 Hispanic-Serving Institutions and 38 Historically Black Colleges and Universities. The responses were used to gauge the differences between institutions with shrinking or widening equity gaps in terms of their advising and support services, comparing factors such as available advising technology, adviser caseloads, and the student data available to academic advisers.

The report finds that mindset – i.e., attitudes about commitment to equity – is consistent across institutions where the outcome gap narrowed over the 10-year period versus institutions where the outcome gap widened in the sample set. The report states that institutions with narrowed outcome gaps have statistically significant differences in caseload numbers (and reported caseload manageability) and deployment of select advising technologies compared to institutions that widened their racial and ethnic outcomes gaps over the last decade. Specifically:

- Caseload size is lower and manageability is higher at institutions where the race/ethnicity graduation rate gap has improved in the last 10 years. When caseloads are high, it limits the scalability of certain effective advising practices, such as mandatory advising. And, when caseloads are high during peak season, professional advisors spend less time with each student during advising sessions.
- Scaled implementation of caseload management technology and integration solutions is more prevalent at “outcome gap narrowed institutions” and “outcome gap widened institutions” (controlling for full-time equivalent enrollments of over 5,000). These findings make sense given caseloads are higher at larger institutions and rely on several technologies to support advising processes.

For more information, see this article from [Inside Higher Ed](#).

U.S. Department of Education News

For today's *Federal Register*, click [here](#).

Member News



Trellis Research conducts an annual, nationwide student survey to examine the connection between college student

financial wellbeing and student success. Trellis can partner with your organization to bring the [Student Financial Wellness Survey](#) to your state. Participating institutions receive a report that is unique to their campus and statewide reports can be produced. Contact Trellis at partnerships@trelliscompany.org to discuss bringing the [Student Financial Wellness Survey](#) to your state!



Western Governors University (WGU) is a private, online, nonprofit, accredited higher education institution with over

130,000 students in all 50 states. WGU is announcing a Request For Information (RFI) to identify potential preferred lending providers. **The first round of RFI responses will be evaluated starting on August 8, 2022.** To obtain the complete RFI, please make a request via e-mail to WGU's Procurement Department at wgubidbox@wgu.edu; ensure the subject line references "**RFI # MT [PRC0002129](#) – Preferred Lender**". After August 8, 2022, responses will be periodically reviewed on a rolling basis.

General News

[Inside Higher Ed](#) and [University Business](#) report that a new public opinion survey from Public Agenda shows Democrats and Republicans alike are pessimistic about the long-term benefits of a college degree. Partisan divides still exist in solutions to address the

rising cost of education and the role race plays in limiting access to higher education.

[Higher Ed Dive](#) reviews three major changes in the U.S. Department of Education's proposed rule revising the borrower defense to repayment process. The new draft regulations would make it much easier for borrowers to receive debt relief, but for-profit colleges say they would not have due process.

[6 ABC News Philadelphia](#) reports on what borrowers need to know about upcoming federal student loan changes - from debt forgiveness to repayments resuming.

[Go Banking Rates](#) reports on federal student loan forgiveness and previews the states that are most interested (and asks whether it correlates with their debt).

[CNBC](#) reports that, even when the 'Great Resignation' wanes, the workplace changes it spurred will not end, says a psychologist who predicted the trend.

An online version of this Daily Briefing is available to view and print from the [Daily Briefing Section](#) of the [NCHER e-Library](#).

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