

Following up: After the Loan Is Made

After a loan is disbursed, you still may have to make adjustments or even notify the lender that the borrower was ineligible for the loan. Another important requirement is to report enrollment status for your students who have loans, which may qualify them for deferment on loans received at other schools.

CHANGES IN LOAN AMOUNT AND OVERAWARDS

You may find that a student's eligibility for a Stafford loan or for the subsidized amount of a loan has changed after the first disbursement is made. For instance, the student may have updated his/her dependency status, becoming eligible for the higher loan limits for independent students.

On the other hand, the student's eligibility might decrease for a number of reasons, including an increase in the EFC. If a student withdraws from classes (but remains enrolled at least half-time) the reduction in costs may affect the student's loan eligibility. The student might receive a scholarship after the original EFA was determined and the loan certified.

If the student's aid package exceeds his/her financial need after recalculating for changes to cost, EFC, or EFA, the excess aid is considered an overaward. If you discover the overaward before the loan is completely disbursed, you must eliminate the overaward by cancelling or reducing the Stafford Loan, and/or reducing other aid in the student's package, as necessary.

In a term program, the student may choose not to enroll in one of the terms in the loan period. In this case, the student will not be eligible to receive the disbursement for that payment period. Under a Scheduled Academic Year, the overall loan amount may be reduced by the amount of the disbursement that was not made, unless the student's costs and financial need for the terms actually attended are high enough to make her eligible for the original loan amount. Also, if a Borrower-Based Academic Year is used, the overall loan amount may not change if the student is paid for additional payment periods that can be included in the loan period.

You have a great deal of flexibility in changing the loan amount and disbursements during the loan period. Check with the lender for its procedures for making adjustments to the loan amount. For Direct Loans, see the *School Guide*, "Change Records and Loan Adjustments."

Overaward tolerance for FWS

A \$300 overaward tolerance is permitted if the student's financial aid package includes a Stafford Loan plus Federal Work-Study (FWS). If there is no FWS in the student's financial aid package, no tolerance is allowed under FFEL.

Effect of missed term on loan amount

In some cases, a student may not receive the full amount that the school originally certified if he/she misses one of the terms in a Scheduled Academic Year.

For instance:

Barbara G is awarded a \$2625 Stafford for 3 quarters based on a cost of \$9,000. After a 3% loan fee is deducted, she receives \$848.75 for the fall quarter. Barbara misses the winter quarter, but the financial aid office notifies the lender that Barbara plans to return for the spring quarter. She returns in the spring quarter and receives the expected \$848.75. Thus, her total loan for the academic year is \$1,750.

→ *Note that if Barbara's costs for the two quarters are high enough, the school could also elect to pay her the full loan amount.*

→ *Barbara could also receive the full loan amount by attending the subsequent summer or fall term, if a Borrower-Based Academic Year is used.*

Leave of Absence vs. Withdrawals

In some cases, a student will temporarily withdraw from classes, but intend to return and complete the coursework. If the leave of absence meets the requirements of an "Approved Leave of Absence" in 34 CFR 668.22(d) and the student returns to resume his/her studies, no return of student aid funds is required.

In general, the regulations limit this provision to one leave of absence in a 12-month period, not to exceed 180 days. However, a subsequent leave of absence may be permissible, under certain documented circumstances (including jury duty, military reasons, and circumstances covered by the Family and Medical Leave Act of 1993).

If the student received more than the annual or aggregate maximum due to inaccurate information provided inadvertently, then the student can continue to receive SFA funds if he/she repays the excess amount or makes arrangements (satisfactory to the holder of the loan) to repay the excess amount. (34 CFR 668.35 (b))

WITHDRAWAL OR LOSS OF ELIGIBILITY

If a school discovers that a student did not register for the period of enrollment covered by the loan or never established eligibility for the loan, there can be no late disbursement. The school must return the loan proceeds to the lender within 30 days of this determination. There are several scenarios in which a student can register for classes but fail to qualify for the loan: for instance, if the student does not begin attendance in any of his/her classes.

If you learn after loan funds are disbursed that the student or parent provided "false and erroneous" information, you must notify the lender (or Direct Loans) as soon as possible if the borrower was ineligible for all or a portion of the Stafford or PLUS loan. The lender (or Direct Loans) will send a demand letter to the borrower requiring repayment of the ineligible loan funds. If the borrower fails to repay the funds within 30 days after the letter is mailed, the entire loan may be placed in default. (See 34 CFR 682.412 or 685.211 for Direct Loans)

When an SFA recipient withdraws from all classes after establishing eligibility and receiving SFA funds, a portion of his or her aid may have to be returned. New procedures for calculating this return of funds have recently taken effect (October 7, 2000). See Volume 2, chapter 6 of the *SFA Handbook* for a complete discussion of the new provisions and their implementation. **This requirement is not the equivalent of a refund policy.** The SFA regulations do not dictate an institutional refund policy nor do they prohibit a school from developing its own refund policy or complying with refund policies required by outside agencies. Under the new requirements, a school must return unearned SFA funds as soon as possible, but no later than 30 days after the date the school determines the student withdrew. This new provision reduces the time frame from the previous 60 days to 30 days for FFEL schools to return unearned FFEL funds to the lender. (34 CFR 668.22 (j))

Schools are still required to provide students with the details of the school's refund policy in addition to providing information on the SFA program requirements for determining the amount of aid that will have to be returned to the SFA programs if the student withdraws.

EXCHANGING INFORMATION ON BORROWERS

Providing borrower information at separation

Within 60 days after the exit counseling session, the school must provide the guaranty agency (or for Direct Loans, the DL Servicing Center) that was listed in the borrower's student aid records with updated information about—

- the borrower's future permanent address;
- the borrower's Social Security Number;
- the identity and address of the borrower's expected employer;
- the address of the borrower's next of kin; and
- the borrower's driver's license number and state of issuance.

Completing the Student Status Confirmation Report

The Student Status Confirmation Report (SSCR) is used to update the National Student Loan Data System as to the enrollment status of students who borrowed Stafford Loans (or were the beneficiaries of a PLUS loan). This information is extremely important, because it is used to determine the student's eligibility for in-school deferments, and the date when the grace period begins.

The SSCR is not necessarily connected to loans made at your school — you also must report information for students who received some or all of their SFA loans at other schools.

At fixed times during the academic year, but at least semiannually, NSLDS sends SSCRs electronically or on tape to a school. Schools must update the information where necessary and return the SSCR within 30 days of receiving it.

Schools must report to National Student Loan Data System if the student:

- has ceased to be enrolled **at least half-time**;
- was accepted for enrollment at the school but did not enroll on at least a half-time basis for the period for which the loan was intended; or
- has changed her or his permanent address.

If a school does not expect to submit an SSCR within 60 days of becoming aware that any of the above information has changed for any student, the school must notify NSLDS within 30 days of becoming aware of the change.

Privacy: Sharing Student Records with Lenders

A student authorizes his or her school to release information to lenders by signing a statement as part of the loan application process. This authorization covers information relevant to the student's or parent's eligibility to borrow. Examples of such information are enrollment status, financial assistance, and employment records.

For more information on privacy requirements, see Volume 2: Institutional Eligibility

SSCR Requirements

34 CFR 682.610 FFEL

34 CFR 685.309 Direct Loans

Dear Colleague GEN-99-9

Dear Colleague GEN-96-5

Dear Colleague GEN-96-17

Loan information from the guarantor

Upon request, the guarantor must inform the school of students in default on FFELs...

34 CFR 682.401(b)(24)

If the lender requests preclaims assistance, the guarantor must inform the school of this request, if the school has requested such notification ...

34 CFR 682.404(a)(5)

HEA § 428(c)(2)(H)

The guarantor must notify the school when a loan made at that school changes hands, if the school requests such information ...

HEA § 428(b)(2)(F)

For complete information on how to provide information through the SSCR, see the *SSCR User's Guide*, which is available online on the IFAP site (listed alphabetically under "Current Publications by Title"). The *SSCR Technical Reference* is available in Word and PDF formats at:

<http://www.sfadownload.ed.gov>

An FFEL school that is fully operational in reporting SSCR data to the NSLDS is exempt from the requirement to provide SSCRs directly to guaranty agencies. However, the school must still respond to requests for borrower information from guaranty agencies, lenders, and loan servicers. The school must continue to provide loan holders and loan servicers with a borrower's enrollment status, enrollment history, or information needed to locate the borrower for deferment and other repayment purposes. This information includes last known address, change in surname, and employer's name and address.

Exchanging information about delinquency and default

To promote loan repayment, DL schools are encouraged to notify the Direct Loan Servicing Center if they receive new information about a delinquent borrower's location or employment. The Direct Loan Servicing Center sends participating schools a monthly electronic report of all delinquent and defaulted Direct Loan borrowers who took out loans while attending the school. The report, which contains the borrowers' names, addresses and phone numbers, is organized by number of days past due so that schools can contact and counsel borrowers to avoid default. The school may also wish to work with borrowers who have defaulted on their Direct Loans to help these borrowers bring their loans out of default.

An FFEL school may make agreements to provide the holders of delinquent loans with information about the delinquent borrower's location or employment. An FFEL school may also try to contact the borrower and counsel him or her to avoid default.

FFEL schools may request that a guaranty agency provide information about students who were enrolled at the school who have defaulted on their Stafford loans. The guarantor may not charge for this information. You may also request that the guaranty agency notify your school whenever a lender requests preclaims assistance on a loan made at your school, and provide the borrower's name address and Social Security Number. (The guaranty agency may charge a reasonable fee for this service.) Your school may only use the information to remind the borrower to repay his or her loan(s).

If you've requested it, the guaranty agency must also notify your school when loans to its students are sold, transferred, or assigned to

another holder, (The notification must include the address and telephone number of the new loan holder.) This notification requirement only applies to loans that are in the grace period or in repayment, and only if your school was the last school the borrower attended before the loan entered repayment. (For instance, if a student received several Stafford loans while earning a bachelor's degree at your school, but pursued a master's degree at another school before those loans entered repayment, the guarantor is not required to notify you if the loan is sold.)