

May 3, 2006

OSFA/FFELP #05-06:07

Dear Student Loan Participant:

On April 20, 2006, the *Common Manual* Governing Board approved six proposals from Batch 129 to modify the *Common Manual*. The changes will be incorporated into the *Common Manual* with the publication of the next annual update. Enclosed are the following updates:

- **Death of a Student or Parent**
- **Loan Delivery via Stored Value Cards**
- **Master Promissory Note (MPN) Signed after the Date the Student Lost Eligibility**
- **Exceptional Circumstances for Certifying Additional Unsubsidized Stafford Loan Funds for a Dependent Student**
- **HEROES Act Waivers**
- **Required Updates to a Student's Dependency Status**

For further information you may contact me at (850) 410-6846 or e-mail at reitha.scott@fldoe.org.

Sincerely,

Reitha Scott, Policy Manager
Office of Student Financial Assistance

COMMON MANUAL UPDATES

Death of a Student or Parent

The *Common Manual* has been updated to include guidance for schools and lenders to follow in the event of a student or parent borrower's death. Information has been added to address the following issues:

1. Certification of an additional unsubsidized Stafford loan for a student whose parent dies during the loan period.
2. Lender cancellation of a Stafford or PLUS loan disbursement if the borrower, or student for whom a PLUS loan was borrowed, dies before all disbursements of the loan are consummated.
3. Treatment of a Title IV credit balance when a student dies.
4. Return of loan funds for a deceased borrower.
5. Determining the withdrawal date for a deceased student.
6. Disbursements that are not consummated at the time of the borrower's or student's death.

The school is not permitted to deliver Stafford or PLUS loan funds if the student has died. In addition, if the parent who borrowed the PLUS loan dies, the school may not deliver the PLUS loan funds after the date of the parent's death. The death of the parent creates sufficient "exceptional circumstances" to permit the school to certify additional unsubsidized Stafford loan funds for the dependent student for the current academic year if those funds would not result in the student exceeding applicable annual or aggregate loan limits.

If the student dies at any time during the loan period, the school must perform a return of Title IV funds calculation and must return all Title IV funds for which it is responsible. However, the student's estate is not responsible for returning any unearned funds that would be the responsibility of the student to repay. A school may not under any circumstances make a late disbursement or a post-withdrawal disbursement of Title IV funds on behalf of a student who has died.

Text has been added to state that the student's withdrawal date is the date related to any of the following condition that result in the student's withdrawal:

- Illness.
- Accident.
- Grievous personal loss.
- Death.
- Other circumstances beyond the student's control.

If the lender learns that a borrower—or student, in the case of a PLUS loan—died before a disbursement is consummated, the lender must cancel all remaining disbursements. If after forwarding a loan disbursement to a school, the lender learns that the borrower-or student, as applicable—died before a disbursement is consummated, the lender must contact the school and request an immediate repayment of the ineligible funds.

COMMON MANUAL UPDATES

Affected Sections: 6.15.D Additional Unsubsidized Stafford Loan Certification
 7.7.K Disbursement Cancellation
 8.8 Managing Credit Balances
 8.9 Return of Loan Funds
 9.4 Withdrawal Dates
 9.5.A Return Amounts for Title IV Grant and Loan Programs
 13.8.C Death
 13.9.B Teacher Loan Forgiveness Program

Effective Date: Updates to return of Title IV funds requirements are effective October 7, 2000, unless implemented earlier by the school on or after November 1, 1999. All other updates are effective retroactive to the implementation of the *Common Manual*.

Basis: §668.22(c)(1)(iv); 2005-06 *Federal Student Aid Handbook*, Volume 5, Chapter 2, pages 5-65, and 5-79; private letter guidance from George Harris (Department of Education) to Reitha Scott, Florida Department of Education; private letter guidance from Jeff Baker (Department of Education) to the Honorable David Wu, U.S. House of Representatives; and private letter guidance from Jamie Malone, (Department of Education, Region V) to Greg Schweitzer, Great Lakes Higher Education Guaranty Corporation.

Policy Information: 859/Batch 129

Guarantor Comments: None.

COMMON MANUAL UPDATES

Loan Delivery via Stored Value Cards

The *Common Manual* has been updated to include the stored-value card as an acceptable method of delivery. The school must obtain the student or parent borrower's authorization, as applicable, to deliver Title IV funds using a stored-value card, and the following conditions must be met:

- The value of the card must be convertible to cash and may not be limited to specific vendors.
- The student must not incur any fees for using the card to withdraw the disbursement over a reasonable period of time. It would be reasonable to allow automated teller machine (ATM) withdrawals to be free, or to provide several free withdrawals per month. It would also be reasonable to charge a fee for use of an ATM that is not affiliated with the issuing bank, as long as ATMs from the issuing bank are conveniently located for the student.
- The student must not be charged by either the school or the affiliated bank for the issuing of a stored-value card. The student may be charged for a replacement card.
- The bank must have an individual account for each student that is insured by the Federal Deposit Insurance Corporation (FDIC).
- The school must not make any claims against the funds on the card without the written permission of the student, except to correct an error in transferring the funds to the bank under existing banking rules.
- The account must not be marketed or portrayed as a credit card account, nor be structured to be converted into a credit card at any time after it is issued. The issuing bank may not link the stored-value card account to any other banking services it may offer, such as checking, savings, or credit card accounts.
- The school must inform the student of any terms and conditions associated with accepting and using the stored-value card.
- The school must ensure that its stored-value card process meets all regulatory time frames for delivery of loan proceeds or payment of Title IV credit balances.
- The student's access to the funds on the stored-value card must not be contingent upon the student's continued enrollment, academic status, or financial standing with the school.

Affected Sections: 8.3 Required Authorizations
 8.7.H Delivery Methods

Effective Date: Loan proceeds delivered by a school on or after October 27, 2005, unless implemented earlier by the school.

Basis: *Dear Colleague Letter* GEN-05-16, Q&A #18 and #20.

Policy Information: 860/Batch 129

Guarantor Comments: None.

COMMON MANUAL UPDATES

Master Promissory Note (MPN) Signed after the Date the Student Lost Eligibility

The *Common Manual* has been updated to specify that a borrower is not required to sign the Master Promissory Note (MPN) prior to the end of the loan period or the date on which the student ceased to be enrolled at least half time to be eligible for a late delivery of Stafford or PLUS loan funds. However, the borrower must sign the MPN before a lender may make a late disbursement of loan funds. In order for a school to include Stafford or PLUS loan funds, as applicable, as “aid that could have been disbursed” in the return of Title IV funds calculation, or for a school to make a post-withdrawal disbursement, the borrower must have signed the MPN prior to the date the school completes the calculation.

Affected Sections: 8.7.E Late Delivery
 9.5.A Return Amounts for Title IV Grant and Loan Programs

Effective Date: Return of Title IV funds calculations completed on or after October 27, 2005.

Basis: *Dear Colleague Letter* GEN-05-16, Q&A #1, #2, and #3.

Policy Information: 861/Batch 129

Guarantor Comments: None.

COMMON MANUAL UPDATES

Exceptional Circumstances for Certifying Additional Unsubsidized Stafford Loan Funds for a Dependent Student

The *Common Manual* has been updated to include additional ‘exceptional circumstances’ that a school may use to certify additional unsubsidized Stafford loan funds for an otherwise eligible dependent student. These circumstances may include, but are not limited to:

- The dependent student’s parent is not a U.S. citizen or eligible noncitizen and the dependent student is otherwise eligible for the additional unsubsidized Stafford loan.
- The dependent student’s parent files a bankruptcy petition and provides the school with an official letter from the bankruptcy court confirming that the parent has filed for bankruptcy and is prohibited from incurring additional debt.
- The dependent student’s parent is in default on a Title IV loan.

Affected Sections: 6.15.D Additional Unsubsidized Loan Certification

Effective Date: Retroactive to the implementation of the *Common Manual*.

Basis: §682.201(b)(1)(iv); *Dear Colleague Letter* GEN-05-16, Q&A #5 and #6.

Policy Information: 862/Batch 129

Guarantor Comments: None.

COMMON MANUAL UPDATES

HEROES Act Waivers

The *Common Manual* history appendix has been revised by adding a new entry, dated October 20, 2005, for the publication date of the *Federal Register* that extends the HEROES Act waivers until September 30, 2007. A new section of the history appendix, H.4, entitled Statutory and Regulatory Waivers, has been created for the HEROES Act waivers and any future waivers that the Department may publish pursuant to hurricane disaster relief or other special circumstances. Section H.4 describes “affected individuals” as defined in the HEROES Act and provides for quick reference a chart that indicates which of the HEROES Act waivers or modifications apply to six different groups of individuals. The text of section H.4 summarizes the current requirement that each waiver affects, includes appropriate cross-references for more comprehensive information about each current requirement, describes each waiver or modification in detail, and discusses documentation requirements associated with granting the HEROES Act waivers or modifications.

As a technical edit, standardized cross-referencing language will be inserted into the manual’s policy text to refer the reader to section H.4 of appendix H for more information about the HEROES Act waiver or modification that applies to the policy’s topic.

Affected Sections: Appendix H

Effective Date: December 12, 2003, through September 30, 2007.

Basis: *Federal Registers* dated December 12, 2003, and October 20, 2005; Public Laws 108-76 and 109-78.

Policy Information: 863/Batch 129

Guarantor Comments: None.

COMMON MANUAL UPDATES

Required Updates to a Student's Dependency Status

The *Common Manual* has been updated to state that a student must update his or her dependency status if it changes at any time during the award year unless it changes because the student's marital status changes. If an unmarried and otherwise dependent student marries after he or she submits the FAFSA, the student remains dependent for the rest of that award year. If the student is still married when he or she submits the FAFSA for the next award year, the student is independent for that award year. If a married student divorces after he or she submits the FAFSA, the student remains independent for the current award year. However, if the student is independent in the current award year solely because he or she is married, the student is dependent in the next award year if he or she cannot answer "yes" to any of the dependency questions on the FAFSA.

If the student's last remaining parent dies after the FAFSA is submitted, the student must update his or her dependency status on the Student Aid Report (SAR) and report income and assets as an independent student.

After the school certifies a Stafford loan, the certification record cannot be changed to reflect a change in dependency status. However, the school may use the updated status to recalculate the expected family contribution (EFC) and certify additional loans if the student qualifies. The school is liable for any overpayment of Stafford loan funds due to recalculation errors.

Affected Sections:	6.8	Determining Updates to Dependency Status
Effective Date:	Retroactive to the implementation of the <i>Common Manual</i> .	
Basis:	20005-06 <i>Federal Student Aid Handbook</i> , Application and Verification Guide, Chapter 2, pages AVG-23 and AVG-29, and Chapter 5, page AVG-97.	
Policy Information:	864/Batch 129	
Guarantor Comments:	None.	