



## HUSCH BLACKWELL

# Title IV Federal Student Aid & Student Funding

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Husch Blackwell's Higher Education team recognizes the critical nature of student funding to student, institutional and compliance success. Our student funding team has deep experience with the legal and regulatory issues tied to Title IV Federal Student Aid, Veterans Administration (VA), scholarships and other student funding mechanisms, as well as the unique dynamics, sensitivities and interests of institutions and their stakeholders in these areas.

Our attorneys and consultants are experienced both in helping clients prepare for and respond to Title IV program reviews, as well as U.S. Department of Education (ED), VA, Health and Human Services, and ED Office for Civil Rights administrative action related to student funding. In addition, much of our practice focuses on addressing day-to-day, practical and evolving regulatory questions and challenges tied to student funding—such as those around consumer regulatory disclosures, incentive compensation, the Higher Education Emergency Relief (HEERF) fund, borrower defense reporting, income share agreements, anticipated expansion of gainful employment standards, and supporting diversity initiatives while meeting nondiscrimination requirements.

We also offer proactive Federal Student Aid administration reviews—an abbreviated “mock” program review focusing on Title IV regulatory requirements where noncompliance is either easily fixed or commonly leads to extensive liabilities. These reviews include personnel interviews, a student file sample, and consideration of institutional policies and publications. Our work in these areas seeks to prevent compliance concerns, avoid program review findings, enhance policies and procedures, and mitigate potential threats to Federal Student Aid or other funding program participation.

Our Higher Education team includes a consultant who was formerly an institutional review specialist with ED's Office for Federal Student Aid. Our team also includes a former ED deputy general counsel for Higher Education and Federal Student Aid who participated in key regulatory developments in these areas. We are members of the National Association of Student Financial Aid Administrators (NASFAA), attend regular Federal Student Aid trainings ourselves, and frequently present on topics surrounding student funding concerns.

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**30**

attorneys on Husch Blackwell's  
higher education team

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**250+**

higher education institutions  
served by Husch Blackwell

## Industry Spotlight

We identify, correct and respond to key student funding compliance concerns to assist your institution in reaching the best position for a Title IV program review or other student funding regulatory action. The Husch Blackwell action plan includes:



### **Relationship Building and Extensions of Time:**

We support productive relationships with regulators and are frequently successful in seeking extended response deadlines.



**Preparation or Review of Policies and Procedures to Address Findings:** We help clients respond efficiently and effectively by preparing revised policy and procedure documents.



**File Review and Data Analysis:** Because many findings address compliance issues with cascading liabilities, we emphasize file sample and data analysis, which can provide evidence for reduced liability.



**Identification and Development of Remedial Measures:** We work with clients to highlight a variety of potential remedial actions.



### **Response to Program Review Report:**

In drafting responses to program review preliminary findings, we provide important context and discuss remedial efforts.



### **Calculation and Settlement of Liability:**

We work to limit potential liabilities and their impact.



### **Communications Support for Senior Leadership:**

We work with senior leaders to ensure they are armed with clear explanations of the complex issues in question, options and outcomes



**Appeal and Litigation:** If necessary, we serve clients in pursuing appeals and in litigation.

## Proactive Audits

Our Title IV Federal Student Aid Administration Reviews are abbreviated versions of what can be a years-long ED program review process. We focus on areas of aid administration with potentially high liabilities as well as common compliance findings. Our goal is to determine any areas of concern to an institution, and review those as well as key compliance points that would be the focus of an ED program review. Our review report identifies successes as well as areas where compliance can be strengthened, and provides a plan of action for ensuring enhanced compliance going forward.

## Client Successes

- Guided institution through response to significant preliminary ED program review findings, resulting in ED accepting the institution's response and resolution efforts, issuing limited final findings.
- Counseled institutions on applying ED still-developing data privacy, breach and disclosure reporting requirements concerning Federal Student Aid data.
- Assisted university in developing institutional loan program compliant with student finance, Truth in Lending Act and state law requirements.
- Represented a large university in VA administrative action alleging of program noncompliance and misrepresentation—as well as threatened program disapproval—resulting in dismissal of claims.
- Partnered with numerous institutions to develop compliance systems around rapidly-shifting Section 117 Foreign Source Reporting and HEERF obligations.

## Aligned by industry. Built on relationships.

Husch Blackwell is an industry-focused law firm delivering innovative and strategic solutions to organizations around the world. Our Education team includes more than 30 attorneys whose practice centers exclusively on representing educational institutions. Drawing on extensive industry knowledge and experience, we move clients forward.