



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

THE ASSISTANT SECRETARY

DCL ID: GEN-10-16
FP-10-06

AUG 23 2010

SUBJECT: Guidance for helping Title IV participants affected by a major disaster.

SUMMARY: This letter provides updated information regarding the impact of a "major disaster" on the administration of the Title IV student assistance programs. It supplements all information in the Federal Student Aid Handbook and supersedes guidance included in previous Dear Colleague Letters.

Dear Colleague:

This letter is intended to help Title IV student financial aid participants that are impacted by a federally declared major disaster (disaster) as defined in The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)):

...any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this chapter to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

To help affected parties to act quickly whenever the President declares a disaster, the Secretary is providing this general guidance for regulatory relief to students, institutions, lenders, guaranty agencies, and their servicers in administering the federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended (HEA). Unless stated otherwise, the regulatory relief described in this letter applies to all recipients of Title IV aid and their families who at the time of a disaster were residing in, employed in, or attending an institution located in a federally declared disaster area in the United States (U.S.). (An institution that experiences a more localized disaster or an institution with a large number of eligible non-citizens who are from a country that experiences a significant natural disaster may seek relief from the institution's School Participation Team at Federal Student Aid.)

In addition, the regulatory relief applies to institutions, lenders, guaranty agencies and their servicers that are located in such areas. Although the Federal Emergency Management Agency's (FEMA) Web site (www.fema.gov/disasters) lists numerous Federal disaster declarations annually, only the subset of disasters designated for "Individual Assistance" are eligible for the relief described in the attachment.

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Note that the relief described in the attachment to this letter applies specifically to disasters. This letter does not discuss the waivers and modifications of Title IV statutory and regulatory requirements provided by the Department under the authority of the Higher Education Relief Opportunities for Students (HEROES) Act of 2003, Pub. L. 108-76. The HEROES waivers and modifications were first published by the Department in the December 12, 2003 Federal Register, 68 FR 69312. The expiration date of those waivers and modifications was extended until September 30, 2012. See 70 FR 61037 (Oct. 20, 2005) and 72 FR 72947 (Dec. 26, 2007). Please review the Federal Register notice at <http://edocket.access.gpo.gov/2003/pdf/03-30781.pdf> for a complete description of the waivers or modifications provided by the Department under the authority of the HEROES Act.

The attachment to this letter supersedes all guidance in DCL GEN-04-04 (General guidance for helping Title IV participants affected by a disaster) and DCL GEN-05-17 (Notice of waiver of Title IV grant repayment for students affected by a disaster). Specific topics are presented under each general heading. All regulatory references are to title 34 of the Code of Federal Regulations.

A Title IV program participant that does not carry out an otherwise required action in administering the Title IV programs on the basis of the guidance in this letter must document that fact and indicate which alternative procedures, if any, were used. If you have any questions concerning the relief provided in the attachment to this letter, or need additional information, please contact the Department as follows:

- An institution should contact its School Participation Team representative. For a list of contacts, go to <http://www.ifap.ed.gov/ifap/disaster.jsp> and choose the link to "School Participation Team Contacts" under the "Postsecondary Schools" listing.
- A lender or guaranty agency in the Federal Family Education Loan (FFEL) Program should contact its regional Financial Partners representative. For a list of regional Financial Partners representatives, go to the financial partners' portal at <http://www.fp.ed.gov/PORTALSWebApp/fp/index.jsp>. Locate the "Contact Resources" button at the top of the page, and then choose the "Financial Partners Eligibility & Oversight" link to get a listing of the regional office representatives.
- In the event of an emergency or an instance that impacts the ability of an institution to operate routinely, that institution should contact Federal Student Aid at 1-800-433-7327 (toll-free) or by e-mail at fsa.customer.support@ed.gov.

We hope that the relief described in the attachment to this letter will be helpful as you assist students and their families who have been affected by a disaster.

Sincerely,



Eduardo M. Ochoa
Assistant Secretary for
Postsecondary Education

Attachment