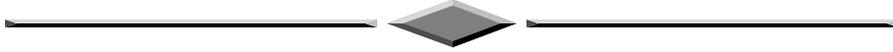


# Appeals At-A-Glance



**Basis of Appeal**

When a school is submitting an appeal, it should thoroughly read the relevant appeal sections entitled "Request for Adjustment," "Erroneous Data Appeal," "Improper Loan Servicing and Collection Appeal," and "Exceptional Mitigating Circumstances Appeal" beginning on pages 65, 77, 111, and 141, respectively and consult the Department's regulations.

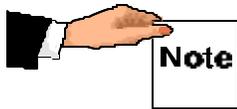
## Submit an Appeal

**Deadline for all cohort default rate appeals.** If a school misses the established deadlines, the U.S. Department of Education (the Department) will NOT review a school's appeal. An appeal deadline for each category of appeal begins on the date of various documents triggers regulatory

the appeal deadlines are based on calendar days, not working days. Therefore, it is important to understand the difference between calendar days and working days. Working days include federal business days, federal holidays and weekends. **Working days** only include federal business days and federal holidays or weekends.

	Wednesday	Thursday	Friday	Saturday
	3	4	5 <b>Receive Documents</b>	6
	10	11 <b>Holiday</b>	12	13
14	15	16	17	18
	19	20		

**10  
Calendar days**

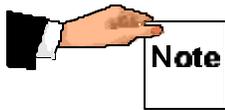


When a number of days is given (for example, “within 10 working days”), it means the information must be SENT to the Department within the stated time period. If the submission due date falls on a weekend or a federal holiday, a school may send the information to the Department no later than the next federal business day.

Please note that the Department accepts deliveries from commercial couriers and/or hand deliveries Monday through Friday, 7:30 a.m. to 5:00 p.m. (Eastern Time).

## Proof of Delivery of Appeal Documentation

The Department recommends that a school send all appeal correspondence return receipt requested or via commercial overnight mail/courier delivery. This will be useful to a school if it is asked to authenticate the timeliness of its appeal. A school should maintain documentation verifying receipt of all appeal related material.



The Department will NOT accept any appeal correspondence by facsimile (fax) or e-mail.

## Copies of Appeal Documentation Sent to the Department

Whenever a school sends correspondence regarding its cohort default rate appeal, it must simultaneously send a copy of the correspondence to the Department’s Default Management Division at the address provided in “Appendix C”. The Department recommends that a school retain copies and delivery receipts for all appeal documents provided to the Department and other entities.

## Final Decision on an Appeal

Appealing a school’s official cohort default rate and/or sanction associated with the rate to the Department is the only administrative review of its cohort default rate available to a school. The Department’s decision is final and no further administrative review is provided.

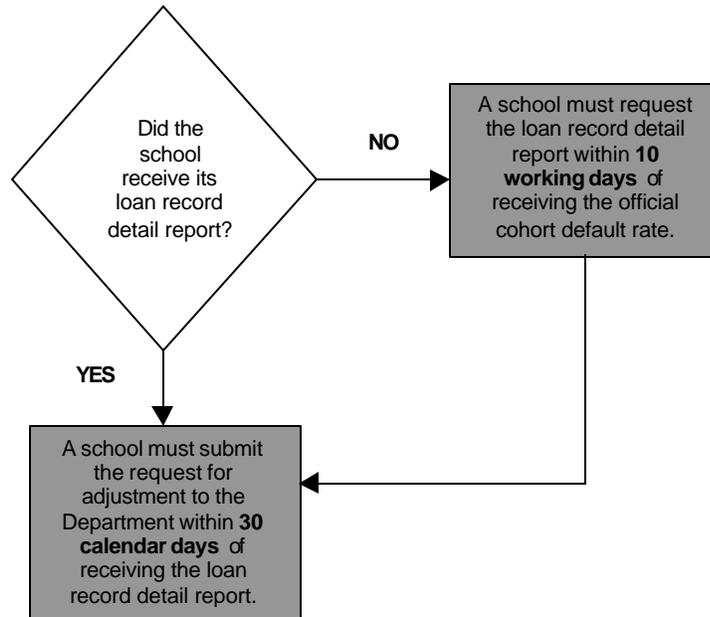
<b>Appeal Eligibility for Schools that ARE Subject to Sanctions</b>		
<b>If a school's official CDR is...</b>	<b>the school is subject to...</b>	<b>and a school may submit...</b>
equal to or greater than 25.0 percent for FY 1997, FY 1996, AND FY 1995	Initial loss <sup>1</sup> of eligibility to participate in the: <ul style="list-style-type: none"> <li>◆ FFEL Program</li> <li>◆ Direct Loan Program</li> <li>◆ Federal Pell Grant Program</li> </ul>	<ul style="list-style-type: none"> <li>◆ FY 1997 Request for Adjustment</li> <li>◆ FY 1997, FY 1996, and FY 1995 Erroneous Data Appeal<sup>2</sup></li> <li>◆ FY 1997, FY 1996, and FY 1995 Improper Loan Servicing and Collection Appeal<sup>2</sup></li> <li>◆ FY 1997, FY 1996, and FY 1995 Exceptional Mitigating Circumstances Appeal based on the school's Participation Rate Index</li> <li>◆ FY 1997 Exceptional Mitigating Circumstances Appeal based on the school's Economically Disadvantaged and Placement or Completion Rates.</li> </ul>
equal to or greater than 25.0 percent for FY 1997 and the school lost eligibility due to the FY 1996, FY 1995, and FY 1994 CDR's	Extended loss <sup>1</sup> of eligibility to participate in the: <ul style="list-style-type: none"> <li>◆ FFEL Program</li> <li>◆ Direct Loan Program</li> <li>◆ Federal Pell Grant Program</li> </ul>	<ul style="list-style-type: none"> <li>◆ FY 1997 Request for Adjustment</li> <li>◆ FY 1997 Erroneous Data Appeal</li> <li>◆ FY 1997 Improper Loan Servicing and Collection Appeal</li> <li>◆ FY 1997, FY 1996, and FY 1995 Exceptional Mitigating Circumstances Appeal based on the school's Participation Rate Index</li> <li>◆ FY 1997 Exceptional Mitigating Circumstances Appeal based on the school's Economically Disadvantaged and Placement or Completion Rates.</li> </ul>
equal to or greater than 40.1 percent for FY 1997 and the school's FY 1996 and FY 1995 CDR's are not 25.0 percent or greater	Limitation, Suspension, and/or Termination (LS&T) ONLY	<ul style="list-style-type: none"> <li>◆ FY 1997 Request for Adjustment</li> <li>◆ FY 1997 Erroneous Data Appeal</li> <li>◆ FY 1997 Improper Loan Servicing and Collection Appeal</li> <li>◆ FY 1997 Exceptional Mitigating Circumstances Appeal based on the school's Economically Disadvantaged and Placement or Completion Rates.</li> </ul>

<sup>1</sup> 34 CFR § 668.17(b)

<sup>2</sup> The school may only appeal prior cohort default rates provided that the school has NOT already appealed the cohort default rate on the same basis.

<b>Appeal Eligibility for Schools that are NOT Subject to Sanctions</b>	
<b>If a school's official CDR is...</b>	<b>A school may submit...</b>
19.9 percent or less for FY 1997	◆ FY 1997 Request for Adjustment
20.0 percent - 40.0 percent for FY 1997	◆ FY 1997 Request for Adjustment ◆ FY 1997 Improper Loan Servicing and Collection Appeal

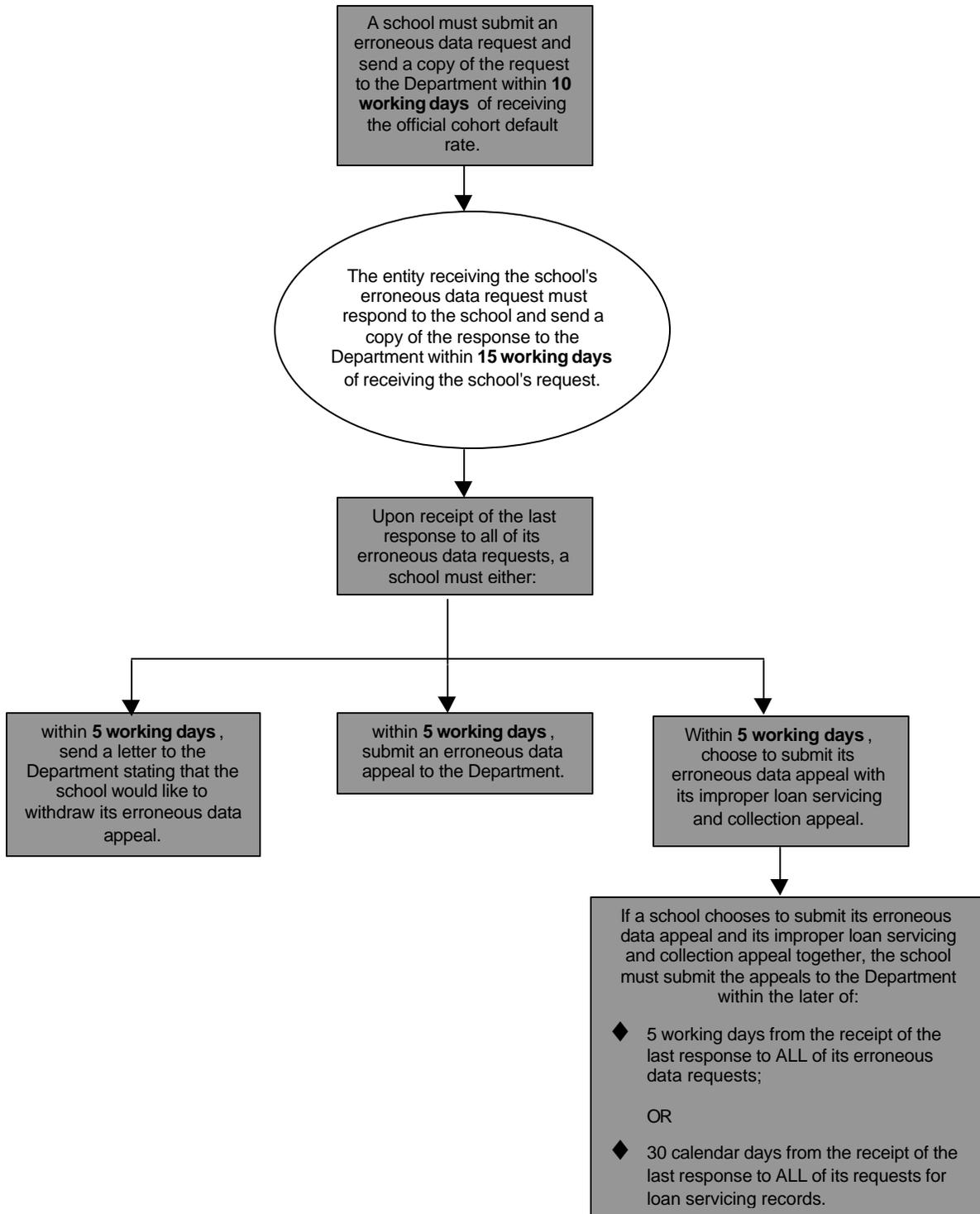
## Request for Adjustment Time Frames



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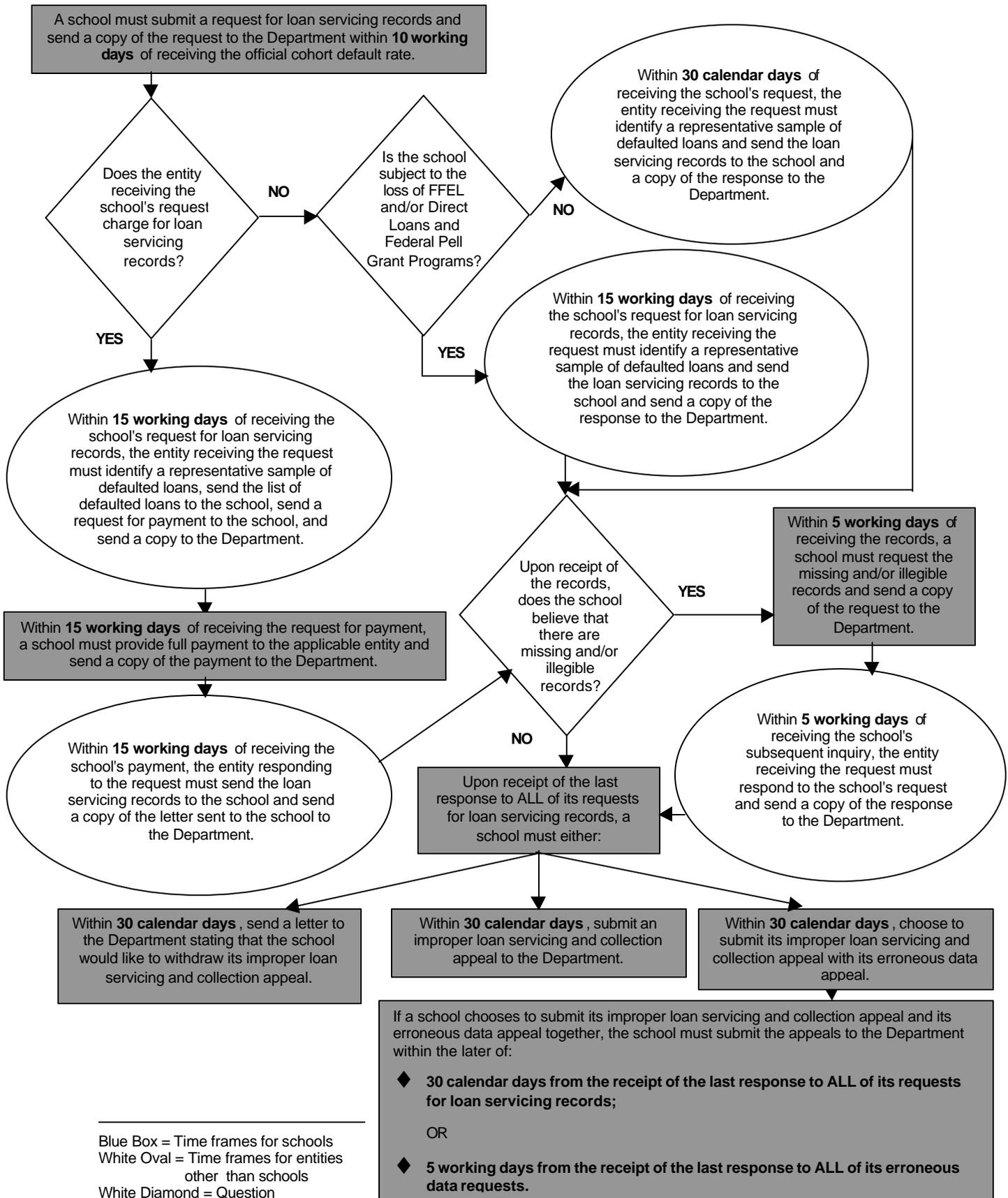
Blue Box = Time frames for schools  
White Diamond = Question

## Erroneous Data Appeal Time Frames



Blue Box = Time frames for schools  
 White Oval = Time frames for entities other than schools

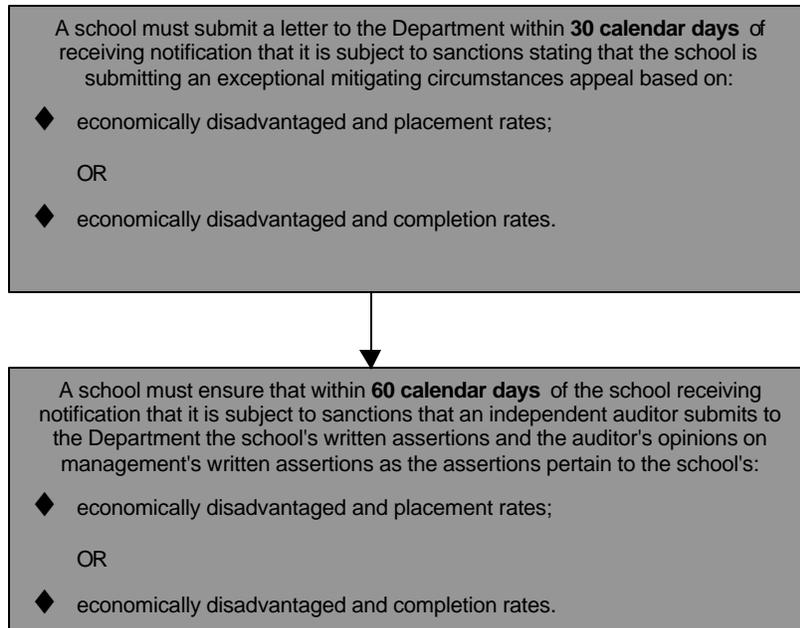
## Improper Loan Servicing and Collection Appeal Time Frames



Blue Box = Time frames for schools  
 White Oval = Time frames for entities other than schools  
 White Diamond = Question

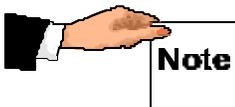
## Exceptional Mitigating Circumstances Appeal Time Frames

For the economically disadvantaged and placement rate appeal AND the economically disadvantaged and completion rate appeal, the time frames are as follows:



For the participation rate index appeal, the time frame is as follows:

Within **30 calendar days** of receiving notification that the school is subject to initial or extended loss of eligibility to participate in the FFEL Program and/or Direct Loan Program and Federal Pell Grant Program, a school must submit documentation to the Department indicating that the school has a participation rate index of 0.0375 or less.



Prior to the release of the official cohort default rates, the Department will determine if a school meets the criteria associated with an exceptional mitigating circumstances appeal based on:

- average cohort default rates;
- AND/OR
- low number of borrowers.

If the Department determines that a school meets these criteria, the Department will NOT notify the school that it is subject to initial or extended loss of the FFEL Program and/or Direct Loan Program and Federal Pell Grant Program eligibility, even if the school's three most recent official cohort default rates are 25.0 percent or greater.

