

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
AFFORDABILITY AND STUDENT LOANS COMMITTEE
NEGOTIATED RULEMAKING SESSION 3, DAY 1, MORNING
December 6, 2021

O n the 6th day of December, 2021, the following meeting was held virtually, from 10:00 a.m. to 12:00 p.m., before Jamie Young, Shorthand Reporter in the state of New Jersey.

P R O C E E D I N G S

MS. MACK: Good morning, everyone, and welcome to the United States Department of Education's Negotiated Rulemaking with the Affordability and Student Loans Committee's third session, session three. My name is Kayla Mack and I'm from the Federal Mediation and Conciliation Service, and I and my team will be facilitating this morning's proceedings. As we get started, I want to turn it directly over to the Department's Federal Negotiator, Ms. Jennifer Hong, for her introduction in any opening remarks that she may want to make. Jennifer, please.

MS. HONG: Hey, thank you, Kayla. I just wanted to say good morning and welcome everybody back to our third and final session of negotiated rulemaking on the affordability and student loans table. Again, my name is Jennifer Hong and I'm the federal negotiator representing the Department on these issues. I just like to express my gratitude on behalf of the Department on the work that has gone into thinking about the numerous agenda items for this rulemaking, and that we look forward to a productive third session with the ultimate goal of reaching consensus on the issues before you. You'll note that between sessions two and three, we've made every attempt to take your proposals under

thoughtful consideration. And looking back throughout the course of this rulemaking, you'll notice that we have taken many of your suggestions and incorporated them into the proposed regulatory text. I look forward to discussing these further with you. Thank you.

MS. MACK: Alright, thank you, Jennifer. Now, throughout this week, we may at certain times be joined by several non consensus taking participants from the Department's Office of General Counsel. Those individuals are Mr. Brian, Siegel, Todd Davis and Soren Lagaard. I believe we have Brian with us this morning. Good morning, Brian.

MR. SIEGEL: Good morning, everyone.

MS. MACK: Thanks, Brian. We'll also have from the Department throughout this week Mr. Aaron Washington and Ms. Vanessa Gomez, who will be screen sharing documents and perhaps participating in live editing as we review the proposed regulatory text. Vanessa and Aaron, good morning.

MS. GOMEZ: Morning, everyone,

MR. WASHINGTON: Morning, everyone.

MS. MACK: Alright, so thank you from those of you, from the Department. Next, I would like to briefly reintroduce the esteemed members of our Affordability and Student Loans Committee. So again,

we'll go through each constituency and invite the primary negotiator and the alternate negotiator to briefly check in with us. So for the constituency group accrediting agencies, we have our primary Dr. Heather Perfetti.

DR. PERFETTI: Good morning, everyone. Heather Perfetti here president of the Middle States Commission on Higher Education.

MS. MACK: Thank you, Heather and our alternate Dr. Michale McComis.

DR. MCCOMIS: Good morning, Mike McComis, Executive director with the Accrediting Commission of Career Schools and Colleges.

MS. MACK: Thank you, Michale. For the constituency of dependent students, we have our primary Ms. Dixie Samaniego.

MS. SAMANIEGO: Good morning, everyone. My name is Dixie. I serve as a Chief Governmental Officer for Cal State Fullerton ASI and also the vice chair of legislative affairs for the Cal State Student Association. And Greg won't be with us this week.

MS. MACK: Okay, thank you for letting us know, Dixie. So we will not have alternate Mr. Greg Norwood with us. Next for the constituency group,

Federal Family Education Loan Lenders and/or Guarantee Agencies we have our primary Ms. Jaye O'Connell.

MS. O'CONNELL: Good morning, Jaye O'Connell, I'm the director of Compliance at Vermont Student Assistance Corporation. Nice to see you.

MS. MACK: Thank you, Jaye. And we have our alternate Mr. Will Shaffner.

MR. SHAFFNER: Good morning, everyone. Welcome to week three. It's getting down to the crunch here. I'm Will Shaffner, director of business development and government relations at MOHELA and it's an honor to be with you guys today. Thanks.

MS. MACK: Thank you, Will. For constituency group financial aid administrators at post-secondary institutions. We have our primary Mr. Daniel Barkowitz.

MR. BARKOWITZ: Hello everyone and happy holidays. It's Daniel Barkowitz, assistant vice president of Financial Aid and Veterans Affairs at Valencia College in beautiful Orlando, Florida. And happy to be with you for another week where the rest of you have snow. We have gorgeous weather. Come visit us in Orlando.

MS. MACK: Thank you for reminding us Daniel and we have our ultimate Ms. Alyssa Dobson.

MS. DOBSON: Good morning, everybody. Alyssa Dobson, the director of financial aid and scholarships at Slippery Rock University.

MS. MACK: Thanks Alyssa. For the constituency group four-year public institutions, we have our primary Dr. Marjorie Dorime-Williams.

DR. DORIME-WILLIAMS: Good morning, everyone. It's Dr. Marjorie Dorime-Williams, assistant professor at the University of Missouri, Columbia. Glad to be here again.

MS. MACK: Thanks, Marjorie. And we have our alternate Rachelle Feldman, who will be joining us later in today's session. For our constituency group independent students we have our primary Ms. Michaela Martin.

MS. MARTIN: Hi, it's Michaela and today it'll be 71 in Southern California. Daniel, left coast is the best coast. Glad to be here today.

MS. MACK: Thanks. And we also have our alternate Dr. Stanley Andrisse.

DR. ANDRISSE: Morning, everyone. Stan Andrisse, assistant professor at Howard University College of Medicine and the executive director of From Prison Cells To PhD. Pleasure to be with you all or pleasure to be here with you all.

MS. MACK: Thank you Stan. For our constituency group individuals with disabilities or groups representing them, we have our primary Ms. Bethany Lilly.

MS. LILLY: Good morning, everyone. Bethany Lilly with the Arc of the United States here on behalf of the Consortium for Citizens with Disabilities. Hope everybody has plenty of coffee.

MS. MACK: Thank you Bethany and we have our alternate Mr. John Whitelaw.

MR. WHITELAW: Good morning, everyone. John Whitelaw, advocacy director at Community Legal Aid Society in Delaware. Thank you.

MS. MACK: Thank you, John. For our constituency group legal assistance organizations that represent students and/or borrowers, we have our primary Ms. Persis Yu.

MS. YU: Hello everyone, nice to be here today. I'm Persis Yu for legal aid of the National Consumer Law Center.

MS. MACK: Thank you Persis. And we have our alternate Mr. Joshua Rovenger.

MR. ROVENGER: Morning, everyone. Josh Rovenger from the Legal Aid Society of Cleveland pronounced he/him, great to see everyone.

MS. MACK: Thank you, Josh. For the constituency group representing minority serving institutions we have Ms. Noelia Gonzalez.

MS. GONZALEZ: Good morning. Noelia Gonzalez, I'm the interim systemwide director for the California State University System. Thank you.

MS. MACK: Thank you Noelia. For private nonprofit institutions, we have our primary Ms. Misty Sabouneh.

MS. SABOUNEH: Hey everyone. Misty Sabouneh Assistant Vice President Financial Literacy at Southern New Hampshire University and I'm excited to be here with you all for week three. We made it.

MS. MACK: Thanks Misty. And we have our alternate Dr. Terrence McTier Junior.

DR. MCTIER: Good morning, everyone.

MS. MACK: Alright. For proprietary institutions, we have our primary Ms. Jessica Barry.

MS. BARRY: Hello, everyone, I'm Jessica Barry, president of the Modern College of Design in Kettering, Ohio. I'm pleased to be with you this week.

MS. MACK: Thank you, Jessica. And we have our ultimate Dr. Carol Colvin.

DR. COLVIN: Morning, everyone. I'm

Carol Colvin and I'm the senior vice president of financial aid for South College.

MS. MACK: Alright. For our constituency group representing states attorneys general, we have our primary Mr. Joseph Sanders.

MR. SANDERS: Morning everyone. Joe Sanders on behalf of state AGs. It's an honor to be here and to work on the final week of the rulemaking with everyone looking forward to it.

MS. MACK: Thank you, Joe. And we have the alternate Mr. Eric Apar.

MR. APAR: Hi everyone. I'm Eric Apar, I'm the assistant deputy director for policy and strategic planning at the New Jersey Division of Consumer Affairs. Really good to see you all again.

MS. MACK: Thanks, Eric. For state higher education executive officers, state authorizing agencies and/or state regulators, we have primary Dr. David Tandberg.

DR. TANDBERG: Hi everyone. It's a real pleasure to be with you today. David Tandberg, senior vice president of policy research and strategic initiatives at the State Higher Education Executive Officers Association, more commonly known as SHEEO.

MS. MACK: Thank you David. And we

have our alternate Ms. Suzanne Martindale.

MS. MARTINDALE: Greetings from a very very Foggy Oakland, California. This is Suzanne Martindale, I'm the senior deputy Commissioner over at the California Department of Financial Protection and Innovation. Good to be with you.

MS. MACK: Thanks, Suzanne. For student loan borrowers, we have our primary Ms. Jeri O'Bryan-Losee.

MS. O'BRYAN-LOSEE: Good morning, everybody. And welcome to never sunny Albany, New York, and I look forward to this last session with everyone.

MS. MACK: Thanks, Jeri. And we have Ms. Jennifer Cardenas as alternate.

MS. CARDENAS: Buenos Dias. Good morning. Yes, Jennifer Cardenas she/her. I'm an outreach specialist for Young Invincibles here in California.

MS. MACK: Thanks, Jen. For constituency group two-year public institutions, we have our primary Dr. Robert Ayala.

DR. AYALA: Good morning, ladies and gentlemen. Bobby Ayala here, glad to see everybody.

MS. MACK: And and we have our alternate Dr. Christina Tangalakis.

DR. TANGALAKIS: Good morning from Los

Angeles. I'm the associate dean of financial aid at Glendale College. Looking forward to finishing strong this week.

MS. MACK: Thank you. And for our constituency group, United States service members veterans or groups representing them, we have our primary Mr. Justin Hauschild.

MR. HAUSCHILD: Morning, everybody. Looking forward to being here with you in this final week.

MS. MACK: Thanks, Justin. And we have our alternate miss Emily DeVito.

MS. DEVITO: Good morning and happy December. Emily DeVito, I am associate director of the National Legislative Service for the Veterans of Foreign Wars, the VFWs, Washington, D.C. office.

MS. MACK: Thank you, Emily. Now we have one additional committee member to introduce to you all for session three. Ms. Anne Precythe was nominated and approved by this committee during our second session back in November. She's now accepted her nomination to the committee and joins us this morning, so I want to welcome Ms. Precythe and ask her to introduce herself to the committee.

MS. PRECYTHE: Thank you, Kayla. My

name is Anne Precythe and I'm the current president for the Congressional Leaders Association and the director of corrections in the state of Missouri. And I'm very honored to be here. Thank you so much.

MS. MACK: Great. Thank you, Anne. And thank you to all of the committee members for going through that, checking in with us, introducing yourselves and being here today. Next, we would like to take the opportunity to introduce to you all or reintroduce to you all our two expert advisors who continue to provide experience and research based data information and recommendations to the committee. I would like to welcome the adviser on qualifying employers on the topic of Public Service Loan Forgiveness Ms. Heather Jarvis.

MS. JARVIS: Good morning, everyone. Heather Jarvis, I'm a private attorney specializing in student Loans and executive director of Foster Us.

MS. MACK: Thank you, Heather. And I'd also like to take this opportunity to welcome the adviser on economic and or higher education data Dr. Rajeev Darolia.

DR. DAROLIA: Good Morning. Raj Darolia faculty at the University of Kentucky. Go blue.

MS. MACK: Thank you, Raj. Thank you

again to both of our advisors. Last, I would like to remind you all of your FMCS facilitation team. We're here this week again as a third party neutral. We will help with hosting and running the technology and the platform, facilitating the discussions and taking consensus decision making checks this week, operating within the protocols, working with the committee as appropriate and breakouts and caucuses and spaces during the session, soliciting and distributing any information and data and documents that need to be shared out and really assisting you all in a meaningful and productive way throughout the process. I've already introduced myself as Kayla Mack. I would like to round out the introductions with my team, Ms. Cindy Jeffries.

MS. JEFFRIES: Good morning, everyone.
And welcome back.

MS. MACK: And Mr. Brady Roberts.

MR. ROBERTS: Good morning, everyone.
Happy to be here.

MS. MACK: And last but certainly not least, I'd like to introduce you all to FMCS mediation technology specialist, Mr. Kevin Hawkins, who is here to support our facilitation team's efforts this week.

MR. HAWKINS: Good morning, everyone.
Happy to be with you.

MS. MACK: Alright, thank you, Kevin. Before we go ahead and jump into our substantive issues, we have a few reminders. Please make sure that you're naming convention on screen matches that of what we've been doing in sessions one and two. We invite you all to share your first name, how you'd like to be referred in lieu of a first name. If you have a different preference P or an A for primary or alternate and an abbreviated reference to your constituency group. This helps us easily identify you, but also assist the viewing public with knowing who we all are. While you're not speaking, we do ask that you remain on mute. You've all done a wonderful job of this thus far, but that helps cut down on any background noise or distractions. If you're at the main virtual table and want to speak, please raise that virtual hand that'll throw you up in a particular order. If you lower your hand and rephrase it, it'll take you to the end of the line. Please know at all times we're tracking those and will call on you in the order that you appear on on our screen unless we ever need to deviate to that to jump back to the Department or to general counsel for a quick comment or response that would assist us in moving forward with the dialog. Should you have any technology related issues, questions or concerns, please don't hesitate to message Brady in

the chat or send him a quick email and he'll share his email address right now in the chat so that you all have that. The chat feature will remain enabled as it has in our prior sessions. Keep in mind, any message placed in the chat that goes out to everyone is going to be subject to our ongoing developing transcript that will be that will ultimately be posted online for all to see. Each day the public has the opportunity to view and observe and watch our work here. The Department has posted a registration link for that on their website. We can again post a link in the chat for all to see Brady if you'll do that greatly appreciate it. Not only is that where the public registers to watch the proceedings, but that's where we can find all of the documentation that has been shared out with the committee thus far. Consistent with our prior sessions, we're going to invite only our primary negotiators to remain on screen during deliberations. If at any time an alternate is going to substitute in for their primary or is being invited by the primary to comment on something, we would ask that they come on screen so that when they're sharing out, everyone can see. Same thing for the advisors. At some point we'll ask you to turn off your cameras, but when we're inviting you back to the main table or you have something to share again, we'll

ask you to turn those those cameras on. This will help us all know who is at the main table for purposes of consensus decision making because we're going to get this session. We are going to engage. Let's talk about that for a moment because it came up earlier, and I want to make sure that we're all on the same page. We're going to engage in consensus decision making to develop proposed regulations. We are going to utilize good faith, group problem solving to address the interest of you all as committee members and ultimately hopefully reach unanimous agreement otherwise described as building consensus. It's not a majority vote, but rather an expression of agreement or dissent, and we have built consensus once there is no consent by any of the committee members. So no individuals can be out voted because again, it's not a vote, we are only in consensus if everyone is on the same page. A few important notes here about consensus decision making. For the protocols, members of the committee should not block or withhold consensus unless they have serious reservations about what is being proposed. So if when we take a consensus check and you are in fact a blocker or a down thumb, which I'll cover the thumbs again in the second, we are going to ask you at that time to articulate your serious reservation about what is being proposed and also offer

up a tweak, an idea or an alternative that could actually get you to a place of consensus on that issue. To take the consensus checks, we are going to use the three thumb approach, so this is an expression of agreement, okay? So this means you are in agreement with and fully support what is being proposed. We've utilized in our temperature checks the sideways thumb and we will do that with consensus as well. This is also an expression of agreement. It is in fact an indication that you don't feel as strongly as you might if you were up here. But this does mean that you will fully support the proposal at hand and you are in in fact, in consensus. Then we have the down one. This is an expression of dissent. This means that you do have a serious reservation. And again, when you are down, we will ask you to express or articulate for the committee that serious reservation and articulate what would help you get to here and be in consensus with the rest of the committee. As the protocols provide, and as we've chatted several times in prior sessions, we are going to take consensus checks on each of the issues separately. There are 12 issues, so we will be taking 12 consensus checks. For some of the issues they are have been combined in issue papers. For instance, for example, the Borrower Defense, six, seven, and eight are in fact in

papers together. When we get to a point where we are taking consensus on issue six, seven, or eight, we will ask the Department to clearly outline what is being included within issue six for purposes of consensus. That way, the committee is very clear on what, in fact, they are taking a consensus check on at that time. But again, a separate consensus checks for each of the issues, so there will ultimately be 12. We are not grouping them or tying them together, so we will be asking you to only block if you have a serious reservation about that proposal for that issue, alright? In prior sessions, we took a lot of temperature checks. This being our third and final session together, we are moving forward to an official consensus decision making. We will continue to remind you of that. But again, no more temperature checks. We're going to be taking official consensus decision making checks. Stan, I see your hand.

DR. ANDRISSE: Yes, I had a quick question in that regard, if that's okay. So for any given issue, will we take temperature checks within that issue? Like when we take sections to check before we as we move through to a final official consensus?

MS. MACK: At this time, that's not the plan Stan. Instead, what will we will be doing is

asking the Department to walk us through the entirety of the issue paper and red text on a particular issue and then move to a consensus check. If we find that we're not in consensus when we need to revisit certain pieces, it may make sense to take temperature checks to advise where we are. But the intent is not to utilize at this point, temperature checks, but only consensus checks. Does that answer your questions Stan?

DR. ANDRISSE: Yes. And I guess just I mean, there will be discussion all throughout on the different points. So I guess if there was, you know, it would be brought up that something may not be a consensus because of a particular point, As well as at the point of consensus, some would also bring it up, but what I have already been discussed as well.

MS. MACK: Yeah, we're going to Walk through the issue papers. We will discuss those, we will move to a consensus check, if anyone is in fact a block on the consensus so that we're not in consensus, we will revisit the points that are leading anyone and everyone to be down. Yes. Okay, perfect. Persis, please.

MS. YU: Thank you. I have a question. And how will, when we get to the consensus check, how will the consensus checks be recorded for the transcript?

MS. MACK: So if we're reaching consensus, everyone will be here or here, then we will note that everyone has approved, right, and is an agreement. If anyone is blocked, it will be in the transcript because we will be calling on those individuals to articulate why they are a blocker, what their serious reservation is and what their idea is to lead the committee to consensus. All of that dialog will be part of the transcript.

MS. YU: Is there any way that we could instead do a roll call as we are so that each constituency is on the record, on their particular vote on each particular issue?

MS. MACK: We can consider that. Let me chat with my team when we get to to a break and we could consider going through a roll call and calling on each constituency to express where they are in terms of the consensus check.

MS. YU: I would appreciate that.
Thank you.

MS. MACK: Yep. Justin, please.

MR. HAUSCHILD: Thanks so much. Will there be an opportunity, it sounds like the Department or the facilitators perhaps intend to follow up with folks that are blocking consensus were not comfortable

with consensus. Will there be an opportunity at that point or other negotiators to seek clarity from those blocking consensus as well?

MS. MACK: After we invite an individual to articulate what their serious reservation is and what ideas they have for moving the committee to consensus, the dialog will open up to the full committee. So if there are clarifying questions or more comments to make, we'll engage in that dialog as we continue to seek consensus. David.

DR. TANDBERG: Yeah I was just addressing the issue that Persis raised. I like the idea of a roll call where we express our vote. If that's not possible, I would at least like the transcript to record whether they're sideways, up, or down. There is a difference between us. I know for the consensus sideways or up is recorded the same way, but it is an expression of a different feeling in regards to the proposal. So at a minimum, let's have that recorded, would be my suggestion if it's not a full roll call.

MS. MACK: Okay. Thank you, David.
Heather.

DR. PERFETTI: So I guess I'm just needing some clarification in terms of the consensus check. If there are thumbs down, do you anticipate

another call for consensus after discussion and how do we know when the call for the final consensus check will happen?

MS. MACK: So I imagine that we will approach that on a case by case basis if we have, for instance, one individual who has a downward thumb, they articulate their serious reservation, offer a suggestion as to how they could reach consensus. We may, it may make sense right then and there for us then to take another official consensus check. If there are multiple thumbs down and multiple issues that we need to try to work through, we may at some point continue that dialog and then reach a place where we pause and return to that issue at a later time. Again, I think it will depend on the nature of the issue and the nature of the serious reservations and ideas to get us to consensus. But at every juncture, we, as the facilitation team will make it clear to you all that we are taking an official consensus check, what we are taking a check on, when we are pausing the issue, and when we hope to return to it. Keep in mind that we're we're in our final session, so we're going to constantly be balancing moving you forward, right, and making progress, but also making sure that you're prepared to take these consensus checks and we've addressed everything to to folks satisfaction.

Daniel.

MR. BARKOWITZ: So this is a question both for me, but also on behalf of Anne, who's new to this conversation. Again, welcome Anne to the table. What is the impact specifically of an abstention? So I'm imagining that for someone just like a man who's not been part of the conversation to date may not have the background if she or I or anyone at the table chooses not to vote. I'm just trying to get on the record the official impact of abstention on consensus reaching.

MS. MACK: What strikes me there, Daniel, is we have talked about or the protocols contemplate anyone who is absent or not participating in consensus that is deemed to to move it forward and be in consensus. It is not the same as dissent. So at any time, if a constituency isn't represented at the table and we take an official consensus check, their constituency is deemed to move that forward and be in consensus.

MR. BARKOWITZ: Thank you. I just wanted, for the record, I wanted to make sure that that was clear.

MS. MACK: Appreciate it.

MR. BARKOWITZ: Yeah, thank you.

MS. MACK: Yeah, no problem. Anyone

else at this point have a question or comment? Okay, alright. The last piece that I want to remind you all is, again, our facilitation team is going to continue to push you forward through the issue so that we can make progress and make sure that we get through everything that we intend to get through this week. However, if we are ever asking you to take an official consensus check and you need a moment to process, to think, we want to empower you all to raise your hand and let us know that you do, in fact, need a moment. Ok, we don't want anyone to feel pressured into taking a consensus check at this very moment. Again, we're going to be trying to balance all of the issues in our limited time together in this third session and want to make sure that we cover everything. So again, if we are pushing you through to consensus and you need a moment, please raise your hand and let us know you are all empowered to do so. Okay? We will have public comments at the end of each day the same way that we have for the last 30 minutes. Folks are signing up for that. You all have the agenda. So this morning will be starting with total and permanent disability discharge issue number one and then moving into issue number two, closed school discharge. You will notice that we have placed the sixth issue to address the Pell Grant eligibility. Please note that the

Department and the subcommittee members who are presenting have worked together. You are going to be receiving a presentation from the subcommittee Wednesday at 11:00. So we may have to modify the order just a bit because we will be doing that presentation at that time, regardless of where we happen to be with the other issues at that time. So again, plan on that presentation at 11:00 on Wednesday. Okay. With that, I am happy to turn us over to Jennifer so that we can begin walking through our first substantive issue. Again, you have the paper on this. This is issue number one total and permanent disability discharge. I'm going to ask everyone who's not at the main table at this time to please turn off their cameras. Alright, Jennifer, can I turn it over to you?

MS. HONG: Yes, thank you, Kayla. I'm happy to jump into our first issue. Total permanent disability discharge. This is, excuse me, as you'll notice, a 21 page document of proposed regulatory text. It has grown because in sessions one and two, we provided direct loan text. Total permanent disability discharge affects all three loan programs make Perkins and FFEL. So we have provided the conforming language for those programs. But and I will go over those with you as well. But I'm going to ask if we could cue the

reg language for TPD, if we could start off where we left off on the direct loan program on page 16. That way we can flag the areas that have changed and then I can go back and talk us through the conforming changes that are made to Perkins and FFEL. Perfect, thank you, Vanessa. So if you, we've highlighted changes from session two to three, so if you want to go ahead and scroll down to page midpoint page 17 under romanette 3. We have added a new C and this was one of the points that was brought up at the last session, and we've discussed this in greater detail with with Bethany is the inclusion of disability onset date of five years prior. So we have included that language. I'll just read it out loud under C, the borrower, let me read the preceding language. So we have under romanette 3, an SSA benefit planning query or BPQY or an SSA notice of award or other documentation deemed acceptable by the Secretary, indicating that, A, we talked about the qualification documentation for SSDI and SSI, B, is the inclusion of language that the next schedule disability review will be within three years and that the borrower's eligibility for disability benefits in the three year review category category has been renewed at least once, thereby meeting the five year statutory requirement. And then again, C is the new language that

we've included to encompass that a borrower has a disability onset date for SSDI or SSI of at least five years prior or has been receiving benefits for at least five years prior to the application for TPD. And then what follows just minor technical reordering changes for D. And E, D is the compassion allowance program. And E is for retirement benefits. So that is the major substantive change. If you go to page 18 and 19, the highlighted just is a technical adjustment to ensure that we're cross-referencing everything under romanette 3. In other words, all the documentation that we are accepting or TPD discharge. Lastly, on page 21, the highlighted language under discharge without an application. Again to conform with everything under paragraph B2 romanette 3 to include the new Addition of the disability onset five years prior. Please do keep in mind, however, that we have not we have not gotten confirmation if and when we can use disability onset date for purposes of auto discharge and I want to make that very clear. So that the language is there to provide it when it does become available but we we don't know and we don't know how far into the future we will be able to get those data. Now, and thank you, Vanessa, for bearing with me, I'm going to ask that we go back to page one. So now that we captured the major substantive

change, which is really the inclusion of the five year prior, I just want to point out that we've made conforming changes in the Perkins loan program. So and I can't go through these quickly. On page two, if the inclusion of the language for certified nurse practitioner, physician's assistant or licensed certified psychologist. Again, BPQY, three years plus renewal again, the disability onset date of five years prior compassion allowance and retirement, and again all through pages three, four and five conforming language to reflect those changes all through pages six and seven. I'm happy to if you if you noticed anything and you want to flag that, I'm happy to take questions, but I don't want to, it's basically confirming language all the way up to page eight, which is a FFEL loan program regulatory language. Again, I'll direct you to page nine, we've included everything that we've included under direct loans and Perkins. Page 10, we've flagged the change regarding the disability onset date. Conforming changes throughout to reflect certification by physician, nurse practitioner, proficient physician's assistant or licensed psychologist, and conforming changes throughout. All the way through the FFEL language or through page 15. So that is TPD. Like I said, if you had any discrete or technical issues as you

look through the regulatory text, I'm happy to answer them. If we've made any minor technical errors. We're happy to address those.

MS. MACK: Okay, let us know if you have any clarifying questions or comments. Bethany, please.

MS. LILLY: I want to thank the Department for adding this, even if it is an automatic right now or can't be in the future, I think this will dramatically help beneficiaries who can't access some of the other documentation that is authorized provide evidence that they meet this eligibility criteria. And I think this is a great improvement. I will just flag one small typo for all, in C, it says at Least five years prior to the onset date, but it then says A least five years prior for receiving benefits. So you might just want to make that an at rather than an A. But aside from that, we're very pleased to see this. Thank you so much for doing that. We're we're really happy with this language.

MS. MACK: Jennifer, let me know, do we want to make a live edit here to add that T? I've flagged it, I, Vanessa can you can you throw that T in there on page 17 and highlight? We could do it simultaneously, fielding questions for. Yeah, the latter

part of that sentence for at least five years. Thank you.

MS. MACK: Okay, thank you. Jaye, please go ahead.

MS. O'CONNELL: So thank you for the FFEL regulations, just I believe a technical correction. I'm on page 13 the bottom, so you struck seven, which pertain to the three year conditional period. So then I think there's a renumbering eight becomes seven, I think nine wasn't included here, but that's our VATPD and then so on. So I just wanted to raise that.

MS. MACK: Okay. Thank you, Jaye.

MS. HONG: Thank you for that. So, Vanessa, real quickly if you want to, we basically skipped over seven, is that is that right, Jaye?

MS. O'CONNELL: Yes, yeah seven, which makes sense, and so eight becomes seven.

MS. HONG: Thanks for catching that. So on page 14, Vanessa, oh, you got it? Okay, she's a step ahead of me.

MS. O'CONNELL: And then you have there's a there's a section nine that wasn't included here because there were no changes, I believe, for VATPD. Is 10 all new or that I was a little confused about, but I could just be looking at the wrong version

of regs. But I have no concerns, I just I think 10 is now 9.

MS. HONG: I think that's right, and we'll just double check that internally, but we could go ahead and make that change for 10 and 9. 10 is not all new. Only the only the red line is new.

MS. O'CONNELL: Only the red line.
Okay, thank you.

MS. HONG: Thank you.

MS. MACK: Thank you Jaye and Jennifer. Really quickly, I want to note Carol is in for proprietary institutions, Will is in for federal family education loan lenders and or guarantee agencies, and John Whitelaw is coming to the table for groups representing individuals with disabilities. Justin, please go ahead.

MR. HAUSCHILD: Thanks so much. Actually, it was just going to comment on the red line on 10 there, but also paragraph D. More broadly, the discharge without an application provision throughout the language. I wanted to thank the Department for making clear how they intend these provisions to operate, so you'll probably be hearing similar thanks as we go through some of the other text so thank you.

MS. MACK: Okay, thank you, Justin.

Any other comments or questions from the committee?
Persis, please.

MS. YU: Yeah, I just wanted to echo the appreciation of Justin and Bethany. I think the changes with the Department is major in the TPD are going to do huge things for the the borrowers that we've worked with, in particular, eliminating the monitoring period, which I realize is a week one issue, but is was a very big barrier for many of the people to actually see the relief, as well as some of the more technical elements of the Department is changing, including the allowing signatures by a wider range of medical professionals. That is going to have a huge impact. So we are very appreciative that along with the automation, because as with all things just carrying forward this James, automating as much as possible is hugely important. So thank you.

MS. MACK: Alright. Thank you, Persis.
Carol, please.

DR. COLVIN: A little bit of a concern on number six on page five. As I mentioned in a prior session with the reinstatement of discharged loans, if a new teach grant or direct loan is taken out within three years after the date of discharge. As we're all aware, the process of being approved for disability is lengthy

and then followed by the process of the TPV discharge. So this could leave a disabled individual unable to rejoin society on another career after seeking to attain a career focused education. Some sort of training or certification that might be eligible for teach grant, or for which a student might need to use federal direct student loans in order to return to school or to receive that training. It just seems like an unreasonable amount of time to keep a disabled individual from being able to feel as if they can rejoin society, have purpose, be functional in a different career. And most schools have a process of confirming with students after they received the TPD discharge that they have the approval of their primary caregiver to enroll in school and specifically in that career field for which they are seeking an education, and that they would be viable in that industry and able to perform and be successful considering that disability. And schools typically are counseling students to let them know that future discharge of loans would most likely not be eligible unless there is an additional disability that that takes place. Typically, these students are already working with a rehab counselor, occupational therapist or another professional and are approved for coming back into some different type of program or career field. And

a special concern are veterans that are working with rehab counselors that have possibly received a TPD discharge for a prior career field or approved to come back into one for which they would be eligible for teach grant. I know that that wouldn't make them disqualified for VA benefits, but I would hate to discriminate against a veteran and not allow them to be eligible for teach grant which would then cause that reinstatement alone. So my suggestion would be a standardized process for reporting exception that would allow for the awarding of teach grant or new direct student loan any time after the TPD discharge, with the approval of a health care professional for the program of enrollment that states and recognizes the viability of the career choice for the student given their disability. That would not cause a reinstatement of a TPD discharge, but would disqualify a current loans or future loans from being able for discharge or being eligible for discharge unless the student becomes further disabled and unable to function in the new career field.

MS. MACK: Okay, thank you, Carol.

Jennifer I see your hand.

MS. HONG: Yes, I want to get back to Carol, but before that, it just occurred to me why Jaye may have been confused and I just wanted to point out

again the auto discharge language, remember, we just published in August. So I don't even know if those have been codified in the ECFR. So that may be why you didn't see it Jaye. But that is the current regulatory language is is the auto discharge, but that wasn't published until August our final rule for auto discharge. To Carols point, remember the veterans, the VA, the veterans are not subject to reinstatement, so they and as you just mentioned, so long as they have a physician certification and they can demonstrate their eligibility to withdraw those loans, then and certify that they would be paying them back, that they would not be subject to discharge unless their condition worsens. Their loans won't be instated, at least for the veterans.

DR. COLVIN: There's also a concern for other students as well. That's a significant population.

MS. MACK: Great. Thank you, Jaye, thank you, Jennifer. I misspoke earlier, it's actually Jaye at the table for federal family education, loan lenders and or guarantee agencies. So for the record, Will is not at the table, but Jaye is. John, please go ahead.

MR. WHITELOW: Thank you. Just one

clarification, I just wanted to make sure I understood what I think Jennifer said, which is while there is no currently an automated process for folks who meet the five year rule, or the five year time limit, the current process would be you apply and you show documentation from Social Security that is acceptable to the Department of Education that you need that requirement and then you get the loan forgiven. I just want to make sure I understand that that's what her limit was on the automation part and that this is in fact a full blown new substantive category of eligibility subject to possible automation, depending on what the Department and SSA can come up with. But automation is not is not sort of really the subject of this rule other than in the bigger general sense. And then with that aside, I want to echo what Bethany said and that we are extremely pleased by the Department's willingness and enthusiasm to expand the groups of folks who meet the statutory definition and who were excluded previously by basis of not fitting the right Social Security labels. And we think that this is a significant improvement in that regard, and we look forward to working with the Department to be creative about how to automate those. And we also look forward to working with the Department to improving the physician certification form, which we

understand the nitty gritty of the form is not the subject of this rulemaking, but we do anticipate that we will have ongoing discussions with the department once all is said and done about making that form user friendly for people with disabilities. And that's pretty much all I have to say.

MS. MACK: Thank you, John. Jennifer, did you have something on that?

MS. HONG: Yes. Just to affirm that I agree with your characterization of it John. We we need to have those data available and provided to us by SSA, by way of agreement and for us to be able to auto discharge. However, we will accept that as part of the application provided by the borrower. That's what this proposal codifies.

MR. WHITELOW: I just wanted to make sure I understood properly. Thank you so much.

MS. MACK: Thank you, John. Jeri, please.

MS. O'BRYAN-LOSEE: Hello, everyone. Again, I just want to echo the thanks for the changes and the amount of people that it's going to affect. I just want to clarify one thing. This will not help anybody in a spousal loan, correct, if one person becomes disabled?

MS. HONG: Right, it's the borrower that has to demonstrate the disability.

MS. O'BRYAN-LOSEE: Okay. I believe submitting a letter from one of my constituents that the the one the primary borrower would have qualified under the cancer certification after Agent Orange exposure, but his wife is was not, and so they were denied the discharge because of that spousal loan. So just a reminder about that, if that's not covered.

MS. MACK: Thank you, Jeri. Bethany, please.

MS. LILLY: So I actually, again, really appreciate everything the Department has done here, but to Carol's point, because I think that this is something that I certainly did a lot of thinking about when we started out these negotiations. And one, I would just say the VR system is that they are required under law to pay for education services that people who are in vocational rehabilitation are supposed to be receiving. They don't often, but that is something that we, our system is technically supposed to do. So I would actually say this as much access to further educational opportunities for people with disabilities is something that VR is on the hook for, not the Department. And that's something that I would actually argue VR should

be taking a look at rather than the Department just so Carol is aware of that. And secondly, I don't disagree. I think the the statutory authorization that the Department has on this point is kind of an interesting discussion because it is a may authority rather than a shell authority. I can drop the kind of citations in the chat, but I really do think I mean. I do think this is more of a VR problem than a Department problem for what it's worth. I don't know that that helps in this context. And I mean, I'm certainly happy to revisit if we see problems popping up with people wanting to take advantage of further educational opportunities and that not being possible given all of this. But I would really direct more of my complaints on this to the VR system.

MS. MACK: Okay, thank you, Bethany. I appreciate all of the comments from the group now that we have walked through total and permanent disability discharge. I'm going to suggest that we take an official consensus check on what has been proposed in this paper to meet the request of the group. What I would ask is that everyone hold up their thumb and I will read aloud your name and the station of your thumb so that it does in fact, go into the transcript as requested. So please hold them high and in front of the screen and hold them up while I review all of the thumbs for purposes of the

transcript. I'll be looking for 18 thumbs. Daniel, thumbs up. Noelia, thumbs up. Jeri, thumbs up. Persis, thumbs up. Jennifer, thumbs up. Heather, thumbs up. Dixie, thumbs up. David, thumbs up. Bobby, thumbs up. Jaye, thumbs up. Justin, thumbs up. Misty, thumbs up. Marjorie, thumbs up. Carol, thumbs up, Joe, thumbs up. Bethany, thumbs up. Michaela, thumbs up. Anne, is it your intent to express a thumb on this particular issue?

MS. PRECYTHE: No.

MS. MACK: Then we have all thumbs up. The committee is in consensus and you have reached an agreement on total and permanent disability discharge. Congratulations to the committee. Alright. What I would suggest is that we move into our next issue, if we are prepared to do that Jennifer, I'm going to turn it over to you to walk us through closed school discharge.

MR. BARKOWITZ: May I, before we begin, may I ask for a caucus? I need a brief caucus. I'm hoping I'd like to have a caucus with accrediting agencies and preparatory institutions on this issue. And I'd like to invite the fed negotiator in the other negotiator in for a brief part of that caucus after we have a moment as proprietary institutions, financial aid administrators, accrediting institutions. Am I missing anyone Heather in that piece? No, so if we can have the

three of us and then I would like to invite once we're on the same footing, I'd like to invite the Fed negotiator Jennifer to join us as well.

MS. MACK: Alright. At this time, what I'm going to do while the FMCS team works with the technology to set up this particular caucus, I'm going to ask that we end the live streaming so that we can maneuver these things and then we will come back to livestreaming when we were all returning to the main table. Can you announce when we are no longer live. Okay. Thank you all for your patience and your work during that caucus time, we are now back and are going to return to the issue of closed school discharge before we do, I do want to acknowledge Suzanne Martindale on behalf of state higher education executive officers and Josh on behalf of legal aid at the table. Jennifer, can I turn it over to you to begin the conversation around closed school discharge?

MS. HONG: Yes. Thank you, Kayla. If we could go ahead and queue closed school discharge language. Just like TPD, we came to with direct loan language only under sections one and two. We have gone back and made substantial changes, substantive changes, to reg text. And we've also provided Perkins and FFEL language as well. So why don't I do the same thing and

start on page 15 with direct loan language so I can point out the substantive change and then we can field any questions. In brief, when we go through the direct loan language, you'll notice a lot of deletions. And that is because many committee members had concerns regarding the concept of comparable program and the enrollment. So we've basically eliminated the provisions having to do with comparable program. And what you see on page 16 and 17 in the highlight is the only condition remaining then is the completion of a teach out agreement. So that is that's the only thing that's left. And on page 17 the changes are reflected there on or after July 1st, 2023, state that the borrower did not complete an institutional teach out plan performed by the school or teach out agreement at another school approved by the school's accrediting agency and, if applicable, the school's state authorizing agency. So that is that under, that's the one change. Next change is under exceptional circumstances, and this was pointed out by legal aid last time was the inclusion of judgments, and we had pointed to the finding language. They had provided some alternate language to ensure that judgments were included. So we've included that under paragraph six on page 22. I'm having Vanessa bounce around everywhere again, so I'll just point out very

quickly if we go back to page 1 under the Perkins loan program language, these changes are reflected in the comment bubble on page 3. You'll see that we've removed the conforming language, remove language regarding re-enroll, incomparable program criterion, retaining only completion of a teach out agreement. That's an Perkins'. And then, again, the insertion of the language on page 6 of school violated state or federal law related to state or federal court judgments. Also then that's followed by the FFEL language. As we're going through as we were going through the FFEL language, just of note and that's the note on page 8, there was quite a bit of kind of cleaning out that needed to happen with the FFEL regs, they haven't been updated and for some reason there there were some paragraphs missing. So that's just a reassertion of existing language. For some reason, it had fallen off, which is technical in nature. And again, on page 14 FFEL language, you could see the removal of reenrollment comparable program criteria and the inclusion of state or federal court judgments under exceptional circumstances. So I will stop right there for discussion.

MS. MACK: Alright, Daniel, please.

MR. BARKOWITZ: Sorry, dropping my pen. I have a couple of items. One is technical and

substantive. Jennifer, there are a couple of places in the conforming language where the word may is used when it comes to the Secretary discharge as opposed to shall or will. It appears there in the Perkins as well as the FFEL section. I may be having some internet problems. Am I having internet problems? I'm back. So could we look at those and let us know if that's intentional or just an oversight? I'll give you the example if you go to page 2 number 3 on page 2. Let's see. Thank you, Vanessa, sorry. Here we go the Secretary may discharge the borrower's obligation to repay. That doesn't seem to match the language of will earlier in the document. And then there's another one on page 14.

MS. HONG: So we'll flag those. They may be intentional, so I'm kind of hesitant to make those changes now, but we will have a look at them.

MR. BARKOWITZ: And then the substantive question and I'm just going to reiterate, first of all, thank you for allowing us some time in small group I think could help to advance the conversation. I still have a concern around the definition of what constitutes a closed school. Jennifer shared some sub regulatory guidance about when conditions constitute closed versus closed or not closed that the department uses. I'm advocating strongly for

that sub regulatory guidance to be promulgated in a much more public way so that institutions have a clear understanding of a further definition beyond simply what's in the regulatory guidance. So I don't know if you want to share anything about that Jennifer. That would be my strong recommendation if it can't be added as regulatory and it remains sub regulatory. Ideally, I'd like it actually in the regulation, but if that can't happen, then I think it needs to be very publicly and and demonstratively shared.

MS. MACK: Okay. Thank you, Daniel.
Josh, please.

MR. SIEGEL: Thanks. So I want to start on the enrollment piece and just emphasize how appreciative the legal aid community is for that change. It is a really significant change that's going to yield a lot of relief to a lot of people. And so we very much appreciate that change. I do have two specific questions for the Department on it. The first is whether the department has considered implementing the auto discharge provisions early? Particularly given just the amount of time it's likely to take to effectuate the provisions that are in here. If the department hasn't considered that yet, we would urge the department to do so. And then the second is for those students in

particular who attended pre 2014, is the Department in implementing that's going to be using any presumptions? And by that, I mean, we know that most schools pre 2014 didn't offer teach out programs that would satisfy the definition here. And so I'm curious if what the department has considered utilizing any presumptions as it actually effectuate these proposals, which just again reiterate, we very much appreciate.

MS. MACK: Thank you, Josh. Joe, please.

MR. SANDERS: Hi. Thanks, Kayla. Can everyone hear me, is my mic okay?

MS. MACK: We can hear you just fine.

MR. SANDERS: Okay, great. I agree with Josh that the elimination of the reenrollment requirement is a big plus for students, and so thanks to the Department for that. However, my concern here remains the pegging of eligibility to a specific time frame, the 180 days. Again, what we see is when a closure happens, there is a lot of confusion among students, people are emotional, they're disappointed, they have a huge investment in time, in addition to the money that can't be made up. And so many people upon hearing that the school is closing will withdraw at that point. In the event that it's outside the 180 days, a

lot of people are losing eligibility there. And so I had submitted language in the first session with a potential fix here for pegging eligibility to when the closure is announced, because that's when students are going to make decisions. So two points on that, one, query why the Department has been resistant to institute that change. And then, two, although I think the exceptional circumstances are an inadequate fix to this problem because they require action by the Department. But I would like it if the Department can provide an explanation of exceptional circumstance number seven. Which is on page 14. The Teach out of the students educational program exceeds the 180 day lookback period for a closed school discharge. I think I know what that means, but I think an explanation here might help understand whether that would cover the fact pattern that the AGs are concerned about.

MS. MACK: Okay. Thank you, Joe. Jaye, please.

MS. O'CONNELL: Thanks. So I have just a few questions on the FFEL regulations. So in terms of the teach out requirement, we just wanted to verify under the FFEL program if it's the guarantors that are making those approvals, do they just accept the borrower's certification on the application? We

understood it, but we wouldn't have data to validate. We were wondering also about the triggering event also related to the teach out provision that's on or after 7/1/2023 and what is that referring to? Is it applications received? Is it school closures on or after that date? So it's interested in any clarity there. And then for the no application, am I correct in assuming those would be that Department would be notifying the guarantor in those situations, those automatic discharges? Just making sure I understand that in the context of our program. Thank you.

MS. MACK: Thank you, Jaye. And we'll have one last comment before we go right into lunch Jessica, please.

MS. BARRY: Sure, thank you. I still have significant concerns about the proposal that's been put forward. The Department proposes to define a closed school to include a school that has ceased to provide educational instruction for most of its students. This means that students attending schools that haven't closed are eligible for closed school loan discharges. Institutions add and discontinue program offerings all the time in response to student demand and changes in the labor market. Programmatic innovation should be encouraged so that institutions continuously improve

offerings to help students succeed in the workforce. The Department's proposal could be particularly damaging to small institutions like mine that want to switch up program offerings but only offer three or four programs total. Instead of starting new programs and discontinuing old programs, some colleges may keep old programs afloat simply to avoid school loan liability. The definition or the Department's definition of a closed school, also departs from the statutes plain meaning in the Higher Education Act. HEA says that if the borrower is unable to complete the program in which such student is enrolled due to the closure of the institution, then the Secretary shall discharge the borrower's liability on the loan. Get relief under the statute, the school must have close. But here the department is proposing awarding closed schools loan relief to borrowers attending schools that are still open. The Department's proposal is contrary to the plain language of the HEA. The department has made a significant shift away from the idea that if a student enrolls in a comparable program, they should not get loan relief. This principle has been ingrained in the Department's regulations for decades. Yet the department has seemingly abandoned it overnight without justification. The Department's new proposal would

provide loan discharges to all students who attend a school that closed except except those that completed teach out agreement. This creates a perverse incentive for students not to enroll in a teach out program and transfer to another school. Indeed, it's probably more rational for a student to transfer than to participate in teach out. Teach out arrangements or generally positive for students, and I'm shocked and disappointed that the department is proposing a policy that would make it financially irrational for a student to enroll in a teach out and instead of transferring. If a student is close to completing their program when the school closes and is able to transfer all their credits, they may only need to take one or two classes at the new school. But they can still be eligible for full student loan relief under the proposal. This creates a windfall for students, which will primarily be paid by taxpayers. Lastly, and I'll be quick, the Department seeks to make these changes to the close school loan liability retroactive. Department has continually oscillated on this question of retroactivity during this negotiated rulemaking, despite clear opinions from the Supreme Court that state regulations may only be applied prospectively unless Congress has specifically authorized retroactivity. No mention of retroactivity

and section 437C of the HEA, which authorizes school closed loan discharges. Thank you.

MS. MACK: We are right at the lunch hour, Heather and Joe, I do see your hand, so we will start with you as soon as we come back. I hope that you all have a great lunch and we will again go live and return at the top of the hour. Alright, we will see you all then. Thank you.

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Appendix
Department of Education
Office of Postsecondary Education
Zoom Chat Transcript
Affordability and Student Loans Committee
Session 3, Day 1, Morning, December 6, 2021

DISCLAIMER:

Note: The following is the output of transcribing from a recording. Although the transcription is largely accurate; in some cases, it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

From jennifer soza to Everyone:

Good morning

From Jeri O'Bryan-Losee (P) Student Borrowers (she her, they) to Everyone:

I keep saying "+1" when I agree and people are looking at me like I have 2 heads

From Jessica Barry, Proprietary (P) to Everyone:

My alternate, Carol, will negotiate the first issue this morning.

From Will (A) - FFEL Guarantors/Lenders to Everyone:

Hope I didn't offend my Central FL peeps !!

From Will (A) - FFEL Guarantors/Lenders to Everyone:

it is still my home ! LOL

From Stan Andrisse to Everyone:

Good morning, Everyone!

1 From David Tandberg (P) - State hi ed agencies to
2 Everyone:

3 We've had steady highs in the 70s for the past several
4 weeks here in Colorado (we're not happy about it).

5 From Michaela [P] Ind Student to Everyone:

6 Ayyy Welcome Anne!

7 From Daniel (P) - Fin Aid Administrators to Everyone:

8 Welcome!

9 From Will (A) - FFEL Agencies to Everyone:

10 Welcome Anne and we are happy to have you. Holler if
11 anyone of us can help you this week

12 From Bethany (P) - Disability (she / her) to Everyone:

13 Welcome, Anne!

14 From David Tandberg (P) - State hi ed agencies to
15 Everyone:

16 Welcome, Anne!

17 From Dixie (P) Dependent Students to Everyone:

18 Welcome, Anne!

19 From Stan (A) Ind. Students to Everyone:

20 Welcome, Anne!

21 From Heather (P) - Accrediting Agencies to Everyone:

22 Welcome, Anne!

23 From Anne (P) - State DOCs to Everyone:

24 Thank you everyone. I look forward to hearing the many
25 discussions.

26 From Brady FMCS Facilitator to Everyone:

1 broberts@fmcs.gov

2 From Brady FMCS Facilitator to Everyone:

3 [https://www2.ed.gov/policy/highered/reg/hearulemaking/](https://www2.ed.gov/policy/highered/reg/hearulemaking/2021/index.html)
4 [2021/index.html](https://www2.ed.gov/policy/highered/reg/hearulemaking/2021/index.html)

5 From Bethany (P) - Disability (she / her) to Everyone:

6 +1 to Persis and David

7 From Justin (P) - Servicemembers and Veterans to
8 Everyone:

9 +1 to Persis and David

10 From Michaela [P] Ind Student to Everyone:

11 +1

12 From Jeri (P) Student Borrowers (she her, they) to
13 Everyone:

14 +1

15 From Joe, P, State AGs to Everyone:

16 I support recording up, sideways, or down on consensus
17 checks

18 From Bethany (P) - Disability (she / her) to Everyone:

19 Subbing out for John

20 From Will (A) - FFEL Agencies to Everyone:

21 For the record, Will did not step up to the table. My
22 error - this comment is for the record. Jaye has been
23 at the table this entire discussion.

24 From David Tandberg (P) - State hi ed agencies to
25 Everyone:

26 I share John's and Bethany's enthusiasm.

27 From David Tandberg (P) - State hi ed agencies to

1 Everyone:

2 Yeah!!!!

3 From Jessica Barry, Proprietary (P) to Everyone:

4 I am subbing back in for Carol.

5 From Stan (A) Ind. Students to Everyone:

6 Yay Committee! One consensus down.

7 From Josh (A), Legal Aid (he/him) to Everyone:

8 I'm subbing in for legal aid

9 From Persis (P), Legal Aid (she/her) to Everyone:

10 Josh will be joining for legal aid for issue 2

11 From Will (A) - FFEL Agencies to Everyone:

12 I missed the update - can you add to chat? Looks like
13 we may be out for a bit?

14 From Will (A) - FFEL Agencies to Everyone:

15 Thanks Brady

16 From David Tandberg (P) - State hi ed agencies to
17 Everyone:

18 Once we're back at the table, my alternate, Suzanne,
19 will be replacing me for a bit.

20 From Josh (A), Legal Aid (he/him) to Everyone:

21 Can we shorten lunch by 15-20 minutes today?

22 From Daniel (P) - Fin Aid Administrators to Everyone:

23 Better link - [https://bombas.com/collections/pride-
24 collection?campaignid=1392646028&adgroupid=75642912927](https://bombas.com/collections/pride-collection?campaignid=1392646028&adgroupid=75642912927)

25 From Daniel (P) - Fin Aid Administrators to Everyone:

26 Oops - that was private!

1 From David Tandberg (P) - State hi ed agencies to
2 Everyone:

3 Once we're back at the table, my alternate, Suzanne,
4 will be replacing me for a bit.

5 From Marjorie (P), 4 Yr Public Inst. (she/her) to
6 Everyone:

7 Removal of the reenrollment language is appreciated.

8 

9 From Rachelle (A) 4 year publics to Everyone:

10 +1

11 From Carol (A)-Proprietary to Everyone:

12 +1 Daniel

13 From Michaela [P] Ind Student to Everyone:

14 Jessica..Are these places not offering teach outs? Do
15 you change programs on your students and make them
16 change?