

DEPARTMENT OF EDUCATION  
OFFICE OF POSTSECONDARY EDUCATION  
AFFORDABILITY AND STUDENT LOANS COMMITTEE  
NEGOTIATED RULEMAKING SESSION 3, DAY 3, AFTERNOON  
December 8, 2021

On the 8th day of December, 2021, the following meeting was held virtually, from 1:00 p.m. to 4:00 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 afternoon or good morning, everyone, depending on where you're logging in from, welcome back from our lunch hour. Our plan is to pick up right where we left off. Prior to the lunch, we heard back from Belinda and Stan on behalf of the Prison Education Program. We went through a number of questions and suggestions from the committee members and we were going to pick up right there where we left off. Aaron, if it's okay with you, I want to turn it over to the Department for some feedback or response, if you were able to review some of those suggestions over the lunch hour and share back with the committee.

MR. WASHINGTON: Yeah, in regard to the Clery Reporting, we are consulting internally on what could be possible, and we hope to have an update within the next hour, but institutions would not be subject to Clery Reporting for correctional facilities because the facilities are not owned or controlled by the institution. So prisons and distance education prisons and distant education only additional locations are not campuses. And so we should have some feedback for you within the hour or so. And I know that Daniel sent language, I did not receive it, so perhaps my email may have been inadvertently left off of that. But if you

could make sure to include FMCS so they can get it to the appropriate people, the facilitators, so they can get it to the appropriate people, that would be great.

MS. MACK: I did receive that, I can offer that to you right now, Aaron.

MR. ROBERTS: I just forwarded it Kayla. Don't worry about it.

MS. MACK: Thank you.

MR. ROBERTS: You should have that, Aaron. All the negotiators should have it.

MS. MACK: Perfect. Thank you, Daniel, for providing that and thank you Brady for forwarding it on. Heather, I see your hand. Please.

DR. PERFETTI: Is it right that we are still at the question portion or have we moved on? I just wanted to check where we were with the subcommittee's presentation.

MS. MACK: If you have more questions, please let's have them.

DR. PERFETTI: Alright, great, thank you. So again, thank you to Belinda and Stan for sticking with us. So I did have a question about the advisory committee. I was trying to clarify if that was a mandatory body or an optional body within this framework?

MS. MACK: Belinda, did you want to respond to that?

MS. WHEELER: Yes, I will respond to that, and I just want it noted that I do want to mention something not related to Heather's question momentarily. I think the language does specifically say that, and I know momentarily the Department is going to kind of pull that document up there as well. I don't have that document exactly right in front of me and Stan, I see that your hand is up, my friend. I think it's under advisement that in, in every, in every possible place that that does happen. But I want to stop there because I don't have the language ahead of me in front of me and I know my colleague Stan has it in front of him, so I want to go to him. Thank you.

MS. MACK: Yeah, I'd like Stan to answer before we move on to your next point Belinda, please. Go ahead, Stan.

DR. ANDRISSE: So it is, that the review process is a requirement and stakeholders who are formerly incarcerated, there's a number of stakeholders that are required-- or that it states must be included and those relevant stakeholders are to be part of the feedback process that takes place. So I, I don't know if that...

MS. MACK: Thank you. Yeah, thank you, Stan. Any follow up there, Heather. Did that answer your question?

DR. PERFETTI: I guess I'm trying to figure out if there if the advisory committee's required, it sounds like a review process is required and if there is a review when there is a review, it has to involve certain constituents. But is an advisory committee, the body that's required?

MS. MACK: The Department, do you have a response to Heather's question?

MR. WASHINGTON: Yeah, an advisory an advisory committee is not required. We will see when we go through the document that we have a definition of a feedback process. And as Stan stated the feedback process is required with participation from relevant stakeholders but the last sentence of the definition of the feedback process states that a feedback process must include an advisory committee.

MS. MACK: Okay. Thank you, Aaron, and Stan and Belinda for answering that. Belinda, please go ahead on your next point.

MS. WHEELER: Great, thank you very much. I just wanted to provide just a point of clarification for people listening in and then also the

main the main committee as well with and we're really excited, Stan and I are very excited to continue this conversation with the main committee about the amendatory language that we do hope that the main committee will support us with that. Just prior to lunch, the mentioning of grandfathering was put in. I just want it noted, and as you see from the document, that the Department will be showing momentarily. There is no mentioning of grandfathering in for colleges that have existing waivers or things like that, so that was something that the subcommittee did not mention. We do have, you know, you do have the subcommittee's thoughts about waivers and the scaffolding of waivers. And I just wanted to mention that, you know, as the subcommittee, we believe strongly that any institution, whether they have an existing waiver or they are going to apply for waivers should be reviewed by the Department with this amendatory language in mind. Just wanted to have that note. Thank you very much.

MS. MACK: Thank you, Belinda. Persis, please go ahead.

MS. YU: Thank you, I. I wanted to kind of this maybe kind of a basic question, but as this as these regulations go into place and there are programs that are not yet programs like how does that

work, how does this process happen? Can you kind of like walk us through like what would a program, a school, an education program look do and what would that look like for us? Because I think that would be really helpful for me.

MS. MACK: I saw several hands go up, so Stan, why don't you go ahead and then Belinda, I have you in the queue.

MR. WASHINGTON: Kayla, before, I'm sorry, I'm sorry. Is there a way for, if can ask Steve to clarify the grandfathering piece. I think before we before we hop to the entire process for how to start up a Prison Education Program.

MS. MACK: Sure, I'm amenable to that. Steve, please introduce yourself and go ahead.

MR. FINLEY: Sure, I'm Steve Finley. I'm in the General Counsel's Office at Education, and I've been working to support Aaron's work with the subcommittee. Yeah, I think there was just some confusion earlier because, as Stan noted correctly, there are a lot of existing programs providing instruction to incarcerated students, and those programs may or may not participate in the federal student aid programs. So any of those programs that were not in the federal student aid programs that come in to apply to

participate in the federal student aid programs under these new regulations would have to qualify for waivers and they would be viewed as new programs. The list the Department had provided was for existing Title IV participating institutions that are already offering programs to incarcerated students, and they have been approved for waivers. That was the clarification.

MS. MACK: Thank you for that, Steve. Alright, back to Persis's question, Stan, I'll turn it over to you and then Belinda.

DR. ANDRISSE: Yeah, so just a quick point just to note that we this was a point of conversation, you know, we had a good amount of conversation about how these programs would come into origin, specifically those that are not existing. And there was mention of that taking place in a number of different ways. But it was mentioned I know David from federal student Aid, I don't know if he's on this call, but mentioned that the federal student aid office, you know, as the director, they were putting forth efforts to put out dear colleague notices and just had plans on different ways of communicating to institutions that this is available and how to access it. And that may include, you know, people and organizations outside of the federal student the federal student aid recruiting

communities, you know, this this community to help in pushing forth those efforts. But the way that essentially it is, I mean, when you think of the nuts and bolts of how it would happen, a university or a person at a university or institution, place of higher education would need to have the interest. And if they have the interest put together the pieces that are required and then bring it to the Department of Corrections and essentially get the, you know, okay from the oversight entity and those relevant stakeholders. And then it would be brought to the Department of ED in terms of whether it satisfies those requirements. But, I mean, in the reverse of Department of a Department of Corrections could also approach a place of higher education and say, we are interested, would you be interested? Let's work together to put this together.

MS. MACK: Thank you, Stan, I want to welcome Emily to the table from the constituency group of U.S. military service members, veterans or groups representing them and then Belinda, I'd like to invite you to speak to Persis's question as well.

MS. WHEELER: Yeah. Excellent. Thank you very much. Thank you Stan for your great comments, that was wonderful and thanks Persis for your excellent question. I think that's one thing that, you know, as a

subcommittee member, and then also, you know, someone who was a former prison education director and, you know, also someone working at Vera that I think we're all really excited about is these conversations coming together. And I think that's one of the great benefits, you know, of the Department of ED having those experimental sites, you know, for the first round, the second round and the third round will be announced shortly. So I think it's really good that we, you know, not only do we have this document with the amendatory language, which I think provides a good kind of potential roadmap for corrections, you know, and educational institutions to kind of again, make sure that they're putting these best interests of students in mind. But I think also this community that we have, you know, both of educational institutions, third parties and corrections who have already been doing a lot of work in this space so that if there is, for example, a new educational entity or a new corrections site that really wants to provide, you know, programing for students, I think that they have a really good number of different community groups, stakeholders that they can reach out to. In addition to this language that, you know, Stan has already talked about and the amendatory language as well. So I think we feel really confident

and very excited, quite frankly, you know, to kind of make sure that, you know, those great actors who are already in this space are, you know, continuing to do their great work while also kind of educating some of these other, you know, entities that may want to, you know, be a part of this great Pell expansion. So I'll kind of stop there, but let me know if you have any other kind of follow up questions.

MS. MACK: Persis follow up.

MS. YU: This is just kind of in the best interest of the students, and, you know, I know that you guys had concerns about that before and whether or not, you know, kind of the way that the advisory committee, whether or not that allays concerns that you guys previously raised. The other question that I have just about the best interest is how recidivism is treated differently and whether or not you can speak to why that is and your feelings about that as a subcommittee.

MS. MACK: Stan, Belinda, I welcome you both to respond.

DR. ANDRISSE: Belinda, would you like to go first? Or?

MS. WHEELER: Sure, sure, I can jump in and then you feel free to tag along Stan, this is

great. Yeah, you're right, Persis. I think that as we were looking at a lot of those guardrails under the best interests of students, that was an area where the subcommittee really did spend a lot of time talking about it. And it was so great to have the experts in the room for that because, you know, if you go on to the Department's neg reg page, you'll see all those different versions of this document version one three through version five and you'll see that you know what became version five is very different in a lot of good ways because of that brain trust of the subcommittee. So, yes, I think I think we feel very comfortable again, like we mentioned at the first PowerPoint with the seven slides, you know, while we mightn't have gotten like everything that we wanted, you know, as happens, you know, with this kind of process, we do feel very, very comfortable with those guardrails in place and specifically with regards to the recidivism. You know, we really appreciated how the Department listened to us, you know, and kind of helping us put the recidivism as a may for some entities as a group, you know, corrections, third parties and in educational institution. It might be that that recidivism rate really is something that they want to kind of, you know, shout from the hills because it's such a great number and they really think

that they've done a good job in making sure that that gets known about the big win with regards to recidivism. But we also noted that for a lot of Prison Education Programs, recidivism rates aren't usually something, as a former educator, you know, isn't usually something that we really think about when it comes to quality. So I think the subcommittee has been really great-- has been very pleased to hear the Department, you know, listen to us and that it has been placed in that may section so that, you know, as educational institutions and other entities are in this space, that they can kind of determine, you know, hey, is this really something that we want to track or things of that nature. So, thank you. Stan. I don't know if you want to add in my friend?

DR. ANDRISSE: I think you hit all the points that I would hit.

MS. YU: Thank you, that was very helpful.

MS. MACK: Alright, thank you.  
Heather, please go ahead.

DR. PERFETTI: Thank you. And I saw Anne's hand went up, so if I could defer to her first and then circle back for my comment.

MS. MACK: Sure. Anne, go ahead.

MS. PRECYTHE: Thank you. Persis I think that's a great question about the recidivism because I can tell you, as correctional leaders, we struggle with that measure in and of itself for us. And recidivism across the country means different things new arrests, new conviction, new incarceration. And so I appreciate the Department's flexibility in moving that to a may because it's not always the best indicator. We measure ourselves on failure rather than success. And even as a whole, the corrections community is really making it. What are better ways to define success? And I think completion of courses as well as higher education is certainly something that we should start looking at from our perspective. So I really appreciate the Department's willingness to move that to a may and not making it part of the best interest determination because it's really not a clear factor in this particular situation.

MS. MACK: Thank you, Anne. Heather, now, please go ahead.

DR. PERFETTI: Thank you. So I did have a question circling back to completion rates, and maybe Anne can speak a little bit to this. It appears that the Department of Corrections becomes the entity responsible for indicators versus the institution

providing the program, and so are their concerns about different facilities considering and setting those indicators. I understand that there has to be input from stakeholders, but the advisory committee is not mandatory. And would there be the potential to revert to what is in the statutory language for simplicity or other reasons?

MS. MACK: I welcome responses from you Anne, Stan, and Belinda. And Stan, I saw your hand go up, did you want to speak to that first?

DR. ANDRISSE: Sure. Thank you for that question. And that was certainly something that was of great concern and discussed for a good bit of time in the subcommittee. And you know, and Anne maybe you can speak to this a little more, but we feel that the addition of there are certain relevant stakeholders that must be a part of the conversation and we feel that it in that way, the Department of Corrections and BOP Bureau of Prisons don't have to solely rely on themselves. They can lean on those relevant stakeholders to help determine what is most appropriate and also give that flexibility for determining what may be most appropriate by state, by Department of Correction. So that was our thinking on there and having those, you know, several different things play a role in terms of

having the flexibility of what the actual best interests might be and then also having the flexibility or having that relevant stakeholder piece be a part of it.

MS. MACK: Thank you, Stan. Did anyone else want to speak on that point?

DR. TANDBERG: I did. Anne, go ahead.

MS. MACK: I'll come back to you, David. Please go ahead, Anne.

MS. PRECYTHE: Thank you. So I think that's a really great question and something I'd let me know, Heather, is that most corrections agencies across the country already have measures in place for how we evaluate the education programs that are currently in our systems. I think the one question that I would have when it comes to the best determination is making sure that the language is clearly stated that it's on the Prison Education Program that's required to gather that data and provide the information to the Department of Corrections so that collectively, with members from the advisory committee or the relevant stakeholders, we can make those decisions. Corrections leaders today, we're working very hard to be much more transparent than years past, and we know that we can't do all of this work ourselves. So we are dependent on other people to help us give us input and help us make some of the best

decisions possible. So I just wanted to respond somewhat to your question.

MS. MACK: Thank you, I appreciate that, Anne. Daniel, if you're moving to another point, I'm inclined to have David comment on this one and then we'll move on. Okay, thank you. David, go ahead.

DR. TANDBERG: Okay, thank you. Yeah, I, you know, I kind of share Heather's question. It's I think as educators we're, you know, it's not that often that non education entities are establishing the outcome measures for an education entity. And I wonder if we might amend the language so that the education provider and the incarceration systems come up with the outcomes together. I think it would be unfortunate if the expertise of the education provider weren't utilized in establishing the outcomes. And then to add language around the education provider providing the data for the outcomes assessment themselves. I think a lot of the colleges and universities and education providers would love to have a formal, not just advisory role in establishing those outcome measures.

MS. MACK: Thank you, David. Aaron and Stan, I saw both of your hands go up. Aaron, did you want to respond or comment on this point?

MR. WASHINGTON: I'll let the

subcommittee take it.

MS. MACK: Stan, go ahead, please.

DR. ANDRISSE: So I was just going to add to the first part. So, so thank you again for that question. Part of the relevant stakeholders are higher education executive offices as well as accrediting agencies as part of the must, you know, relevant stakeholders who are a must. And to, you know, to your point, I think maybe Aaron, to your second point of having higher education be the decider, if I heard correctly? Or?

DR. TANDBERG: I said that the corrections organizations and the higher ED providers collaboratively, that they come up with it together.

DR. ANDRISSE: So I believe that we have with the relevant stakeholders, that's what we intend in the language.

MR. WASHINGTON: If I could just add to what Stan had said. The statute specifically states that, it states that, you know, that it has been determined by the Bureau of the State Department's to be operating in the best interests. And so the statute clearly defines who makes the specific decision and as Stan mentioned, there is a requirement to reach out to relevant stakeholders. And there's no requirement and it

actually says that it says they stakeholders must include what Stan just went over and may include additional stakeholders as determined by the oversight entity so they can reach out to even more people beyond what we've what we've listed in the proposed regulation. But the statute does clearly give the authority of the BOP DOC to make the determination on whether a program is operating in the best interests of students.

MS. MACK: Thank you for that clarification. Anne, did you have a comment on this piece as well? I promise I'm getting to you Daniel.

MS. PRECYTHE: I'll just say very briefly. David, I think you make a great point, and I can tell you that correctional leaders are very dependent on our partners in our states. So there should be collaboration happening between the education people within the Department of Corrections and the Higher ED department within the States. But I think it's a great point and again, something I can take back to my colleagues when we present on the outcome of this in the early part of twenty two. So great point.

MS. MACK: Thank you, Anne. Daniel, the floor is yours.

MR. BARKOWITZ: Thank you. And that was, I'm absolutely fine, I exceeded my time before, so

no worries at all, Kayla. Question for you again on location considerations. So the other piece that notwithstanding my earlier comments, the other piece I'm sort of wrestling with is the requirement for two additional locations the first two to be approved as opposed to each individual program. So going back to Persis's comment of what's the mechanic? So the mechanic is the Department of Corrections and the creditor would approve your location and your program, you would then submit the program for approval by the Department of Education that would be at your first location if I'm an institution. Any additional programs at that location would not be subject to preliminary approval. But once I get to a second location, I would have to again go through this pre-approval process before I could offer aid in that second location. If I move to a third location, no pre-approval is required as I understand the read, and no pre-approval is required for additional programs at the first location. This is different than any other type of program offered. Every other type of program, the location unless your institution that requires your pre-approval before you can fund, it's the first time you do something that requires that approval. And so I'm just I'm questioning and wondering what the logic is behind the second additional location being

pre-approved before funding. Given that there's a triad here that is reviewing this right, it's the institution, the Bureau of Corrections and the accredited. You can't move forward without all of that approval. So what's the rationale for holding this these programs to a higher standard for pre-approval than any other programs in the portfolio?

MS. MACK: Anne the Belinda, I see both of your hands. Do you ladies want to speak to this question? Belinda, go ahead.

MS. WHEELER: I saw Anne's response. Yes, thank you very much for that question, Daniel. Speaking with, you know, for the subcommittee here, I think a lot of the it was clear that there was always going to be some kind of review process for these additional locations, including what I mentioned earlier before lunch about the fact that currently, you know, there is this 50% kind of, you know, if your program hasn't yet met the 50% with most accreditation agencies around the country, an educational institution is not necessarily being tasked with making sure that they, you know, start this process as soon as possible. And I think we've seen both with particularly with Second Chance Pell organizations like I'd mentioned situations where, again, you know, a program might be in this space

for a number of years, and they've never actually had to reveal to their accreditation agency that they're in this space yet because again, they haven't gotten close to that 50%. So I think it's very it's definitely warranted that at least that first one definitely gets done in a timely fashion. We're seeing with a lot of different Prison Education Programs around the country that it's two phases, really. There's some current Prison Education Programs that they're staying within that one carceral space so that, you know, for them, they're like, yeah, this is no problem because we're not expanding. There's another group, though, that usually it's either the one or two and then there's those that are the 10 or 15. And I think it's really important that, you know, for example, if an institution happens to be in state X and they decide that within their state X, they are going to offer a Prison Education Program that is in within like a 50 mile radius or something like that, something that's kind of very close to home. But then, for example, if they decide to then go to another state or, you know, the way that we know how corrections works and the geographic placement of a lot of these correctional sites, whether they be in really rural locations, it's quite rare to really have a whole bunch of correctional facilities right next to each

other. They usually, you know, you have one in this location and then it tends to be quite a ways different, you know, from that. So, you know, for a traditional, you know, you know, like my former program, we were driving to that particular space, but had my former institution decided to go way across the state or then go to another state, this idea of that first site visit that was like close to home and, you know, all those resources were right there. You know, usually that second type of space ends up being there's a lot of other variables that kind of come into play, you know, like whether or not teachers, you know, then have to drive certain amounts of hours or if it is, you know, a tablet based system, you know what other supports wrap around services and things of that nature. So I think the subcommittee's reasoning was this, you know, that it really should be two for each modality moving forward so that again, if an educational institution is serving in a carceral that's close to home, yes, their accreditation agency takes a look at them and kind of sees, but in the likelihood that they then choose to expand that likelihood is that it won't be right next door to that to that traditional space, and that there's other kind of things that will likely come into play. So I think this is a good guardrail that you know, really

again provides, makes sure that that quality really is available to, you know, to students. So let me stop there and let me know if you have any follow up questions, Daniel.

MR. BARKOWITZ: I do and want to hear from Heather on this too. But you know, my understanding is again, this wouldn't be able to be approved unless the creditor approves. So, so the Department approval, yet another blanket on top of what would be required before one can move traditional location. So just and I want to explain the reason for the concern about the burden to make sure everyone's clear. So I'm an institution that changes programs all the time, and it's part of the virtue of being workforce driven. So we're submitting, I'm regularly submitting updates to my, my, Ecard, my agreement, my PPA. And just to be clear, when it moves quickly, that is a 6-9 month approval process from the date that I submit that application before a response is received from the department. I have good, I have complete faith and understanding about the burden on the Department's side. This is not a slight to the Department but more recognition that this is not a timely process. So by adding this burden, we're adding actually a substantial delay to the approval of the program, which has already been approved in this

condition by the Department of Correction and by the creditor, so I can firmly understand the first time an institution offers one. But my question is about the subsequent second location. And just another response Belinda I'm thinking about in Florida, the institution that I know who was in the pilot program was serving an institution a carceral institution that was state oriented that was right next door to a federal facility. So under that definition, it's a community college that would in fact be serving two additional locations should they choose to offer both of those side by side. I wonder how frequent it is for state and federal locations to be more or less co-located. And again, that's now two location. So I just I think the second location adds a burden that we just need to be careful to think through. And Heather maybe you have a response to my accreditor question?

MS. MACK: Go ahead, Heather.

DR. PERFETTI: Thank you, Kayla, thank you, Daniel. Well, I think that from our perspective, we share concerns that their regulatory actions could reduce opportunities for the very students that we're trying to benefit. And so I know Belinda and I have had opportunities to talk about our current processes for approving additional locations and for us, perhaps not

for all accreditors, institutions do report to us also what we call other instructional sites. And so institutions that are delivering one or two courses in a prison location are reporting that to us, although that may not be broadly across all accreditors. So there could be some other ways and options to address some of the concerns. It's one of the reasons Daniel that I was asking what's the purpose of the visit? Because I think if we work backwards from the goal is quality and how does that visit how does that second application assure quality? That's where I launched my initial question. If all of these practices lend to heightened quality, then I think I can certainly understand why we're moving away from existing practices and protocols for other programs that are offered at other kinds of locations. But this is very different specifically for a prison site. And so I just wanted to be clear, and I appreciate Daniel you circling back to that. I did have another question as well, which relates to this best interest of the student category and the oversight entity, which is the Department of Corrections or Bureau of Prisons seemingly being the sole determiner of whether that program is operating in the best interest of students. And I understand there are stakeholders involved, but I'm curious as to what happens, again, practically an

implementation for implementation purposes, what happens when that finding is reported by the facility?

MS. MACK: Does anyone want to speak to that question? Aaron, I know your hand was up to for maybe a previous point.

MR. WASHINGTON: Heather, can you repeat that question? There's a lot of questions coming in and it's hard to. Can you repeat that question, please?

DR. PERFETTI: I looking at page 11 and I know we're going to walk through the language.

MR. WASHINGTON: Yeah, we're going to walk through the language, and I think we're because of the comments are specifically about language, and I think folks are starting to provide specific recommendations. I don't know if Daniel's was a recommendation to go to one, but it sounded like it was. So I kind of I definitely wanted to pause on that because we're going to walk through the document anyway. So I wanted to wait to provide specific language changes until we until we did that. I also don't want to curtail any conversation that we're having here in general questions that you have about the regulatory package, but.

DR. PERFETTI: Aaron, I'm fine with

waiting for when the Department walks through the language. I did have a sort of a procedural question. Does Belinda stay with the full committee as we do that or is that left to the others? I'm trying to get procedurally would she still be here if we had questions about the work of the subcommittee or is she not part of that walkthrough of the language?

MS. MACK: Is the Department and the committee at large comfortable with Belinda staying to answer questions about the subcommittee's work, knowing that Belinda will not be participating in the consensus check because the decision making is reserved for the committee? Any questions or concerns about that? Okay, great. I'm not seeing any objections to that, so I hope that addresses your question, Heather. Aaron, I'm inclined to have Vanessa project the document because that might be helpful as we go through remainder of questions. Persis did you have a question before we do that?

MS. YU: I just wanted to speak to the number of review processes points. And you know, from our perspective, we know that there is a wide array of quality between accreditors and some of the problems that have come up in the Borrower Defense context are related to, you know, some of the accreditors kind of

rubber stamping programs. And so I think that I'm convinced by Belinda and the subcommittee's recommendation that a second review process would be beneficial to ensure that we have the proper guardrails for these programs to have, you know, the best possible programs for students.

MS. MACK: Heather, do you have a comment on that?

DR. PERFETTI: I don't have a comment on that, but I would like to caucus with several groups at this point.

MS. MACK: Would you like to caucus before we review the language together?

DR. PERFETTI: Yes, because I think it will help as we go through the language.

MS. MACK: Stan, I see your hand.

MR. WASHINGTON: If that being the case, could I just make a comment to Heather to your point? So to your point of and I know we're going to go through the language, so I'll try to make it really quick on page 11, I believe you're referring to, A, which says that oversight entities determination that a prison education. So but if you scroll to page 12 B, states that the oversight entity makes the best interests determination through the feedback process

that does include the relevant stakeholders. So I mean, I think, you know, it does have the language in there that process should include stakeholders, and we've had, you know, Anne as representing correctional leaders, you mentioned how the many correctional leaders lean on that type of support and making those decisions.

MS. MACK: Okay, we are now going to take a caucus. I'm going to ask that we go off live and then Heather I'll have you announce who will be joining the caucus so that we can sort that out with the technology? Alright, welcome back, committee members hope that was a productive caucus time, we're now back at the main table and going to pick up with our Prison Education Program discussion. I think at this time we'd like to invite the Department to bring up the language that the subcommittee is recommending to the committee and that we want to walk through for any points of clarification and ultimately, this language will be subject to a consensus check. So, Vanessa, if I could invite you to share the document, that would be very helpful. Aaron, please go ahead.

MR. WASHINGTON: And I did have a question for Daniel.

MS. MACK: Okay.

MR. WASHINGTON: Is Daniel, because I

say they're on record with what's our policy on Clery Reporting. Would you be comfortable with the Department outlining that in subregulatory guidance?

MR. BARKOWITZ: I trust you and love you, Aaron, and I say that meaningfully. I just have concerns about ongoing pieces, so I would be more comfortable, I mean, I'd appreciate it, but I'd be more comfortable if that was specifically in the statute or the regulation in some way. So, I mean, I have faith in this administration and your institutional perspective, but the institutional knowledge and longevity questions a risk.

MS. MACK: Okay. Thanks for that, Aaron and Daniel. Are we ready to share the document the Department and walk through that?

MR. WASHINGTON: Yeah, yeah, I guess it's up to Vanessa.

MS. MACK: Alright, thank you, Vanessa.

MR. WASHINGTON: Okay, so it's about 13 pages, and I guess what I can do, Kayla, is walk through the document and then we go for the consensus check, right?

MS. MACK: Yeah, let's walk through the documents. I know that we're waiting to hear from

the Department on feedback on one piece. I think addressing Daniel's issue, if there's any other feedback from the Department on that. And when we have all that, I would love to move the committee to a consensus check on this particular issue.

MR. WASHINGTON: Yeah, I think the feedback at currently prior a consensus check would be including language about Clery in subregulatory guidance, as opposed to including in the regulations right now for the purposes of walking through this document and the consensus check, it would be subregulatory guidance.

MS. MACK: I appreciate that clarification, Aaron.

MR. WASHINGTON: Okay. So we start with 600.2. Those are the definitions that we talked about the addition of location definition. And we're just trying to be clear here that these forms of correctional facilities, if a Prison Education Program is offered there, then they would be considered additional locations that have to be reported to the Department as such, even if they are through distance education or correspondence education. We can move down a little bit, Vanessa. I talk very fast, so if anybody, if I start talking way too fast, just raise your hand,

Kayla will say Aaron, slow down. This definition is there was a definition of incarcerated student already in the regulations, and what we've done is we've just updated it to reflect how it's outlined in statute. We've also added there was a recommendation from a subcommittee member to add individuals that are not confined or incarcerated as being an individual subject who are serving involuntary civil commitment. So that would mean that an individual that was subject to or serving an involuntary civil commitment would be eligible to enroll in any eligible program, not just a Prison Education Program. So 600.7, if you scroll down a little bit, Vanessa. Here this is we talked to the pretty extensively about this this morning. This is about the 25% wage. So in the statute, it's the statute outlines in section 102 that institutions can't exceed more than 20% enrollment of incarcerated students or they wouldn't be considered an eligible institution. Vanessa, if you can scroll down a little bit. There was already a, to the red line, Thank you, Vanessa. There was already a process in regulation, but the department has sought through this regulation to clarify that you know that the Secretary will waive this prohibition as long as long as the institution maintains that 50% completion rate for programs that are less than two

years, so that any program that that is not a two or four year program. Secretary also doesn't grant the waiver if the institution is not administratively capable or financially responsible financially responsible, or if they aren't compliant with the requirements under subpart P, subpart P being the prison education umbrella subpart. If you can scroll down a little bit, Vanessa. So we changed here, we've changed, we've added the Secretary may grant the waiver because prior to prior to the proposal for two and four year programs, the waivers were essentially automatic as long as they fulfill the requirements of the regulation. But now, because we have a more a more defined review process and regulation, we're giving the Secretary the discretion to not approve the waiver. Scroll down a little bit. So this is the piece that a subcommittee member recommended that we provide a scaffolding approach. Belinda discussed this this morning. It's about once the waiver is granted succeeds 25% the requirements around which institutions go to 50% and subsequently 75% of the institutions regularly enroll students as incarcerated. Scroll down a little bit, Vanessa, you can stop there. This section describes the process for the Secretary, either limiting or terminating the waiver, if we found if we find they no

longer meet the conditions that I described above, like the institution becomes financially irresponsible or no longer is administratively capable. And there is a process to which we allow for a process for the institution to demonstrate that they have met the requirements. But if they don't meet the requirements, they can no longer enroll any additional students. And also they have to reduce enrollments to no more than 25% of regular enrolled students no more than regular students that are incarcerated. So you'll see, you'll see throughout this document that there are some highlighted areas, and just so the document that we sent you all on November 30th. There were a few technical errors in the document, so anything that's in highlight it is different than what you received on November 30th. It's what you received from Kayla this morning, but nothing substantive has changed. This is, it was just a technical update to reflect how the regulation will actually look if there is consensus, if there's consensus reached today. And so this section is just saying that you have that how institutions are the requirements around seeking approval. So if you could scroll down a little bit, Vanessa, in regulation right now there is the direct assessment language So I just had to add that back. And the redline language is the

first Prison Education Program at the first two additional locations. And I know there was a lot of discussion about that, I'm sure, during the caucus as well. So that's the requirement for approval. They'd have to apply to the Secretary for the first Prison Education Program at the first two of these locations. You could scroll down Vanessa. So that this yellow is also this is a technical correction that the department is currently working to re put into the code of Federal Regulations. That was just a requirement that short term programs be approved by the Secretary. That is not up for negotiation. That is just that's just a technical amendment that one day will be put back into the code of Federal Regulations. So the next section is updating application information. And this is just to say that after the establishment addition of the of the first Prison Education Program at the first two different locations, an institution will still be required to report all subsequent Prison Education Programs to the Secretary. And there's like an attenuated or shortened application process, but we'll see that momentarily. Let's see. So this is the 668.8 is where we define eligible programs. So this is a technical update. We've just added that Prison Education Program is an eligible Prison Education Program, is eligible for Title IV aid

under subpart P so that's just a technical amendment. 668.32 student eligibility. Vanessa, you can scroll down to the redline. This also is a technical amendment, so we were just so currently in regulation that says not incarcerated in a federal or state penal institution, and we have to update that due to the changes in the statute and to note that confined or incarcerated students are eligible if they enroll in an eligible Prison Education Program. Scroll down a little bit, Vanessa. So this was our disclosure requirement. So a Prison Education Program is required to meet educational requirements and within the state that they're located or if it's a federal institution in the state that most students are likely to return to upon release. And so here we're saying that the institution would be required to provide information regarding whether the the education is meant to lead to--- typically involve the state or federal prohibition of a formerly incarcerated student in any other state, in which the institution has made a determination about state prohibitions on licensure or certification. And the reason is, any other state is because, again, they have to meet those requirements licensure, employment and educational requirements within the state that is located in or the state that most students are likely to return to. So now

we're moving into subpart P, the scope and purpose was just the general definition most of our subparts start with a not a definition, but a general summary of what what's to come, what the reader has in store for them. The definition section, as we mentioned earlier, Stan discussed that we added, you know, a definition for an advisory committee. This is an optional advisory committee that can be established to by the oversight entity the Bureau of Prisons or State Department of Corrections. The feedback process, which is a requirement, is developed by the BOP DOC. I'm going to say Bureau of Prisons Department of Corrections. I'll just say BOP DOC for the going from here on. That so that they're required to develop a non-binding process and include relevant stakeholders. And that feedback process may include an advisory committee. We've also provided a definition of oversight entity, and the reason we did that is because the statute is the statute says that long definition right there, the appropriate State Department of Corrections, et cetera. And so instead of repeating that to the regulation, we thought that it would be beneficial to shorten it, to say oversight entities throughout subpart P. And then we have the relevant stakeholder definition in which Stan talked about as well, having to include accrediting

agencies, SHEEOs, formerly incarcerated and representatives of organizations representing them. And also, there could be more individuals as determined by the oversight entity. So here we get into the definition of what a Prison Education Program is. A lot of this was taken directly from statutes, so A, is from statute. The statute says sections 101 and 102 of Higher Education Act. But you know, here we had to updated to reflect what the regulatory citation. So B, is taken directly from statute. Let's see. C is we're proposing to provide a two year initial approval period before the BOP DOC still has to approve the program to operate in the correctional facility. But we are going to provide them a two year start up in order to collect the data in order to be able to make those best interest best interest determinations as defined by the as outlined in the indicators. We'll get to in section 668.241. The transferability of credit is directly from statute. E is also the that essentially that has to the any, credits aren't in the program have to be able to be transferred to at least one institution of higher education in the state. And there are a lot of that clause of like or for federal institutions or the state that most individuals are most likely to return to for federal correctional facilities. E is taken essentially from the statute as

well. We've added final accrediting action. And that's because you'll see an F, so, so essentially, E is just saying if there's any negative or adverse actions by the Department of Education, the accrediting agency or the state, then the postsecondary institution cannot offer a Prison Education Program. But the reason that we added final accrediting action is because an F, we say that if the institution is subject to an initiated adverse action, then they could not begin if they wanted to start if they wanted to initiate a Prison Education Program, they could not begin a prison program until that adverse action was rescinded or if they already offer Prison Education Programs than they would have to submit a teach out plan. Let's see. G, G, was taken directly from statute as well. And H, the H, the paragraph H was taken directly from statute. However, the Department has expanded their. Vanessa, if you could scroll down just a little bit more to have one, two and three. One and two is fine for now. So essentially, what we're saying here is that in the case of institution, in case of a state or local correctional facility, you know, any institution cannot the institute postsecondary institution cannot enroll a student in the Prison Education Program if there's any federal or state law in which the correctional facility is located that bans,

bars, or that prohibits licensure employment based on any criminal conviction, any specific types of criminal convictions. We've got a lot of discussion about this during the subcommittee and the second clause is about federal institutions. And if you scroll down to number three, Vanessa. Because we got a lot of discussion about this and the subcommittee about, you know, institutions not being able to enroll students if there is a state or federal law that would prohibit them or ban them from obtaining licensure employment. We wanted to clarify and we have stated on the record, but we wanted to clarify in regulation that this prohibition does not include local laws, screening requirements, good moral character or similar provisions, or federal or state laws that have been repealed, or even if the repeal hasn't taken effect yet. And I can expand on that more later. But just for the sake of getting through this documents, I'll just keep going. But I don't want to say that this piece is not very important. I was just holding on talking more about it in the case, we get more questions. The accrediting piece So, here we're saying that the first Prison Education Program of the first two additional locations has to be reviewed and evaluated by the accrediting by the institution's accrediting agency. And then paragraph two is saying if the program is

offered by a new method of delivery, they would have the accrediting agency would also have to evaluate that program. So if you have, let's say, if you have to have a, you know, institute, like if you're offering a Prison Education Program at a correctional facility and that's been reviewed by the accrediting agency, then you want to expand it to a subsequent, oh in person, if you're offering in person, you want to expand it to another one in person, those who have to be evaluated, but after that, they don't have to be evaluated, right. But let's say you want to offer another program at another additional location through a different method of delivery like distance education that would have to be evaluated by the accreditor. And that's just to ensure that, you know, it's not well, we have an in person program and that's been approved, and now we can kind of like change that over to distance and rapidly expand our programing. So three is, performed a site visit, we talked a little bit about that this morning, so within one year, and that would be for the first person education program or the first two additional locations. And then the accreditor would also be required to review and approve the methodology for how the oversight entity made the determination. And those five through seven are-- those were the teacher credentials that was about

the transferability of credit and the academic counseling. So you have to you'd have to review the methodology behind how the BOP DOC determined that the same or similar program offerings were offered to those confined or incarcerated individuals, as offered to individuals that are not enrolled in the institution that are not confined or incarcerated. If we can go down to application requirements, Vanessa. So here we're just outlining what the application requirements are, so you can scroll down just a little bit. So we have one so essentially, you know, a description of the educational program documentation from the institutions accrediting agency or state approval agency, the name of the correctional facility. I'm not reading this whole thing, but I think that you probably wouldn't want me to as well. We would like documentation, this is the application to the Department. We'd like documentation detailing the methodology, including thresholds and benchmarks. I think once we get to section 241, you'll see, you know, I think we've talked about it a little bit as well the Bureau of Prisons Department of Corrections will, the oversight authority will be setting a lot of these standards. A lot of these, will set standards. So the Department will want to see how they came to these determinations, that the programs are

operating in the best interest of students. Information about reentry services and other orientation and tutoring that's offered. And also we requiring them to affirmatively acknowledge that the Secretary to limit or terminate approval of the Prison Education Program and also affirmative agreement to submit the report to the Secretary. There's an annual report is outlined in statute, we'll see that momentarily how the Department has proposed to do that. And the documentation that, oh, this one is, this one is about in order to provide the BOP, well the oversight entity with some of the information, for instance, information on enrollment post release, information on earnings or information on completion, the Department would need to know the release date. So you'll see this specific clause show up in multiple places throughout the regulation. So here, we're requiring that the documentation from the institution that the oversight entity provide information about the release date or transfer date of the incarcerated individual that's engaged in the Prison Education Program and then any such other information as the Secretary deems necessary. C, I think we're almost we're almost through. Thanks for hanging in there with me. C is this this so what I just went through is the application for the first Prison Education Program at

the first two additional locations. After that, the postsecondary institution will still be required to submit information to the Department. But it won't be as extensive as the application. So it will be documentation from the accrediting agency that the institution was not subject to any final accrediting actions or in the last five years. Documentation from the state that the institution there was no action to revoke a license by the state in the last five years. And also, you'll see here again documentation that that the institution has entered into the agreement with the oversight entity to provide the information about transfer or release date. Let's go to the reporting requirements, Vanessa. And so here we're just saying that the institution must submit a report and instead, so there are reporting requirements outlined in statute. But here we are saying that instead of outlining the full process here, which I think that's kind of been like a kind of a theme like, you know, I think there has been already some suggestions by the, you know, to outline specific processes and regulation and what we were trying to avoid with outlining a process of regulation and getting stuck there. And so we are proposing to outline the report, the annual report, through a federal register notice. We do this for

several things like I think one example is verification. We release the annual federal register notice with acceptable documentation, so it'll be similar to that. And then also here you see again, you see the information about transfer and release date, reporting that information about transfer release dates so that the Department can calculate the data that we have agreed to provide to the BOP DOC in their determinations. The highlight there is because that C was not bolded. That's the only reason for the highlight there, I just wanted to show you that. 668.240, this is this section is essentially about the Secretary limiting or terminating approval if an institution has violated any terms of the subpart or specifically if they submitted information that was materially inaccurate to get that approval from the Department to operate a Prison Education Program. And then we're also saying if the Secretary initiates the limitation of termination, the institution would have to submit a teach out plan and a teach out agreement if applicable. Go down to the best interest, Vanessa. This probably got the most discussion during the subcommittee, and I know Stan and Belinda can speak to this piece as well, the oversight entity determination that a Prison Education Program is operating in the best interests of students must include

an assessment of. And these are all the indicators in statute. Vanessa, if you can scroll down, there were there was, stop there for a second, please. There was one that-- there was one that we added, let's see, I think you can scroll down a little more. Might have to scroll back up. I'm trying to read quickly. The institution. Okay, so we've added number seven and also number eight, so those don't appear in statute. But we felt as though they would be relevant to determining whether the programs are in the best interests of the student. So the first was a recommendation by the subcommittee, and that was whether formerly incarcerated students are able to fully transfer their credits to continue their program at any location of the institution, including the same mode of delivery barring any exceptional circumstances surrounding the student's conviction. And then we've also proposed to add completion rates, let's see, whether the rates of completion meet the threshold set by the oversight entity. So those are two that Department has proposed to add to the indicators. And then we also saw may so that they may is you don't have to assess the BOP DOC would not have to assess recidivism or any other indicators. Now that the oversight entity can choose to do that, but they're not required to assess those elements. Let's

see. Alright. So this is what we, this is language that we added between the final subcommittee and the session on November 10th and today essentially, and essentially the Department has moved the language about the feedback process here, but it'll apply to all the indicators that the Department has also added B 2 to clarify that not meeting one of the indicators is not disqualifying. It is an assessment of the totality of circumstances and the oversight entity must consider these indicators. And so that's where we decided to put in the totality of circumstance information and also the feedback, the requirement for the feedback process from relevant stakeholders. And then C, is the subcommittee recommended a formal appeals process, but the Department's wanted to just the Department wanted to clarify the regulation that programs or institutions specifically can reapply, even though we haven't put into regulation of formal appeals process. But the postsecondary institutions can always go back to the BOP DOC or oversight authority to reapply. Subsequent evaluations, so essentially, oh, so scroll back up a little bit, Vanessa, to D, so I already talked a little bit about the two year initial approval period. So we've restated that here and after the approval period, that's when the oversight entity will be required to evaluate

all of the indicators under the may column or assess, I'm sorry, assess all the indicators under the may column, I mean, under the must column. And those evaluations have to take place not less than 120 days prior to the expiration of the institution's program participation agreement. For many institutions, this will be for many institutions and oversight entities, which will be every 6 years. Vanessa, you can scroll down a little bit, and that that those evaluations will have to be submitted to the Department 30 days following the completion of the evaluation. Let's see, record of retention, you have to maintain documentation on the methodology by which the oversight entity made these determinations under the and let's see, and also, let's see, so I think we put parameters of timeline around maintaining the documentation. And that will be 3 years either for the duration of the Prison Education Program active or at three years following the discontinuance of the Prison Education Program. I wanted to make sure before we move on I didn't miss anything in there, that's. Yeah, so it's just basically maintaining documentation about the overall prison education process. Alright, we're almost to the finish line. Let's see, Institution. Oh, this is about the transition to Prison Education Program. This is just essentially

saying that if they're there may be some institutions that are currently offering Prison Education Programs at local correctional facilities or any correctional facility that's not a federal or state penal institution or correctional facility. And we're essentially saying that if you choose not to convert your programs over to a Prison Education Program, then you know that there's a wind down process that the student can continue receiving aid to engage in that eligible program for up to 6 years. And there are a few other caveats in there with or July 1st, 2029, but there's a few for and that was 6 years from July 1st, 2023, when the regulation will be in effect. Let's keep going, Vanessa. And this is the calculation of a Pell Grant, what we've done here is we got a lot of comments about questions about this. What we've done here is we have essentially just tried to highlight that Pell cannot exceed cost of attendance, and if it does, it has to be reduced in the circumstances for which under which it has to be reduced. So that that concludes that. So I think, I'll turn it back over to Kayla.

MS. MACK: Thank you very much, Aaron, for walking us through the document. Daniel, I see your hand.

MR. BARKOWITZ: Thank you, and thank

you Aaron for walking through it as well. I have a question for you, you in the small group discussion that we had, there was a question raised and I don't see this specifically stated in the document. I think there's an assumption being made that private for-profit institutions would or would not be eligible to participate in these programs. I don't see a specific call out anywhere in the document. I see waiver language that allows someone with more than 25% of student, a public or private nonprofit, to be able to ask for the waiver. But I don't see any specific exclusion of private for-profit institutions in anything that we've reviewed to date.

MR. WASHINGTON: Under section 668. I'm sorry, Kayla am I allowed to?

MS. MACK: Please go ahead. Yeah, answer.

MR. WASHINGTON: Under 668.236, we say is, 668.236 A, is an eligible program under the subpar offered by an institution of higher education as defined under 600.4, which would be a public or private nonprofit institution or postsecondary vocational institution as defined 600.6.

MR. BARKOWITZ: So, 600, thank you, 600.4, by definition, does not include private for-

profit. Is that is that the reference?

MR. WASHINGTON: Correct.

MR. BARKOWITZ: Okay. Thank you very much.

MS. MACK: Heather, please.

DR. PERFETTI: Thank you. So I'm going to go back to the beginning, and I tried to take notes as Aaron went through the 13 pages and thank you, Aaron, for walking us through that. I did want to ask about the scaffolding that Belinda had referenced earlier and then Aaron you reviewed with us around the waiver limitations on page two. Five years was selected, and I wondered if that five years was selected for a reason? Was it based on evidence that the subcommittee had just curious as to how we landed at five years?

MR. WASHINGTON: Belinda, did you want to speak to that? Belinda's recommendation, well, subcommittee made the recommendation for scaffolding, so I would like to allow Belinda to weigh in on it.

MS. WHEELER: Sure. Thank you very much, Aaron, and thank you Heather for that question. Yes, so in the language, this gets back a little bit to the things that we did get and the things that we didn't get. Aaron has mentioned a section where it talks about that two year kind of probationary like, well, not

probationary, that two year kind of component in the subcommittee we had requested and it was not taken up. And that's totally fine. The subcommittee is okay with this, but our thinking with the five years, for example, is, you know, an educational institution that is providing a baccalaureate degree, for example, would typically run in that four year kind of timeframe. And we had that one year kind of listed. And in that longer PowerPoint, the 40 page one, you'll see bubbles that kind of talk about this too. But we had listed that one year as being a period for where educational institutions and others could kind of tabulate that data. So that kind of five years seem to be, you know, really a very good placeholder that kind of encompasses everyone, but particularly with the baccalaureate. So I hope that answers that question. That's where we were coming from with that Heather.

MS. MACK: Thank you, Aaron and Belinda for answering that. Heather, did you have something else?

DR. PERFETTI: I do, but I'll wait and get back in line.

MS. WHEELER: Not a problem. Joe, please go ahead.

MR. SANDERS: This is just a quick

follow up on Daniel's question. Aaron, at the very end of your answer, you mentioned a separate section of the code that provided for vocational schools. And I'm wondering if you could just expand on how vocational school is defined there.

MR. WASHINGTON: Yeah. And so, we have a definition of a vocational school and regulation, and I hesitate to read the whole thing, it is it is it. So but I will say that a postsecondary vocational institution is a public or private nonprofit educational institution. So but yeah.

MR. SANDERS: That answers my question. Thank you very much.

MS. MACK: Thank you, Joe. Thank you, Aaron. Heather, please.

DR. PERFETTI: Thank you. So I'm just circling back to my notes, and I think that took me to page 6. Where there is an indication about the initial two year approval. That approval is by whom and given to whom?

MR. WASHINGTON: We state that a regulation, that's the, well, the approval is by the oversight entity. The approval is always by the Bureau of Prisons, the Department of Corrections, so that's the first part of the question. And also in the application

process, we do say that the institution has to submit documentation detailing the methodology, including thresholds, benchmark standard, metric data or other information, the oversight entity make the determination that the program is in the best interest of students for all indicators under 668.241. So essentially in the application to Department's, so the BOP, the oversight committee would make the determination and they would you would submit that information to the Department in your application for your first program at the first two additional locations. We also say that the oversight entity has to submit information to the Department within 30 days of making a determination, so does that answer your question?

DR. PERFETTI: I'm not sure. I'm looking at 668.236, eligible Prison Education Program and in C, it indicates after an initial two year period. Is that offered by the Department to the correctional facility for two years, or is that something that's offered to the institution and by whom?

MR. WASHINGTON: That is a period by through which the oversight entity is able to approve the program operating in the correctional facility, but it does not have to assess each of the indicators, as outlined in section 668.241. It just has to provide that

approval because the Department understands that there may not be data yet. There may not be enough information to make these best interest determinations based on the indicators. So to allow for time for these programs to initiate, gather relevant data, the Department is allowing for the BOP DOC oversight entities to make the determination based on information data that they have information that they have their best judgment. That information will still have to be reported to the Department how they did that, but it won't have to be an assessment of all of the indicators for the first two years.

MS. MACK: Stan, I'm sorry, Aaron. Stan, I saw you raise your hand, did you want to speak on this as well?

DR. ANDRISSE: Yes, and I just wanted to add that it sounds to me what I hear is, you know, that question of how these get started up. And it's a partnership. So there's kind of two phases of entry and the DOC is, you know, the oversight entity with these stakeholders are at both of them. So the first level of entry is the institution of higher education partnering with DOC to offer a program and the DOC or BOP has to accept them moving into that space. And there has to be that partnership for reasons that we we've kind of

talked about. But then there's a two year period before you have to start providing the metrics. And that is again, if you know, if things aren't met by the two years, that's a potential point where the program would need to be stopped or the program has the ability to continue.

MS. MACK: Thank you, Stan.

MR. WASHINGTON: But keep in mind, Stan, we do say that we do offer the about, there isn't for some reason if there isn't data available, we still have that clause in there about that in light of the totality of circumstances. So we still have that as well.

MS. MACK: Okay. Thank you, Aaron, thank you. Stan. Heather did you have another question?

DR. PERFETTI: I do, and I just had a bit of follow up to that. It's less of a question. I certainly appreciate that an institution is partnering with a facility. I guess I was curious as to after an initial two year approval who gave that two year approval because accreditors have to do something at some point as well. So it was just not necessarily clear the pathway of the facility, the Department, the accreditor, because we don't offer two year approval. So I was just curious. I understand the data may not be

available and that will come into being at some later date in time.

MS. MACK: Stan, I see your hand, did you want to speak to that?

MR. WASHINGTON: I was going to offer a comment, I don't know if it's helpful, but the accrediting agency is, you know, and the accrediting agency already approves the higher education program or the higher education entity through means outside of this process. So there that that's already kind of they're involved in that stage already. I think when you think about, that you know, we're coming into the house of DOC or, you know, higher education entities are coming into the house of DOC, they need to be--, the DOC needs to help them come into the house, right, to help them come into the space. And that's one way to look at it. And there are those two phases right at the beginning and then also at this two year point, where we're really gauging if things are operating in the best interest of students. And the accrediting agency is one of the stakeholder entities that can be part of that determination.

MS. MACK: Thank you, Stan. Heather, did you have an additional question?

DR. PERFETTI: I think the

clarification is just in order for the institution to deliver a program at that location, they do have to get our approval, whether it's here or not. If they've not been operating at that facility, they are required to get accreditor approval to operate there to have an additional location. So I just wanted some clarity around who was approving what and when. And I think Stan's remarks were helpful. But I do have other questions, but I see Michaela has come on, so I certainly want to defer to others.

MS. MACK: Okay, let's go to you Michaela and then we'll come back to Heather.

MS. MARTIN: Cool, super quick. I just want to make sure that I'm tracking Heather's concerns and what's being said properly in my head. So the way that I'm understanding is that there's a concern because it specifically says there has to be a site visit from the accreditors, right? Which may or may not happen under their normal processes. But other than that, is the accreditor specific responsible under these? Because you know what Heather is asking like, is you asking us to now have a different process than our normal process for accrediting a site location? And if that is the case, how that is being addressed in here, or maybe I'm misunderstanding what that kind of conversation is

that's occurring right now. If Heather and maybe wants to speak on that first, I don't know if that's helpful Heather, if that's what you're trying to ask.

MS. MACK: Go ahead, Heather.

DR. PERFETTI: Thank you, Michaela. I was just trying to get at, you're right, where it says that an approval after an initial approval. We have the facility involved. We have the creditor involved and we have the Department involved. And it wasn't clear to me which entity it is that's giving that initial two year approval.

MS. MACK: Thanks for that clarification, Heather. Aaron, I see your hand went up.

MR. WASHINGTON: The initial two year approval is provided by the oversight entity, the Bureau of Prisons or State Department of Corrections. And the accreditation piece, we out, we provide, I think we provide, you know, the outline for when the accreditor has to provide approval in 668.237. But the initial two year approval that under 668.236, C, is the Bureau of Prisons or State Department of Corrections. And then I think the accreditors have to look to 668.237 to determine the requirements for initiating Prison Education Program.

MS. MACK: Thank you, Aaron. Any

further questions, Heather.

DR. PERFETTI: I do, and Aaron took us to 668.237 and that was my next question relating to, it's actually on page 8 number 4, that the creditor has reviewed and approved the methodology for how the oversight entity made the determination. And I won't read the whole thing, but we don't have obligations to the facility. Our obligation is to the institution. So I wondered if that could be clarified that that is the responsibility of the institution to provide to the accreditor the methodology for review, if that's required.

MR. WASHINGTON: Okay. So you're saying that the entity has to provide to the institution the methodology. I believe we have language in here, but we can go to the next question and I'll try and find that. I think there's something in here that actually speaks to that.

DR. PERFETTI: Yeah, I think that I'm looking at it from the lens of we don't accredit Bureaus of Prisons or Departments of Corrections, we accredit institutions. So anything that the accreditor is expected to do should be with the institution. And then, Aaron, I had some questions I'm happy to send them to if I can get them in the chat quickly, but there are

references to adverse action. And that's the withdraw of accreditation. So I just wondered, was that intended or did we mean institutions in a non-compliant status, which is something less than the loss of accreditation? Warning, probation, show cause very different than an adverse action of withdrawal of accreditation. So I don't know that we need to talk about that, but I did want to just raise that. And then there's language referencing a grant of accreditation or pre accreditation in terms of approval. And I wondered if scope of accreditation was more appropriate. Some of these institutions will already have accreditation, and will be looking to modify their scope of accreditation versus it's their initial time getting accreditation. So it's just terminology, and I'm happy to send you that on where the pages are. I think, the one area still that that I have some concerns relates to the best interest of students indicators. And I know the small group talked more about that and I certainly would ask them to add their comments here. But I think the reference to completion rates there and other typical kinds of indicators that are important may need to be viewed differently here. And I appreciate that you walked us through which are in the statute and which have been added because I think that's tremendously helpful at

looking at what is here. But it does raise the question if other indicators that speak to quality for these programs should be considered here, and I will let others speak to that.

MS. MACK: I see a number of hands, Aaron, Stan, and Belinda, there were a number of questions there, so I'm happy to hear from all of you on all of them. Aaron, did you want to go first?

MR. WASHINGTON: I'll just dive in really quick and then I'll turn it over to Stan and Belinda. So there is a section on record retention in 668.241, and it says the institution must obtain and maintain documents of the methodology by which the oversight entity made each determination for review by the institution's accrediting agency. So there is language in there already that requires institutions to get that information from the accrediting agency.

MS. MACK: Thank you, Aaron. Stan, please go ahead.

DR. ANDRISSE: Sorry. I was wanting to just I think I was wanting to speak to the best interest piece, but I'll speak to the accrediting requirements piece, which was the 668.237 number four, B 4, and so do you have, one, to Aaron to clarify, is this statute? Two, or Aaron do you want to clarify that?

MR. WASHINGTON: Is what statute Stan?  
The.

DR. ANDRISSE: So, 668.237,  
accreditation requirements, B 4. So the question that  
she had about the fact that they should, you know, the  
higher education institution that they should be  
interacting with, not the DOC or BOP. So just so is that  
statute? Is one question. And the other point that I do,  
you want to answer that part first?

MR. WASHINGTON: Not in statute. That  
is, number four is not in statute.

DR. ANDRISSE: Okay. And then Heather,  
would you have language that you would provide to, you  
know, suggest where you would, where you see or like it  
to be? And then my additional piece would just be to, I  
was trying to come up with an analogy of, you know,  
other instances where you know, universities trying to  
offer, you know, programing at inside the buildings of  
Facebook or, you know, some other place where there has  
to be the partnership, like you're coming into this  
persons or entities space, so you have to get there  
input into whether you can come into their space and  
offer educational programing. So they're like analogies  
or instances, I mean, there has to be that partnership.  
And how does accrediting agencies handle that type of

scenario? I couldn't think of a good analogy. I'm sorry, but you know, could you give us examples of situations like that?

MS. MACK: Heather, did you want to respond to that?

DR. PERFETTI: I will. Thank you, Stan. So we do this all the time, and I think prison education is one example of our institutions being innovative and going out into different spaces to provide educational opportunities. We have a significant number of institutions that provide education programs and courses at K through 12 partners. We also have where they are going out into other kinds of work environments and providing specific academic credentials at those places of employment, specifically geared toward employees of those agencies or organizations. So this is not unusual for accreditors, and in fact, I believe we have 27 institutions right now delivering programs or courses at prison locations throughout our membership. So we're very familiar with managing this, which is why I'm raising some of the questions because what I'm seeing is slightly different than how we may be managing it now. And also maybe adding some additional pieces that are new and certainly worthy of consideration. And I'm not saying every accrediting agency handles those as

we do, but we are all attuned to changes at our institutions. And then we have the statement of accreditation status for our institutions that is posted publicly. And all of those locations are posted at their statement of accreditation status, which is an indicator to the Department that we have reviewed those and that those have been approved as locations. And we recognize that sometimes getting through those agreements or to the point of agreement can take time. So we don't expect institutions to come to us right away because they have to be in a position to answer questions about the delivery of that program at that site, up against a number of measures that we ask them to speak to. So we are always concerned about quality on the front end. We want them to be in a position to answer questions about how they are prepared to support that program at that location.

MS. MACK: Belinda, did you want to speak to some of the questions that have been raised?

MS. WHEELER: Yes, ma'am, if that's okay? Thank you. Yeah, so I just wanted to thank everyone for their questions and their feedback thus far. I think Heather the one part of what you said that I really want to lift up. I really think you hit the nail on the head when you were talking about how things

are very different throughout the United States when it comes to different accreditation standards. You know, and while we certainly hope that different accreditation agencies are at least kind of having this baseline, we have seen that current Prison Education Programs, whether they're Second Chance Pell or non-Second Chance Pell, it has been that level of quality or oversight has been all over the place. And I know that you and I have kind of talked about that with non neg reg kind of conversation. So I do want it to kind of lift up that. Before that, you had mentioned on page. page Eight about that methodology. I really like that second part, and I think the subcommittee really enjoyed that second part of that sentence that talks about ensuring that the Prison Education Program meets the same standards as substantially similar programs that are not Prison Education Programs. And I think that really speaks to the strength of this kind of partnership that, you know, the neg reg language or, excuse me, the FAFSA Simplification Act, you know, language is kind of putting into play here is that we're really trying to make sure that, you know this, this partnership is really coming together so that, you know, if corrections is thinking a certain way, just as Director Precythe has pointed out, you know, being able to make sure that

there's that kind of that checking in between different entities in this space to again, make sure that that same level of quality that students would expect on that traditional campus that, you know, we know is very heavily kind of monitored with traditional accreditation and stuff like that. With the experiment, we saw times where the experiment might have been taken a little bit a little bit too experimental and the question of whether and that's not to criticize any anyone you know, in this space. It was an experiment and we've all learned from that experiment. But you know, there really needs to be that, you know, that kind of conversation happening in place. So that again, not only can you know, very strong accreditation agencies in this space that are clearly already doing their due diligence and it's very obvious, you know, but then some of the ones that maybe are not, as, you know, careful and they've really kind of taken that experiment to interesting kind of ways. This kind of language really brings, you know, that kind of level of kind of continuity. So, you know, I just wanted to kind of lift that up, you know, from the subcommittee with regards to that particular language there. And then just briefly, I wanted to mention too your other question that you'd put out there with regards to those indicators, you know, and outcomes

as we're kind of getting ready for the best interests of students. I think you're right. I think that there is certainly a level of generality in some of these kind of best interests of students that have been that have been listed there. I will say, you know, from the subcommittee, you know, we had, you know, the Department's guidance throughout this, this whole process. And you know, it was very clear to us that what we were working on here was indeed a general framework that Aaron has mentioned, you know, this afternoon, but then also mentioned earlier this morning as well that, you know, a lot of these specific processes, you know, are not expected at this point to be regulatory because I know that, you know, the Department and other entities, you know, really want to be talking about, you know, what will this outcome look like and what might work for this accreditation?

MS. MACK: I don't want to rudely interrupted you. I apologize, but we have a long list of public commenters. We are at our public comment hour. So we're going to pause the conversation here. We will pick up with this in the morning and move directly and as swiftly as possible into PSLF and IDR. Okay, so that'll be the agenda for tomorrow at AM.

MS. MARTIN: Super quickly on that.

I'm so sorry. It sounds like, you know, just to echo things in the chat that people at home can't see is that we've asked if accreditation is a part of the subcommittee, and it looks like there's a presentation from the Department, but there wasn't an engagement like directly with accreditors. And I'm just wondering, I know that we're looking at picking this up tomorrow, but it looks like there's still some substantive issues that are creditors want to look at. And I was just wondering if there's going to be the opportunity, maybe even offline, for them to be able to put forward the suggestions before we continue and are asked to take a consensus check?

MS. MACK: I don't know if there are going to be suggestions in terms of language, if there are, those will be considered. My thought, though, is in the morning to begin with a consensus check on the language that's been presented by the Department and that is being supported and recommended by the subcommittee. If there are any blockers meaning they have serious reservations at that time, then they will have the opportunity to articulate what would get them from here to here, and we can consider those suggestions at that time. But again, I think what we're planning on is to begin with the consensus check on this issue and

then move forward accordingly to that check. Okay.  
Alright, Brady, who do we have first for public  
comments?

MR. ROBERTS: I just submitted Cynthia  
Johnson, who is representing themselves.

MS. MACK: Welcome, Ms. Johnson, can  
you hear us?

MS. JOHNSON: Yes, I can you hear me?

MS. MACK: Yes, we can thank you for  
your patience, your three minutes begins now for public  
comment.

MS. JOHNSON: Thank you. So my name is  
Cynthia Johnson. I come from a welfare family and I am  
the first with a master's and not surprisingly, one with  
crippling debt. I guess that's what I deserve for trying  
to work myself out of poverty all these years, pulling  
myself up by my bootstraps, as some would say. I just  
celebrated 11 years of federal service, and this month  
marks 120 months since my payments started. I should be  
applying for forgiveness. However, when I first started  
working, I was unable to pay the payment and my servicer  
said, no worries, we'll just put you into forbearance no  
explanation of how this would affect my participation in  
the program. I eventually started paying on my loans in  
2013, almost two years behind. Coincidentally, I was

rapidly being promoted to my full promotion potential in my position while living in D.C. with an outrageous cost of living, but having to be here because this is where my job is. I had very little choice, so I started paying even though I couldn't afford the payments because I needed my six figures gone. For years, I struggled in repayment, making nearly a thousand dollars a month payments. Looking back, I wish I had paid those super cheap payments back at the beginning of the repayment period. It wasn't until early 2019 that a friend told me about REPAYE, which came out three years before, so I suffered for three years in larger than I should have been paying payments. Thankfully, I remain unmarried. I couldn't afford the married payment under REPAYE and I don't qualify for pay because I have loans that were disbursed first before 2014. So I was never advised of the plan, I called for years complaining about it. So I finally switched. When I did switch, I was in forbearance for four months and I had also switched to the payment plan before and was in forbearance for a couple of months for paperwork. So between the forbearance and my delays for paperwork, I've been pushed back to the end of 2024, essentially three years for my forgiveness. That's going to put me at over 15 years of federal service just to get my loans forgiven.

So the forbearance has been or sorry, the CARES Act forbearance has been life changing. I've been able to have savings. I paid off my car, I've made improvements to my home. I've paid off credit card debt that I've been accruing because I couldn't afford the payments for all those years. So I'm here to advocate four things, very quickly. Continue the CARES Act forbearance while all of this renegotiation (inaudible). Two, allow financial hardship forbearance to count as qualifying months. Three, allow admin forbearance that we were put on during paperwork transitions to count for qualifying months. And four, to change some of the plans. So remove the new borrower stipulation on pay, allowing borrowers who have older loans to be able to qualify for it or remove the spousal income stipulation of REPAYE. Because regardless, older borrowers and who are married have no options. And then the last is creating new plan, where any borrower can get 10% of AGI but include a cost of living index. Because a thousand payment living in D.C. is a very different thousand dollar payment when you live in the middle of South Carolina. Thank you for your time.

MS. MACK: Thank you for your public comment today. Brady, who do we have next?

MR. ROBERTS: I'm admitting Kristina

Boudreau, who's representing themselves.

MS. MACK: Kristina, can you hear us? We can hear you just fine, you have three minutes for public comment.

MS. BOUDREAU: Awesome. Thank you. Good afternoon and thank you for allowing me to speak today. My name is Kristina Boudreau and I am a child of a single parent. The first of my family to receive a bachelor's degree and, like many others, a victim of a fraudulent for-profit college. For the sake of expediency, I'll be condensing my story, but I ask that everyone attending please recognize that this brevity cannot even begin to allow us to express the sadness, anxiety and crushing stress our student loans placed upon us. In 2011, I graduated from Brooks Institute of Photography with what I thought was a beautiful path ahead of me. A very long story short. Despite overwhelming guarantees, my degree and experience at Brooks could not deliver on promises made. I was maxed out on student debt, so I did what I had to do. I taught myself web development, got a couple of side jobs and leaned into personal debt to make ends meet while I built my own resources. And I also gave up on my career dreams, unfortunately. Luckily for me and I've been able to keep my head above water and build a career I'm still

proud of, but for countless others, this just isn't the case. Up until recently, my combined government and private student loans required monthly payments of about \$1,400 per month. It previously used to be \$1,800 a month, and due to my household losing half its income during the pandemic, I was able to fight to bring this number down to about \$1,000 a month. But this is still just unsustainable. Between personal debt accrued, just trying to make ends meet over the years and these student loans, I am constantly in a state of financial anxiety, just living paycheck to paycheck. And unfortunately, I can't see a future where I own a home or feel secure in starting a family and horribly crushing feeling. I'm not unique. There are countless others like me who change (inaudible) true. Systematic solutions in the form. We really hope that you help us with that. Thank you for hearing me out. And thank you to the project on predatory student lending for all of your amazing hard work fighting for us, and we really look forward to a brighter future for ourselves and the generations that have yet to enter higher education. Sorry for crying. I didn't mean to.

MS. MACK: No worries. Thank you for your comment, Kristina. We appreciate it.

MS. BOUDREAU: Thank you.

MS. MACK: Brady, who do we have next for public comment?

MR. ROBERTS: I'm admitting Dru Macasieb, who is a veteran representing themselves.

MS. MACK: Dru, if you can hear us welcome to public comment, you have three minutes.

MR. MACASIEB: Alright. Hi, my name is Dru Macasieb. I am a U.S. Army combat veteran. I served one year in Afghanistan in 2003. I earned, using the GI Bill and Student Aid, I've earned three bachelors and two masters. I'm from San Diego, California. I have a decade's worth of experience in the industry, in higher education from both a student and an education management perspective from both the faculty all the way up to Associate Dean. I'm here today to discuss my experience in the industry from, by veterans, okay? I do believe that these schools have good intentions, but as far as veterans are concerned, they're treated like cash cows because of the cash that they bring in. I would argue that most veterans have some type of disability, yet special accommodations are mentioned only one time they're rarely ever mentioned again. And so when there's a stigma that I have heard it from in my education manager experience that when students fail, it's like, oh, they're just here for the money. Discounting the

fact that they have may have underlying conditions. And another thing is, currently I'm actually enrolled in a program where (inaudible) that we're displaced around the pandemic, and I signed up as an on campus student. Now they just changed my contract without even me having any say in it. It's going to be fully online. How does that affect me and all the veterans in my school? Well, 66% of them are going to lose out on \$2,000 worth of their monthly housing allowance. And that's just injustice to me. And the thing is, the solutions that they have provided is for us to work for the money that we're supposed to be receiving anyways. I'm here to testify for all the students, all the veterans, and all the educators, I want the leaders, the decision makers of those organizations to be held accountable for the lives that they have disrupted. The school that I worked at previously was the Center for Excellence in Higher Education. I whistle blowed internally, I got retaliated discriminated and I still can't find justice because when I filed for EOC complaint, they closed, claimed bankruptcy and no lawyer wanted to take my case. Where is the accountability? And that's why I'm here. And I like my thing is I'm very passionate, I'm not a teacher, I'm a person who inspires people to learn and all I want for my school right now. The California Institute of

Arts and Technology, I want them to just hold their end of the bargain. You can teach out students. They're giving us solutions where go to this college right next door, they're on ground and like, why can't you just hold your end? And these people need to be held accountable.

MS. JEFFRIES: Dru, I'm sorry, your time is up.

MS. MACK: Thank you for your public comment today, Dru. Brady, who are we admitting next for public comment?

MR. ROBERTS: I just submitted Jonny Greco, who is here as a graduate of Full Sail University.

MS. MACK: Welcome Jonny, if you can hear us, you're in public comment. You have three minutes.

MR. GRECO: Alright. Thank you very much for the time, everybody. Happy day to all of you. Hello. And I just want to say thank you for the time today to speak. My name is Jonny Greco, and I understand that schools like my alma mater, which happens to be a for-profit institution, have been under scrutiny recently. For my voice to be taken seriously, as much as it makes me uncomfortable, I recognize that I must

legitimize that voice by sharing some of my experiences with you before I speak further. I was never going to go to school to learn how to cure cancer. My path was a different one. I graduated from Full Sail in 1998, and because of that unique, authentic style of education and specialty training, I had the opportunity to jump right in and be a part of some of sports entertainment's most exciting events around the world. I've collaborated through teams, I've worked with leagues, I've been a part of an events I've been commissioned to participate in with the likes of LeBron James, Hank Aaron, Imagine Dragons, John Cena, Jerry Bruckheimer, Gladys Knight, Ric Flair, Multiple Olympic Games, Madison Square Garden, Stanley Cup Finals, NBA Finals, Emmy Awards, two different expansion teams. The arena experience that we created in 2017 for the Vegas Golden Knights was written about in the New York Times. Through events and content, millions of people have shared this path with me. Today, I'm the senior vice president of entertainment experience and production for the Seattle Kraken and along with my right hand man here, Lamont Buford. He's also a full sail graduate and he's our vice president of that same group. I can safely say that this small town kid who has been blessed to create smiles around the world would not have had these doors open had it not

been for the incredible spirit of lifelong education and family that my for-profit school had provided. Why was Full Sail good then? Right out of college, I was able to start immediately into my passion. I was given the tools and the support to confidently go into this super difficult field and help me earn my opportunities the nature of arts. This is not a path for all. Not everyone is meant to succeed in this uber competitive field for me and thousands and thousands of others. We were able to find success and more importantly, found impact because we found belonging. We found a family with full sail that lives and breathes inclusion with a familial support system and belief that is never ending. We found a place where our dreams could come true. And on behalf of the artists and the people behind the artists like me, please don't underestimate the power of these dreams. I've come to learn that through my career I've come to learn that through my career, curing cancer was not going to be my thing. It was going to be someone else's path. I did, however, learn that through my incredible school and the opportunities, I got to find a path that lets me help others, if only for a few hours, forget that they do have cancer. So why is Full Sail good now? Because I think the power of making smiles can change the world, and Full Sail offered me this chance.

And I want to say thanks to Full Sail, I want to say thank you to all of you for giving me. Thank you.

MS. MACK: Thank you for your public comments today. Brady, who are we admitting next?

MR. ROBERTS: I just admitted Jennifer Fenswick, who's here representing themselves.

MS. MACK: Welcome, Jennifer, if you can hear us, you're now in public comment and have three minutes.

MS. FENSWICK: Thank you so much. There my name is Jennifer Fenswick. And thank you for providing me with this time to speak. I'm a 60 year old, excuse me, a 64 year old woman who was in her final quarter at the University of Washington School of Law. I'm here today to talk about student loan debt because I have plenty of it. I returned to college in 2012 to undergraduate work. While there I accrued about \$6,000 worth of student loan debt. When I graduate from the law school, I will hold two master's degrees and my student loan debt will be approximately \$130,000. The interest rate on most of that debt is 5.8 percent. I think that's high. My monthly payment is estimated to be \$850 a month. I think that's high considering my first payment will be due before I even ever get a job. In 2013, Congress doubled the interest rate on student loans from

3.4 percent to 6.8 percent. It was really never made clear exactly why Congress thought that further endangering students was a good policy, but it definitely got my attention. I would like to point out that everything that impacts regular people is a result of some policy decision. Poverty, reproductive rights, climate change, racism, health care, the wealth gap, these are all policy choices. Each and every one of the egregious circumstances we're facing as a country today could be resolved with better policies, and that includes the student loan debt crisis. I'm sure I'm not the first person to draw your attention to the unfunded \$1.3 trillion dollar gift Congress so generously bestowed upon the ultra-wealthy in 2018. No strings attached. While that policy, in my opinion, has criminal act written all over it, the bigger criminal or the bigger crime would be failing to unburden 45 million people of their crippling student debt student debt. Also freeing up an extra trillion dollars, would go a long way to bolster the economy. If you need proof, consider the positive economic impact of the \$1,400 COVID relief payments. Forcing average American citizens into high interest loans that they realistically can never repay is bad economic policy, it's a bad social policy, and it certainly reflects bad judgment. Your

decision on how to handle student loan debt will impact forty five million Americans. I and millions of others facing the insurmountable challenge to repay this debt strongly urge you to forgive all student loan debt. Doing so will be better for the country, and it is the fair and just thing to do if fairness and justice are where you're headed with this decision. It is within your power to do the right thing. The question is, will you. Thank you and please wear a mask.

MS. MACK: Thank you, Jennifer, for your public comment. Brady, who are we admitting next?

MR. ROBERTS: I'm Amanda Dylan Katrino, who is a veteran representing themselves.

MS. MACK: Dylan, are you with us? Dylan, can you hear me? Why don't we move on as we reach out to Dylan to work on.

MR. ROBERTS: Sure, I'll message him. I'm admitting Carolyn Fast who's here representing the Century Foundation?

MS. MACK: Welcome, Carolyn, to public comment, you have three minutes.

MS. FAST: Hi, my name is Carolyn Fast. Thank you for providing the opportunity to provide comments today. I'm a senior fellow at the Century Foundation. My comments today relate to the Borrower

Defense proposals. The Department's proposal regarding Borrower Defense would expand critical relief to victims of misconduct and help to increase school accountability. The Department's latest revisions to its proposal also rectify several issues with the initial proposal, by ensuring that legal services offices can bring group discharge claims. Eliminating language that permitted schools to immunize themselves from liability for manipulating job placement rates through use of disclosures. Acknowledging that borrowers may be entitled to full relief even if the harm they suffered was not systemic and including a time frame for the Department's review process. These changes will significantly increase access to relief and increase fairness, speed and efficiency of the review process. However, the Department's revised proposal does not fully address concerns raised about the use of a federal rather than state last standard to review claims. Adoption of a federal standard limits eligibility for relief for borrowers in states that have strong consumer protection laws. For example, under a federal standards, borrowers would lack relief based on a school's unfair practices, which would give rise to claims under many states consumer protection laws. The Department's revised proposal permits group discharge applications to

request considerations on a state law standard prior to trial. However, individual applicants, rather than people group applicants would not have that option. Moreover, the proposal does not provide that applicants can request that such individual applicants can request reconsideration under a state law standard even after it. At minimum, individual applicants must be able to request reconsideration standard after such a denial under a federal prosecutor. However, to ensure fairness, the Department should automatically review all individual borrower applications that are denied under a federal standard. Under a state law standard. Requiring individual applicants to file an appeal to obtain review puts a significant burden on such borrowers, who would have to grasp that there's a difference between a federal and state law standard. Understand what state law applies and resubmit their application. This would be challenging for borrowers who do not have access to legal representation. Automatic review under a state law standard would ensure that the new rule advances the Department's goals of expanding access to relief for victims of misconduct, increasing fairness and enhancing the integrity of the program. Thank you very much.

MS. MACK: Thank you for your public comment, Carolyn. Dylan, we have you ready for your

public comment. If you can come off mute, you have three minutes.

MR. KATRINO: Yes, ma'am, here I am.

MS. MACK: There you go.

MR. KATRINO: Good afternoon. My name is Dylan Katrino, and I'm here to tell you about my experience at Lincoln Tech as a student veteran. Help sharing my story will prevent other veterans from going through the stress, confusion and heartache caused by for-profits like Lincoln Tech. My classmate Jesus Abarca and I got into the welding program at Lincoln Tech and told him we would be using our GI bills. The school quickly enrolled us and said we didn't need to provide our certificate of eligibility, just our DD 214s. This was the first red flag. We knew veterans using the GI Bill get a stipend for books, so we asked the school when we'd receive it. They said we get it once classes started. This was the second red flag. When classes started and our benefits still hadn't shown up, the school told us they were being audited by the VA, but we would receive our money at the end of the month. Around the two and a half month mark, the school said instead of waiting on the VA, they could give us a scholarship. We did get checks, but it only got us through one month. So every week we went back to the administrators. They

brushed us off, telling us they were too busy to help us. They didn't take our situation very seriously. Then they said, we get our money by November 14. I am certain this was never the case and that they told us what we wanted to hear so we can leave them alone. Excuse me. Needless to say, the money never arrived. The school said they'd take out loans on our behalf. They said our VA benefits would arrive before any interest accrued on the loans at this point, what choice do we have? The school told us our loans totaled to \$4,700, but this was another lie. The total was really \$9,500 almost doubled what they said. Worse, the head of the school denied knowing we were counting our GI bills to put us through the program when we asked for the paperwork providing, or excuse me, proving we enrolled under the GI Bill. They said, and this is a direct quote, we shredded it, I think we shredded it. We learned that the welding program had never been accredited by the VA, and the school enrolled us under false pretenses. When I enrolled, I didn't know Lincoln Tech was a for-profit school, but now it's clear that the school just wanted to get paid. They didn't care that they put us in debt and decimated our savings, waiting for benefits when we earned through our service. That would never come. I hoping this panel can make changes to rules and

regulations governing these schools so that no other veteran has to go through this. Thank you.

MS. MACK: Thank you, Dylan, for your public comment today. Brady, who are we admitting next?

MR. ROBERTS: I just admitted Joe Gray, who is here representing themselves.

MS. MACK: Joe, can you hear us? Joe Gray, can you hear us?

MR. ROBERTS: Why don't we move to the next speaker and I can message them. Okay, the next speaker is going to be Megan Challender, who is here representing themselves.

MS. MACK: Welcome, Megan.

MS. CHALLENGER: Hello.

MS. MACK: Hi, Megan, welcome to the public comment. You can turn on your camera if you want to, either way, you have three minutes. Please proceed.

MS. CHALLENGER: Good afternoon and thank you. My name is Megan Challender, and for the past 8 years, I have worked as a public interest attorney, providing free legal services to hundreds of individuals in DC and Maryland, including assisting domestic violence and sexual assault survivors, tenants, consumers and many others. I am committed to serving the public good. That's why I went to law school. I am here

today to tell you my story and to advocate for several changes on behalf of borrowers like myself. First, I want to encourage you to eliminate or greatly reduce interest on student loans, including for graduate student borrowers. Second, I want to encourage you to count periods of forbearance that were caused by graduate fellowships. Third, I want to encourage you to allow borrowers to make back payments for previous forbearances or deferment that would not otherwise be counted. And fourth, I encourage you to revise the rules for Income Driven Repayment plans to count not only the borrower's income or to count only the borrower's income, not their spouses. I attended a public law school, the University of the District of Columbia. I took out \$64,765 in student loans to cover three years of school and bar study. My interest rate was set at an absolutely exorbitant 7.9%. Two years after graduation, I took a graduate teaching fellowship position in the domestic violence clinic at Georgetown University Law School. A semester into my fellowship, I called my servicer Great Lakes, who told me that because I was classified as a student, that my student loan payments would not count toward Public Service Loan Forgiveness. Making only \$50,000 per year, believing that my \$145 payments would not count, and I also recently finding

out I was pregnant, facing down exorbitant childcare costs. I agreed to Great Lakes suggestion that I take a forbearance on my loans during the time I was performing qualifying employment in the domestic violence clinic. Due to the high interest rates and daily compounded interest, my loan balance increased substantially because of this forbearance. When I graduated from law school 8 years ago, I owed \$64,765. Now, 8 years of public interest practice, later, 6 years of payments later, I've paid \$29,152 to my loan servicer. Because of the extremely high interest, that is compounded daily, I currently owe \$67,400. That is three thousand more than I originally borrowed, despite paying \$29,000. Furthermore, at this point, there is no way for my qualifying employment during my time in the domestic violence clinic to count. If I were allowed to make back payments to cover those months those months would be a total of \$3,500 based on my salary at the time. Instead, currently I will be required to work for a total of 12 years in public interest work, and my final 2 years of payments will be based on a higher salary. So I'll pay approximately \$10,000 in those final 2 years.

MS. MACK: Thank you for your public comment today, Megan, we appreciate it. Joe Gray, we are ready for you to participate in public comment. If you

can come off mute, you have three minutes.

MS. GRAY: Thanks so much for your attention to a generation crushed by debt, administered for profit with little regard to the purpose of student loans for a vibrant, strong nation or to the value of public and essential service. Thanks also to borrowers providing free labor and who, as some of the nation's most ambitious, motivated and creative people, have had to waste millions of hours to navigate unnecessary complexity and to make life decisions with generational impact based on crushing debt. These requests are from my friends, family and colleagues. One, retirement relief. For five years, starting 15 years prior to a borrower's full SSA retirement age until 10 years prior, phase interest rates down to zero in increments of 20% each year on birth dates or fixed calendar dates. For loans over 5 years into repayment, immediately cancel new interest for borrowers 10 or less years to their SSA full retirement age. Two, capitalized interest visibility. Require servicers to show principal balances and payments on principal with a breakdown of capitalized interest versus original loan amount, so borrowers can plan their IRS interest deduction during a tax year rather than only learn how much accrued plus capitalized interest they paid after a tax year's over.

Three, interest cap. Cap total accrued and capitalized interest at a low percent of the original loan amount because the priority isn't equitably educated nation. Four, public service. Contract work for public service, including by sole proprietors and single member LLCs, must count for FSLF, including when also working part time at another public service employer. Volunteer work must also count, including nonprofit founders who create jobs for others and caregiving. Five, partial and temporary disability. Workers injured on the job in public service, in public service, face job and financial disruption while recovering and navigating other complex and equally unhelpful systems. Please count the months and injured workers on workers comp from a public service job towards their PSLF. Six, Borrower Defense for international attendance. Any institution eligible to receive aid must be held to standards, including colleges abroad, in Canada and Mexico. Seven, PSLF waiver. Please ensure that after October 22, a path remains open to the waiver for unique cases like borrowers and able to consolidate due to their being stuck by circumstances out of their control in other administrative and institutional systems. Pandemic relief. Sorry, I lost my numbers. Pandemic relief. Borrowers not eligible for COVID relief are more

desperate than ever. Please provide equivalent catch up relief for private borrowers. Thanks.

MS. MACK: Thank you, Joe, for your public comment today. I am going to ask that we hear from our final confirmed public commenter today. Brady, please admit Michelle.

MR. ROBERTS: Michelle S. has just been admitted representing themselves.

MS. MACK: Michelle you are a final public commenter today, you have three minutes. Michelle, can you hear us?

MS. SHIRLEY: Sorry, I can hear you now.

MS. MACK: No problem. Please proceed, you have three minutes.

MS. SHIRLEY: Alright. Hello and thank you for giving me the opportunity to speak to you. My name is Michelle Shirley, and I'm here to respectfully request that as you consider modifying any IDR plans or creating any new ones such as EICR, they consider including graduate loans and allowing borrowers to lower their interest rates 0% percent, preferably or no more than 1%. My story is similar to those many graduate school borrower's. I went to law school as a mom of three and as the sole supporter of my family in hopes of

making a better life for my children. I was not born to a wealthy family. On the contrary, I'm a first generation American to Latino immigrants who did not even graduate high school. I had to borrow \$130,000 to put myself through law school. I graduated in 2010, and fast forward to today, my current debt is over \$297,000. With an interest rate of over 7%, my original debt ballooned to almost \$300,000. Just because you went to graduate school, this does not mean you start off with a six figure salary. It often takes years before you cross that threshold. I have been in an IDR plan for the past 10 years, but the truth is, I will likely die before I can pay this debt off. I want to pay it. I borrowed it. I owe it. So please give me and others like me the chance to pay this off. You're able to refinance your mortgage, but I cannot refinance my student loan. If I look to a private loan, no lender is going to lend me \$300,000, I have tried. I'm not the only one in this predicament. Scour the internet and you will find similar stories. One such story was recently featured on NPR, a chiropractor from Minnesota, my home state, also a first generation to go to college and grad school started out with \$139,000 federal school loan debt, which today is over \$600,000. I urge you to please consider getting graduate school borrowers the

opportunity to participate in any modifications to the IDR plans or any newly created EICR. And to consider lowering the interest rate on existing loans. The future of America is based on education success of its citizens. Please let us have the opportunity to repay what we have borrowed and to continue adding value to our country and its economy. Thank you.

MS. MACK: Thank you for your public comment today, Michelle. Committee, I appreciate your willingness to allow me to hold you over for a few minutes so that we could get to all of our confirmed speakers. We will begin promptly at 10 a.m. today. Thank you for your efforts today, we'll see you in the morning.

**Appendix**

**Department of Education  
Office of Postsecondary Education  
Zoom Chat Transcript  
Affordability and Student Loans Committee  
Session 3 Day 3, Afternoon, December 8, 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 Michaela Martin to Everyone:

sorry I'm in twice. having some tech difficulties in trying to work out...

From Stan (A) Ind. Students to Everyone:

Good afternoon, everyone!

From Stan (A) Ind. Students to Everyone:

Or morning to our west coast.

From Justin (P) Servicemembers and Veterans to Everyone:

Emily is taking the table for me

From Daniel (P) - Fin Aid Admin (he/him) to Everyone:

Amendatory language for PEP.

As requested I would propose adding the following language to the current proposed regulations.

On page 1 under definition of Additional Locations, add the following to the end of the 2nd paragraph. "Additional locations as defined under this

clause, however, would not be subject to reporting and disclosure requirements under 668.46 (Clery Act)“

On page 5, at the end of the definition of additional location, add the following “Locations offering these programs, however, are exempt from reporting or inclusion under 668.46 (Clery Act).”

From Michaela Martin to Everyone:

yes please head to the language :)

From Michaela Martin to Everyone:

yes please

From Dixie (P) Dependent Students (ella/she) to Everyone:

Yes

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

Added scrutiny over additional locations may be warranted given that incarcerated individuals are a vulnerable population with constrained options.

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

swapping with josh for a moment

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

I am back at the table

From Anne, P, State DOCs to Everyone:

Thank you for asking Will. Yes, we have over 625 incarcerated students actively enrolled.

From Anne, P, State DOCs to Everyone:

in post-secondary education classes.

From Michaela [P] Ind. Students to Everyone:

The point of contact for accreditors is the institution right?

From Emily (A) Servicemembers and Veterans to Everyone:

An analogy could be universities with MOU's with military bases to teach on base

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

Question: Were Accrediting Agencies part of the subcommittee?

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

I'm very confused why we're discussing this at this point in the negotiations?

From Heather (P) - Accrediting Agencies to Everyone:

No, accrediting agencies were not part of the subcommittee.

From Jennifer - ED negotiator to Everyone:

No, but we had someone from the Department that works on accreditation present.

From Stan (A) Ind. Students to Everyone:

The Dept of Ed had their accrediting team rep present

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

I'd like to recommend to ED that Accrediting Agencies be added as a required negotiator for any neg regs on this issue in the future.

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

Because it's obvious that they have an important and different perspective than those in the Department that work on accreditation.

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

Thanks!