

PROCEEDINGS

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
AFFORDABILITY AND STUDENT LOANS COMMITTEE
SESSION 2, DAY 1, AFTERNOON
November 1, 2021

On the 1st day of November, 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

MR. TOTONCHI: Alright. Welcome back, everyone from your lunch break. Welcome back to the committee and the advisors. So before we dive into our next issue, one unfinished piece of business we have regarding the subcommittee is calling for consensus on the addition of Anne Precythe of the Missouri Department of Corrections to the subcommittee. So at this stage, I will ask for that vote. I do see Michaela, you have a comment.

MS. MARTIN: Yeah, just because before the break, when I asked, I was told that this would go to subcommittee for them to vote her in, and so I'm just a little concerned about the lack of clarity for what that protocol is within that subcommittee. And then just so that it's on the record that that subcommittee doesn't have that kind of like third party facilitation that we have here. And if there's any way that we could either request that they do have that so that we have a consistency within protocols between the subcommittee and our main committee.

MR. TOTONCHI: So thank you, Michaela. Just a couple of points. One of the reasons why you will be voting on this is because the subcommittee doesn't have the ability --that voting power-- to add

subcommittee members. So to the extent there was an inconsistency--Please proceed with this vote rather than the subcommittee having its own vote, okay? In terms of your second point, we will, you know, we'll certainly discuss that further. Okay? Excellent, so at this stage, I'll call for, oh, I see, Michaela, your alternate will take this vote.

DR. ANDRISSE: That's me, Stan.

MR. TONCHI: Okay, thank you. Stan, I appreciate that. If you could note who your alternate is, when you're substituting, that would be great. So I'd like to see take a consensus check on the inclusion of Anne Precythe on the subcommittee. Okay. That has been approved. With that, let's move into our next issue, okay? The next issue is total and permanent disability discharge, so I'd like to start with Jen walking us through the issue paper and text.

MS. HONG: Great, thank you, Emil. I just have some general comments to make going into TPD before we jump into the actual issues. I wanted to make a general comment regarding session one and the refrain of and retroactivity that Bethany and others were endorsing. I believe it's evidenced throughout our proposals and the work we've done prior to this rulemaking, for example, to automate processes for total

and permanent disability discharge. But we wholeheartedly agree with the goals of automation. We share concerns about the barriers that applications represent. However, as Brian from our general counsel's office alluded to in session one, there are limits for automation, namely the legal authority to obtain the data as well as privacy issues considering sharing those data. So, for example, one of the ideas which we agree would be great is for all borrowers and eligible employers to get credit for PSLF through their taxes. I think this was brought up in session one, but we cannot obtain information about a borrower's employer without legislative change. Secondly, we need centralized federal databases. We were able to automate TPD because all the information we need is from single matches with Social Security Administration and Veterans Administration. Someone had mentioned SNAP, TANF, and Section 8, Section 8, which are federally financed but run at the state level. As much as we would love to access those data, we would be looking at over 50 separate matches, which is not currently feasible. Nonetheless, you'll notice throughout that we've incorporated automated language into the regulations where it's feasible and in the case of PSLF, leaving the path open for future automation. On the issue of

retroactivity, we also agree that it is an important goal. Again, however, it's not always feasible and we typically write our regulations prospectively. That being said, we've taken some significant actions to address issues retroactively. For PSLF, this is largely due to the PSLF waiver due to COVID, and we are able to adjust payment counting because this change can be answered by our systems. However, the other end of that is unwinding years of payments to address capitalization (as proposed by some in session one) is simply not feasible and prone to error and without getting too much in the weeds. I just wanted to make general statements, just wanted to affirm our support for this refrain automation retroactivity, you know, that was echoed throughout session one that we've tried to broaden this out to the greatest extent possible through proposals that we have put forward. But we also wanted to acknowledge the very real legal and administrative barriers that we face in implementing it. So with that being said, I can now move on to total and permanent disability discharge. I believe we had a very fruitful discussion on this issue at the table during session one. We did have proposed regulatory text at that time. And I believe both Bethany, John and Josh shared some thoughts and provided some helpful feedback on the

proposed language. During the intervening weeks, we had several conversations with Social Security Administration to clarify questions raised during session one regarding categories and processes, and we made some further adjustments with post language based on this committee's feedback during session one. So if we could pull up the text, (inaudible). If you could pull up, thank you. The proposed language, thank you. Okay. If you look at this, the red lines are the initial proposed amendments and the highlighted text are the changes that we made during the last iteration. And what I'll do, I can just briefly review the highlighted portions with you so we can kind of refresh and look at where we made some changes. And you'll notice comments embedded throughout the document as well. So starting on page two, you see that we added a licensed psychologist throughout the regulatory text in addition to proposing a nurse practitioner and physician's assistant as certifying GPD determinations. And this is after our discussions in the first session, we believe that this captures the breadth of health practitioners. I can certify whether an individual is totally and permanently disabled as defined in statute. We did explore various categories that Social Security Administration has identified certain individuals who can provide evidence

to qualify for SSI or SSDI generally, and this is where we landed. Under romanette 3I in subparagraph 2, you will notice that we've provided catch all verbiage in addition to the inclusion of a benefit planning query or BPQY regarding any other documentation deemed acceptable by the Secretary. And that is just to leave that language open in the event that SSI, there's any other documentation that as the state provides that we can accept it as well. Let me know if I'm going too fast or if you want, I could, because it's just rather short, I can take questions at the end if we just go over all the changes right now. Okay, the second comment on page two is regarding Bethany's suggestion that we accept documentation that shows onset date within the past five years, so we're currently trying to gauge that possibility with SSA. I have to say, though, that we are bound to what we can work out with a data match with them, so it must be data that reliably meets our definition for TPD. So with respect to those categories, we're staying with the categories that we proposed during session one. Pages three and four, again, you'll see inclusion of psychologists throughout as a qualified professional to make TPD determinations. You'll also notice some minor technical improvements throughout the regulatory text, and you'll notice this throughout the

sessions that we're trying to improve the general flow of the verbiage. So far, all the issues where we see technical revisions are better ways of saying things that are included here. On page five, near the bottom, you see that we've changed 60 to 90 days for reinstatement again, which is more generous to the borrower, and that's just to conform with other timelines that we've set for BD and PSLF that we've proposed. Then on the last page, there are some questions about the verbiage for the automated process, which was published on August 23rd of this year, that is codified under paragraph D, which we've included, so you can see what that says. Also, we had originally proposed language to provide greater review, greater analysis of forms to provide protection around the physician certification for the TPD discharge form. We've actually removed that language because we feel like that's better dealt with on a subregulatory basis. And that's pretty much it. I'm open to questions, comments and concerns that you have regarding these amendments that we've made since session one.

MR. TONCHI: Okay, Bethany.

MS. LILLY: Okay, so apologies for my confusion on this, but what you can data match with when it comes to SSA and what the statute says are kind of

two different questions, and these edits don't reflect the issue I raised before, which is you're going to have folks who don't qualify under MINE or don't qualify under an MIP or the other statuses that you've identified here-- who have been on Social Security Disability for five years, have had that disability for five years as the statute requires, and who aren't covered by the text you're proposing. So I don't actually care whether or not you can data match with SSA. I want to see it in the regs that folks who have been on the program for five years can get their loans discharged. That's a very important point for me. I understand that negotiating that out with an MOU, with SSA is going to be complicated, but basing it purely on those prospective categories, as I mentioned last session, just omits folks who aren't going to be counted here. I've submitted a data request to the committee or to the folks. I'm sorry that it was a little bit late. We've got a few other things going on right now, but like, I'm honestly confused why SSA would be pushing back on that. I am happy to have a conversation if there needs to be a data exchange. In terms of yes, we can verify we have paid out whatever five years of benefits is to this person over the past number of years. I'm happy to have that discussion, but if we're not

including folks who have been on the program for five years, I mean, we have stories from legal services of folks who have been on the program for 15 years and not had their loans discharged. And it makes me excruciatingly uncomfortable to rely on this. Without the regs actually reflecting that if you have been on the program for five years, you get your loans discharged. We're not going to ask you what particular review category you're classified in. That's effectively an irrelevant determination here. I would also say that part of the reason I submitted the data request is I think it'll help SSA kind of think through what those options are. But as I said, I don't think it is relevant whether or not the SSA can data match and going down to the automation text, it actually makes me more concerned now that I'm seeing it because it seems to be limited to folks who are in the MINE category. And I assume you guys are also going to auto discharge for folks who are in medical improvement and have gone through one review. So I think you do need to look at that text --like regulatorily-- if you're thinking about automating beyond that. One of the other reasons I have been emphasizing this five-year mark for so long is SSA has a CDR background. They have this really long, it takes them a while to get through all of their review

processes. So people can actually be on the program for five years and then like, still be waiting for their MIP review. So it captures additional people here. It makes sure that folks are getting the relief they're entitled to as quickly as they possibly can. And especially given that offsets are going to be reinstated come February. Like that, I'm just like, I am thinking of legal services clients. I'm thinking of folks in my own network who have been getting their Social Security benefits offset. So I just want to say again, I really think you guys should add, even if you can't do the data match with SSA, to the text something about somebody having a disability four or five years. And again, those edits to the automation section all suggest something in actual writing, but now that I've seen the text, I actually think I'm more concerned about it than I was before. So sorry about that.

MS. HONG: No, thank you, Bethany. Can I just respond?

MR. TONCHI: Yes, of course.

MS. HONG: So, yes, to the automated, text, we are going to make some conforming changes to that section. So should we take on these additional categories, there would be conforming changes to the automated text as well. To your point about the

relevancy of being able to conduct the match and capture all of those individuals that may be eligible for discharge. Are you proposing then that those individuals would be able to show additional documentation through the physician certification process to demonstrate that they've been...

MS. LILLY: I don't think they would need a physician certification. They could submit-- I mean, you've left yourself other documentation deemed acceptable by the Secretary, which I think is a good flexibility to give yourself. But for instance, somebody who's been on the program for five years is going to have records of being on the program for five years. They're going to have either, you know, 1099 tax filings. They're going to have other things that will indicate they've been receiving disability benefits for five years. And so part of the reason I wanted you to keep that flexibility and I think the Department should keep that flexibility is so that folks can provide evidence that they meet this standard. Like statutorily, it's five years meeting the Social Security benefits status. And that's pretty straightforward. There are other ways that you could document that, and I know my alternate has some things to say, and I think he would actually be much better at answering what other

documentation pieces you guys could accept in that context. So I see his hand up, so I should probably sub out for him, but I just-- that is it. Yes, I think there are other ways you could look at documentation in that space.

MS. HONG: Okay, so before you jump in, John, I just want to clarify when you say provide evidence, provide evidence to the Department because currently we have the automated process and the physician certification process. Those are the processes available to us to verify whether an individual's eligible for TPD discharge. We do not have a process for a borrower to directly provide that documentation to the Department, just want to make a point of clarification. We are exploring it on the automation front first. And that's why to the extent that we can capture with SSA these eligible categories and automate them for a data match, that is our goal here. So that is why we're starting there. That's a starting point for us. Everything else, we're continuing to have these discussions with SSA and certainly need your help in finding the best path forward. So with that, if you could clarify what you mean to provide and what that would entail.

MS. LILLY: I think it could be part

of the physician certification process and I don't actually see it as terribly different than the physician certification process. And I mean, to be honest, you make a very good point, I hadn't realized that we didn't have a process in place where folks could be providing that, but right now when you file a physician certification, the physician's signing off on it. That doesn't mean that in addition to that, folks couldn't provide other documentation. I mean, how, actually, no. Let me back up. How do people currently send you their benefits plan inquiries? Persis can probably answer this question. But like you know, nowadays, if your data match misses folks who are MINE eligible or who are otherwise qualified, you can follow up with the Department with other paperwork. And so to my mind, like you can go get a benefits query. You can submit that as part of the physician certification process, that was at least, I think, my understanding there. I'm going to shut up and let Persis talk because she's probably got a better answer for this than I do.

MR. TOTONCHI: Alright, go ahead, Persis.

MS. YU: Thank you. Yeah, so I do want to speak to that really quickly because prior to the Department implementing the data match with the Social

Security, in fact, well, and currently still borrowers can submit the BPQY in order to show that they have the Social Security MINE category. And certainly when the last time the Department regulated the TPD rules that this category didn't exist. And so the Department through that rulemaking created this process, and it seems that they could do that again in this case. But I do want to support the need for why we need to have this five-year process. And if I can, I'd just like to read the statement of a borrower that one of our legal aid partners represents. So he says, my name is Alexander and I'll omit his last name. I am 73 years old and a refugee from Russia. In 2019, my Social Security pension was reduced to repay my student loans. I want to tell you what a struggle it was to stop the Department of Education from garnishing it. In 1990, I came to the United States because of religious persecution. I studied English and other subjects at LaGuardia Community College and having no money whatsoever. I paid for my education with a federal loan. Thereafter, I worked as a photography developer, a taxi driver and finally a medical technician in a hospital. During this time, I made regular payments towards my loans. But in 2006, at age 58, I became depressed, lost my job and went on welfare. My therapist did not think I could work

because I was socially isolated, paranoid and couldn't concentrate. When I applied for Social Security Disability, I was denied. I continue to fight for my Social Security Disability benefits in court. In 2018, when I was 70 years old, a judge decided that I had been continuously disabled since 2006. My benefits thereafter were \$878 a month. A few months after getting my regular Social Security payments, the Department of Education offset \$54 from them each month. This caused a huge hardship because living in New York City is super expensive. I sent the judge's decision that I had been disabled since 2006 to the Department of Education. It told me that the proof wasn't good enough to prove I was currently disabled and my doctor needed to fill out the form. But my doctor was unwilling to do so, saying I was just old, not disabled. Not knowing what to do, I found a free lawyer. He helped me file a hardship application instead. This meant showing I was poor with bills and expenses etcetera. Only then did the Department of Education agree to restore my Social Security to its full amount, but that was just for a year. So now I have to redo all the paperwork. Otherwise my Social Security check will be reduced again in February 2022. This bureaucracy is exhausting, unfair and something I expect in Russia, not the United States. A federal Social

Security judge already said I was disabled continuously since 2006. Why can't I use that decision? Why doesn't one part of the government talk to the other to protect me? I am 73, depressed and preoccupied with other problems other than my student loans. I would not have even known that I had to refile all this paperwork if had not been for my lawyer reminding me. Thank you for consideration of these comments. Thank you.

MS. HONG: Thank you for that. If I could just briefly point to again on page two. And you're right about the BPQY, why we added that kind of catchall language about other documentation deemed acceptable by the Secretary to capture any other information that we can settle with SSA in terms of whatever could be provided. So if you could take a look at that stew on it for a minute, that would be helpful.

MR. TONCHI: Thank you. Justin.

MR. HAUSCHILD: Apologies, yeah, thanks so much, so I just want to take this opportunity to pin on a few more overarching points here. First, it's come to our attention between the last session and this session that in the Department's current automated process-- and much of what I'm going to talk about here is automation related-- that it's missing certain veterans who qualify for TBD discharge. And so we wanted

to first request some information from the Department on its current process for identifying disabled veterans who qualify for TPD and then just take an opportunity to highlight the fact that there are two different ways which veterans can qualify for TPD with the Department. So under regulations, these veterans can qualify if they've been determined by the Secretary of Veterans Affairs to be unemployable due to a service connected disability. The Department appears to interpret that to mean both that the veteran can be 100 percent disabled. And or I should say, the veteran has received an unemployability determination by VA through an individual unemployability process, which is a distinct component of the disability program at VA. So there appear to be two different avenues with which the Department is identifying individuals at VA, and we would certainly like information on how that automatic automated process is being conducted to ensure that all veterans eligible for TPD are being identified appropriately. Separately, we wanted to comment on something we raised previously, which is a concern about the certification done by a practitioner or PA licensed by a state specifically with regard to individuals living overseas who may have difficulty finding someone licensed by a state. So re-emphasizing a point we made

previously there. And then lastly, hit on automation one final time. You know, I think just broadly speaking, there needs to be more attention given to the affirmative nature with which the Department should pursue automation here. Language here and in the PSLF text, for instance, seems concerningly open ended, I think. I understand that flexibility on automation is necessary for all the points made so far when talking about complexities of working with other federal agencies. But I think at this point, seeing all the barriers that applications have presented to borrowers over the years, that automation really should be a foundational aspect of these programs and that language surrounding automation should encourage and ensure that the Department is pursuing, utilizing and improving automation on an ongoing basis. Not that the Department will just use automation simply where it's convenient. So this is a major concern, I think, for us insofar as interpretation of these provisions changing as leadership and administrations change. So we really are, you know, regulating not just for now, but for the future. And I think that the regulation should encompass that. Thank you.

MR. TOTONCHI: Thanks, Justin. Jay.

Oh, Jen, Jennifer, did you want to speak?

MS. HONG: Yeah, I guess, Justin, if there is a request there for data, if you could put it in the chat and also provide a little bit more specificity on the population of veterans that are not getting counted in the match (inaudible)? Thank you.

MR. TONCHI: Jaye.

MS. O'CONNELL: Thank you. So my question is on conforming language for FFEL. So there were no FFEL regs red lines provided and there are reinstatement provisions in FFEL in 402C 682 402C. So I'm just curious about the status of the red lines.

MS. HONG: Absolutely, Jaye, we weren't able to get it for this session, but we will get it for session three, if you have any suggestions as we draft that language. Please feel free to forward that to us. We're happy to take it.

MR. TONCHI: Daniel.

MR. BARKOWITZ: Oh, thank you, Jen, an issue that we discussed in the first round that I don't see adjusted here, and maybe it's because it's statutory, not regulatory, is the three-year reinstatement and the potential that within that time frame from discharge of the debt, that there may be an educational program that meets the borrower's current status, but is not reflected. And I wonder if, first of

all, if that is statutory, not regulatory, the three years, and if it's regulatory, I'm happy to provide some language. I would suggest again the five year determination of disability, total and permanent, or three years, whichever comes, whichever ends sooner. So again, if I'm in year four of my determination, why should I have to wait another three years before I'm able to go into another program? So I'm happy to suggest some language, but I didn't see any adjustment of that language in this version.

MS. HONG: Yeah, that is not statutory. If you could yeah, if you could provide us that proposed language, Daniel, we could take a look at it.

MR. TONONCHI: Now, Persis, I do, I see your hand up.

MS. YU: You can let John go first.

MR. TONONCHI: That's what I was going to suggest. Thanks, John, go ahead.

MR. WHITELAW: Thank you so much. I want to respond to a couple of the narrow questions and then I have some broader questions. Jen, I'm going to add, and I think she's clarified this a little bit, but mistakenly thought that the only way you could get TPD was through a physician's certificate. Even previously,

you could do it by showing the BFQY. We think that generally speaking, what you want to do is have the BFQY plus any other documentation that's deemed acceptable. It is easy to get confirmation of when you began receiving death benefits or when your disability onset began. That is not a difficult piece of paper to get from Social Security, and we'll talk about automation in a minute, but it's not. It is so much less burdensome to have to obtain that, even if it's not automated, than it would be to get a BFQY. Regarding automation, I think it's important not to confuse substantive eligibility for TPD versus how much can we automate it? And I think Bethany made this point very well. Our biggest concern as we sit here this afternoon is with the substantive definition of who is considered eligible for TPD without having to go through the extremely burdensome process of getting a physician service, a physician's certificate. And now I want to just talk about what the Department has done. I am profoundly disappointed and stunned that the Department has chosen to exclude from the definition of those eligible for TP discharge-- Probably the single largest group of eligible Social Security recipients, that is, all of those individuals who have an onset date of at least five years before their application for TPD discharge. These individuals, unquestionably, without a

doubt, meet the statutory definition of disability. Such an exclusion of these individuals has no basis in law and policy, it is misguided and cruel, and I thought we were done with cruel actions. The statute defines disability as one that prevents substantial work and has lasted or is expected to last 60 months or result in death. Credit to the Department for putting in a way out for folks with a compassionate allowance, which is often folks who have a terminal illness. The current regulation includes those individuals whose disability, social (inaudible) will last 60 months. In other words, the MINE category, this is a prospective view. We proposed inclusion of recipients whose disability onset date is five years old so that we know their disability has lasted for 60 months, the statutory standard. The Department with its failure to adopt this group, has excluded individuals whose disability is unquestionably within the meaning of the statute. They have provided no explanation for this exclusion. It is not social purview--The Department has articulated.

MR. TOTONCHI: Yeah, I'm sorry, John, your past time.

MR. WHITELAW: Suggest (inaudible) are not disabled,

MS. HONG: So I have, I have to

respond to that because if there was an impression of exclusion here, that was not it. I think you're right. We need to not conflate the substantive categories and the automation. So we are aiming to capture all those categories through automation. We've added catchall verbiage in addition to the BPQY about additional documentation that the Secretary deems acceptable so that we can capture those. We are still in conversation to ensure-- to be clear on what those documentation needs are, what additional documentation may be needed. But there's no exclusion. We included language to encompass other forms of documentation, including documentation that may demonstrate that somebody has been disabled for five years, meeting the statutory definition of five years. So our aim is to also capture those categories through automation. Again, that is our optimal goal here. So there has been no exclusion. In fact, we've added that language into page two under romanette 3I. So I just want to make sure that that I mean, it's pretty catchall language. So I want to make sure that folks are on board with that. But you're right, we don't want to conflate that. We are on board with it. We've added the compassion allowance process for those in the compassion allowance, those that are in MIP that have been renewed. And that will be captured--

optimally through the automation process and everything else through the catchall category.

MR. WHITELOW: If I can respond briefly (inaudible) the category of those who have been found disabled as of five years ago or who have been receiving benefits for five years. MINE is not about how long you've been on disability. And people who have been coded as MIP and have had a review--there are lots of people who have been on for five years who may be on MIP and who haven't had a review. What I do not see as one of the substantive categories of eligibility is people whose disability onset date as adjudicated by the Social Security Administration is five years prior to that TPD application. That is a substantive category not included. That's the problem here.

MS. HONG: And that's because we're currently in communication with SSA and making sure that we grab those individuals, but that is still on the table. Right now in this moment in time we believe the idea has merit. So we just want to make sure that, you know, whether SSA has any other policy concerns about it, but we certainly flagged it in the comment on page two as well.

MR. TOTONCHI: Persis.

MS. YU: You know, and I just want to

support John. And in my reading that group of people is not included in the red text that has been provided and they should be. And I'm not exactly sure why we need Social Security's input since I think as a reading of both statutes side by side, the language is basically identical with the exception of the number of months. And since once we can show the number of months, it seems like that should be sufficient for Department regulations. But I also wanted to talk more about, as you draft the language around the discharge without an application and to ensure that when you are drafting that language, you are doing so as broadly as possible. I appreciate that the Department is looking into new ways of doing matches and wanting to be sure that whatever language you come up with is broad enough to cover future categories that are created so that we don't have to go back through this process over and over again. As I read the statute after the piece that John writes about who qualifies once the Secretary learns of it, then the Secretary shall discharge the borrower's liability. And so that puts a requirement on the Department to do automation whenever it is possible, whenever it is physically possible, in my view. So the language of that section needs to not just conform, in my opinion, the categories that we're creating, but any

future categories that we want to create and any future sources of information that we can find.

MR. TOTONCHI: Thank you. I'm just recognizing that Bethany is coming back to the table. I don't see any other hands up. There has been some additional guidance given to the Department based on this discussion. Just so we can see where we're at, I'll take a quick temperature check for tentative agreement on this. Please show me your thumbs.

MR. TANDBERG: I'm confused as to what we're voting on. There was the US back and forth and-.

MR. TOTONCHI: So obviously, you know, the Department has come with, you know, updated red line text, so it's on the updated red line text. Yes, there's been some discussion, but so I'm asking for a thumbs up on the updated red line text at this stage. Does that help clarify?

MR. TANDBERG: Yes.

MR. TOTONCHI: Okay, great. So let me see thumbs. Okay. There are a number of you who are thumbs down who have already commented. If folks who have not commented yet would like to succinctly state their objection, their strong reservation about it, I saw David. Joe, you also had your thumbs up but did not speak so, go ahead, David.

MR. TANDBERG: Yeah, I thought there was just some substantive critiques offered and you know, this is an area where my expertise is lacking, and so I just feel like we need more discussion and clarification on the points that were raised by Justin, Persis, Bethany, Jonathan and others. So just, you know, I'm sure we'll get there, just not there yet it doesn't seem like.

MR. TONONCHI: Joe.

MR. SANDERS: Yeah. Similar to David, I think that the concerns raised by Bethany and John and Persis were substantive from my perspective, and so that's the basis of my vote.

MR. TONONCHI: Yeah, fair enough. Feel free to just say ditto what has already been said going forward. Jennifer.

MS. HONG: So I just want to be clear on what the sticking point is, and that is the five years. There's also the issue that Daniel raised, which he's going to provide proposed text for the issue-- that Justin raised is kind of separate. I don't view it as a regulatory issue. It's kind of a separate question regarding making sure that we have all veterans in the match. So I just I want to be clear on what's in front of us so that we can get to a good place. I felt like we

were in a really good place. I feel like we're moving toward a good place with this rule. We're looking into the five year issue. And we're continuing to have that conversation. But I just want to be clear, is that the only issue that we're talking about here?

MR. TONONCHI: Justin.

MR. HAUSCHILD: Yeah, thanks so much so, and I think that's broadly speaking, right, Jennifer. I do want to say that when we're talking about actual substantive regulatory language though, we do know there is a definition in the regulation for how veterans are essentially deemed eligible, right? Then determined by the Secretary of Veterans Affairs to be unemployable due to a service connected disability. And I know that's not within the provisions we're discussing here, but to the extent that there are issues with that language that is somehow prohibiting the Department from appropriately identifying or qualifying veterans, I think that would be a regulatory text issue. I don't know if that's the case, but really would like to just have the information that we requested to drill down further on that. Thank you.

MS. HONG: That's helpful, Justin. I do have-- the unemployability issue is statutory so that if we have language in our regulations, it just mirrors

the statutory language about an unemployability.

MR. TOTONCHI: David.

MR. TANDBERG: Yeah, I want to clarify. I absolutely think we're in a very good place and we've moved, we've advanced this regulatory language in an incredibly positive direction. I can't answer your question as to whether what you stated is the only remaining issue. I've had a hard time keeping up with the back and forth. I see that Bethany has proposed some potential text that I think goes a long way to addressing the issue as she articulated it. So I'd like to consider that as potential additional red line. And if we can resolve this area as far as my understanding, I think I'd feel pretty comfortable with it. But I would defer to the folks that are experts in this area before we took a vote.

MR. TOTONCHI: Yeah, before Jaye speaks, yeah for what it's worth, obviously to be, David, what you just said makes sense. But for what it's worth, to the extent we can pin down the sticking points, it's really going to help this overall process. So if say, you know, as soon as possible, if you think of another issue you haven't thought of, please alert us in the Department, okay? Because we don't want this to linger for over a month and then raise a brand new issue

again, okay? Jaye.

MS. O'CONNELL: Yeah, so without seeing regulatory language for the program that I represent, I'm not going to be able to give a thumbs up, so I just wanted to be clear on that and it's not opposition to any of these, these issues. But if I haven't seen the language, I can't agree to it.

MR. TOTONCHI: Any additional guidance, Jennifer, before moving on?

MS. HONG: I don't think so, I think again, I just want to reiterate that it sounds like, you know, the thumbs down has to do with the five-year onset of the disability issue that we're continuing to look into, and Bethany has proposed some language toward that end in the chat. But again, we're still discussing this issue. It's still open. We're still discussing it with SSA. So whatever it sounds like, everything else except for the issue that Daniel raised, and then the issue about the physician's assistant that Justin raised, that this this frank language. It is in pretty good shape. Jaye, we're going to get you some FFEL conforming language as well. So, if so, if there's any other objection to anything substantive, please let us know now.

MR. TOTONCHI: Carol.

DR. COLVIN: I had a question regarding--Daniel just sent out updated language. When we talked about new loan disbursement, especially for veterans using vocational rehabilitation, if their counselor were to approve for them to go into a teaching program--something where they would be licensed to actually get a teaching certification. If they receive a teach grant and they're approved by a VRE Counselor to be in that program, even after they've received the disability rating. It seems to me like the language would suggest that if their disability discharge has not been fully processed, then it might negate it. Is that the case? That would be concerning to me.

MR. TONCHI: So, if the Department wants to look at that and get back, Carol, if you could write the question in the chat, make sure we don't lose track of it, although I do see a couple of hands up who may be able to answer. Persis.

MS. YU: Yeah, so this this may be a clarification, but I believe that the reinstatement portion doesn't apply to the VA process. That is my understanding--is this only for people who would use the TPD regs through the doctor certification, or the Social Security process? The VA regs don't have any reinstatement requirements.

MS. HONG: That's correct.

MR. BARKOWITZ: Can I just respond?

I'm sorry that new issue Carol brought up, though, is the teach grant piece, which is specifically listed. So a student who comes through with VA benefits, who also takes a teach grant would be impacted. So it's the teach grant specifically that does call back to the loan issue. So I second Carol's concern.

MR. TONONCHI: Justin.

MR. HAUSCHILD: Yeah, thanks, I was going to emphasize the point that Persis had made, but also the one that Daniel made. So I think really what's going on here is that the student would still be eligible for their veteran's unemployment benefits, but may be impacted insofar as something being reinstated to the extent that they're taking about one of these teach out grants, for instance. But I recognize that that's only within certain periods of time as well. So thank you.

MR. TONONCHI: At this stage, Jennifer, any additional guidance the Department needs?

MS. HONG: No. Just to be clear, though, the reinstatement provisions only apply to non-veterans.

MR. TONONCHI: David.

MR. TANDBERG: No, that was accidental on my part.

MR. TONCHI: Justin.

MR. HAUSCHILD: So just to clarify, the reinstatement provisions apply to veterans insofar as they may take out a teach grant, but they don't apply to VA benefits, correct? I mean, that's what you were, saying, Jennifer?

MS. HONG: Sorry, there's no-

MR. HAUSCHILD: I guess my read on it is that these would apply to veterans, but they don't apply to the benefits that the veteran is using. You can't regulate VA benefits.

MS. HONG: Right.

MR. HAUSCHILD: Okay.

MR. TONCHI: Okay. Well, with that, folks, we will move on to our next issue, closed school discharge. I will pass it over to Jennifer to walk us through the issue paper and text.

MS. HONG: Okay, great. I can't get Vanessa to cue the closed school discharge proposed language. One second here. Okay, so we realize we received proposals. Okay, so we received proposals from Persis and Josh, as well as one from Daniel Barkowitz, Heather Perfetti, Jessica Barry and Carol Colvin--that's

one proposal from the four of them. The later one from Daniel and others we received, we weren't able to get back to you. I think we got that on Thursday. So let's make sure that we discuss that proposal here today. You'll notice that for the proposal that Persis and Josh provided, we've made several changes that reflect our approaches to the issues raised. We also look forward to discussing those as well. Just a general statement regarding the closed school data requests that we received from committee members. We are currently in the process of deploying more data to look at what happens to borrowers who do re-enroll versus those who do not. And we will share that-- hopefully today, definitely within the session. But in the meantime, let us go to page one of the regulatory text again. The red line is our initial proposal. The highlight is the last iteration. And so on page one, in clarifying closure date, we'll just read Roman at one. We added a school's closure date is an earlier of the date that the school ceases to provide educational instruction and ended most programs as determined by the Secretary. And then we've added a date chosen by the Secretary that reflects when the institution had ceased to provide educational instruction for most of its students. So it is a more encompassing definition. I realized that, and others

jump in here as well, from our cursory review, from your proposal, we felt we realized that the definition that you proposed was more narrowing. We're actually further, that's what you see before you. In the same paragraph, we've added a romanette 3I to clarify the definition of program for closed school discharge purposes. And you'll notice the verbiage there is to address the issue of-- if a college changed programs altogether, or awards retroactive credentials-- that could have the effect of denying a borrower discharge. So this language just emphasizes the Secretary's authority to define a pass program as multiple levels of zip code under those conditions that are stipulated under A, B and C. And I believe that this should address the issue raised by Persis and Josh on predatory degree stacking and enrollment in multiple programs. Okay, so the next section, I realize, is not yellow, but pink. Basically we're striking comparable program in the definition section, but we've embedded it in the discharge procedure section under paragraph G at the bottom of page six and top of page seven. That's just for simplicity. Automated discharge in the middle of page two is now paragraph C. We just pulled it in earlier from page five. Okay. On page two, under paragraph D, you will notice that we deleted the reference to when

the loan was first disbursed and added the exception of paragraph H, which are the exceptional circumstances. And then it's just a reminder there that the black text is the current regulatory language. You'll notice we're not raising the burden on the application piece whatsoever. In fact, we're expanding the automation piece for all our discharges, but particularly for home school discharge. Page three, again, we've deleted comparable program because we're embedding that concept later on page six and seven for simplicity. Moving on to the top of page four (inaudible)--restating it, so we've collapsed paragraphs one and two of C to further simplify and to propose to apply the one hundred and eighty day look back window, regardless of whether the borrower took out the loans before or after July 1st, 2020. In session one, someone had raised extending the window to two hundred and seventy days. We're currently conducting the data analysis to understand the difference between one hundred and eighty and two hundred and seventy days. And we're not quite ready to share that today but we'll loop back with you. Page five, we've deleted the sentence regarding the applicability of the discharge procedures for loans disbursed before July 1st, 2020. And at the bottom, we've extended the resumption of payment timeframe to 90

days from 60 days again to be consistent across all our programs. Okay. Page six. Again, to carry forward with the idea that we propose to apply the one hundred and eighty day look back window, regardless of whether the borrower took out loans before or after July 1st, 2020, we collapsed paragraphs F and G for simplicity. Also, keep in mind that subparagraph five ensures that borrowers who did not receive an automatic discharge and did not submit a completed application are provided another application upon the resumption of payments. And we'll see that at the top of page six. Page seven. I just want to bring your attention to the concept of re-enrollment in a comparable program. I realize there were a lot of questions about this last time. I want to be sure I accurately convey the Department's position. It's been our long-standing interpretation of the statute that the borrower is only eligible for closed school discharge if they are unable to complete the program. That's what the statute says. And therefore, we've always relied on the concept of re-enrollment and completion of a comparable program when it comes to closed school discharge. However, over the years, our ability to identify which borrowers qualify for an automatic discharge have improved. And we're proposing to further expand that universe for automatic discharges

by capturing all borrowers who did not re-enroll in a comparable program. So just to review, and this was the question that we had about, oh, what data did you have that you didn't have before prior to 2016? Well, there it is. Prior to 2016, the Department historically required an application for closed school discharge in order to receive an attestation from the borrower that they did not transfer their credits. Again, and this is just based on the statutory interpretation regarding borrowers' eligibility and being unable to complete their program. However, in 2016, as a result of improvements in administrative data provided to us, the Department was able to automatically discharge loans for any borrower who did not subsequently enroll in an institution. Okay, now we're further proposing to expand that universe by capturing all borrowers who did not enroll in a comparable program, so we're able to expand that universe. And, you know, someone asked during session one why we could not do this for borrowers prior to 2014. And again, that's because we only started collecting program study information in 2014, but now we have additional data points. And beginning in 2019, we can expand the universe of eligibility for automatic discharging further--from 2019 data for those that re-enrolled even in a comparable program so long as they

did not complete a teach out at the original institution. So now that we have that teach out data available to us, we can further expand. So I just want to underscore that these are all significant expansions for automatic discharge since 2016. I realized there were a lot of questions about this regarding the data points that we have available to us. But over the years, given the data points, we were able to propose to expand automatic discharge for coastal discharge based on information that we now have regarding completing a teach out. Again, we are currently conducting the data analysis to look at how outcomes vary for borrowers who re-enrolled and those who did not. And we will share that when it is ready. Finally, the last issues on closed school discharge proposed language include the three additions we made on the bottom of page seven, and that's paragraphs 8 through 10. Eight is a discontinuance of a significant share of its academic programs. Nine is when a school permanently closes all or most of its ground based locations while maintaining online programs, and 10 is the addition of HCM2. So I believe again, Persis and Josh suggested adding heightened cash monitoring. We believe that HCM1 is too broad, which while HCM2 may be indicative of significant problems in the institution. We also wanted to get

feedback on the other suggestion from legal aid folks regarding judgments against the school. We already have the proposed language under paragraph five, which is a finding by a state or federal government agency, and we're wondering what would be covered in your suggestion that's not currently captured in the proposed language (inaudible). And just a point of clarification, we're only using comparable program in the context of automatic discharges. And that's the effect of the earlier deletion of the definition she used here. So I see some hands raised, but that's pretty much all the changes that we made. I look forward to hearing your comments.

MR. TONCHI: Great, thanks.

Jennifer, before David starts, just want to note that Josh is present for legal aid. And Jessica is present for proprietary. Okay. David.

MR. TANDBERG: Thank you and thank you, Jennifer. I really appreciate the thought that's being given to revising the language. Since our last session, I think we've taken some real significant steps forward. Could we scroll back up to the automatic discharge section? There was a lot in the comments. I think we may have passed them, but. And maybe down a little bit more. But anyways. And little further where

that comment was, I think it's on the next page. Yeah. So the last point that you raised, and I believe it's the final paragraph in the comment due to recent changes in data reporting requirements. So essentially, correct me if I'm wrong, that's saying that a student-- that any student that experiences a closure will be eligible for automatic discharge unless they complete a teach out at their original institution-- so any other student would be eligible for an automatic discharge? Is that correct?

MS. HONG: That's correct.

MR. TANDBERG: Okay. Yeah, I believe that's something that I would support and, okay. Alright, well, I'll think on that, thank you for that clarification and thank you for moving in that direction.

MR. TOTONCHI: Thank you. Dixie.

MS. SAMANIEGO: Yeah. I asked this the first session, and I don't see it anywhere in my note to[inaudible]. I was just going to ask again, just a clarifying question about what the Department of Education considers a like comparable program for students to transfer into. I know that it sounds like at the same level, but in other sections it says the same thing. But is there an actual working definition that the Department uses or is there like statute on that or

something like that? Just for me to understand.

MS. HONG: So this, so this is addressed in the language on page one on our program. When we say program, the credential is defined by the level and zip code in which the student is enrolled. That is a program, and then when we redefine it as the zip code and level, and then later it's encompassed in the teach out. The teach out is I guess a comparable program.

MR. TONCHI: Josh.

MR. ROVINGER: Thanks, and I'll just start off by saying that we do appreciate the Department's inclusion of some of the proposals that we put forward. And just the general direction that this proposal is headed. I have comments on a number of different areas, but I think we're all started on this round is in the automatic discharge provision as compared to the discharge provision with an application. So if I'm understanding this correctly, any borrower, regardless of when they attended a school, if it closed after 1986, if they submit an application, they would be eligible for a discharge if they didn't attend a teach out program. What I don't-- while recognizing, while I recognize the Department's data concerns, what I still struggle with is how borrowers, particularly those who

attended a school that closed before 2014, are only entitled to an automatic discharge if they re-enrolled, if they somehow, if they meet essentially a heightened standard there that they didn't, you know, essentially if they re-enrolled they are not entitled to an automatic discharge at all, if they attended before 2014. And to my mind, those are still the borrowers that we should be taking the largest steps for. Those are the borrowers who are least likely to know of their right to closed school discharge relief and who have been saddled with debt for the longest. Because the comparable program requirement isn't a statutory requirement, I think we would propose that for those before 2014 who re-enrolled, rather than deny them the closed school discharge automatically in its entirety-- that the Department either, one, put in the same teach out requirement and then do an analysis of whether schools before 2014 even did teach out programs. And I suspect that the vast majority of them did not. Or two, just automatically discharge those loans because again, the comparable program requirement is not statutory. And it's imposing a harm on the people who have been waiting the longest.

MR. TOTONCHI: Jennifer, do you have a comment?

MS. HONG: Yeah. Again. You know, the barrier there, as I just laid it out, is we didn't have those data available. You know, we're getting more data now by program. We don't have the teach out data available to us prior to 2014. So that is why we can't make them eligible for our discharge. But I understand your point. Your point is why can't we just apply it across the board? And again, I would say that the comparable program, the concept of comparable program, does come from the statute, and that's been a long standing interpretation on whether a student is able to complete their program.

MR. ROVENGER: This is just a quick follow up question. Isn't it the Department's interpretation of the statute? Because I don't actually I don't see language like my read of the statute doesn't have that comparable program requirement automatically in there. And I don't know, to my mind it, the interpretation since it's not mandated by the statute just doesn't recognize the inherent harms that exist when a school closes. Even if someone does re-enroll, you know, the psychological impact of the closure, the loss of an alumni network, the fact that someone's transcript is going to reflect the fact that their school closed even if they did go on to finish another

program. And so I would strongly urge you to reconsider that interpretation just generally and to put in here an automatic discharge across the board for those pre 24 (inaudible).

MS. HONG: I understand your point, I just again, they would still be eligible for discharge, just not automatic discharge. They would still get their loans discharged and have to submit an application.

MR. TONCHI: Thank you, folks. Please keep your hands up. We are going to take a break. So don't put your hands down when we take a break. Keep your hands raised in the order that you've raised them, okay? We are at 2:17. We're going to round a little up. We'll come back in our seats ready to go at 2:30 Eastern. Okay? We'll see you then. Alright. Welcome back, everyone from the break, we were in the middle of our closed school discharge discussion. Let's pick it up from where we left off. Jessica.

MS. BARRY: There you go. So I have several concerns with some of the language, and I just want to start at the very beginning, which is how we're determining the school's closure date. I first just want to say we're still concerned with this language because schools can restructure their program offerings even

most of their program offerings without diminishing the quality of other programs. So, for instance, a school is experiencing declining enrollment. They might stop accepting enrollments in that program and then teach out that program. Schools decide to do that to when the market changes or employers' needs change. And that could lead to a school teaching out even a majority of their programs over time. So if we're using this as a determination for the lookback period, it could significantly increase the lookback period to a time that was well before the school was even considering the thought of closing. So we have some concerns with this. I did want to bring up, though I know Jen mentioned that we and when I say we, I mean, Daniel, Heather, Carol, and I, put together some language as an alternative to this that would focus the closure date on the time the school either lost accreditation or lost their state licensing, which we thought was more concrete. And please, Jennifer. I mean, Heather or Daniel, please jump in at any time if you have other thoughts. And also our language also included some exclusions. And the reason why we included those exclusions, too. I would love to go through... I don't know if this is the right time to do that. I don't know if, Jennifer, you mentioned that we would have time to go over those proposals.

MR. TONONCHI: We'll certainly ensure that we get to that moment if now is not the appropriate moment. Let's go ahead with hands for now. But Jessica, I guess, hold the thought at this stage, please.

MS. BARRY: Okay.

MR. TONONCHI: But if we miss it, if we move on too fast without addressing it, please remind us, Okay, Okay. Joe.

MR. SANDERS: Hi, yeah, thanks. I have first a question, then I have a potential comment based on the answer. If that works in the three minute structure. And the question is for Jennifer or any colleague that she chooses to pass it off to. I want to go back to the same section that Jessica was talking about in the very beginning, the determination of the school's closure date. And I wondered if a Department representative could just talk through the reasoning for the changes there.

MS. HONG: So generally under romanette I, I mean, you could tell from the language, it's generally meant to ensure that the definition includes whenever it is, whenever our student might be affected due to an institution ceasing to provide educational instruction for most students. You know, narrowing that we felt wasn't useful and we wanted to

make sure that it was the earlier of the day as to not rule out any students that could have been affected when most of the programs that an institution provides, it ceases to provide, instruction. The general idea is, you know, expand and provide flexibility in cases where closures may be prolonged.

MR. SANDERS: Yeah, thank you. Thank you, Jennifer. That's really helpful. So unlike Jessica, I want to voice support for those concepts. And I think that these changes are positive. My comment goes to the issue that I raised where schools are able to manipulate who falls in to and out of the eligibility window by when they communicate the closure. This is an issue I submitted language on whatever day we talked about closed school discharge. I think that this language that you've included here gives the Secretary discretion by changing the closure date to compensate for those types of deceptions. You know, I think you've got some of that built into the exceptional circumstances section as well, which would allow the Secretary to have the discretion to move the window to get more students. But I want to emphasize that I think that there is a concrete, workable standard that could avoid the issue of schools messaging closure to students outside of the 180-day window. And you know, well, we have a very high

profile example of this with the Dream Center and the Art Institute of Illinois. I submitted the administrator's report, which detailed the deceptions around the 180-day window by the school. While the exceptional circumstances were triggered in that instance and students were brought in. I don't know that that would be the case in every instance and students who are told that their school is closing are in a situation where they're very emotional. They're very disappointed. Many want to complete the program in that first heartbeat instance where they hear about the closure. Many others are very disappointed and have that heartbeat moment where they just drop the drop the course right then. And so I think that when the students learn about the closure, they need to be captured, they need to be, closed school discharge eligibility needs to be guaranteed for them. So I want to reemphasize my proposal to have the schools public or communications students-- that it's closing the window whereby eligibility is determined. Thank you.

MR. TONCHI: David.

MR. TANDBERG: Yeah, first, I'll say a definite plus one to what Joe articulated, that's absolutely what we've heard from our members, who often are the ones left holding the bag in the event of

closure and dealing with the implications of trying to find a home for students, helping them process their applications for loan discharge, etcetera. And so a clear cut date that is communicated to the students. And I think that's potentially different than when it's communicated publicly. And so the communication to the students would be what the state higher education agencies would like to see implemented. And I feel like, you know, again, I feel like the Department has taken steps to improve the language even beyond what they had provided previously. I reiterate what I had said last time, which is we need to recognize harm to students, and every student that experiences a closure is harmed and their likelihood of completing their credential at any institution is diminished. Right. And so I strongly support the note the ideas articulated by Josh and saying that even moving backwards, every student that experienced a closure, automatic loan discharge, I think that's simple. And I understand the desire to say, well, if a student does complete the program, either they're taught out at their current institution or another, or I mean, enrolled in a in a program following the closure, they're obviously continuing well. Their chances of completing the degree has been diminished. They have been harmed in other ways. And so I realize it'll be

more expensive and not hugely more expensive to just discharge all their loans automatically. But I think it's the right thing to do. And I realized that we've been presented with a counterargument that, well, they can apply for a discharge. Well, that's adding an extra burden and administrative burden. And I think students rightly have reason to question whether their loan will be discharged if they file an application, and some may never do it, some may do it improperly. So again, I would argue for automatic loan discharge for any student who experienced a closure.

MR. TOTONCHI: Thanks, David. First, I do want to recognize that, Jen, on behalf of student borrowers at the table, and I am going to put an extra effort to distinguish between Jen of student borrowers and Jennifer as the Department negotiator. Okay, Josh.

MR. ROVENGER: Thanks. I want to use this time to talk about a few of the kind of more nitty gritty pieces that are in here, so subsection A23. So really appreciate that the Department has put in a definition for stacking programs. I guess I have one concern and one question. My concern is that the Department has made it discretionary rather than just defining the term program to encompass the stacking program. Definitely not wedded to the language we

propose. But one of the things, one of the advantages I think it had --it did limit the Department's discretion in just defining the term. The second comment, which is more of a question, is I've read this section like 10 times and it's a little confusing. But I think if I understand what's going on here, I think it actually may be more flexible even than what we proposed. And so I'd be interested in hearing from the Department how it kind of settled on these specific, these three specific sub points. So that's one issue. Second issue relates to subsection C discharge without an application. Really happy that it's mandatory if the Secretary has information in their possession, that qualifies. I do think on top of that, the Secretary, this is one of the places where the Secretary should retain their discretion. So it's both. They shall do it if the borrower meets the requirements and the Secretary may do it in other circumstances as their discretion warrants. So we would recommend adding in an additional clause they're just preserving that discretion. I'll pop back on to talk about exceptional circumstances and just use the remaining time I have here to just reiterate the point about the statutory interpretation and 320 14 borrowers. And so I'm reading the statute right here. If a borrower who received on or after January 1, 1986 86,

a loan made, insured or guaranteed under this part, and the student borrower on this, or the student on behalf of a parent borrowed, is unable to complete the program in which such student is enrolled due to the closure of the institution and the Secretary shall discharge the borrower's liability on the loan. I can pretty easily come up with a pretty strong EPA statutory text argument if I wanted to on that to say that any interpretation imposing some extra requirement is impermissible with that language. And I would strongly, strongly, again urge you to reconsider it. Thank you.

MR. TOTONCHI: Thank you. Marjorie.

DR. DORIME-WILLIAMS: Thank you. So again, as everyone has shared, I really appreciate the clear effort that the Department has made to incorporate our suggestions into the language. And my comment really, I think seconds what David was saying about really not being clear how not allowing students who re-enrolled to discharge their loans benefits them and the two points that I wanted to raise, which we discussed in the last session. First being this issue of transfer credits and that for most students who are coming from it, really any institution, but particularly from closed institutions, face difficulty in having their transfer, their credits transferred. So if these students can't

get these credits transferred, not only are they coming from a closed institution where these courses and credits don't count for anything, but now we're adding to their cost and their time to degree. And so it seems that we're almost punishing students for deciding to re-enroll after their institution is closed, and that's due to no fault of their own. And so I would strongly recommend that we create language around-- if not discharging for closed schools, as David suggested in some instance, trying to figure out how to account for the fact that these students are not being able to use these credits. And so perhaps some formula can be created around loan discharge based on credits disrupted at the new institution, for example. I think that we really need to think about where we're putting the burden of cost. And again, this sort of administrative process. And so I think that we really need to consider the fact that, and again, there's plenty of research that show this students may re-enroll, but that doesn't do anything for the loans, which now are basically for worthless courses or credits that they can't use. So I just wanted to point that out because I didn't see any language really reflecting that. And we did spend, I think, a substantial amount of time in our last session talking about the difficulty of students being able to

transfer their credits to other institutions. And so again, not wanting to put undue burdens on borrowers.

MR. TONCHI: Thanks, Marjorie.

Heather.

MS. PERFETTI: I did want to recognize, I think Daniel has had his hand up for some time, so I would certainly defer to him. I know he was part of the group with Jessica. So I did just want to note that his hand was up long before mine.

MR. BARKOWITZ: Thanks, Heather, I'll wait, you're good. I appreciate the recognition, though.

MR. TONCHI: No, I apologize. I'm going in order, but I see the hand. So if there is something I missed, my apologies. But go ahead Heather.

MS. PERFETTI: Alright, thank you. So. I certainly appreciate getting the language and to follow up on Jessica's comment and the proposal that we had pushed forward. We had been working on some definition that was trying to carve out circumstances to define what a closure was not. And that was prior to receiving the next iteration of the language from the Department. So I did want to put our proposal into context. But I think part of our conversations and discussions in leading to that proposal was trying to still define what do we mean by closed school? And I

know that I had an opportunity to talk with the Department's Jennifer about that very issue as well as my colleagues. And so we are still trying to identify when we talk about a closed school, what is it that we are talking about? So when there is a merger or acquisition and we know that institutions have quite a bit of movement in terms of conversations around that, and those decisions can be good decisions in some cases. We certainly recognize some of the other institutional closures that have been referenced that did harm to borrowers. But there are some institutions that close well and manage the closure well. And so what we were trying to do was to distinguish between those closures where there may not be harm to students, and how well an institution closes does matter. And we certainly recognize that in those planned closures, institutions are required to identify and provide information about how students' credits will transfer to partner institutions or in some cases, the institution is teaching out all of their students as part of the closure. So there's no interruption in their academic journey with that particular institution. Not to diminish other collateral kinds of impacts when an institution closes, but there are ways that institutions have closed well, so I did just want to add that

comment. I'm sure Daniel will follow up on it. I do have some other comments, particularly about the credential stacking. So when we're through this piece of the discussion, I'd like to circle back to the credential stacking only because so many institutions are utilizing that as an innovative offering to their students who can build credentials prior to graduation. I know in the other category it is about students not being informed, not being told, not understanding that they were enrolling in a lower credential program. So I think that's a separate issue. But I did want to make sure that institutions who are offering these innovative credentials are not harmed in this process as well because students are benefiting from the stackable credentials.

MR. TONCHI: Thank you, Heather. Daniel, you're next on my screen, at least.

MR. BARKOWITZ: Thank you, Heather, and thank you, Emil. So first of all, Jennifer from FSA, I appreciate the fact that you have taught me a new word, the word romanette, that it's not a word that I knew before this process. So in looking at the romanette, I just wanted to give an example as a I work for a public, primarily two year institution with seven different campuses. So under the current definition, as

proposed, if we were to close one of our campuses as I read the guidance provided, that would be considered a closure. And every student at every point would be able to submit for a closed school discharge. And I don't think that's the intention. So again, you know, I just I want to echo the comments that were made. The way this is written is overly broad. So I appreciate the distinction and the concern that Josh and others have raised about protecting students, and I'm concerned about the overly broad nature of the definition as written and I'll expand. So and now I'll use the term romanette. Romanette 1 refers to the school's closure date and then leads to romanette 2 --the definition of school. And you know, again, at our campuses, we offer all or most of our programs at each campus. So based on how this is written, it's very hard to determine if, for example, we close campus location A, which might be three miles from campus location B, is that you know who is eligible for closed school discharge? Is it the entire population or is it just those who attended campus A? The way the definition is written, it is not very clear and I think is open to interpretation, and I don't think the intention would be to allow every student closed school discharge when in fact the vast majority of the institution would remain open. So again,

this speaks to the need, I think, for some further defined information about what represents a closed school, which is again going back to the language that Jessica, Heather and I and others proposed as part of the conversation.

MS. HONG: Just a quick follow up, Daniel, would generally, although the students in the example you provided would be taught out, they would be able to complete their program on a different campus.

MR. BARKOWITZ: They would be eligible, yes. But I guess the question is, is the Department's intention to then go through the analysis of all of those students and the potential teach out or rather be specific about what is the definition of the closure?

MS. HONG: And I think right now it's on the back end. In other words, if they were taught out, then they wouldn't be eligible for automatic discharge.

MR. BARKOWITZ: Automatic, but they could, but they could conceivably apply for individual discharge.

MS. HONG: Definitely, yes.

MR. BARKOWITZ: Yeah. And again, that's my concern. So again, you know, we're a seventy

thousand student institution, so just thinking about the volume and how that would impact, again, not that we have intentions of closing the campus, but just in the hypothetical that that presents a huge logistical challenge for the Department.

MR. TONONCHI: Thank you. Jaye. Oh, sorry, sorry. So I don't know if the ordering is different on other people's computers on my computer, at least, Jaye is up next and then Jen. Okay, so let's go with Jaye first and then Jen.

MS. O'CONNELL: I'll be brief. It's my same comment that we need language in order to understand the impacts to our program. Thank you.

MR. TONONCHI: Okay, Jen, go ahead.

MS. CARDENAS: So I keep there's two things, so I keep hearing, yes, the institutions can close correctly, but I don't hear anything about like the impact on the students, so maybe more clarity on that. And then my second question is we're talking about proposing all these propositions and the changes that we're doing and automatic and applications, right? So I want to know what is the deal you're working on to improve communication plans that will help the students become aware of these processes? Because, yeah, you want them to apply. But even right now, they're having a

really hard time. We have a hard time already with financial aid and other ways of contacting the DOE. So I want to know we're going to well, if the DOE is going to have a way of improving those communications for those students, I guess we didn't really talk about that. You all just mentioned it, but I wanted, I guess, more clarity on that if possible.

MS. HONG: I mean, yes, absolutely, we're continuously making improvements to how we communicate with borrowers, and we've already seen that on the PSLF front. I think there's been a very systematic, strategic way of reaching borrowers that are eligible for PSLF and notifying them about the recent waiver provision. So yes and yes, we take into take your comment and we'll take that back. Thank you.

MR. TONCHI: Michaela.

MS. MARTIN: Yeah, I just wanted to acknowledge that I think that when we're making a distinction of when we're talking about automatic loan discharge and folks who can apply because technically anybody can apply for anything right, like, for example, I'm actually currently a part of a teach out program right now, my law school is going for an ABA accredited school to a cal bar, so I'll be a part of the last class that is ABA accredited. Right. And when this was being

discussed, there was utter chaos within the students of this institution because we didn't know whether or not our school is closing, like we were going to show up one day and the school was going to be closed, right? Because that happens, especially because it's happened in Southern California before. So I just really want to acknowledge the impact of like when students are told things like we had folks that dropped out right then and there they were like, I'm not going to keep spending forty thousand dollars a semester that I don't know if I'm going to get a degree. Right? We also had like a huge influx of folks that transferred out. That being said, as a part of a teach out program, I wouldn't qualify now. Theoretically, could I apply and then be denied? Sure. So like, I think that this argument is really interesting and saying, Oh, somebody could apply, that doesn't qualify. But we're not really talking about that. We're talking about automatic discharge for students whose school has been closed and they have suffered harm, and that harm also isn't rectified just by this student loan forgiveness. They now have expended their GI Bill or their Pell Grant or other timelines in which these programs place. Right. So I think really making sure that we're distinguishing who can apply and who would qualify for automatic discharge is important.

MR. TONDONCHI: Thank you, Michaela.
Josh.

MR. ROVENGER: Thanks. I'm going to start with exceptional circumstances and then go to this proposal that we've been discussing. On exceptional circumstances, so to answer the Department question directly. I don't read subsection five or as encompassing judicial orders. I mean, I guess it would depend on what the definition of agency is, but I would have concerns that it would not include a court order. And so the additional topic we would want included would specifically relate to a judicial finding and order or judgment that had a financial impact on the institution. The other kind of big picture comment I have on exceptional circumstances just relates to the idea that it should be presumptive and we put in some proposed language in the memo we circulated and might be interested in hearing the Department's position on that as it relates to this proposal. I'm not going to spend much time on it, but I just want to speak to the broader issue of how we're making policy here. And then just briefly on the substance of this. So respectfully, I don't think we should be determining what constitutes a closed school based on hypotheticals that may or may not happen in the future when we have a lot of a long

history of evidence before us that the bulk of these schools that closed are not doing so in an orderly way, but are cutting their costs at the last minute, making it just creating impossibly difficult situations for students and wreaking a lot of harm on these individuals' lives. And so when it comes to how we're crafting or proposing these regulations, I think it's really important for us to focus on what has actually happened in the past and what does the data tell us rather than, you know, hypotheticals about what a school may or may not do or the one off school that happened to close in the right way? Previously on the substance, I mean, this is through the definition section. It is an attempt to blow a massive hole into the closed school discharge regulations. It would remove autonomy from individuals who have just suffered an extremely traumatic event in their life and from our position it's a nonstarter, and we would be very, we would be thumbs down on anything coming close to this regulatory language.

MR. TONCHI: Jennifer.

MS. HONG: I just want to respond to Josh's question about you know, writing into the regulation, the presumptive posture of the Department for exceptional circumstances and kind of throw out the

regulations, but generally we don't, right, we don't regulate ourselves and we don't regulate the Secretary, and we want to provide flexibility to the Secretary and the Department. And that's what we're aiming for in the language. So in the absence of kind of language hamstringing the Secretary, I think this language that we're proposing is certainly a dramatic opening up and an improvement from the current language. And I just ask that you think of it in that way. Where we go into temperature check and consensus check is you know-- some of the things that we're proposing here, to the extent that we can get some clarity on the issues that are concerning-- to explore those further?

MR. ROVENGER: Could I respond to that really quickly, Emil?

MR. TONCHI: Go ahead. Sure.

MR. ROVENGER: Thanks. So I do so, so two comments. The first is that I think the proposed language that we provided still gives the Secretary discretion to rebut the presumption if one of the exceptional circumstances occurred. And so in that way, I don't think it ties the Secretary's hands. It just forces the Secretary to undertake the analysis. And the second comment and more as to why we think it's important is, you know. There are going to be,

unfortunately, Secretaries that may not be of the same, may not have the same philosophical inclination as this administration, and one of the issues that we're concerned about would be a return to, for instance, the last Secretary of education in which leaving discretion caused really substantial harm to our clients' lives.

MR. TONCHI: Okay. Thank you for the comment. Now, I don't know what happened on my screen, I know Jessica was up next, but for some reason she's not shown as next now. Jessica, go ahead.

MS. BARRY: Thank you. So two things I wanted to add real quick questions that I wanted to ask in the last couple of weeks as I've been talking to schools. I had a reach out to me that said that they received a bill for closed school discharge of over a half a million dollars. And when they went through the list of students, about half of those students didn't meet the Department's criteria for discharge. So one of the questions I want to ask about in this session is that process for determining which students do qualify. How accurate is it? Does the Department have data on the accuracy of that process? So that would be my first question. And then I also wanted to raise the question of retroactivity. And again, you brought that up right after lunch. Does the Department have any concerns with

retroactivity, with what's being proposed right now?

MR. TONONCHI: So I hear the question pending, Jessica if you could note it in the chat, that would be great. Oh, Jennifer, do you have a response?

MS. HONG: To the first one, I would need more information on that to take that back, I don't know the details of that particular issue. The second one, I mean, you mean in terms of the proposal language? No, we don't. We do not. This is what we're putting forward.

MR. TONONCHI: Just so everyone's on the same page. I've got just Justin, Joe, and then Dixie in the next order.

MR. HAUSCHILD: Thanks so much, so I'll try to be brief here, I think the conversation is probably ongoing. First, I want to echo Josh's point about language that ensures the Department undertakes the necessary analysis, the necessary and proper analysis here. It's similar to a point I was trying to make with automation more broadly in these regulations. I don't want to distract with automation, but the point is that, you know, I don't think we should be shying away from language that ensures the agency is conducting the necessary analysis and taking the necessary steps and improving on those steps going forward. So, you

know, regulated in a forward looking manner. I think that's important. I'm going to shift topics here quickly and talk about the teach out. It's instrumental, I think, here. And so I think just looking at this from a student perspective, we have some concerns about students knowing what a teach out is. We understand the Department tries to address this in current applications by kind of shifting folks around or in the application and giving them the definition of what a teach out is. But we really think it's important that the Department communicate well with student borrowers on what exactly a teach out is so there's no confusion around that as it is instrumental, as it is instrumental here. So I'll just leave it there and probably circle back later. Thanks.

MR. TONCHI: Thanks, Justin. Just really quick. You know, I know there's been a lot of discussion, but after Dixie's comment, we will take a temperature check for tentative agreement. I also just want to know-- we're just over 20 minutes until our public comment period. So for those of you who are signed up to be present, whether on the list or as alternate, if you could start coming on the meeting, say within the next 10 minutes, that'd be great. Joe.

MR. SANDERS: Thanks, Emil. Two

points. One, I want to say publicly that Josh's proposal on exceptional circumstances would go towards our concern about the ability to manipulate the date under which students are eligible by, by removing, by flipping the onus on the discretion, right? So it's not just the Secretary's discretion at random. One Secretary might be good, another might be bad, but flips the presumption, I think that would help our support here. The second piece I want to emphasize is just for context. Once a school announces its closure, the ability of the states, whether it's a state attorneys general, my constituency or a SHEEO like David's-- to provide, to access levers that will help students, right? So a state authorizer could shut down a school that's not operating properly, a state AG could sue a school that's deceiving students. Once the school announces closure, our ability to pull those levers really diminishes. Right? The authorizer can't do anything because the schools shutting down, right? A lot of our tools at the state level are prospective right that they are going forward type of relief. Once the school announces their closure, they're often headed for bankruptcy or receivership. And so our ability as state AGs to obtain monetary relief for students really diminishes there. So I just want to I make that point because that makes closed school

discharge an extremely important retrospective, backward-looking format of relief for students, because so many of the prospective protections that are in place don't apply, so closed school discharge is very important for my office. We want to see students who are in a situation where their school closes-- get relief and we want to see that be as broad as possible. Thank you for the time.

MS. SAMANIEGO: Alrighty, so I have a couple of things. Overall, I think in this conversation and previous conversations, I think there are mainly like three things that are really prevalent. It's the Department of Education's lack of communication with students and for me, what it feels like a really big hesitancy for the Department of Education to actually meet students where they're at, right? That's been very clear since the first session and even today in this conversation, but also the Department of Education's lack of communication with students, right? And for me, as someone who does columns, I do communications all day, every day. It would be helpful as a student to know what, what step by step, what communications plan does the Department of Education have to effectively reach students? Because for me and I'm in this phase, I don't know what the plan is, right? You can't just send emails

and expect like, hey, students are going to read, you know, the fine print on an email or like send me a link, like you have to get creative. And I know that's probably really hard for the Department of Education, but you have to do that to actually meet students where they're at. You know, students are actually living our lives, right? Like, we're working multiple hours a day and we're not always in in the right mindset or in the mood to actually look at the fine print of every single little thing that the Department of Education sends to us. Another thing that has been incredibly prevalent and evident is the lack of perspective and voices from students in these conversations. I get that we're all negotiating for our constituencies. But again. We need to continue centering the voices of students, but also the real life experiences of students. And the last piece that I have is that it is all so confusing. There are folks who have previously said that schools have closed down correctly and in the right manner. The entire point of a school doing something correct is not closing down. You can't close down and do it in a correct manner. The important thing is that you're actually harming students. And when you close down, even in a correct manner, you will always harm students. A thousand percent over and over again, without a doubt.

And so I challenge that like there's no way to correctly close down a school. There will never be a correct way. And so for me, it is confusing because it feels like we disregard the experiences of students who are actually being, having their school closing down. Right? So I asked the negotiators who have said that and I asked, I ask for an answer like, I'm confused. How do you close the school down correctly? Are we not considering the ramifications of a school closing down, the harm or like teach out programs, right? Or graduating a program that closed down? That degree is practically meaningless.. There's harm done. So I'm confused and I'm not okay with that.

MR. TOTONCHI: Thanks for the comment, Dixie. Josh, I see your hand up. Go ahead and proceed and then we'll move on. Go ahead.

MR. ROVENGER: Yeah, I just wanted to because I didn't have the opportunity before just to share one quick story from a client of a legal aid partner, just to emphasize why the automation of discharges for everyone who attended pre 2014 is so important. So, in the spring of 1988, Mrs. R was raising a newborn daughter hoping to get training for a stable job so she could support her daughter. She took out about \$6,600 in federal student loans to enroll in a

data entry program at an American Business Institute. After about seven months, the school suddenly closed. A federal grand jury had indicted the CEO and 18 employees of the parent company for misuse of federal funds and falsifying loan applications, among other criminal violations. For over 30 years, Mrs. R did not know about her eligibility for a closed school discharge. She struggled to make her federal student loan payments and eventually defaulted on her debt. In 2018 after demanding payments of twenty six thousand dollars, Mrs. R found her way to a legal aid organization because she was concerned about her wages getting garnished. There are many Mrs. Rs out in the world who don't know about closed school discharge, particularly if they've been waiting for a long time and have been saddled with their debt for a long time. And that's why, even for those who have re-enrolled is just such a critical issue to my constituency.

MR. TONONCHI: Heather. Go ahead.

MS. PERFETTI: Thank you, and I really wanted to address Dixie's question, because I think it is an important one. Certainly, closures are difficult and most difficult for students, so I certainly want to acknowledge that there are a variety of forms that closures take, which can include planned closures. And I

think the ones that cause certainly the heightened anxiety are the unplanned closures. And as an accrediting agency, we have seen both. And so my comments about how well institutions close matter. We know that it matters to students and the forms that they have to fill out with the creditors and how they have to account for every single one of their students during a closure is significant during a closure that is planned. The unplanned ones are certainly chaotic. But I also wanted to reiterate I believe it was Josh who was talking about the lack of leverage over institutions and that happens with accreditation as well. If we are in a position that we have to withdraw accreditation, our ability to carry and leverage with that institution and get information that is most helpful to students is really affected. Once the accreditation is withdrawn, accreditors are posting teach out information if we receive it and the commission reviews it and approves it online for students. Partnering agreements are posted there, but we recognize students aren't always coming to us. They're trying to get information from a variety of venues, whether that's the state higher education system in their state, whether that is through the Department and certainly through the accreditors. But I did want to stress that accreditors are focused on the students and

getting good information for students if closure is a potential for an institution.

MS. SAMANIEGO: Emil, could I answer to that quickly? I promise it won't take too long.

MR. TOTONCHI: Go ahead, Dixie.

MS. SAMANIEGO: Yeah, my issue and what I articulated is that continuously the conversation is always framed that and we thought the conversation was not centering on students in terms of like, well, there was like a good way, but there's a bad way.. And so I appreciate the nuance, Heather, but I still stand by what I said. Period, point blank. Period, it's bad, right? And we can recognize that we can continuously recognize that there are planned school closures, but students will be harmed. Right. And I don't think that there is like a scale of how bad the harm is. Harm is harm, period. And so for me, as a student, I reject the notion of like, well, we're going to play triage how bad the harm is, period students are being harmed, period. It's bad, planned school closure is bad. And that's what I was trying to get at. And for me, it was really confusing to hear the conversation framed that way because in all the conversations that I've had and I'm obviously a student and I'm incredibly equity-centered We never frame the conversation that way because we're

not going to place, we're not going to be like, well, you know, since it was a planned school closure, it's not that bad. Period students are right. Period, students are struggling and just because it's a planned one doesn't mean that our anxiety and the depression students face and the financial struggles and the worries that these students face is any less than one that was just out of the blue. Right. It's difficult, period, and that's what I was trying to get at. And so I reject the notion that there is a good way of closing a school and a bad way closing a school. Because period, it is always bad. The schools should not be closing down on students, right, regardless of its plan. And so I wanted to reject that and stand firm in what I said. And but I do appreciate the perspective that you provided, Heather.

MS. HONG: Now I'll just reaffirm, thank you for your comment, Dixie, I just want to reaffirm the Department's commitment to students and to borrowers, especially during this rulemaking. We are pleased to hear from you, Dixie, from Michaela, Stanley, Jeri, Jen. I mean, it's quite unprecedented the number of students and borrower representatives we have on this committee. And we recognize that and we're trying to make improvements to our programs through this

rulemaking. So thank you for your comments. Thank you for your continued contributions to the discussion. I think it's critical. We want to hear it.

MR. TONONCHI: Let me ask. Oh, Daniel, I see your hand up. Seeing as we're just less than ten minutes left, please go ahead, Daniel.

MR. BARKOWITZ: Sorry. And I'll be quick, and Dixie-.

MR. TONONCHI: No, don't be. Go ahead.

MR. BARKOWITZ: I also want to express appreciation for your voice and your centering of the student experience. I want to echo you. Asked for an example, I was one of the people who also spoke about this. And you know, again, I want to differentiate between I mean, we've heard institutions that have closed badly and have made massive harm to schools. I just want to offer an example. Josh spoke about hypotheticals. I want to give a specific example of a good closure to your point, and that would be Wheelock College in Boston and its acquisition by Boston University. I was not involved with either of those institutions. However, I watched it externally and while again, all students were allowed to continue and finish their programs. We stopped existing as an institution. Boston University handled it with great care, kept the

location open, et cetera. So, you know, again, I understand and appreciate in value that that is the exception, probably not the rule. So but you know, my concern is that by using the very wide definition that we're using, we capture those exceptions as well as the rule. So that's just one example. I'm sure there are more, but you asked specifically, so I wanted to come back and provide that example, and you can read about Wheelock College. They were a small, liberal arts college in the Fenway in Boston and their acquisition by BU, and it was a very positive experience of the institution, so.

MR. TONCHI: Thank you, Daniel.

Before Josh speaks, I just want to remind folks who have signed up for public comment to hop on now so you can be in the waiting room and you can be ready to speak at the right time. Josh.

MR. ROVINGER: Thanks. So first of all, thank you, Daniel, for the specific example. I think that's helpful to hear. I guess where I still struggle, though, is if a student attended Wheelock and then finished their program at BU, they wouldn't be eligible for a closed school discharge either automatically or through application. And so I don't, I guess I don't see the direct link between what you're

proposing and that hypothetical. I'm sorry, not hypothetical, example, specific example.

MR. BARKOWITZ: Yeah, so if I can respond, I think the concern is and I've heard the concern raised that the backlog of cases is overwhelming to the Department and that students have been waiting and waiting for responses from the Department for decisions around their closure. And so my concern here is trying to set some understanding of what it means to be allowed to close. So again, I think we're also getting stuck in the definition the difference between automatic discharge, application discharge and definition of closed school. Those are three different things. And so I struggle with the idea here, and I'm specifically responding to the beginning definition of what is considered a closed school, not what counts as automatic discharge, not what even counts as a discharge for application. But how do we determine what is a closed school? And in this particular example, the Wheelock example, it does speak to the second of those issues, which is it wouldn't be applicable for automatic discharge, potentially. But if a student decides not to continue on at BU and finish their program. I suppose the question is would they qualify? Would they qualify for that closure? And again, I understand that that

wasn't what the student signed up for, they didn't come in saying, I choose to enroll at BU. They made a conscious choice to enroll at Wheelock, and I get that that is by definition, in part, harm. And I understand that, however, the program is being offered and continues to be offered. So that's where I think I'm struggling a bit with how to mitigate that and respond to that. And I don't know that we have the final answer here, either. But, you know, but I think there are a number of questions to consider.

MR. TONCHI: Josh.

MR. ROVINGER: Thanks so on the backlog issue, I think the Department can correct me if I'm wrong here, but I'm not sure that's true with respect to closed school discharge. It's certainly true with respect to Borrower Defense and when we get to that topic, we can talk more about that. But I don't know that that's necessarily true with respect to closed school discharge. I also, I mean, if someone chose not to enroll in BU, I think I think you you've said the counterpoint, right? Like a student didn't choose to go to BU. They chose to go to the small liberal arts school. And now that whole plan has been massively disrupted through no fault of their own.

MR. TONCHI: Jeri.

MS. O'BRYAN-LOSEE: Yeah, that's exactly why my hand keeps going up and down, because it's still a contract and being absorbed into a large institution when you planned on something small is the disruption. You chose the school for a reason and it's still a break in contract not to have that.

MR. TONCHI: Michaela. And just so folks know what we will want to take a temperature check for a tentative agreement before public comment. But go ahead, Michaela.

MS. MARTIN: Yeah, I also when there's any changes in accreditation or acquisitions, there's also a huge influx within-- instructors, professors and the folks actually providing that education. Because when folks you know, is, is the university taking them on, sometimes they're not. Sometimes they want changes in contracts from these instructors that they don't want to participate in, right? And so they leave or they find other institutions, for example, that happened in my institution. We had a huge exodus of professors because of the changing of how they're structuring ongoing contracts. So I want to reiterate that even in that kind of smooth transition, that isn't always as smooth on the student receiving end as far as like the services and the instructors, professors that you're receiving.

MR. TONDONCHI: So, Michela, so at this stage, I will ask for a temperature check for a tentative agreement based on what the Department has most recently proposed. I know there's been a lot of discussion, but let's still take a temperature check. Okay. So please show me your thumbs. Okay. If anyone who has not spoken yet has 30 seconds that they want a comment, they want to share with them, feel free to do so. As to why your thumb is down. Okay, well, sounds good, folks, we're just a minute or two away from our public comment. I want to thank everyone for their efforts today and their hard work. One thing I will note is that we will be starting tomorrow on issue three. I should say, continuing our discussion on issues to eliminate interest capitalization for nonstatutory capitalization events. Okay. So with that, we'll start to transition to our public comment period. I do want to note that of the 10 spots that were available for public comments today, only nine were filled and we have no wait list. Yes, I just want everyone to know that. So with that, let's please start with our, Michaela, if you don't mind, we're going to go ahead and proceed into public comments, if you could hold.

MS. MARTIN: I just had a quick question about the public comment.

MR. TONONCHI: Okay.

MS. MARTIN: Because there's such a narrow window in which people can sign up. Is there a way---if we're not filling those that we can have folks sign up later than that two hour period?

MS. MACK: Right now, the Department leaves that open until 12:00, so anyone that you want to get into public comment, I would just encourage them for that next date to sign up prior to 12, Michaela. But that makes it in order for us to get those folks the right credentials to access the meeting, make sure that we have the appropriate list and the time slots. That's kind of how we've organized ourselves. So every day folks have up until 12 O'clock Eastern time to fill those slots. Sorry, Emil.

MR. TONONCHI: Thanks, Kayla, With that, if we could admit our first public commenter.

MR. ROBERTS: Sure, I'm admitting Mimi Pascual, who's here representing College and Community Fellowship.

MS. PASCUAL: Hello.

MR. TONONCHI: Good afternoon, Ms. Pascual. You have three minutes to make your public comments.

MS. PASCUAL: Thank you. Hello,

everyone. I want to thank you and College Community Fellowship for giving me this platform to tell my educational experience. While incarcerated in 2010, I was incarcerated. I was convicted to a 10-year mandatory minimum sentence on drug charges. At the time, I was two classes away from finishing up a bachelor's degree. I never finished up the degree because after I took a leave of absence, life took over and I went and I just never went back. While incarcerated, I dreamed of finishing up my degree, but I found out that because I was in federal, I was federally incarcerated, I could not utilize Pell or TAP. I made a promise to myself that when I went home, I would get my degree. In 2010, 2020 May. I graduated City College with the Bachelor's of Theater with the Assistance of College Community Fellowship. Nothing in my reentry program prepared me for my continuing education, not a counselor. Not a program, not a resource. Nothing. I didn't have the tools to not only reinstate myself in school, but also to navigate the system. I feel that it is the responsibility of the DOE in taking on Pell (inaudible) to help individuals finish their degrees during their reentry program at the same way that they do other populations. Thank you.

MR. TOTONCHI: Thank you, Ms. Pascual

for your public comments. Brady, who do we have next?

MR. ROBERTS: I'm admitting Gerard Scimeca, who's here representing Case Consumer Action for a Strong Economy.

MR. TONCHI: Hello. Welcome, Mr. Scimeca, apologies if we didn't pronounce that correctly. You have three minutes for your public comments.

MR. SCIMECA: Okay, thank you. Good afternoon. My name is Gerard Scimeca. I'm the chairman and co-founder of CASE, Consumer Action for a Strong Economy free, market-oriented consumer advocacy group. Today, my comments focus on the BDR, Borrower Defense to Repayment rule once an obscure sleepy regulation now being used to target proprietary universities and advance the free college agenda. Our conclusions concerning the BDR are more fully expressed on a white paper we prepared, which we will submit on the record. As a bit of history, it should be noted that over the past three and a half decades, the federal government has steadily pushed private lenders out of the student loan market. Today, the U.S. Department of Education controls a monopoly over student financial aid. Now, education activists are seeking to cement government control over higher education by using the BDR as a

backdoor to free college and regulate for-profit colleges out of business. Beginning more than a decade ago, the BDR has been weaponized and targeted against for-profit colleges. Yet, as a survey conducted by case of more than twelve hundred students firmly concludes, if this rule were applied evenly and fairly across the entire landscape of colleges and universities, the taxpayer subsidized student loan debt relief would apply to millions of students dissatisfied with their education and add countless billions of dollars to our national debt. We know this because we surveyed students at the five public, public and private schools with the most online students and found that only 3% of them were familiar with the BDR, but 82% felt misled and 97% are interested in learning more about BDR. You can learn more about this survey and our white paper at our dedicated website, Collegeloanfairness.com. The proposed change to the BDR all but eliminates the rules burden of proof for students claiming fraud on the part of their institution, and is a massive step forward to realizing the goal of free college, a policy a strong majority of Americans oppose. Further, this higher education power grab by the Federal Government is certain to regulate highly valued for-profit colleges out of business as they have long been disfavored by a vocal sector of

education activists. In short, changes to the BDR to liberalize student loan debt relief are an effort by free college advocates to circumvent the legislative process to advance an unpopular agenda which will further result in collateral damage to the for-profit schools. Ultimately, this will put nontraditional and typically less privileged students in a precarious position. Limiting student choice, destroying career opportunities, undermining educational innovation, our national economy by depriving it of desperately needed skilled workers. We urge for an end to the political motivations behind the planned corruption of the BDR and its certain disastrous impact on opportunities for nontraditional students, our workforce and the higher education system. Again, our paper and survey results can be found at Collegeloanfairness.com. Thank you very much.

MR. TONCHI: Thank you for your comment. Brady, if you could admit the next person, that would be great.

MR. ROBERTS: I've been meeting Elizabeth McNeil, who is the vice president of Federal Government Relations at the California Medical Association.

MR. TONCHI: Thank you, welcome. You

have three minutes for your public comments. Oh, you are on mute now, now you can proceed.

MS. MCNEIL: Thank you very much. Good afternoon. My name is Elizabeth McNeil, and I'm here on behalf of the California Medical Association, representing fifty thousand physicians in California. And I'm here to testify about a problem with the Public Service Loan Forgiveness program that is specific to California and Texas physicians. California and Texas physicians have been excluded from participating in the program because of the regulations. And when we met with the Department of Education in 2015, the staff had no idea that we had been left out and agreed that the regulation was not intentional. So here's the issue. California and Texas physicians can participate in the program under the statutory language, as Congress wrote it. But when the implementing regulations were written, the Department unintentionally narrowed it to require physicians and all (inaudible) hired and paid by a nonprofit hospital. So the regulation, unlike the direct employment. The original statute also prohibit physicians from contracting with nonprofit hospitals to provide care. But the regulation prohibited. So how does a regulation impact California and Texas specifically? Our state law prohibits hospitals from employing

physicians. Doctors are not W-2 employees, so our law is called the bar on the corporate practice of medicine. And the first question we always get from people is why don't you just change your state law? And our answer to that is that our law is extremely important to California and Texas physicians. We fought hard to uphold it, and it's just not going to change anytime soon. So if hospitals cannot employ physicians, what are the arrangements between hospitals and doctors in California and Texas? And the most common arrangement is that physicians are just certified by each hospital's physician medical staff governing board to provide care in the hospital period. So Congress has been clear about the intent of the program and they need to fix it. The California and Texas congressional delegations have sent multiple letters to the Department stating that Congress never intended to exclude physicians in two states from the program, and legislation's been introduced as well by Congressman Harder, Senators Feinstein and Cornyn. The legislative language is also the regulatory fix that we are proposing to the Department. So in closing, I just want to say that our physician counterparts in all other 48 states receive loan forgiveness and it's just not equitable. We should not be disqualified because of the unique employment seconds in our state, and we

shouldn't be disqualified because the reg is inconsistent with the statute. Studies show that our two states are going to have the largest physician shortages over the next decade, and that's because young physicians cannot get loan forgiveness in our states, and it's negatively impacting patients and community hospitals, rural hospitals, children's hospitals in rural areas and underserved neighborhoods. So we urge you to consider our proposed solution, and I thank you for your time.

MR. TONCHI: Thank you for your comments. Brady, please admit the next person.

MR. ROBERTS: I'm admitting Joan Mercedes, who's representing herself.

MR. TONCHI: Hello.

MS. MERCEDES: Hello. Hello. Can you see me? Hi.

MR. TONCHI: Hi. We it seems that we can see your camera is on, but we cannot see you.

MS. MERCEDES: That's strange.

MR. TONCHI: It's okay if you like to proceed it. Yeah, if you could. Yeah, it looks like your video is on, but the camera is not working, but that's okay. You can go ahead and proceed with your public comment. But if we mispronounced your name,

please feel free to correct us.

MS. MERCEDES: No, my name is.

MR. TONCHI: Oh, there you are. We see you now. Well, welcome.

MS. MERCEDES: Thank you. Thank you. Sorry, my name is Joanne. Thank you. So my name is, can I start?

MR. TONCHI: Please proceed.

MS. MERCEDES: My name is Joanne. I'm a mom. I'm divorced. I'm a nurse. I live in New York City and I come from an immigrant parents and I'm guilty of having a dream. My story is no different than any other. I dared to dream that I had the right to have an education and leave the shackles of poverty behind. My relationship with the Department of Education started in 2008, when I decided to go back to school and become a nurse. I met with a counselor in school who explained to me that even though I didn't have the money, I could qualify for a loan and pay it back with service to my community, which I thought was great and fair. But I have an education, but I was never meant to leave the shackles of poverty. But I'm a nurse. I was. I was not informed that the Department of Education pays services like Navient that are meant to keep you uninformed. For example, that I have waived my period of in-school

deferment while getting my master's degree to make progress over my loan payment and forgiveness. So with my master's degree here, so I continue working full time and a qualifying employer. And I found that now, years later, after talking to many on a support group for providers like me that are in the same exact situation, I hope this is know that and consider in-school deferment status while working and qualifying employers full time should be counted as payments. Second, that the interest on my loans are meant for me to pay my education over and over with no hope. I live in a one bedroom apartment with my 12-year-old son on a 100k salary, which some would regard as high or high income. I'm sorry. Yeah, right. Well, my income driven plan to one day have some hope or forgiveness is over \$800. It doesn't take make a dent on my loan. It doesn't take consideration of my private loans, my \$2000 rent, my legal fees to keep my child and the cost of living in New York City. Nothing. And you wonder how students will get into default and can't pay this. I can make I cannot max out my 43d plans, my FSA accounts. I need something for emergency. And if I switch to a payment that is an extended plan with no hope of forgiveness, I pay my education three or four times over. Now I understand I'm highly educated for the quote of how we help the poor

immigrant girl, but it was a lie. I was never meant to leave the shackles of poverty. I, I never have a place on my own and I cannot help my mom. I leave my house holding my breath. Hopeless. I will be working in the middle of the Bronx for 13 years as a nurse on raging pandemic, and I get there to move. I can't dare to have a second job because it will increase my monthly payments. But I thank you for taking the time to examine this and hope there's some tangible change for people like me that cannot be on an income driven plan because 10% of your salary is almost impossible for one to pay their loans even on an extended plan for now over and over. So thank you. Thank you. And when you sit down with your policymakers to do this, please think of me on my bedroom and my one bedroom apartment with my 12-year-old son holding my breath hoping that there is not an emergency. I pray every day that my son doesn't want to go to school because frankly, I won't be able to afford it. Thank you.

MR. TONONCHI: Thank you so much for your comment, Ms. Mercedes.

MR. ROBERTS: I'm letting in Anne O'Rourke representing the California Hospital Association.

MR. TONONCHI: (Inaudible) present.

MR. ROBERTS: She's in the meeting, but it looks like she's still getting her audio and video set up. I can let in the next commenter while we while I can message her. Is that okay?

MR. TONONCHI: Yeah, that's fine.

MR. ROBERTS: I'm letting in Jane Winzer, who's here representing herself.

MR. TONONCHI: Hello, Mrs. Winzer. Can you hear me? Hello. Hello, Mrs. Winzer. Can you hear me?

MS. WINZER: Yes.

MR. TONONCHI: Alright, welcome. Are you able to turn on your camera?

MS. WINZER: Yes.

MR. TONONCHI: Okay. I apologize, everyone. Okay, no, excellent. I had switched a setting, now we can all see you. Ms. Winzer, you have three minutes to make your public comment.

MS. WINZER: Alright, thank you. My comment is a plea to implement the PSLF waiver with regulations with specific instructions to remove the forbearance status for payments made during Chapter 13 bankruptcy. I have over five years of payments, which still do not count even under the waiver without such guidance. In 2009, I moved thousands of miles away from my friends and family to a remote Arctic community in

the pursuit of any employment that would allow me to pay my bills. And in 2009, I also consolidated my loans into the direct loan program specifically to pursue PSLF. Despite the lengths I went to, the fallout from the financial crisis led me in 2010 to a Chapter 13 bankruptcy plan to pay my debts. At no time did any of the parties who were paid to advise me, inform me that entering Chapter 13 bankruptcy would lead to the dread no bill was due forbearance status related to the legal prohibition on pursuing a debt. I consider it rather obvious that one year after entering the PSLF program, had I known that a Chapter 13 would disqualify all payments from counting for over half of the planned 10 years, I would not have entered a Chapter 13 payment plan. The promise of the waiver is meant to address those of us who made good faith efforts to fulfill our side of PSLF but were poorly served. I quote the announcement, under the new rules, any prior payment made will count as a qualifying payment regardless of loan type, repayment plan, or whether the payment was made in full or on time. All you need is qualifying employment. This has not been the case, however, for payments made while in a forbearance status. So twice now I've had to deal with a significant blow to my mental health from finding out that the forbearance

status created by the Chapter 13 bankruptcy has rendered my payments ineligible to count towards forgiveness. When the waiver announcement was initially made, it led to my envisioning the possibilities of finally living life rather than being hunkered down in the Arctic and paying bills while working for a qualifying employer for years yet to come. And when those hopes were dashed, by my receiving an email informing me that (inaudible) two months would be applicable under the waiver, I was devastated. The program promises forgiveness and then takes it away even in the waiver through asterisks and rules. Please implement the waiver, as stated in the announcement that all payments should count, regardless of whether no bill was due.

MR. TOTONCHI: Thank you for your comment. Alright. Are we ready for the next commentary?

MR. ROBERTS: Yep, I believe Ms. O'Rourke is in the room with her audio and video all set up, so the floor is yours.

MS. O'ROURKE: Thank you very much, and good afternoon. My name is Anne O'Rourke, I'm the senior vice president for federal relations for the California Hospital Association. Thank you for the opportunity to share our views on this very important subject today. And I appreciate your thoughtful review

of this critical program. On behalf of the four hundred hospitals and health systems, their communities and the patients they care for in California, we urge you to allow California physicians to qualify and participate in the loan forgiveness program as their colleagues in 48 other states are eligible to do. We believe strongly that California physicians should not be treated any differently and ask that the original statutory language be recognized to allow all physicians to participate in this program. As you may know, California has a state law prohibiting us as hospitals from employing our physicians. We at CHA have fought to make a change to that state law. We have not been successful. And while my colleagues at the California Medical Association have fought to preserve that law, we have a difference of opinion there. We have no difference of opinion on whether or not physicians in California should be able to qualify for this program, and we stand together with our colleagues in the physician community. Loan forgiveness is an important recruiting and retention tool, particularly in rural and underserved areas. As California hospitals struggle to come back from the pandemic, our number one need is access to an adequately trained healthcare workforce, including physicians. So we urge you to allow California's physicians to

participate in this program. Thank you very much for your time today.

MR. TONCHI: Thank you for your comments.

MR. ROBERTS: I'm letting in Paula Gomez, who is an alumni of West Coast University.

MR. TONCHI: Ms. Gomez, can you hear me?

MS. GOMEZ: Hi, yes.

MR. TONCHI: Hi, welcome. You have three minutes to make your comment.

MS. GOMEZ: Okay, thank you. Hello. My name is Paulo Gomez, and I'm a recent Bachelor of Science and nursing graduate from West Coast University at the Los Angeles campus. Thank you to the committee and the Department of Education for allowing me to share my positive experience at WCU. I am a proud member of the Tule River Tribe, a sovereign nation that strives to improve the livelihood of their members, community and surrounding community members. I also live on the reservation, which is located in a rural area near Porterville, California. My desire to become a nurse grew out of my work as a medical assistant and immunization coordinator at the Tule River Indian Health Center, which struggles to hire qualified nurses,

physicians and medical support personnel. Being in a rural area, there are few options for me to attend either an associate or bachelor's degree program. I applied to local, public and private programs for both degrees, but my application remained on the wait list for two years. This is when I discovered West Coast University WCU is fully accredited and has excellent outcomes and was able to enroll me in the next term. I was able to achieve an associate or an accelerated BSN degree in the same amount of time as I would have earned an associate's degree. WCU provided an invaluable support system for me, especially while I learned online due to the pandemic and commuted three hours a day, three days a week to Los Angeles in order to learn at clinical sites and on campus at the State of the Art Nursing Simulation Center. Simulation allowed me to practice and perfect procedures that I did not have the opportunity to complete in hospital settings. WCU is only one of seven California schools that hold accreditation specific to simulation learning. I would not have found these types of services at the colleges in my local area. I am extremely grateful to WCU for helping me earn my degree. I also received the award for the 2021 WCU Norma Ford scholarship, which will go toward my cost of tuition. As the committee, the

committee considers regulations that will affect (inaudible) universities, I urge you to consider success stories like mine. My degree from West Coast University will allow me to gain valuable experience in emergency settings and hospitals near the reservation. Thank you again for your time.

MR. TONONCHI: Thank you for your comment.

MR. ROBERTS: I'm admitting Kolin Wilkins, who's representing himself.

MR. TONONCHI: Hi Mr. Wilkins, you're still connecting the audio. Alright, Mr. Wilkins, can you hear me?

MR. WILKINS: Yes, sir, I can hear you.

MR. TONONCHI: Excellent. You have three minutes for your comment.

MR. WILKINS: Alright. One moment.

MR. TONONCHI: Oh, we lost you.

MR. WILKINS: Can you hear me because I have to do the what's it called?

MR. TONONCHI: It's if you're comfortable with the video, you can be on video.

MR. WILKINS: Okay.

MR. TONONCHI: But you can otherwise

proceed.

MR. WILKINS: Okay, one moment.

MR. TONONCHI: Take your time if you want to figure out your video. There should be a button that says start video.

MR. WILKINS: See, I'm trying to get the, okay. Can you hear me because I have to read it off of my phone, that's why it's cutting off the video.

MR. TONONCHI: We totally understand you're not the first person.

MR. WILKINS: Gotcha.

MR. TONONCHI: You can please proceed as you like.

MR. WILKINS: Yes, sir. Okay. My name is Kolin Wilkins, medically retired from the U.S. Army in 2015 and currently live in Texas. I enrolled at Vista College to earn my degree in medical insurance, coding and billing. I chose a school over other schools because I was promised a clear pipeline to get a job. I have a family to consider, so I did this to support them in our future. Leading up to the shutdown, I had no idea what was coming. No one gave the impression it was happening or prepared us for what would happen after it closed. I attended classes up until the very last day, just a few weeks from graduating. Then on a Saturday afternoon, I

got a text message that said the school was shutting down, telling me it's over. No other information was given to us. No resources or contact information. The change in plans has really impacted my life and my family's. I felt like I had the rug cut from under me. It's heartbreaking and discouraging. Process was poorly handled and left students hanging on hanging. One of the most difficult things about this was I was so close to finishing, but now I've lost over 20 months my GI Bill, no degree, and I can't get a hold of my transcripts. I requested to have my GI Bill restored by the VA, but hasn't been approved yet. I reached out to the Texas Higher Education Coordinating Board to get a copy of my transcripts, but haven't heard back from them either. I wanted to share my story with you today because while I and others wait for GI Bill, restoration, loan forgiveness or to request transcripts, all of our plans have been put on hold. Everything I planned around this school just ended and the students and their families are left stranded to pick up the pieces on their own. There must be a better way to protect us from the aftermath. And thank you for letting me share today.

MR. TONCHI: Thank you, Mr. Wilkins. Brady, do we have anyone else?

MR. ROBERTS: No one is in the waiting

room.

MR. TOTONCHI: Thank you to the to the individuals who made public comments. Thank you to the committee and everyone here in the meeting for their hard work today. We'll pick this up, 10:00 a.m. Eastern tomorrow.

Appendix
Department of Education
Office of Postsecondary Education
Zoom Chat Transcript
Affordability and Student Loans Committee
Session 2, Day 1, Afternoon, November 1, 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 Belinda Wheeler (she/her/hers) to Everyone:

Are there no more questions regarding the prison education subcommittee? I just want to check.

From Heather (P) - Accrediting Agencies to Everyone:

I'm having trouble with my video.

From Michaela [P] Ind. Student to Everyone:

My alternate will take this vote

From Michaela [P] Ind. Student to Everyone:

I am returning to the table

From Stan (A) Ind. Students to Everyone:

I am stepping back and the ind. student primary is joining.

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

Hi, subbing out for John.

From John S. Whitelaw (he/his) (A-Disability) to Everyone:

Plus one to Justin's comments

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

Here is the regulatory language proposal:

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

(7) Conditions for reinstatement of a loan after a total and permanent disability discharge. (i) The Secretary reinstates a borrower's obligation to repay a loan that was discharged in accordance with paragraph (b) (4) (iii) of this section if, within the lookback period the borrower receives a new TEACH Grant or a new loan under the Perkins or Direct Loan programs, except for a Direct Consolidation Loan that includes loans that were not discharged.

The lookback period is defined as three years after the date the Secretary granted the discharge or the end of five years from the determination of total and permanent disability by a physician, nurse practitioner, physician's assistant, or psychologist, whichever ends sooner.

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

Will email this...

From Justin Hauschild (P) Veterans and Service Members to Everyone:

With regard to my data request concerning automated TPD for veterans: We respectfully request information about how ED is executing its current data match with VA, including the specific information it requests from VA to identify both veterans that are 100% disabled and those that have an individual unemployability determination. Thank you.

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

I'm subbing back in

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

I would be comfortable with text if there was a (b) (2) (iii) (D) that said "has a disability that onset for SSDI/SSI disability benefits for 5 years"

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

or something like

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

It's eligibility

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

v. automation

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

+10000 to Carol...

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

josh is taking the legal aid seat

From Jessica (P), Proprietary Schools to Everyone:

I am subbing back in for Carol.

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

+ 1 Josh

From Marjorie (P), Four Yr Publics (she/her) to Everyone:

+1 Josh

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

+ Josh

From Rachelle (A) 4 year publics to Everyone:

+1 Josh

From Bobby (P) Two Year Public Colleges to Everyone:

+1 thanks Josh

From Jeri (P) Student Borrower (she/her) to Everyone:

My alternate Jen, would like to tag in.

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

+ 1 to Joe

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

+1

From Jeri (P) Student Borrower (she/her) to Everyone:

+1 David!!!

From Marjorie (P), Four Yr Publics (she/her) to Everyone:

+1 David

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

+1 Josh

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

+ Marjorie

From Joe; P, State AGs to Everyone:

+1 Marjorie

From Jeri (P) Student Borrower (she/her) to Everyone:

+1 Marjorie

From Michaela [P] Ind. Student to Everyone:

+1

From Misty (P) Priv. Non-Profit to Everyone:

+1 Marjorie

From Bobby (P) Two Year Public Colleges to Everyone:

+1 Marjorie

From Dixie (P) Dependent Students (Ella/She) to Everyone:

+1 Jen

From Jen (she/ella):(A) Student Borrower to Everyone:

Jeri will be back

From Joe; P, State AGs to Everyone:

+1 Michaela

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

To Michaela, I am worried that we not add student applicants to an already long queue only to be denied. Careful definition of any school closure it important to me.

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

+1 Michaela

From Dixie (P) Dependent Students (Ella/She) to Everyone:

+1 Michaela

From Suzanne Martindale (A) state regulators to Everyone:

+ 1 Josh -reference court findings specifically

From Joe; P, State AGs to Everyone:

+1 Michaela again. Great comments. Right on point with the idea that discharge does not solve all the

students' problems. Lost time and lost grant benefits harm students.

From Michaela [P] Ind. Student to Everyone:

To Daniel -These regulations do not prevent people from applying. I reject the notion that this solves the issue of long queue's.

From Michaela [P] Ind. Student to Everyone:

What criteria didn't they meet?

From Michaela [P] Ind. Student to Everyone:

Jessica could you please also put in chat why people did not qualify?

From Jessica (P), Proprietary Schools to Everyone:

With the school that I spoke with, some students had graduated from the program.

From Jessica (P), Proprietary Schools to Everyone:

My question for the Department, is do they have data on how accurate their process is to identify students who are eligible for closed school discharge.

From Michaela [P] Ind. Student to Everyone:

Jessica, What school? Were the graduates given an accredited degree?

From Jessica (P), Proprietary Schools to Everyone:

I don't feel comfortable sharing the name of the school publicly. I am happy to share it with the Department if they are interested.

From Joe; P, State AGs to Everyone:

+1 to Dixie. Simplifying the process for students is important.

From Jen (she/ella):(A) Student Borrower to Everyone:

+1 Dixie

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

+1 Dixie

From Jeri (P) Student Borrower (she/her) to Everyone:

+1 Dixie

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

+1

From Jen (she/ella):(A) Student Borrower to Everyone:

+1 Dixie

From Jeri (P) Student Borrower (she/her) to Everyone:

+1 Dixie

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

+1

From Jen (she/ella):(A) Student Borrower to Everyone:

Thank you Jennifer

From Michaela [P] Ind. Student to Everyone:

Watching it isn't the same as feeling it. I feel confident that students were impacted differently

From Jeri (P) Student Borrower (she/her) to Everyone:

+1 Micheala

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

ditto re: discussion

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

specifically Josh's and Dixie's comments