DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
INSTITUTIONAL AND PROGRAMMATIC
ELIGIBILITY COMMITTEE
SESSION 3, DAY 2, MORNING
March 15, 2022

On the 15th day of March, 2022, the following meeting was held virtually, from 10:00 a.m. to 12:00 p.m., before Jamie Young, Shorthand Reporter in the state of New Jersey.

P R O C E E D I N G S

MR. ROBERTS: Alright. Good morning, everyone. Welcome to day number two of week three of the 2022 negotiated rulemaking with the Department of Education. I want to jump right into the substance of the day. We're going to start with a data presentation from the Department on Gainful Employment, followed by discussion on that issue paper moving towards a consensus check on Gainful Employment. But before that, I want to take a brief roll call of our negotiators. So, if folks wouldn't mind coming on camera. Representing accrediting agencies, we have Jamie Studley.

MS. STUDLEY: Good morning.

MR. ROBERTS: Good morning. Joined by her alternate Dr. Laura Rasar King.

DR. KING: Good morning.

MR. ROBERTS: Good morning. Representing civil rights organizations and consumer advocacy organizations, we have Carolyn fast. We're still waiting for Carolyn, but we were joined by her alternate, Mr. Jaylon Herbin.

MR. HERBIN: Good morning.

MR. ROBERTS: Good morning, Jaylon. Representing.

MS. SHAVIT: Sorry.

MR. ROBERTS: Oh, was that Carolyn?

MS. SHAVIT: No, Carolyn was in the waiting room. No this is Yael. She is stuck there for a little bit.

MR. ROBERTS: It might be on my end, Yael but I can't really hear you right now. I think your audio might be it's a little scramble, but, but.

MS. RANUCCI: Yael was just saying that Carolyn was stuck in the waiting room.

MS. JEFFRIES: We're not, okay, we're not showing Carolyn in the waiting room. We are showing a person that is logged in at sixth grade, Daniel tiger. We do not know who that is and we cannot let them in until they identify themselves.

MS. RANUCCI: I'll let Carolyn know to change her name.

MS. JEFFRIES: Okay, thanks.

MR. ROBERTS: We don't want to let any sixth graders in and expose them to the horrors of reg neg that early in their young lives. But moving on, we'll come back to Carolyn when she's able to log in. Representing financial aid administrators at postsecondary institutions, we are joined by Sam Veeder.

MS. VEEDER: Good morning.

MR. ROBERTS: Morning, Sam. And her

alternate, Mr. David Peterson.

MR. PETERSON: Good morning.

MR. ROBERTS: Representing four-year public institutions of higher education, we have Marvin Smith.

MR. SMITH: Morning.

MR. ROBERTS: And we're joined by his alternate Debra Stanley.

MS. STANLEY: Morning.

MR. ROBERTS: Representing legal. We'll get to you soon, Barmak. Don't worry. Representing legal aid organizations that represent students and/or borrowers, we are joined by Johnson Tyler.

MR. TYLER: Good morning.

MR. ROBERTS: Morning, Johnson. And his alternate Ms. Jessica Ranucci.

MS. RANUCCI: Morning.

MR. ROBERTS: Representing civil rights organizations, we are joined by Amanda Martinez.

MS. AMANDA MARTINEZ: Good morning.

MR. ROBERTS: Morning, Amanda. Representing minority serving institutions, we are joined by Dr. Beverly Hogan.

DR. HOGAN: Good morning, everyone.

MR. ROBERTS: And we are joined by her

alternate, Ms. Ashley Schofield. It looks like Ashley has not joined us yet but we'll circle back. Representing private, nonprofit institutions of higher education, we are joined by Kelli Perry.

MS. PERRY: Morning, everyone.

MR. ROBERTS: Morning. And her alternate Emmanual Guillory.

MR. GUILLORY: Good morning.

MR. ROBERTS: Morning. Representing proprietary institutions of higher education, we are joined by Bradley Adams.

MR. ADAMS: Morning.

MR. ROBERTS: Morning Brad. And we're joined by his alternate, Mr. Michael Lanouette.

DR. LANOUETTE: Good morning.

MR. ROBERTS: Morning. Representing state attorneys general, we are joined by Adam Welle.

MR. WELLE: Morning.

MR. ROBERTS: Morning, Adam. And we're joined by his alternate Yael Savant.

MS. SHAVIT: Good morning.

MR. ROBERTS: Morning. Representing state higher education, executive officers, state authorizing agencies and/or state regulators of higher education and/or loan servicers, we are joined by Debbie

Cochrane.

MS. COCHRANE: Good morning.

MR. ROBERTS: And her alternate, David Socolow.

MR. SOCOLOW: Good morning.

MR. ROBERTS: Morning, David. Representing students and student loan borrowers, we are joined by Mr. Ernest Ezeugo.

MR. EZEUGO: Good morning.

MR. ROBERTS: Morning, Ernest. And we're joined by his alternate, Mr. Carney King. Carney's not able to join us yet, but we'll circle back to him. Representing two-year public institutions of higher education, we are joined by Dr. Anne Kress.

DR. KRESS: Good morning.

MR. ROBERTS: Morning, Anne. Hope you are driving safely.

DR. KRESS: I am not driving. I want to make that clear. I'm riding.

MR. ROBERTS: And we're joined by her alternate, Mr. Will Durden.

MR. DURDEN: Good morning.

MR. ROBERTS: Morning. Representing U.S. service, U.S. military service members, veterans and/or groups representing them, we are joined by Mr.

Travis Horr.

MR. HORR: Morning.

MR. ROBERTS: And his alternate, Mr. Barmak Nazarian.

MR. NASSIRIAN: Good morning.

MR. ROBERTS: We are also joined by two advisors who provide support to the negotiating committee. First is a compliance auditor with experience auditing institutions that participate in the Title IV HCA programs, we are joined by Mr. David McClintock.

MR. MCCLINTOCK: Morning.

MR. ROBERTS: Morning. And a labor economist with experience in policy research, accountability and/or analysis of higher education data, Professor Adam Looney. Adam has not joined, has not joined us yet. Representing the Department in the Office of General Counsel, we are joined by Mr. Steve Finley.

MR. FINLEY: Hello.

MR. ROBERTS: And last, we are joined by our Federal negotiator, Mr. Gregory Martin.

MR. MARTIN: Morning.

MR. ROBERTS: Alright. Did I miss anyone? Alright, thank you. I'm going to turn it over to the Department at this time. I just have two quick items to touch on. One, just for the members of the public who are watching, I want to just reiterate that the Department is not accepting written comments at this time. The appropriate time to submit those comments is the NPRN period of at least 30 days. Currently, the Department is unable to utilize those comments and asks that members of the public refrain from submitting them at this time. So, Brian, as I turn the floor over to you, I just want to run through our morning. We're going to turn it over to Brian. He'll run through the data that you've just received and take a few questions from them. I'm going to ask the negotiators to keep their comments and questions to that same three-minute timeline that we've held you to the first two weeks. And that your comments express new questions or comments for the Department and the committee's consideration. So, with that, Brian and Renee, the floor is yours.

MR. FU: Good morning. Thanks for the introduction, Brady. The purpose of my presentation today is to describe the informational rate information that was shared earlier with the negotiators. Please note that a corrected version of the data containing this information. And an updated summary memo was distributed just before this meeting and I believe is now publicly available on the website. The prior version misclassified programs with $0 or lower in the discretionary income rate denominator as passing instead of failing. The corrected version shows 619 failing programs, whereas the prior version that was distributed on Sunday showed 435 failing programs. The largest difference between the versions was for private for-profit certificate programs and I'll show you a table later that kind of walks through those and the differences. I wanted to emphasize a few items in the memorandum as stated in the or I guess the overview document. Thanks for sharing that, Renee. Yeah. As described here, due to limitations and what is available from relevant data sources that we have available to us now, there are differences between the data construction process of any informational rates and the proposed regulations. We know that different stakeholders will focus on different the performance of different subsets of programs or institutions. So, we've provided just the broad summary tables here in the memorandum and the overview, and we've also released an accompanying data file so that users could take a closer look at the specific credentials or sets of institutions that are of particular interest to them. That was also updated this morning. The informational rates data file includes both GE programs and non-GE programs to provide context on the number of programs and awards granted by GE programs across different sectors and institutions. The data file includes earnings data and loan data for GE where there were at least 30 individuals in the earnings cohort. The data file includes identifiers for HBCU institutions as well as tribal colleges and universities. We didn't include the other MSI designations like HSIs, which are designations that can vary across years based on enrollment. But that information can be added by data users who had access to the data file using data available in College Scorecard or the OPE website for MSIs. To talk a little bit about the earnings data. These data are based on College Scorecard data. Yesterday, College Scorecard released a new program level earnings data. As mentioned previously, the information rate data file includes only earnings data for the GE programs with 30 or more in the cohort for the data file. Beyond that, there are a few differences between the data between what's in the data file and College Scorecard. Essentially, the biggest difference is that the GE information rate data are inflation adjusted to 2019 dollars and the College Scorecard data are inflation adjusted to 2020 dollars. For those familiar with the methodology used to produce program level median earnings under the 2014 regulations, it might be worth highlighting three key differences between data produced by the College Scorecard and data that was produced by the Social Security Administration in the 2014 regulation. While the underlying data source of earnings is identical, there are several differences in how these data are processed. First, the data are produced at the four-digit CIP code rather than the six-digit CIP code. So that's different than 2014. Second, as described in this overview and in a figure that was distributed earlier, it was kind of a picture that was distributed on Sunday. The Scorecard measures earnings with longer lag between when students graduate and when their earnings are measured. So, on average, this will likely lead to median program earnings estimates that can be substantially higher than what was calculated in the 2014 calculations. Finally, if you look at the College Scorecard documentation, the median earnings estimates are perturbed by IRS to protect privacy of individuals. In other words, a small amount is either added or subtracted from the median estimated earnings using the raw data before it is published and even disclosed to us. As a brief summary of how the perturb calculations differ from the actual medians. About 80 percent of the medians in College Scorecard are within 3 percent of the published medians, and over half are within 1 percent. The statistics describing perturbation represent kind of an upper bound on differences when we when we're thinking about GE because in Scorecard, they're based on sort of an N15 calculations rather than N30 calculations. There's more information about the perturbation and the privacy protection that IRS describes in the College Scorecard documentation. I'm happy to share a link for those that are interested in that. Let's talk a little bit about debt now. In terms of debt that the Department has proposed, including institution and private loan debt in calculating median debt levels and capping calculations by tuition and fees. However, annual loan payments and debt include only Federal loans without capping by tuition and fees. That's the only data we have available to us now. Further, other factors will impact make things difference. For example, we rounded the aggregate cumulative debt to the nearest hundred, which will also just make things kind of slightly different. I'm going to turn your, direct your attention to kind of what's on the screen. And just note that the first table of the memorandum shows the number of GE programs in each category, as well as the proportion of programs and awards conferred in each category. Further, table one shows the number of GE programs with information or rate data. While the majority of awards conferred are represented in GE programs with informational rate data in private for-profit institutions. A smaller percentage of awards conferred are represented in GE programs in the in the other control categories. So. And again, this is the same table that was distributed on Sunday. Let's go to the next table. It's going to be a little bit of a split screen because there's a page break. But I can say that the second table shows the number of GE programs and their passing and failing frequencies for categories of credential levels by control categories for the debt and earnings metric. The table shows that, for example, private for-profit institutions have higher proportions of their awards conferred and failing categories. As I mentioned before, this table has been updated this morning, the corrected version. The biggest difference in this table is that first row, the failing DTE number jumped from I think it was 59 or 60 up to 210. The other numbers, if you kind of scroll below, none of those numbers I think changed by more than ten. But the difference between the corrected version and this version is the more substantial one was that first row. Let's go to the last table and the third table of the memorandum or I guess it's an overview document shows that the number of GE programs, the number of GE programs and their passing and failing frequencies for the earnings threshold metric. Excuse me. If you kind of scroll down, again, we have unfortunate pagination here, but you'll see the breakdowns again by credential level with the certificate programs broken out by control categories. So that's a gist of what was provided and happy to take any questions about that at this point.

MR. ROBERTS: Okay. Any questions for the Department? I guess just a few brief announcements in terms of who's at the table. We have David in for financial aid administrators. Emmanual in for private nonprofits. Yael in for state AGs. Barmak in for veterans and service groups. And then Carney, we are joined by Mr. Carney King. So good morning and welcome to everyone. Emmanual, please take us away.

MR. GUILLORY: Sorry, experiencing some issues. So, with the debt data that you included here, that's the debt data that's from the College Scorecard, correct?

MR. FU: No. That is different from the College Scorecard. The College Scorecard publishes debt for borrowers only. And so for the data and these data file, they include non-borrowers.

MR. GUILLORY: Do they also include Parent PLUS Loans?

MR. FU: They do.

MR. GUILLORY: In the file that you gave us?

MR. FU: In the file that they gave us. In the file that was circulated, yes.

MR. GUILLORY: Okay. Thank you.

MR. ROBERTS: Okay, thank you. Brad, I see you're here next.

MR. ADAMS: First, I'd like to thank Brian for the presentation and for the Department to producing some data. Unfortunately, the timing of the data we've been requesting since January was given it to us Sunday night at 5:00 pm and then revised by 9:45. And frankly, I think it's in these comments are not directed to the folks that compiled the data, but your own memo on page two lists six different bullets of why the data is not accurate. And to present this data to this committee and then use that data to make a decision on our Gainful Employment issue paper is a problem. It's not accurate compared to the definition of the Gainful Employment statute we're reviewing. And the spreadsheet has 165,000 lines within it and just the timing of it, and we haven't had a chance to really go through it. But I do want to point out two things of note. I think it's important for this committee. It is on one, on page three, it talks about the overall program size of

Gainful Employment. It does validate that 75 percent of the programs are not subject to GE. And so we'll discuss that later on the issue paper. But that's that is helpful. I do want to ask a question on the second piece of information I find interesting, is that private nonprofits and publics they owe Gainful Employment as called out and several tables in this report. And if the failure rate was applied on a pro rata basis to degree programs at the associate doctoral level, the vast majority of failing programs would be outside of the proprietary industry. You know, unfortunately, the Department has this data and could have applied the same metrics to all the other institutions at the same credential levels, and they chose not to do so, even though we've requested that information. But the Texas Public Policy Research issued a report in February 2022, that states that 89 percent of all failing programs would be at publics and nonprofits. And that's unfortunate. We're not doing anything to protect those students from failing Gainful Employment programs. The last thing I want to mention is just on the earnings calculation. I want to know, and frankly I've been unable to determine, what is the dollar amount being used in that earnings threshold in the very last table? Can the Department disclose what that number is and assuming it's 2019 calendar year, but what is the overall number that we're using?

MR. FU: The number that we are, the threshold number?

MR. ADAMS: Yeah, the median high school earner from national earner 25 to 34, I believe is the methodology. What is the number?

MR. FU: It's adjusted for state. So, it's a different number for each one. So, if you look at the Excel spreadsheet, I think the last column or it's one of the last two columns, you'll see the specific number that's being compared against.

MR. ADAMS: And given that, I'm not going to be able to pull that off on the fly, can you just state the national median number without going into all the different state numbers?

MR. FU: I don't have that at the top of my head. I will, I can, I can try to find that quickly, though.

MR. ADAMS: That's going to be an important number for us as we go through this negotiation. And when you pull it, will you let me know if it includes $0 earners that are high school graduates or if it excludes $0 earners?

MR. FU: So, there's two versions in

the data set. What we provided in the summary table is only the positive earners.

MR. ADAMS: So, we're excluding $0 earners from this file we're reviewing. Which is different than what we're doing in Gainful Employment for graduates of programs.

MR. FU: So, for graduates of programs, right, we include zeros in the proposed regulation and then suffer the comparison.

MR. ADAMS: So, the Department is admitting that they're not consistent on how they apply annual earnings for Gainful Employment. Interesting. Yeah. If you could let us know that number and I'll hold off the additional comments until we get that number, because that is very important.

MR. ROBERTS: Johnson, I see your hand next.

MR. TYLER: Thank you. Thanks, Brian, for the presentation here. I have a very specific question that I just can't get my head around. So, if we look at page four of what was released today, the first table there at the bottom, it says programs passing DTE without published DTE metrics. I don't understand what that means.

MR. FU: That means they would not

fail essentially, because we would not have data for them.

MR. TYLER: In other words, there's no, in other words, there's just no data on these on these programs? No, no, earnings data.

MR. FU: No debt and earnings data together.

MR. TYLER: Okay. And the other question is, are there earnings that are being captured, are they from, what year are they from?

MR. FU: They're the combined 2018, 2019 calendar year tax earnings.

MR. TYLER: Okay. Thank you.

MR. ROBERTS: Thank you. Brad, you're up next.

MR. ADAMS: Thank you. While Brian's looking for that number of national media number, I'd like to remind the Department that the fact that we've been asking for this data and it was obviously inaccurate what we've received Sunday and all reviewed and now got a new file on Tuesday morning that this entire rulemaking has just been around Gainful employment has been an absolute disaster. And I think the administration is just forcing GE through as quickly as possible and not following through its standard negotiated rulemaking kind of procedures here. So, I'd like to ask the Department one last time to consider either pulling GE from this rulemaking to give it the consideration it needs as a standalone rulemaking like it's done in the past. Or consider adding at least one additional session in April that we devote to GE. There's a precedent for adding a fourth session and the Department can agree to this today. So, Greg, I'd like you to take that request back to your leadership, if you would, please.

MR. MARTIN: I will.

MR. ROBERTS: Thank you. Emmanual.

MR. GUILLORY: Okay. I'm just trying to make sure I understand the data accurately because we did just get it this morning. So, I want to make sure comparing contrast on what we had before and what we have now. So, with the total programs for private nonprofit institutions on page three, which this document has 53,000 total programs. Are you saying and I see above. Okay, basically the question is there are GE published programs, so there's qualifying GE programs and GE published programs. So, the total GE programs, that's the 4,908 number. Those are published GE programs, correct? Just confirming.

MR. FU: So those programs are any

sort of the legislative definition of GE that had at least one reporter, one excuse me, one award confirmed reported in their IPEDS data collection. So, it's anybody with in the GE program that had at least one completer.

MR. GUILLORY: At least one completer. So. Okay. So, if it's at least one completer then that means that, so basically, I'd be a cohort of one?

MR. FU: At least. At least.

MR. GUILLORY: So, then this number would be all of the qualifying GE programs?

MR. FU: What do you mean by qualifying?

MR. GUILLORY: So, what I mean by that is there are programs on campuses that are GE programs, but they are not published because they're under 30 students in the cohort. So, the Department previously only released data on the published GE programs. So that's the data we've been operating on since the 2014 rule. Which we've been using and talking about and reviewing. This data, this informational rate data is something new that the Department has done based on current data. And you're showing us giving us an example of how our programs would fare under this new rule. So, with this new data, I'm trying to make sure I understand

and make sure it's clear for my fellow negotiators, too, as well, that the numbers we're looking at are either all of the GE programs on the campuses that qualify regardless of cohort size, because we're going to look at small program rates later on, or talk about those later on. Right. Or just only the published GE programs with 30 or more in the cohort?

MR. FU: So that number the like the 4,908 number represents all of the GE programs, regardless of cell size. It's between it's between one and a million. It's not zero. So, we do cut it off at zero, but it's at least one completer in the cohort. So, it exists as a as a GE program with that definition. Does that help you?

MR. GUILLORY: Yes, thank you. And then the total program column, that's just literally all of the programs on our campuses? Not their GE programs or not just all the programs.

MR. FU: Correct.

MR. GUILLORY: Okay. And that that, then I mean, this number if you combine the publics and the private nonprofits, that's more than 18,000 qualifying GE programs, which we were looking at previous data. So that aligns. Thank you. I appreciate that.

MR. ROBERTS: Thank you. Anne, I see your hand next.

DR. KRESS: Sure. I just want to follow up on a question that Brad asked to make sure I completely understand this. And I also want to indicate my frustration that this session began at 10:00, and we got this data, I think, at 9:56 this morning. So, this is a lot to try to process. But my question is, when we're looking at the earnings threshold for high school graduates with no GE completion. So, what I heard was that if those high school graduates have no income, that they're excluded from the tabulation of the median. But all GE completers are in the tabulation, even if they have zero income. Is that correct?

MR. FU: So that sounds right to me that when we do the median earnings calculation for a specific program, zeros are included. Yes. And then for I think this is exactly what you said, the comparison point, which is based on census sample data, those we have two columns in the data file. What you see in the overview, it's limited to the high school, the typical high school earners that were working at positive earnings only. So, there is a difference.

DR. KRESS: So, I guess I want to indicate an objection in the way that we're looking at this data because there are lots of reasons why folks may not be employed, even if they went through and got a certificate or a degree that qualifies for Gainful Employment. Could be all sorts of personal choices that are in there. And to my mind, if we're going to include the zeros for one group, we really got to include the zeros for the other group. Otherwise, you're not really doing, I think, an accurate comparison of sort of a vision of the labor market. And I think someone's [inaudible] is not muted in the background.

MR. ROBERTS: If folks don't mind going on mute just eliminate some of the background noise. But I see Beverly, your hand is up next.

DR. HOGAN: Yes, I'd like to make a brief comment that I have to agree that this is a lot of information to absorb and analyzed in a short period of time to help us make clear and inform our decisions. But let me ask a couple of questions here following up on what Emmanual said, are HBCUs data included in the private nonprofit institutions?

MR. FU: So, I mean, we, yes.

DR. HOGAN: To the extent that there are.

MR. FU: To the extent that the HBCU flag is in the data file regardless of control category.

DR. HOGAN: And the tribal control colleges and universities just have not published any information on their rates, on the rates data, and you don't have anything on them? How is that handled?

MR. FU: Correct. So, for example, because they have small programs, for example, we wouldn't have information on small programs.

DR. HOGAN: And in this analysis and I'm having difficulty going between the document I printed and in the document that you all sent this morning because of some visual challenges that I have, I'm not really able to read the new document on my screen. You have you had a footnote in this analysis, HBCU status is defined based on an institution six-digit OPEID. Can you tell me can you explain that a little bit more to make me so I can understand it?

MR. FU: Yes. So, the HBCU designation, there are some HBCUs, I think there's one in particular where I think the law school branch is not considered HBCU. But the if you were to kind of consider the whole main campus that includes kind of this separate branch campus which is separately not considered HBCU as long as it's kind of one entity within multiple branch campuses were considered an HBCU, we would mark that as an HBCU.

DR. HOGAN: Okay. Thank you.

MR. ROBERTS: Thank you. Brad, your hand's up next.

MR. ADAMS: Thank you. Brian, I'm curious, do you have any of this data broken out by gender, age or race or rural other than state, I guess location other than state, does the Department have access to that information?

MR. FU: So, the College Scorecard produced earnings by gender, and that was released yesterday. We don't have race. Or what was the other category you mentioned?

MR. ADAMS: Or location other than state.

MR. FU: No. And I do have an answer for you on your prior question. The national figure was, hang on a second, 25,400.

MR. ADAMS: Did you get the number of what it would be without the, I mean, including the zero earners.

MR. FU: I don't have that one yet. Sorry.

MR. ADAMS: That's okay. I'm curious if they've at least got it by gender, if we could get the male female breakdown. And really, what I'm looking for is what percentage of the high school median earnings are white males. I'd like to get that information from the Department. If you can get that, or at least get it by gender. If not.

MR. FU: You're saying with the census data? See if the sample size is. We can look into getting that. I'm not sure if we'll be able to at what timetable we'll be able to get that, but we'll.

MR. ADAMS: As you probably are aware, that most of the programs that are considered failing within the private for-profit certificates are cosmetology programs. Those tend to be a higher percentage of female graduates within those numbers, in some instances significantly different. And, you know, as you know, there's all kinds of earnings issues in that industry. And so, to show 51 percent of those programs are failing and earnings threshold, we need to take into consideration some of the other demographic information that may be available to us in that area. But I would like to ask the Department one additional question. And it's on, it was on a file that was sent on Sunday. I liked this file. It was the timeline file. But there was a comment in this file and I didn't know what it meant. I don't know if you could share that for the public because the one page or earnings metric on a timeline, if that's okay. But either way, there was a comment that says calendar year 18 earnings are inflated to 2019 dollars and then median of the earnings from both cohort years combined is computed. I was not sure if you could explain what that means.

MR. FU: So. To the extent that the median earnings is across, hang out a second let me think about this. So, the 2018 reported dollars are adjusted to 2019 dollars. And then the median is taken across the two cohorts. Does that make sense?

MR. ADAMS: So, is it a two-year median average? I'm not following. I'm sorry, Brian.

MR. FU: I might, we might have to check how this works, but I believe how it works is that you basically, let's say you and I had different I had like $10,000 earnings and you had $20,000 earnings. We would adjust, I had I had mine a year prior to yours, we would adjust mine to, let's say, $15,000 and then we'd reg order like you, me, and everybody else in the cohort. And then we would see who's in the middle to draw the median. Does that make sense?

MR. ADAMS: So, you would inflate the 2018 annual earnings up and then take the median of the entire population, said another way.

MR. FU: Yes. So, we are comparing

apples to apples, essentially.

MR. ADAMS: Are we using some sort of government produced CPI for the for the increase from 18 to 19?

MR. FU: Yes. The BLS data.

MR. ADAMS: That is a helpful answer. Thank you.

MR. ROBERTS: Okay. Thank you. Johnson, I see your hand next.

MR. TYLER: Thanks. So, I'm going to follow up with Emmanual's questions on today's release of information and go back to the table and page three. So, the private nonprofit that has this percentage of total completions in GE program, it's 5.7. So, does that mean out of the 4,900 GE programs, only 5.7 are having enough completers to be counted for the GE analysis?

MR. FU: So, the 5.7 the is more about individuals or what we call kind of awards completed sort of completion events. So, it's weighted. It's not the number of programs, it's actually the number of people that are completing.

MR. TYLER: Okay. So. In essence, though, when you when you look at the 4,908 GE programs, only 222 or 240 or scorable for purposes of GE? Is that what the next column is saying?

MR. FU: Correct.

MR. TYLER: And that's because there's not enough completers or that's because there's not enough data to do the analysis once you've identified the people?

MR. FU: So, I think that's the same thing. If there's not enough completers, that means there's not enough data.

MR. TYLER: Okay. So, in other words the end number is too small. These are small programs. Okay. And so, this last column, I'm just getting my, I'm having a hard time understanding what it means. Percentage of GE credentials awarded with published DTE earnings. So that means 60 or 59.5 percent of GEDs [ph] GE credentials are being awarded private nonprofits that don't have a large enough number of completers or data to be scored. Is that right?

MR. FU: Again, this is this is the proportion of people completing. And so, what like this first column is saying is that, you know, this this 2799 number, that's all, that's the number of programs we have. So how many, this this 87.9 percent is the number of people that are completing that's represented in that 2799. Because some programs are bigger and smaller. So, you could have like almost all of your students represented in a smaller number of programs. So that's what that means.

MR. TYLER: Okay. Thank you. That's helpful.

MR. ROBERTS: Thank you. Emmanual, please.

MR. GUILLORY: Well, I think I think that by looking at this further, I may have answered my own questions. Obviously, understanding the data is very important and just want to make sure I think we all get a good grasp on what we're looking at here once again, because we got it not too long ago, but it's not much different than what was in before. And I apologize for asking about the Parent PLUS thing because I do see you still kept that in here, literally says it in the first line. But I think just having time to read through it was challenging. As it relates to, I know one of my colleagues asked for the HSI data, you weren't able to provide that. And in looking at the HBCU data, the tribal college and university data, just not really seeing that kind of spelled out. I know you say that only three programs for HBCU fail out of 332 GE programs at HBCUs. And then further down, you say there's a total of 332 GE programs out of the 3,654 programs offered by HBCUs. But it would be helpful to see a breakdown of and

I know it's harder for the minority serving institutions because they do vary based on the metrics to meet it in Title III and V. But for those that are statutorily defined, like HBCUs and TCUs, it would be nice to see a breakdown of that. And I will say that in looking at this, going back to what my colleague Johnson, when he was going through the private nonprofit numbers on page three, in this particular table here, 222 of our programs out of the 4,908 total GE programs are literally just published GE programs. So those are the ones that have 30 or more in our cohort. Right?

MR. FU: Yes.

MR. GUILLORY: Okay. So, when we do the small program rates, is it true that we're now going to capture more than 222 programs and their rates? Okay. Would potentially capture all 4,908 of those programs. I mean, as long as their four-year cohort combined is 30 or more students, we would more than likely capture a large majority of that 4,000 number, right?

MR. FU: Yeah, we might, I'm not sure. I mean, there's ways to kind of estimate that by, for example, see how many there are in 15 and multiplying by two. So those are things that you could try to do with the IPEDS data.

MR. GUILLORY: Yeah, well, I would say

just based on the definition of small program rates the Department is using and then how that calculation will actually take place, we will capture obviously way more than 222 programs. We'll probably capture a majority of the 4,900 here. But that would be the same too, though, for the public institutions as well. Right? Because according to your data, they have 968 programs that are published. They'd be published GE programs, but then they have 28,000 that are total GE program. So, the small program rates would capture a large number of that 28,000.

MR. FU: Yes, it would capture more.

MR. GUILLORY: Okay. Thank you.

MR. ROBERTS: Okay. Adam, our advisor, I see your hand.

DR. LOONEY: So I guess watching this dialog, my first observation is that that I thought the data looked quite similar to what you'd get from the 2015 data and from what I showed a couple of weeks ago, in the sense that if you look at that table on page three of the document that has the first row with the total number of programs, the second row says among all the programs at those universities, which ones are GE programs? The third the third column there is the fraction of students in those programs who are at those universities who are in GE programs. The fourth column is the number of programs that actually have a published metric, has 30 or more students. And then to your, to that comment about informational rates or the programs that have less than 30 students, obviously that number 222 for private nonprofits, that will go up in a sense that they'll be more informational rates. But correct me if I'm wrong, I thought that there was no sanction associated with those and that they'd be purely informational so that they're not a high stakes, so to speak, element. And then just for completeness, the fifth column is the is the fraction of total students in GE programs that have published rates that would be effectively subject to a penalty or sanction under this regime. And so, I guess my broad my broad observation is that it looks quite similar to the data that you've seen before. And if you're familiar with the 2015 data, I don't think you should think that this is a big change in terms of the content in the broad the broad message.

MR. ROBERTS: Okay. Thank you, Adam. Debbie, I see your hand.

MS. COCHRANE: Thank you. I had a couple of questions related also to the issue of the median earnings data and the inclusion or exclusion of the $0 earners. One very specific question is that looking in the file and comparing those two figures, it looks like the territories don't seem to have a difference where the states do. Is there some sort of data difference there?

MR. FU: You mean the comparison? How are the territories the territories used the national comparison rather than state adjusted one?

MS. COCHRANE: So, the kind of for American, I think the column AD is all earners, whereas AE is the positive earners.

MR. FU: Correct.

MS. COCHRANE: And so, for America, American Samoa, they're both 18, 7 and 35, whereas those figures are different from the states.

MR. FU: The states are adjusted and the territories are not. States are adjusted for sort of regional differences.

MS. COCHRANE: But it looks like, I guess there's some $0. It seems like there might be a difference in terms of whether there's a positive earnings filter placed on them.

MR. FU: Okay. So, the AD and AE are different because based on sort of census data, there's kind of a high school, national high school earnings level sort of for sort of just the workers or for everybody. And so that's the difference you're seeing between the two.

MS. COCHRANE: Okay. Let me, so just in terms of the other my other questions, I just, is there anything you can say about the extent of the difference that a couple of folks have asked about in terms of the how many people in either cohort are $0 earners or just kind of what the Department is thinking was in terms of that comparison?

MR. FU: I'll defer to my colleagues on sort of the rationale for including or not including the zeros. The difference, we're still I think Brad asked for kind of both numbers and we only have one at this point and we'll work on the other to understand the difference at a national level. The difference between high school workers and high school, high schoolers.

MR. ROBERTS: Deb, anything else?

MS. COCHRANE: No, I'll leave it there.

MR. ROBERTS: Okay. Alright, Anne.

DR. KRESS: Sure. I just want to go back to a point that Adam Looney just made. And I want us to be really careful because it reflects on something that Emmanual was talking about that, yes, these are similar tables. But the reality is what they're telling us is that the results in those tables will be dramatically different if we go forward with these changes. And so that, I think, is what's causing a lot of the questions this morning, is that we're proposing and that's the whole point of negotiated rulemaking, we're proposing at the Department level to make some significant changes. And setting aside the merit of those changes, that would change significantly what you see in those tables and how those programs are counted, how those graduates are counted. And I also want to go back to something about the small program size. GE programs by nature are often very small. They're not going to draw thousands of students. So how you treat the small number of students who have come to those programs, how you provide them that access to the financial aid that many of them count on to participate in these programs is going to be incredibly important. So just for anyone watching, I think that's a lot of what you're seeing in this discussion is that the tables may look similar, but what's going to be inside of them going forward is very, very different. And that will have real world impact on the lives of our students.

MR. ROBERTS: Thank you. Brad, your hand is up next.

MR. ADAMS: I just want to second

Anne's point here that, you know, the final two charts in this presentation is completely, completely compiled with inaccurate data as currently described in the 2022 GE issue paper. So just want the public to realize that we are reviewing data that the Department describes to six different bullet points how it is inaccurate. But I do want to point out on table three, which I think is the probably the only thing that's using accurate data and that's the percentage of GE programs. And I just want to call out that's interesting, in only 3 percent of public institutions certificate programs have more than 30 completers in a four-year period. And of that only it's only 1 percent of all programs at public institutions. So once again, 99 percent of programs at public institutions are not subject to Gainful Employment. Maybe that's why they have such low failing thresholds, because the other 99 percent are not even looked at. It's interesting to me that of everything in this information, this table or this table on page three shows the full picture of how many students aren't protected from this GE regulation. And it's just really unfortunate that the Department and the committee just looks right past the fact that so many students attend institutions that have programs that are not covered by GE. And we're basically saying to them, we don't care if you're gainfully employed or not, you can go pay as much as you want for that education. And that's unfortunate that this committee feels that way. Thank you.

MR. ROBERTS: Alright. Emmanual.

MR. GUILLORY: I just wanted to quickly add that in response to comments that Adam had made, one of the reasons why I was going through the table on page three, the way that I did is because we do have people watching that may not necessarily understand what all the numbers mean, per se. So, I just want to make sure it's clear that we all know what we're looking at and people we all understand that. But another thing is, too, with the small program rates, the reason why I brought that issue up is because even though, Adam, you had mentioned that the Department is not using the small program rates to determine Title IV eligibility, basically to make it simplify it. There's concern within the proposed rule on page 18 as it relates to certification procedures, section 668.13, with the usage of small program rates as it relates to program participation agreements. And approving those or recertifying those or putting them on provisional status. And so, it is listed that small program rates would be something Department could look at and take into consideration. And so that brings us pause a little bit. So that's why I was wanting to just make sure that the small program rate capturing additional programs beyond the published 222 programs that we're seeing here in this chart.

MR. ROBERTS: Okay. Thank you. Not seeing any other hands. First, I just want to thank Brian for the data presentation that was very helpful. And just in terms of I think some of the outstanding requests, just per the protocols, the Department will either respond or provide a rationale as to as to why they cannot, whether it's time constraints or availability of data or whatever. But I just want to remind folks of their protocols as we return to discussion. But first, I do see Jamie, your hand. Right. I think you're.

MS. STUDLEY: The cursor disappears when you need it the most. It would be helpful to me to have a sense of how the Department plans to move through GE and these complicated issues. I, for one, would welcome the Departments linking the data to the rule that's been proposed so that we can understand how they believe it supports the very specific regulatory provisions that we are going to be asked to support or decline to support. And I don't know if that. I appreciate Brian's description of the data, but could the Department give us a sense of how they see the flow so that we can do the work with the data to try and understand how they relate to the particular provisions, the changes from 2014 and so on.

MR. FU: So, I think what we've provided sort of is the best available information. A lot of the data elements that are noted the limitations include the fact that we don't include private loans and institutional loans, and we essentially don't have that unless we implement the rule set. Are those the specific things you're talking about, those the methodologies are you're talking kind of broader than that?

MS. STUDLEY: I think I'm talking more broadly than that. You've done the best you can with what's available to provide us with the data. The Department has made a proposal. I'm wondering if the Department will help us say here's how this supports the key provisions. So, Brian, it's probably not your job, but I say that with tremendous respect. You've brought this forward. And my question is, how are we going to look at what we interleave as we go through the provisions of the section how's the data supported. That's what I'm looking for from the policy recommendation side of the Department. The 2014 rule has been through that kind of analysis. We have some significant decisions that we'll have to make. And I just wonder so that we know when where to put our comments and what work we can be brought to us to support those recommendations. Whether we're expected now to totally leave the data, whether the Department will help us weave it together with the sections. And we're looking at what the numbers are. How do the numbers relate to the policy recommendations? So, it's not a question for you, Brian. It's really a question for the I think probably the head negotiator and Dr. Looney. It's not that I need an answer right now. Maybe I can put it another way. I am feeling a need to crosswalk the data and what it tells us about why these are the best, why these are the proposals the Department thinks we should make. I saw real power in the 2014 rules in what it did in terms of effects. And I'd like to end up having to vote on something that I can understand in terms of whether it will be positive as well.

MR. ROBERTS: Greg, I do see your hand up.

MR. MARTIN: Yeah, I certainly understand the desire for more data or more analysis. I can say at this point that we've given we've provided all we feel we can provide at this point. I don't intend to do any more cross walking of data; we'll walk through the we'll walk through the issue paper as it is. Where you have specific questions that involve data that that I can't answer, I will try to get an answer today for that. I do want to point out that fully being fully aware and respectful of where everybody is and always the desire to have more information that we are charged with getting through getting through this this week, we will take a vote on consensus today and everybody will have to act in accordance with their conscience, their own beliefs and what we have in front of them, which is not to say that I don't want to address concerns. I will make every attempt to address the questions and concerns where they come. But what we will not be able to provide any additional data were at day two of five days in the last in the last session. So, at this point I would ask people to consider how they will look at this based on what we what we have which again, if you have specific questions related to specific areas we walk through as it concerns to the data, I will make every effort to try to get an answer for that.

MR. ROBERTS: Thank you. Barmak.

MR. NASSIRIAN: I want to thank the Department for providing what it has. I've realized how difficult the task they've been assigned with is. So, I want that as the context for my comments. I have to tell you; I don't find the data particularly enlightening here. They add some insights but the variances in the inputs are so complicated and they work in such mysterious, potentially mysterious, interactive ways that I really cannot draw any conclusions on the basis of these data about the likely impact of what we're doing. But having said that, I should also point out that that from a strictly scientific point of view, we are attempting to look at a phenomenon with that instrument. And if the phenomenon is unknown, the best you can do is attempt to construct a reliable instrument. That reliable instrument is consists of the normative decisions we make about the rule. I really want to caution people from drawing glib conclusions from any of the facts that may be available to them from these data. Because the fact that X percent of programs may fail be that a low number or a high number does not in itself mean anything. It only means something if you start with some assumption that these programs are all great programs, and the fact that that many of them fail indicates that the calibration device you're measuring stuff with is wrong. That is not a correct conclusion. It may well be that the programs are really garbage and the instrument you've constructed is actually accurately reflecting the goals that the normative judgments you made in constructing that instrument was intended to accomplish. So, I appreciate the need for data. I realize we need to know what the impact of regulations are, but in general, government is not omniscient. You can't expect every public policy decision to give you absolute precision in terms of impact. You should have a sense of that impact. Given the fact that we're not likely to have consensus here. The Department will have additional months to hone its methodology and address any concerns. I have some concerns I'd like to address. But this notion that this is data driven is just it's just erroneous. We're looking at a at a at a very indistinct landscape here with an instrument that we can only devise on the basis of our judgment, not on the basis of what it measures, because we don't know what it's measuring.

MR. ROBERTS: Thank you, Barmak. Jamie, please.

MS. STUDLEY: In the words of one of the Department's wisest data people many years ago, you need to have the data, but the data will not make the decision for you. I absolutely agree, Barmak. What I what I was responding to was the hunger that people have to try to understand what the data do reveal to us and through. And what support we can get from it. But I absolutely agree that the decision about whether this appears to be wise policy to address serious areas of concern remains. Not to try and ask you to answer it right now. But one possibility, especially with this fresh data is to go as far as we can with GE today, but decide whether it would be more prudent to allow us to return to it later in the week. But I leave that to the Department and the facilitators and look forward to getting into the substance of the sections.

MR. ROBERTS: I appreciate the transition. Right now, I will just say from the perspective of the facilitation team, it is our intent to pick up discussion on the issue paper for Gainful Employment this morning through the afternoon and then take a consensus check this afternoon. That is the intention. But with that, I do want to turn it back over to the Department to key up discussion to return to Gainful Employment with again reiterating my thanks to Brian and the Department's data team.

MR. MARTIN: Thanks, Brady. We have, that will, I'll have Renee cue up the text. And yesterday we finished and before we start, I definitely want to add my, thanks to Brian Fu for his excellent presentation and for being able to be with us and not only presenting but fielding all of your questions. So, in subpart Q in 668.402, we were looking at we were looking at definitions. And when we left off yesterday, we had discussed through the definition of cohort period. So today we'll take up with the definition of an earnings threshold. So, we'll go through these definitions and then we'll stop at the end of the definitions and have an opportunity for discussion at that point. So, I'd like to start today with earnings with the earnings thresholds. So, this introduces something new over what you saw in session in session two, the introduction of the earnings threshold. So, we'll just walk through this, based on data from the Census Bureau, the median earnings for all for a working adult aged 25 through 34 with only a high school diploma or GED, in the state in which the institution is located or nationally if fewer than 50 percent of the students in the institution are located in the state where the institution is located. And we've added this definition for the earnings threshold, which is the median earnings for again, for the working adult aged 25 to 34 with only a high school diploma. And again, this is derived from the Census Bureau. Under a below that under Federal agency with earnings data, we are you see here the inclusion of the earnings the earnings threshold. So, this is a Federal agency with which the Department enters into an agreement to access earnings data for the D/E rates and earnings threshold measures. And that concludes the changes for definition. So, I'll stop there and entertain any comments on what is in proposed 668.402 definitions.

MR. ROBERTS: Alright. Thank you, Greg. Brad, your hand is up first.

MR. ADAMS: Thank you. I'd like to propose to the committee, I mean, definitions are five pages of this 19-page document that we stick at least by page, to have some sort of order to this analysis. I'm open if you don't want to do that, Greg. But I do think it would help.

MR. MARTIN: I do want to point, I mean, I take your point, Brad, but I'm not I'm not going to walk through the entire document just where we've made changes over the previous week.

MR. ADAMS: Well, Greg, if you don't mind, I'd like to just ask a couple of questions here of the Department. But I'd like to just confirm that the Gainful Employment definition under statute in the Higher Education Act does not specifically reference any debt-to-earning metric or any earnings metric or really any metric in particular on just the gainful the definition of what is a Gainful Employment program. Can you just confirm if that's accurate?

MR. MARTIN: I'll ask Steve to add to that. But the definition, the statutory definition, you're correct, is not reference metrics. It simply defines a it defines a Gainful Employment program. But the Department does consider, and it has been sustained legally that we do have the authority to regulate in that area. Steve, do you want to add to that?

MR. FINLEY: That's a correct statement. And Brad's statement is correct. There's no reference to debt-to-earnings metrics. It's for programs that prepare students for Gainful Employment in a recognized occupation.

MR. ADAMS: Just a follow up question to that then, Greg, does the does the Department have the ability to calculate a debt-to-earning metric comparable to the debt-to-earning metric for a Gainful Employment program in section 668.43 or a separate subpart? Does it have the legal statutory authority to basically request that all other programs calculate a disclosure?

MR. MARTIN: I'll ask Steve to address that. That's a legal question.

MR. FINLEY: I'll make sure I'm not

muted. There's certainly broad authority to the Department to provide information to students, prospective students, and families about educational programs.

MR. ADAMS: It could be calculated in a similar format as what's being proposed in this issue paper?

MR. MARTIN: Yes, we could, yes. Are we capable of calculating rates for those programs? Is that what you're asking?

MR. ADAMS: Yes, sir.

MR. MARTIN: Yes.

MR. ADAMS: So, I spent a considerable amount of time in order to meet the deadline that was one week after our last session ended, proposing a separate subpart for that calculation. And we're not subject these programs to the actual losing Title IV eligibility as a Gainful Employment program would. It was just a simple calculation, and as I read in 668.43, there is a request for earnings information as well as debt information. So, I'm just curious if the Department could answer why they chose not to include any of my proposed language on a disclosure for the programs not subject to GE understanding that that disclosure would not impact the program's ability to retain their Title

IV aid based on the results of the metrics. Can you just answer why we're choosing not to disclose that key information that 75 percent of programs we just reviewed that aren't subject to GE?

MR. MARTIN: Well, I don't want to preclude the Department's ever looking at, I mean, certainly there certainly is a lot of information on the Scorecard about all the programs you're talking about applying the metrics that we have here for Gainful Employment programs to all programs and publishing and publishing data on that. I can only say, Bradly, that currently the Department has no intention of doing that. We did we did consider your request. Right now, we're limiting it to just gainful those programs that are affected, whose eligibility is affected under Gainful Employment. And I don't I don't have anything else to say on that matter now. That's about all I can, unless Steve wants to add something.

MR. ROBERTS: Steve, go ahead. This time you're muted, unfortunately.

MR. ADAMS: It happens. Thank you. I think there's a lot of better information about a lot of programs that are evidenced in the proposals here, whether it creates what you're suggesting, which would seem to be a directly comparable metric, you know, I don't see that there. But there is a desire to improve the information about the programs that shows up in a lot of the discussions this week. And your proposal was noted and we're moving forward to continue the discussions that have already been started.

MR. ADAMS: Well, thank you for your response. I do want the committee to understand what was just stated on the record as the Department could, if they chose to do so, calculate a debt-to-earning rate for all programs at all institutions. And so, by voting for this Gainful Employment issue paper as currently written, would basically not protect 75 percent of programs when we could easily do that. So, a no vote to me is a vote against protecting students at all institutions and all programs. But I do have a specific question on page two. I'll go into next and it's on the CIP code and the four-digit versus six. And I don't think we ever got a good explanation in round one other than we wanted more insight on subject two. But I'm struggling. I did some CIP code research this morning and 5109 zip code, which is called, let me pull it right back up here, the Allied Health Diagnostic Intervention and Treatment Professions. Physician assistant, which is a master's level program accredited by ARC, is in the same category as surgical technology, which is it used to be a certificate program. Now is an associate program under a different accreditor, very different terms, very different outcomes, very different pay rates. So why if a surgical tech program failed this as written, we would not be allowed to open up a new physician assistant program. We're talking like four- or five-times different salary. Can the Department just address why they didn't look at 5108 and 5109 and lumped all these things together? I mean, 5108 has a medical assistant.

MS. MILLER: Brad, your time is up.

MR. ADAMS: I'll let the Department answer. Thank you.

MR. MARTIN: In constructing the rule, we didn't look at specific we didn't look at specific programs. I, I take your point. I think that that the rule has been written in consideration of a, you know, of issues more broad than that. And we did, as I said before in the previous sessions, want to include a broader scope of programs so that there would be rates for more programs. There is a there is a, you know, in any in any regulatory activity, there is a there is a you can't hit everything exactly the way you want it. There is a give and take. By and large, you know, and it is true that when you go to a four-to-four-digit SIP, it does lump more of those programs together. On balance, we still believe this is the right way to go.

MR. ROBERTS: Thank you. And I just want to remind the committee that folks are always welcome to recue if they hit that three-minute timeline. We know it goes fast, but you're always welcome to recue for new comments and questions for the Department. But Emmanual, please go ahead.

MR. GUILLORY: I just had a question regarding the definition of a two-year and four-year cohort. I noticed the Department made some changes there, and I wanted to make sure that I understood because based on the two-year cohort, for example, it starts off with the third and fourth award years. But when I do my calculations and looking at the actual award years listed, it seems to be the fifth and the sixth award years from 2021, at least based on how this is worded. So, I just want to get clarification on that. And then I also wanted to ask when it relates to the earnings data years that that would be used. So, it has 2018 and 2019. How does the Department envision using both of those years? I noticed the median of the earnings, but are you looking at earnings in 2018 and 2019 and doing a median of the earnings across both years? Because it seems like it would be easier to pick a year, you know, pick 2019 and just do the earnings from that year and do the median. But I just wanted to make sure I understood what the Department was doing in both the two-year and four-year cohort regarding those things.

MR. MARTIN: Let me get a clarification for that. So just to go back, Emmanual, to your first concern about the years specifically as you're looking at for the two-year cohort, the third and fourth year is prior to the year for which the most recent data are available. That's where you are and so just to be clear, so that we can answer this for you to assess programmatic eligibility in the award year 22-23 would be calculated in 2021. The two-year cohort period being 2014, 2015 and 2015 and 2016, right?

MR. GUILLORY: Mm hmm.

MR. MARTIN: So, you're concerned there is that.

MR. GUILLORY: Yeah. I mean, it's not really a concern. It could be whatever the years are, I don't really care what the year are. I just wanted to make sure that, you know, this says third and fourth years and that seems to be the fifth and the sixth award years. And I just wanted to see where my what am I missing with that? And then. So, let's just stop there. So yeah.

MR. MARTIN: Okay, let me, I'll get a clarification on that for you and also and also the earnings.

MR. GUILLORY: Yeah. And then the earnings over the two years, why does the Department choose one year and look at the earnings, in my opinion, from 2019 to 2019, why not look at 2019 earnings in that year for all the students in that cohort, compare them for that year and do the median that way. What's the point of the two years and how that work together is really what I'm just trying to better understand.

MR. MARTIN: Okay. Thank you.

MR. GUILLORY: Thanks.

MR. ROBERTS: Cindy, I think I hear you. For some reason, I'm not getting sound from your end.

MS. JEFFRIES: I just want to pick up on something, Brady said in an effort to help the committee navigate their way through this document and to help the Department better understand your concerns and to hear any proposed changes to what they've put out there for their consideration during this discussion. We ask that you limit your 3 minutes to things that have not previously been stated and are clarifying questions or a new concern and offer any suggestions that you have to the changes you see before them. GE is a topic that is going to move forward. And so, we want to try to make the most productive use of the time for you to get the information and the Department to get the information they need.

MR. ROBERTS: Thank you. With that, Brad, I see your hand up next.

MR. ADAMS: Thank you, Cindy. And in all due respect, every one of my comments was tied to a comment in my issue paper that I responded with. And so, I would like to make sure that this committee is only reviewed this for a second time. And there's a brand-new metric that causes GE programs to fail is considered and we have the right amount of time. So, I do think we need to make sure we're spending our time on this. I would like to ask the Department, and now I'm on page three in the two-year cohort period where Emmanual was just referencing. So, if I'm reading this right, we roll it forward one year, we're rolling right into the COVID 2020 year in this proposal. Has the Department considered that impact that it's the biggest pandemic and unemployment rates reaching 30 percent at certain points since the Great Depression? Is that really what we want to do as a committee is roll right into a COVID year on the first year out of the gate on this, just what's the Department's thoughts on 2020 as a salary year?

MR. MARTIN: Thus far, I mean, you know, it's included. We haven't we haven't proposed to exempt that year for in consideration of COVID. I'll take the concern I'll take the concern back.

MR. ADAMS: My proposal suggested that we start earnings in 2022 forward so that we would start in 2024 or I guess it'd be 2024 or 2025. I'd have to do the timeline math here. But to start right in the worst pandemic of all of our lifetimes would be not an appropriate thing to do. Let me ask on the on the residence programs, why are we limiting it to just medical and dental, which is romanette two? Because there are many other programs, doctoral level or even master's level that have residency programs. Some are required, some or not. And why are we limiting it to just basically DO and DDS programs in romanette two?

MR. MARTIN: Yeah, we certainly, I do understand that there are other programs besides the medical and dental internships and residency. One, and this pretty much mirrors the previous regulations. And when we think of a residence [inaudible] residence, you know, this is what normally comes to mind dental and medical. And there is and the huge differences in income that accrue to those graduates as you as you as you look over that period. If there is if you're making a suggestion to include other types of and I think also when you move beyond when you move beyond medical and dental, you start to get into any number of programs that could have something that they that they call a residence or a or an internship. And the I think the potential for it to include just an unlimited number of programs starts to emerge.

MR. ADAMS: Thank you, Greg. I did include that proposed language in my submission. So, I do think we need to include others. But maybe this is a good time. It's either here or on page four. But talking about credential levels. I proposed where graduate programs would be excluded from the actual not from the D/E calculation, but from losing Title IV eligibility. And there's various reasons for that. Since that proposal, there's been some talk on this committee around excluding programmatically accredited programs that lead to licensure.

MS. MILLER: 30 seconds, Brad.

MR. ADAMS: And did not know if the Department has thought about a program like we'll just say Doctor of Physical Therapy where it has a license requirement, a programmatic requirement to then take and then essentially thus meeting a Gainful Employment criteria of passing licensure. Has the Department thought about that and some of the comments that have been brought up?

MR. MARTIN: We have given consideration to everything submitted to us. With respect to graduate programs, we do have concerns about the debt levels which are being taken on for a lot of graduate programs and especially related to the earnings potential out there for them. With medical and dental there is obviously a once you have once you have a medical degree or a dental degree and an earnings potential, that that far exceeds many other programs. So that's going back to the exclusion of the residents of the extension to the extension of the 6th and 7th award years for medical and dental residence. I don't, with respect to excluding graduate programs altogether, the Department is not going to go in that direction.

MR. ADAMS: Well, again, there are other programs with salary outcomes like dentists and doctors and CRNAs.

MS. MILLER: Brad, your time is up.

MR. ADAMS: So, I'd like the Department to consider.

MR. MARTIN: I'll take back the

suggestion for about the residence and internship programs. As far as the excluding graduate programs go, I can say now that that's not something which is on the table.

MR. ROBERTS: Anne.

DR. KRESS: Sure. So, my question is on page five, it's at the very bottom of the page, it's (c)(1), romanette three. And so, the Department has a change here that the denominator median annual or discretionary earnings of either rate is zero and the numerator median debt payments is zero. So, can you explain why it's not sufficient alone that the numerator is zero, why it has to be and rather than just the numerator being zero?

MR. MARTIN: You're talking about in 403?

DR. KRESS: Yep. I'm in 403 at the very bottom of the page.

MR. MARTIN: Yeah, we, we, let's wait until we get there because we didn't get there yet.

DR. KRESS: Oh, you're not there yet?

MR. MARTIN: No, we just finished, we just went through the definitions for the table.

DR. HOGAN: Okay. So, I'm going to come back in the queue when we get there.

MR. MARTIN: Okay.

MR. ROBERTS: Anything else on the changes for week three definitions, Brad?

MR. ADAMS: Yes, let's see here. So, I'm curious on the earnings threshold, what the driver was in choosing the threshold that the Department chose? We reviewed four for about a total of 10 minutes in week two. And the Department has obviously chosen a threshold based on median earnings age 25 to 35 with a high school diploma GED. I'm just curious why we landed on that?

MR. MARTIN: I mean, obviously, there are there are very there are various options. So, we're looking but we are looking at doing, you know, a reasonable comparison with the threshold and what is it reasonable to assess these programs against and a high school graduate at that level. We determined that would be the that would be a reasonable a reasonable place to be and assess these programs. But I can try to get more details as to the thinking behind it. But do you have anything to add to that, Steve?

MR. FINLEY: No.

MR. ADAMS: You know, it's just the frustration is I mean, this is now a threshold upon which a program would lose its Title IV eligibility. And we spent more time talking about transcript withholding that wasn't even an issue paper then we spent talking about this threshold. And I'm just surprised that the Department has not produced any data whatsoever to say why we picked this option versus the other three. We all requested it in last session to get data on this.

MR. MARTIN: Your concerns are noted, Brad. I don't have anything else I can say about that now.

MR. ADAMS: Just to mention one other thing on the calculation. So, this 50 percent of the students at the institution are located in the state where the institution is located did not use a national average. So, I'm in six states in the Southeast with Federal minimum wages of $7.50 but now I'm compared against wages in California and New York because I don't have 50 percent or more in one state. And so, I'm curious why, for example, you pick the program, but a surgical tech in Tennessee is being compared with a high school earner from New York City?

MR. ROBERTS: Okay. It looks like the, there's no immediate response. So, moving to Barmak next. But did you have more, Brad? I apologize.

MR. ADAMS: I just, I'm curious. So, we're not going to state why we think it's okay to compare, especially programs in the southeast to the nation where we know based on where you're located, wages are less? I just would like an answer to that.

MR. ROBERTS: The only thing that I would say is I think the Department has noted the objection. They might not have a response immediately prepared at this time.

MR. MARTIN: I'll get I'll get a response for you for you.

MR. ROBERTS: Barmak.

MR. NASSIRIAN: Yeah, I'd like to speak in strong defense of the language that the Department has here. To me, the choice of alternative thresholds, like what, poverty line people, people paying money, the Department of Education spending money, people wasting their time so that they can live at poverty or 150 percent of poverty or earn minimum wage. I mean, those are laughable propositions. These are postsecondary programs intended to place people in jobs. And if those jobs end up earning less than they would have before they went in. That is that is the hill I would die on. That is just a ridiculous proposition to suggest that the feds need to invest money. People need to spend time so that they can make less than they would have as a high school graduate. So, this is the correct index, in my opinion, is the correct threshold. I also want to commend the Department for the distinction it has made a very rational one in choosing working high school students and all GE graduates. The rationale for that is we don't know somebody, lots of people graduate from high school who voluntarily opt out of the labor force. It strains credulity to think somebody who doesn't intend to participate in the labor force will go through the effort of actually enrolling in a postsecondary program that is designed to place them in the labor force. So as sometimes things look like they're not perilous. This is the right perilous. It has to be working high school students and everybody who goes through the gainful programs. And in response to Brad's concern, I appreciate what he's saying, but consider the alternative. The alternative would be that online programs would get ensconced in in low waged states and then reach out and touch people in California and New York. So, I think that 50 percent threshold is a very reasonable prudent metric to ensure that we don't end up with online predatory programs dominating the field. So, this provision, unlike a lot of other things I've said about this provision, is configured just right, and I would not alter any of it. Thank you.

MR. MARTIN: Thanks, Barmak. Yeah, I do want to say, when we look at the earnings threshold, you know, building on the low wage state issue there. So, if the earnings threshold is based on the state, in the state in which the institution is located, if it's a brick-and-mortar institution, if we're going to use the example of a lower wage state, then that will be --those students-- the earnings against which it will be measured will be from that state. And I would say in in the instance where a school chooses to be involved in distance education and you have fewer than 50 percent of the students at that institution located in that state, it doesn't pass the reasonable test to say at that point that you would use the earnings in that state anymore, because a program like that is likely to not always, but likely to be a distance in the distance environment. And even if it isn't, then the people attending that school are not from that state. So, it doesn't make any sense at that point to use e the earnings just for people in that particular state if the students at the school are predominantly not from that state. So, I don't think that prejudices the program.

MR. ROBERTS: Thank you. Johnson, I see your hand next.

MR. TYLER: Yeah. I just want to say, I think there was a discussion where we wanted if there was going to be a threshold, that it would be easily understandable. And this does make sense. You know, people understand what a high school diploma is worth, and they go to college or continue their education after high school to increase their earnings. So, I think it's completely justifiable here, and it certainly is something my clients would appreciate having not gone to some schools --that did not increase their earning power at all. I just left them with that.

MR. ROBERTS: Thank you. Debbie.

MS. COCHRANE: Thank you. I wanted to touch base on the cohort points and the two years of work in the third and fourth years for most programs, and then the sixth and seventh for the medical and dental programs, given the residencies and I know that this is something that's been in the rules since 2011, we went back and looked at the rationale for that relating to the residencies between three and eight years for those types of programs and the need to kind of push out. I would just say I don't have suggestion language, but if there was another approach for certain programs, if there's the same kind of rationale applies, I would be in support of having such programs can appeal to the Department to basically allow for an extra year or so in the cohort period if there's also similar licensure requirements that that necessitate that.

MR. MARTIN: Thank you.

MR. ROBERTS: Thank you, Brad.

MR. ADAMS: I just want to be clear for the record that the request that I have here is not challenging the metric. It's just getting an understanding from the Department so that this committee can vote on something they're seeing for the first time today. Really, we just found out the rate the Department even know what the average national rate was until 15 minutes ago. And so, it's just about the clarity and making sure we get a justification for why we're choosing what we're choosing. Remember, we are only applying this to a small percentage of programs. So, we're basically saying the other 75 percent of students out there that attend these institutions outside of Gainful Employment, we don't care if you make more than a high school earner. And so, it's to me, the unreasonableness is not the metric as much as the way it's been delivered to us. The timing, we've had to review it. And we just heard from Cindy earlier today that we're going to be taking a consistent check on this later today. And we just found out what the number was. And that's unfortunate. It's really unfortunate that we were not taking this more seriously and we're rushing it just to hit a November 1st deadline for this. Thank you.

MR. MARTIN: Thank you.

MR. ROBERTS: Greg, I'm not seeing any additional hands on the definition section. Do you want to pick us back up?

MR. MARTIN: Sure. So, we'll move on to section four 668.403 on page five. What is Gainful Employment framework. Thank you, Renee. So our first under A, a program a Gainful Employment framework general program that provides training that prepares students for Gainful Employment in a recognized in a recognized occupation if the program or I should say a program provides training that that prepares students for Gainful Employment in a recognized occupation if the program satisfies the applicable certification requirements in 668.404 and is not an ineligible program under the D/E rates. And you see the addition here of is not an ineligible program under the newly added earnings threshold measures. Just making that clarification. Going down to C. Outcomes of the D/E rates. A D/E program passes the D/E rates if its discretionary earnings rate is less than or equal to 20 percent, or its annual earnings rate is less than or equal to 8 percent, or the denominator that's the median annual or discretionary earnings of either rate is zero and the numerator median debt, median debt payments is zero. And then in two, a GE program fails the D/E rate if it's discretionary earnings rate is greater than 20 percent or the income for the denominator of the rate median discretionary earnings is negative or zero and the numerator is positive and the annual earnings rate is greater than 8 percent, or the denominator of the rate, which is the median annual earnings is zero and the numerator median debt or medium debt payments is positive. Here this is this this change doesn't change anything over the way we produced the 2014 rates so that the way we produce those rates is consistent with these edits. If both the debt and earnings are zero, the program passed. If the debt is nonzero and the earnings are zero, the program is failing. And so, we've clarified that point throughout the section. And so, I'll move on to (c)(4). I'm sorry. I'll move on to D rather we move on to D, which is on page six and that's the earnings threshold measures. This is new. This section walks through the framework for the earnings threshold measure for each award year the Department will assess the rate. The rate is passing if the median earnings exceed the threshold as defined in 668.402, which we just went through, or it is failing if the median earnings is equal to or less than the earnings threshold. The program becomes ineligible if it fails the earnings threshold measured in two out of any three consecutive years. So, I'll walk through that with you since it is new. This is in D and E, so earnings threshold measure under D. For each award year, the Secretary assesses the GE program under the earnings threshold measure using the procedures in 668.405. And then looking at the earnings, the outcomes of the earnings threshold measure, a GE program passes the earnings threshold measure if the median annual earnings of the students who completed the program exceed the earnings threshold. A GE program fails the earnings threshold measure if the median annual earnings of the students who completed the program are equal to or less than the earnings threshold. A GE program becomes ineligible subject to paragraph (d)(4) of this section if it fails the earnings threshold measure in two of only three consecutive award years for which the program's median earnings threshold measure is calculated, except that failing the small program rate does not make those programs ineligible. If the Secretary does not calculate or issue earnings threshold measures for a program for an award year or calculates only a small program measure with respect to that program, the program receives no results under the earnings threshold measure for that award year and remains the same in the same status under the earnings threshold measure as the previous award year. So that is the entirety of 668.403, the Gainful Employment framework. So, I'll open it up for discussions and comments on that section.

MR. ROBERTS: Feedback for the Department on the modifications to 403? Anne.

DR. KRESS: So, thank you first for answering my initial question that you're just clarifying the language that was in the 2014 standard. But I have another question. Just if we've discussed this, I apologize, I missed it. In the data, when you're looking at the earnings threshold, are you considering only full-time employees or are you considering full and part time in both categories, the GE earners and then also the high school graduates?

MR. MARTIN: Let me, I just want to request a clarification on that for my group before I answer that question. So, I should be getting that posthaste.

DR. KRESS: Okay. Thank you.

MR. MARTIN: Steve, can you answer that off the top of your head? Or I'll wait, I'm going to wait for confirmation. I don't want to say.

MR. FINLEY: Yeah, let's get

clarification.

MR. ROBERTS: Thank you. Brad, I see your hand next.

MR. ADAMS: Yes, we requested this data previously. The Department (I do not believe)has answered the question. But on the thresholds of 8 and 20 now being the fail baseline for the two-year losing your program versus the previous methodology of the zone and the 30 and 12 as the previous metrics to be the failing stick for the two of the three years versus the zone was I believe four years. Can the Department describe why they eliminated the zone and why we believe eight in 20 is appropriate metrics to determine Gainful Employment?

MR. MARTIN: The 8 and 20 rates are what we used in the previous rule 14 rule. Of course, you're [inaudible] this rule, but we have eliminated the zone alternative. With the elimination of the zone, the rates, or rather the measure, will be more effective and more timely, you know, addressing those programs where students' earnings don't allow those students to repay the debt they've taken on for those programs. So, there is a desire here for the effect of the race to be timely. And the elimination of the zone accomplishes that.

MR. ROBERTS: Go ahead. Sorry.

MR. ADAMS: I have an additional question for this for this section. So, Greg, I understand that there was a College Scorecard technical review panel meeting that convened last week to discuss the potential of adding this earnings threshold metric to the public facing website. And I believe from what I understand, there were several researchers who participated and were concerned that using an earnings special measure, even for transparency, would be problematic. So, could you give, or the Department give us a brief summary of that meeting and how those concerns relate to what we're considering here for accountability purposes?

MR. MARTIN: I was not at that meeting? And I'm not certain as to what occurred. I can certainly ask for an account of what happened there, but I me addressing that right now would just be pure speculation. So, I would wait to hear from somebody who was actually at the meeting.

MR. ADAMS: Okay. Again, my concern more so than the actual thresholds, is the time frame for loss eligibility. I mean, there's no appeals process. There's no transitional rates. If there is inaccurate earnings information being provided from wherever it's going to come from. If you fail one year based on the disclosure requirements in this pronouncement, your program is gone. And that is a significant in this economy for certain programs like nursing and other health care and really a majority of all programs. That would be a very unfortunate thing to be implementing at this point in time. And so, the two of the three years failing is my biggest concern that we're addressing here. And I'd like the Department to consider going back to the four-year metric that we had previously under the zone. Thank you.

MR. MARTIN: Thank you.

MR. ROBERTS: Thank you. Barmak.

MR. NASSIRIAN: I have raised this issue before, but I will raise it again in connection with the new language under outcomes subsection (e)(3), the introduction of a two out of three do over. I have concerns about the construct to begin with. I'm not sure why we need to give people two out of three in a row. But that notwithstanding, my greater concern is about the fact that the Department does not seem to be making any provisions for what happens to the students. Particularly when the program does end up basically failing GE. If failure to generate wages above high school graduates earnings represent a dashboard indicator of inadequacy of a program, why should the students that that were allowed to go through that program candidly recklessly because the Department didn't do a good enough job on the front end, why should those people not be awarded some kind of relief from the burden that that was imposed on them so that the Department could make its determination that the program was not good enough? This is literally experimenting on live subjects. Their lives are going to be altered by the fact of that debt, and particularly, again, when the program does fail. So, I would really encourage the Department to contemplate some remedy for these for these victims, because a more prudent approach would have been to prevent such programs from accessing Federal aid in the first place. But now that they have access to it and that you use the students as the device by which you're going to determine program quality, at least in those cases where the program fails that quality assessment, student should receive some kind of consideration here. That's just as a moral proposition, if nothing else. Thank you.

MR. MARTIN: Thank you, Barmak. So, I just want to clarify something with you. What you're suggesting then that whether we're a program failed the earnings threshold, that there would be some type of relief for those students in that particular program.

Based on the fact that we're not talking about based on the on the fact that the program was forced to cease.

MR. NASSIRIAN: The Department is extending some consideration, and I understand that the attempt for soft landings and gradual sort of transitions. So, if the Department wants to extend and the Department has always extended the benefit of every doubt to schools, but in this case, if it wants to extend further benefits of the doubt, then at least cover the students that are being used as the as the instrumentation by which you measure quality. So, yes, when programs fail metrics but are not rendered ineligible, and certainly when they are rendered ineligible, students should be somehow cured of that, at least the debt that they took on.

MR. MARTIN: Thank you.

MR. ROBERTS: Okay. Ernest.

MR. EZEUGO: Yeah. I just honestly want to dido what Barmak is saying here, and I want to acknowledge that I appreciate the Department's reasoning, especially on getting rid of the zone, on wanting to kind of resolve these things quickly. Barmak is 100 percent right, though. I don't know. I'm trying to be measured in saying this. The bar is the floor. I feel like the research when the original 2014 rule to the zone pointed to the 8 and 20 metrics as well. And the zone was kind of this measure of, well, I think it's appropriately giving the institutions the benefit of the doubt. I think that's fine. And I understand and even sympathize with some concerns of wanting to make sure that the data is correct, institutions are being treated fairly, etc., etc. But I would be remiss not to reup again, especially in my seat, the impact that this has on real lives, real families. And to that end, I would strongly second and support some kind of my colleague Amanda mentioned in the chat victim’s compensation or find something that considers the impact of students who attend these programs. You know, I just don't, I think it is it is a moral consideration here, but also pointing to a grand scheme of things real quick. It's also consideration of the potency of not just these programs, but all of higher education. I mean, regularly higher education deals with the question of worth is worth it, etc., etc. And I would point super quickly to the fact that, you know, wherever we're not taking advantage of quickly attempting to make students whole in this way adds to that kind of plethora of considerations that individuals make when they ask those questions. So, thank you. And just want to reiterate, I'm appreciative that concerns were heard here about wanting to kind of cut the damage that's done under this.

MR. MARTIN: Thank you.

MR. ROBERTS: I'll come off mute. So, I'm saying that it is noon. So, I think with that. Anne are you okay to hold this off till after lunch or is it a brief comment?

DR. KRESS: Oh, I was just wondering if Greg had a response to my initial question.

MR. MARTIN: I do not yet, but I'm breaking for lunch, and I'll be in a Department chat. So, I will definitely have it for you after lunch. So, if I neglect or forget, please raise it again. Okay?

DR. KRESS: Thank you.

MR. ROBERTS: We'll pick back up with, I think, the changes that are in section 668.404, right, Greg?

MR. MARTIN: Yes.

MR. ROBERTS: Okay, great. We will see everyone at 1:00. And again, thank you for the discussion today.

Department of Education, Office of Postsecondary Education
Zoom Chat Transcript
Institutional and Programmatic Eligibility Committee
Session 3, Day 2, Morning, March 15, 2022

From Sam Veeder (she/her/hers) to Everyone:

David Peterson will be at the table for FA Administrators for the GE topic.

From Adam Welle, State AGs (P) to Everyone:

Yael Shavit will be at the table for state AGs starting this morning.

From Kelli Perry - (P) Private Non-Profits to Everyone:

Emmanual will be at the table for Private Non-Profits for the GE conversation.

From Travis Horr (P) Servicemembers & Vets to Everyone:

Barmak will be at the table for GE

From Beverly Hogan Primary/MSI to Everyone:

=1 to Emmanual's comments on the breakdown of data for MSIs, especially HBCUs.

From Bradley Adams (P - Proprietary Institutions) to Everyone:

+1 to Anne

From Bradley Adams (P - Proprietary Institutions) to Everyone:

+1 to Emmanual's comments

From Adam Looney (Advisor) to Everyone:

Brad, what was the question? What is the median of high school graduates who are working versus all high school graduates (working and not working)?

From Emmanual Guillory-(A) PNPs to Everyone:

Thank you to the Department for pulling this data together for us today

From Ernest Ezeugo (P) Students and Student Loan Borrowers to Everyone:

+1 Barmak

From Jamienne Studley to Everyone:

Yes, thank you Brian and the data team!!

From Bradley Adams (P - Proprietary Institutions) to Everyone:

As requested yesterday can we please take the GE issue paper in smaller chunks of information

From Bradley Adams (P - Proprietary Institutions) to Everyone:

maybe by page?

From Jamienne Studley to Everyone:

+ 1 to Brad -- I understand that mental health and clinical programs have internship and residencies. The defining criterion to meet Greg's concern could be STATE REQUIRED clinical programs that are requirements for licensure

From Laura Rasar King (A) Accrediting Agencies to Everyone:

+1 Brad

From Ernest Ezeugo (P) Students and Student Loan Borrowers to Everyone:

+1 Barmak

From Bradley Adams (P - Proprietary Institutions) to Everyone:

+1 Debbie

From Bradley Adams (P - Proprietary Institutions) to Everyone:

My revised graduate exclusion proposal I presented and Debbie supported would be to let licensure pass rate administered by programmatic accreditor thresholds be the gainful employment hurdle for graduate and thus it would exclude the healthcare based graduate programs from the D/E metric if it leads to licensure and the obtains required or higher pass rates as the GE measurement.

From Laura Rasar King (A) Accrediting Agencies to Everyone:

+1 Brad

From Debbie Cochrane (P), State Agencies to Everyone:

I want to clarify my last comment which may not have been clear. My suggestion was to allow ED the discretion to accept slightly longer cohort periods for programs that have extended pre-licensure requirements. So, if a program required a year of internship pre-licensure, their cohort could be years 4-5 instead of 3-4.

From Jamienne Studley to Everyone:

+1 to Debbie re extending cohort period for programs with required pre-licensure reqts

From Bradley Adams (P - Proprietary Institutions) to Everyone:

I am okay with the proposed change being supported by Debbie and Jamie. Thank you for clarifying

From Amanda Martinez (P) Civil Rights to Everyone:

+1 Barmak

From Ernest Ezeugo (P) Students and Student Loan Borrowers to Everyone:

+1 Barmak

From Amanda Martinez (P) Civil Rights to Everyone:

A victims compensation or fund

From Yael Shavit State AGs (A) to Everyone:

+1 Barmak and Ernest

From Jaylon Herbin- (A) Consumer Advocate & Civil Rights to Everyone:

+1 to Barmak and Ernest