

**U.S. Department of Education  
Affordability and Student Loans Committee  
Negotiated Rulemaking**

**Meeting Summary  
November 1-5, 2021 (Second Session)**

**Welcome**

Jennifer Hong, Department of Education’s federal negotiator, welcomed the Affordability and Student Loans Committee (“Committee”) members, advisors, and facilitators to the second negotiated rulemaking session.

**Introductions**

The Committee members, advisors, and facilitators introduced themselves.

**Review of Negotiated Rulemaking Protocols & Agenda**

Commissioners Kayla Mack, Cynthia Jeffries, Brady Roberts, and Emil Totonchi, facilitators from the Federal Mediation and Conciliation Service (“FMCS”), reviewed technological, procedural, and information-sharing protocols along with the Session Two Agenda.

**Membership**

The following individuals are the Members of the Affordability and Student Loans Committee Negotiated Rulemaking Committee:

<b><u>Community of Interest</u></b>	<b><u>Primary Negotiator</u></b>	<b><u>Alternate Negotiator</u></b>
<b>Dependent Students</b>	Ms. Dixie Samaniego, Student, California State University	Mr. Greg Norwood, Engagement Manager, Young Invincibles
<b>Independent Students</b>	Ms. Michaela Martin, Student, University of La Verne College of Law	Dr. Stanley Andrisse, Assistant Professor, Howard University College of Medicine
<b>Student Loan Borrowers</b>	Ms. Jeri O’Bryan-Losee, Statewide Secretary- Treasurer, United University Professions	Ms. Jennifer Cardenas, Sponsor Coordinator Assistant, Latinx Kid Lit Book Festival
<b>Legal Assistance Organizations that represent Student and/or Borrowers</b>	Ms. Persis Yu, Director of the Student Loan Borrower Assistance Project, National Consumer Law Center	Mr. Joshua Rovenger, Senior Attorney, Legal Aid Society of Cleveland

<b><u>Community of Interest</u></b>	<b><u>Primary Negotiator</u></b>	<b><u>Alternate Negotiator</u></b>
<b>U.S. Military Service Members, Veterans, or Groups representing them</b>	Mr. Justin Hauschild, Legal Fellow, Student Veterans of America	Ms. Emily DeVito, Associate Director, The Veterans of Foreign Wars of the United States
<b>States Attorneys General</b>	Mr. Joseph Sanders, Supervising Attorney, Illinois Attorney General's Office	Mr. Eric Apar, Assistant Deputy Director, Policy and Strategic Planning of New Jersey's Department of Consumer Affairs
<b>State Higher Education Executive Officers, State Authorizing Agencies, and/or State Regulators of Institutions of Higher Education and/or Loan Servicers</b>	Dr. David Tandberg, Senior Vice President for Policy Research and Strategic Initiatives, State Higher Education Executive Officers Association	Ms. Suzanne Martindale, Senior Deputy Commissioner, California Department of Financial Protection & Innovation
<b>Individuals with Disabilities or Groups representing them</b>	Ms. Bethany Lilly, Senior Director of Income Policy, the Arc of the United States	Mr. John Whitelaw, Advocacy Director, Community Legal Aid Society, Inc.
<b>Financial Aid Administrators at Postsecondary Institutions</b>	Mr. Daniel Barkowitz, Assistant Vice President of Financial Aid and Veterans' Affairs, Valencia College	Ms. Alyssa A. Dobson, Director of Financial Aid and Scholarships, Slippery Rock University
<b>Two-Year Public Institutions of Higher Education</b>	Dr. Robert Ayala, Division Chair Arts and Sciences, Southwest Texas Junior College	Dr. Christina Tangalakis, Associate Dean, Student Financial Aid, Glendale Community College
<b>Four-Year Public Institutions of Higher Education</b>	Dr. Marjorie Dorime-Williams, Assistant Professor, University of Missouri, College of Education	Ms. Rachelle Feldman, Interim Vice Provost of Enrollment and Associate Provost of Scholarships and Student Aid, University of North Carolina at Chapel Hill

<b><u>Community of Interest</u></b>	<b><u>Primary Negotiator</u></b>	<b><u>Alternate Negotiator</u></b>
<b>Private Nonprofit Institutions of Higher Education</b>	Ms. Misty Sabouneh, Assistant Vice President of Financial Literacy and Integrity, Southern New Hampshire University	Dr. Terrence McTier, Jr., Director of the Prison Education Project, Washington University
<b>Proprietary Institutions</b>	Ms. Jessica Barry, President and Owner, The Modern College of Design in Kettering, Ohio	Dr. Carol Colvin, Senior Vice President of Financial Aid, South College
<b>Minority- Serving Institutions</b>		Ms. Noelia Gonzalez, Interim Systemwide Director, Financial Aid Programs, California State University ***
<b>Federal Family Education Loan (FFEL) Lenders and/or Guaranty Agencies</b>	Ms. Jaye O’Connell, Director of Collections, Compliance & Information Security Officer, Vermont Student Assistance Corporation	Mr. Will Shaffner, Director of Business Development & Government Relations, MOHELA (Higher Education Loan Authority of the State of Missouri)
<b>Accrediting Agencies</b>	Dr. Heather Perfetti, President, Middle States Commission on Higher Education	Dr. Michale McComis, Executive Director, Accrediting Commission of Career Schools and Colleges
<b>U.S. Department of Education</b>	Dr. Jennifer Hong, Director, Policy Coordination Group, Division of Policy, Planning and Innovation, Office of Postsecondary Education, Department of Education	

\*\*\*Primary negotiator for Minority-Serving Institutions withdrew at the start of Session 1; Alternate negotiator, Noelia Gonzalez, indicated that she could represent the constituency without replacing that member. She has continued to do so.

### **Additional Participants**

Two non-voting advisors that presented to the Committee and participated in the discussion were Ms. Heather Jarvis, Executive Director of Fosterus, who provided expertise on qualifying employers on the topic of Public Service Loan Forgiveness; and Dr. Rajeev Darolia, Professor of Public Policy and Economics, University of Kentucky, who provided expertise on economic and/or higher

education policy analysis and higher education data.

Three non-voting Department Office of General Counsel officials, Brian Siegel, Todd Davis, and Soren Lagaard were present and participated in discussions at various times during Session Two.

Aaron Washington of the Office of Postsecondary Education and participant in the Prison Education Program Subcommittee, addressed the Committee during the Subcommittee's presentation.

### **Petitions for Membership**

Dr. Stanley Andrisse proposed adding Ms. Anne Precythe as an additional Affordability and Student Loans Committee Member, and an additional Prison Education Programs Subcommittee Member. The Committee, through consensus decision-making, elected to add Ms. Precythe to the Committee and Subcommittee. Ms. Precythe accepted her membership to the Subcommittee.

### **The Agenda**

The Second Session Agenda included the following order of issues:

- Issue #12: Pell grant eligibility for prison education programs
- Issue #1: Total and permanent disability discharge
- Issue #2: Closed school discharge
- Issue #3: Eliminate interest capitalization for non-statutory capitalization events
- Issue #4: Improving the Public Service Loan Forgiveness (PSLF) Application Process
- Issue #5: PSLF employer eligibility and full-time employment
- Issue #6: Borrower defense to repayment – adjudication process
- Issue #7: Borrower defense to repayment – post-adjudication
- Issue #8: Borrower defense to repayment – recovery from institutions
- Issue #9: Pre-dispute arbitration
- Issue #10: Creating a new income-drive repayment plan
- Issue #11: False certification discharge

### **Discussion of Issues and Subcommittee Reports**

During the session, the Committee discussed the above substantive issues in detail. First, Dr. Stanley Andrisse and Dr. Belinda Wheeler presented a report, and answered questions, on behalf of the Prison Education Programs Subcommittee. Discussion of each additional issue began with the Department reviewing the updated issue paper and associated proposed regulatory text. Then, Committee members engaged in productive discussion, considering draft language, questions, and alternatives. Temperature checks for tentative agreement were taken, where appropriate, regarding the proposed text and/or concepts with respect to each issue.

### **Public Comment**

The Committee provided opportunity for public comment at the end of each day. The Committee

heard comments from the public each day of the session.

### **Next Meeting**

Session Three will be held virtually during the week of December 6-10, 2021.

### **Next Steps**

The facilitators will distribute a draft summary of the second session, and a draft agenda for the third session. In addition, the Department will distribute draft regulatory text in advance of Session Three. Any documents or information that members seek to share with the Department, or the Committee as a whole, should be sent to the facilitators for subsequent distribution. The Committee members should also visit the Department's Affordability and Student Loans Committee webpage to review updated issue papers, proposed regulatory text changes, and other information.

### **Attendance**

All members of the Committee were present for the second session.