

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
AFFORDABILITY AND STUDENT LOANS COMMITTEE
NEGOTIATED RULEMAKING SESSION 3, DAY 5, AFTERNOON
December 10, 2021

On the 10th day of December, 2021, the following meeting was held virtually, from 1:00 p.m. to 4:00 p.m., before Jamie Young, Shorthand Reporter in the state of New Jersey.

P R O C E E D I N G S

MS. MACK: Welcome back from the lunch hour. Good morning and good afternoon, depending on where you fall in our country. We are going to turn back to where we left off before the lunch break. We had briefly discussed the false certification issue and discussed that we would return to it after a constituency or two had an opportunity to consult with folks. I believe for the initial false certification consensus check, we did have one dissenter, Josh, we already spoke with you about that before the break, so I wanted to check in with you first to see if you've had an opportunity to consult with those you needed to so that we could move forward with this discussion and perhaps revisit the consensus.

MR. ROVENGER: Yes, thanks for everyone's indulgence on that. We've talked with our constituency with the Department's inclusion of that sentence and we're prepared to withhold our block of consensus and can live with the language, as is.

MS. MACK: Okay. So what I would like to do for the transcript for the record and to make this official, invite a representative of each constituency to again on the issue of false certification, hold up your thumbs so that I can read it into the record. So if

you'll do that now and hold it up until I get to you, I would greatly appreciate that. Bethany, I see your hand.

MS. LILLY: Just quickly, to clarify, this is with the addition that the Department is making to satisfy Josh, right?

MS. MACK: That is my understanding. Jennifer you can correct me if I've have misspoken.

MS. HONG: No, we can't, if it's helpful for us to cue the document to tell you where that language.

MS. LILLY: I just wanted to understand what we were voting on and I thought I did, but I just felt like it was worth verifying before I voted.

MS. MACK: Not a problem. I'd rather it be crystal clear. Go ahead, Jennifer.

MS. HONG: So to be sure, it's just the inclusion of the first sentence of Josh's proposed text. Remember for false cert, we have both, yeah, I think we should just look at it so everybody's on the same page here.

MS. MACK: Let's do that.

MS. HONG: If you could copy that language, Aaron, in the comment bubble and then what we're going to do, we're going to go to page 16, which

is the last page of the FFEL proposed language. And this is important because I just want to be sure that Jaye is on board and understands. At the end of page, right before, so it'll be a new 16, yeah, right, there you go, Aaron. You can delete the D because what this language suggests, submitting to the Secretary and application, I just didn't want there to be any kind of confusion of FFEL lenders side of things. Obviously, we don't expect GAs to review or accept applications. Just as with anything else we would, once an application is approved, we would notify GAs to discharge the loan. And I see your hand up.

MS. MACK: Yeah, I see you Jaye.

Please go ahead.

MS. O'CONNELL: Yeah, I just, in session two, I think I had asked a few questions about the without an application conditions and how that would work, and Brian did respond to those. So that would have been my question. So thank you very much. No concerns.

MS. HONG: Okay, great. And then we're going to move over to the attendant Direct full language and go to page 21. And we wanted, before discharge procedures, scroll down a little bit more. Yeah, right before discharge procedures and after discharge without an application, we'll add a new 10.

MS. MACK: Josh, please go ahead.

MR. ROVENGER: Yeah, this satisfies our concern. So this placement works for us, and I just want to thank the Department for adopting this change. It's going to make a difference for borrowers.

MS. MACK: Thanks for that, Josh. And thanks again, Bethany, for your clarifying question, which prompted the walkthrough, I think it was probably helpful for everyone to see this. So with that said, now that we have walked through this, I will ask that we stop sharing the document on the screen so everyone can be seen on screen and please hold up your thumbs for an official consensus check on issue 11, false certification discharge. Josh is sideways. Jeri sideways. Anne is abstaining, which is the equivalent of not dissenting. Jaye is sideways. Bethany is up. Dixie is up. Noelia is up. Christina is up. Daniel is up. Carol is sideways. Justin sideways. Heather is a thumb up. Misty thumb up. Michaela thumb up. Joe thumb up. David thumbs sideways. Marjorie thumb up and Jennifer thumb up. Which means the committee has in fact reached consensus on issue 11, false certification discharge. So I appreciate everyone's work and discussion on that. I would like to move us now if we're prepared back to issue 12, which is Pell Grant eligibility for prison

education programs. I know there has been ongoing discussion around how we might move to consensus on that issue. To recap, when we took the initial consensus check on this, there were, in fact, two constituencies dissenting. Daniel, I believe you were one and Heather, I believe you or the other. So I would like to invite additional comments and points of clarification on where we are in those deliberations in terms of moving towards consensus.

MR. BARKOWITZ: I'll defer to Heather to go first.

MS. MACK: Heather, you've been voluntold. Are you prepared to share with us?

DR. PERFETTI: Alright. Thank you, Daniel. So I had drafted some alternative language and provided that to the Department for their consideration. At the lunch hour, we had an opportunity to talk about some of those changes. I'm not sure if Aaron can give us an update on what provisions are, is the Department willing to reconsider? I think some of our concerns centered around various sections of the draft regulations and significant concerns under 668.241, which is the best interest determination with a list of criteria that programs can use to evaluate their success. And the statutory language has those criteria

as a "may" be used, and the regulatory language before us indicates that those criteria "must" be used. And so there are concerns with going beyond congressional intent and there is concern from our constituents of some of the administrative burdens that are being placed into the draft language. So I'm not sure if Aaron you had an opportunity after our lunch discussion, which lasted right up until the moment of return. So I think that hearing from Aaron would help me understand where the Department is on some of those proposed changes.

MS. MACK: Alright, I appreciate that Heather. First, I want to acknowledge Stan in for independent students, Persis in for legal aid and Dr. McTier in for, excuse me, private four-year institutions. In response to Heather, Department, Aaron, Jennifer, anything, any initial response before I start going to additional hands?

MR. WASHINGTON: I apologize. Heather, do you want me to move through the documents or shall we, actually let's let Daniel go first and then I'll respond.

MS. MACK: Sounds good, Aaron. Thank you. Daniel please go ahead.

MR. BARKOWITZ: Yeah, thank you. So I have a couple of comments. So one of the main reasons

that I had objections or concerns in the first time was around the Clery language. The Department has had some conversations. I've also had an opportunity to speak with institutions who've been in the in the pilot programs. I think I'm comfortable with the owned or controlled language. My understanding is that prison education programs that are housed in carceral facilities will be in spaces that are not necessarily controlled fully by the institution. I think there's an out there around Clery Reporting. So I think that issue is partially resolved. I will say separately, and this goes back to the issue that Heather just highlighted, I've heard from a number of institutions, as well as some sector representatives, that there is a huge administrative burden. There is a huge administrative burden encapsulated in these regulations and that I think unintentionally, the Department will actually be chasing schools to the exit of this program by the number of requirements and burdens that are placed. And I would specifically focus on the as yet to be determined reporting requirements, which hopefully I would advise the Department to be lenient or minimal on. But then secondly, the the large number of items that fall under the "must" categorization as Heather is as indicated. I think unintentionally the the the amount

the huge amount of reporting required and calculation required is going to have the opposite effect as intended and is going to actually have institutions leaving the program. So that's the feedback we're getting from from the associations as well as institutions, and I just want to make sure that's read into the record.

MS. MACK: Okay, thank you, Daniel. Aaron, please go ahead.

MR. WASHINGTON: Thank you for those comments, Daniel. I would like to call for a caucus with Heather and well with accrediting constituency and the Department that includes our legal counsel. If Heather would if Heather and Michale would like any other constituency to be a part of that. That is, they're more than welcome.

MS. MACK: Let's pause the livestreaming while we determine our caucus composition and set that up with the technology. Welcome back, everyone. First and foremost, I want to thank everyone for their patience while we did have a caucus. The caucus, I can tell you, included accrediting agencies, financial aid administrators, two-year public colleges, four-year private nonprofit institutions, minority serving institutions, independent students, and

representatives of the Department. So those groups were again convened in caucus during that break. Now that we have come back out of that caucus, I want us to re I want to invite you to start that conversation, report out anything that needs to be shared out of the caucus so that we can continue talking about issue 12.

Michaela, please.

MS. MARTIN: I'm so sorry. Stanley is at the table also, I just wanted to clarify that I was not a part of the caucus. Stanley was a part of the caucus as the subcommittee, so it was not independent students that was invited. Sorry, I know that's procedural, but I wasn't there.

MS. MACK: No, but he is an alternate for that constituency, so I wanted to make sure that it was known that a representative of that was there. Dr. McTier. But thank you, Michaela.

DR. MCTIER: Just a clarifying question. So is there another vote that's getting ready to take place? Because I know previously, if a person maybe didn't change their position, does that vote still stay the same? I'm just trying to figure out where we're going with this.

MS. MACK: What I'd like to do is pick up with the conversation and hear where we currently are

based on the conversations that have taken place within the session and in the caucus so that we can decide whether a second official consensus vote makes sense at this time.

MR. WASHINGTON: Is there a time limit on this? Or what's the?

MS. MACK: No.

DR. MCTIER: No. Okay.

MS. MACK: Are there any additional comments or clarifying questions from anyone on the committee around this issue? Daniel, please.

MR. BARKOWITZ: So to Dr. McTier's point, I will I will begin the conversation by saying if if I was one of the dissenters last time, if a new vote was taken, I will. I will be changing my vote to a sideways thumb. However, I have significant reservations that go beyond minor concerns with what's in front of us. And it really has to do I don't want to stand in the way of moving programs forward. However, I'm again significantly concerned that the administrative burden on institutions is such that a number of institutions will choose not to participate in the program. I don't think that's in the interest of the Department or incarcerated individuals. And so while I will be changing my vote, I still, you know, I want to be clear

that I have concerns about the amount of reporting and the amount of administrating that is required.

MS. MACK: Thank you, Daniel. I appreciate your comment. I'm going to get to the additional comments and because at least one dissenter has indicated that their position may have changed. We will likely take another official consensus check to reflect that. David, please go ahead.

DR. TANDBERG: Yeah, so I was sideways thumb last time, I'll remain sideways thumb this time. I do share concerns that we are with the demands on reporting, et cetera, that we have the potential to lose some prison education programs that some institutions will choose not to offer it. And I realized the obvious need to balance quality consumer protections and access, which is why I'm a sideways thumb. I would ask, though, that if this moves forward with the present language that the Department carefully monitor and receive feedback on institutional participation and administrative burden and be open for the potential for future revisions, future neg regs, if we are in fact finding that we're limiting access to be a horrible thing, right? That students, there may be one provider that will serve a single institution and if that's not there, those incarcerated individuals won't have access

to postsecondary education. So I'm thrilled with the guardrails and the consumer protections. I just want to make sure that we're careful in monitoring and evaluating the impact these regulations have on access for incarcerated individuals, because that's critically important.

MS. MACK: Thank you, David. Heather, Please go ahead.

DR. PERFETTI: So I believe the committee knows that I was the other dissenter and I'd like to, for some explanations, because I'm not sure my position has shifted, and I know that much of the conversation has taken place in private with others and with the Department. And I will say that the Department has offered to consider revisions in some of the areas, but from our perspective, perhaps not in the most important one, which is 668.241, the best interest determination, which is changing criteria that is in statute from "may" to a "must" in terms of program assessment, which impacts institutions and the way they assess their programs. And I understand that that is to gather good data and is directed to the Bureau of Prisons. But the Bureau of Prisons does not run the academic program, the institution does. And so our request was that the Department consider using the

statutory language to make that criteria, including, but not limited to, or "may" or some other reflection under that specific provision. And I did just want to also indicate that a leading practitioner in the field had outreached, and I wanted to share some of her concerns because they echo what I've been sharing with the committee. Her job is to help emerging practitioners and educators from around the country build new college programs at their institutions based on lessons learned over the course of 20 years of doing this work. She shared grave concerns about some of the regulatory decisions being proposed and wrote in support of what I've been asking about. In particular, the edit that's been offered to align the assessment and evaluation process with the statute. She found that to be critical as well. Her sentiments were that turning that list into a reporting mandate, a surely well intended but ill informed decision will deeply harm colleges' ability to protect autonomy and prevent colleges from falling under some of the worst impulses of the carceral regime of carrots and sticks. A mandated reporting scheme will inevitably be misinterpreted and abused and insert the prison into college business in perhaps harmful ways. Maintaining academic integrity and autonomy in prison has already been a herculean effort. It's a job that,

when well done, is invisible to our incarcerated students, but makes all the difference in their educational experience. The list of metrics in statute was intended to be illustrative. I know that when we have spoke about other regulations, we included illustrative lists in support regulatory language and I was recommending that we do the same here. So I won't read her additional comments, but I did want to incorporate those into the record as she was not able to obtain a spot at the end of the day yesterday to speak to the committee. I would ask Kayla, much like Josh did, if there was an opportunity for me to consult with constituents before taking the vote so I can talk with them about the Department's conversations with me and Michale earlier today. Thank you.

MS. MACK: Thanks, Heather. Let me get to another couple of hands and then we can talk about what that might look like within the time period that we have left today. Stan, please.

DR. ANDRISSE: So thank you for that Heather. And I just wanted to point out that it sounds like that was from a practitioner and Heather is here to represent accrediting agencies. So if that is the concern of a practitioner, we have a practitioner on the call within the negotiators. We have institutions

represented. They should be the one that have that concern. That does not seem to be a concern. You know, what you're dissenting for is not something that is directly tied to accreditors and that that response (inaudible) is is a practitioner. I would also add that, you know, the, you know, having been in this work for some time and being one of the advocates that even is the reason that this is brought before us. Being one of the advocates to help bring power restoration back for incarcerated individuals and knowing different levels of practitioners in terms of types of programs. What it sounds to me is that comes from, you know, there's different degrees of programs and that may be a privileged program that may have different resources than other programs. When we when we think about why we want to put this in place, it's for the best interests of students. And one of the data points that I shared, you know, is the fact that when we look at what is the percentage of people of color within incarcerated spaces, it's 80% of people who are incarcerated are people of color. When we look at the percent of people who are in programs of higher education inside prison, it's nearly 80% white. So how does that happen? It happens because we have not been able to gather good data to be able to address issues such as that. So this

is a metric that's being put in place to protect students. And yes, it may require reporting, but the metric is in place to protect students and to bring equity to those students and to those populations.

MS. MACK: Thank you, Stan. Jennifer, Please go ahead.

MS. HONG: Yes, thank you, Stan. I just wanted to I talked about this during the caucus and Ron put some flesh around it, but basically I just wanted to clarify that we're well within our statutory authority and we are aligned with the statute. There are times the statute permits the Department, nudges the Department, to implement requirements. While it was a "may", it was a policy decision on our end to make it a "must" because we feel like these data are important. We feel like this whole best interest determination really gets to some of the data points that Stan just talked about. And without downplaying the administrative burden as you cast it for institutions, I think Heather mentioned this and Daniel that he's moved his thumb up. I just I don't want people to lose the big picture of this, right? This is this is about more than just Pell Grant eligibility, right? This is about a commitment and a commitment on the side of federal government, commitment on the side of our higher education

community, and a commitment on the side of accrediting agencies and who we lean toward that provide expertise on reviewing best practices to ensuring that students are have high quality access to high quality programs. So this is really meant to ensure that and to ensure the longevity going forward. If we don't have the data, someone mentioned in the caucus in the caucus about kicking the can, this isn't going away. We need to we need to have a better understanding of what works in these programs so we can continue them and so that we can continue to shine a spotlight on them and improve them going forward. And so I would just plead that we kind of let's let's not think about it as a burden. Let's think about it. Like, be curious about it. What, what, what should we be looking at? What ought we be looking at? And and make improvements going forward.

MS. MACK: I see David, Daniel, and Heather's hands. Want to get to all of you and then talk to you a bit Heather about whether a short break would be sufficient time for consultation. David.

DR. TANDBERG: Yeah, I feel like I didn't share enough. I shared why I was a sideways thumb and not an up thumb. But perhaps I should share why I'm a sideways thumb and not a down thumb. And it's really for the reasons that Jennifer and Stan articulated. This

is an incredible, life changing opportunity with the expansion of the Pell Grant. And I do understand the obligation on the part of institutions, the federal government, accrediting agencies, and state agencies to have a different standard of consumer protection and quality assurance for incarcerated postsecondary education for incarcerated individuals. We have a history of systemic and structural racism at play when it comes to our corrections systems. We have a legally defined vulnerable population without access, without choice in the matter. And so I am 100% supportive of a different level of scrutiny. I would only ask, as I did before, that we carefully monitor the impact on access because that's an equally important element here, and we don't want to lose critical providers in when they're the only option, right? But let me be absolutely 100% clear I am I am for a higher standard. I would consider it a privilege for an institution to be able to provide education in our correctional institutions. It's something they should be proud of. And so I'll leave it at that.

MS. MACK: Thank you, David. Daniel, please.

MR. BARKOWITZ: And David, I echo all your comments and thank you for encapsulating why my

vote has changed as well. I will say just quickly to Jennifer's comment. So so what I don't see under reporting is reporting of everything that's under the direction of best interest. So this is again where I'm struggling to understand the Department's perspective. So, so all that needs, these are all these things need to be calculated, they need to be determined based on the Department's position, but ultimately, all that needs to move forward is a vote by the oversight entity, whether it's in the best interest or not. I presume that's auditable, but there's no reporting of those pieces. The reporting is is to be defined later by the Department. That also gives me pause. Again, not sufficient pause to object, but it gives me pause as an institutional representative because there is so much undefined. So I presume by the conversation that everything under your best interest would be reportable, but that's not actually in the regulation today. So just just to try to add some clarity to that. And I don't know Aaron, if you're wanting to respond to that or not, but I would invite you to respond.

MR. WASHINGTON: I think Heather's hand Heather's hand but I'll leave it to Kayla.

MS. MACK: If you're going to respond to specifically that, please go ahead, Aaron, and I'll

get to you just next Heather.

MR. WASHINGTON: Okay. Under, 668.241, you go to paragraph E 2 romanette 2 the evaluation must be submitted to the Secretary no later than 30 days following the completion of the evaluation, so that Department will be getting that information, Daniel.

MR. BARKOWITZ: Right. But again, if I can respond? So the evaluation is whether or not it's in the best interest. It doesn't say the evaluation is all the subsequent data. It's because you've said several times, Aaron, all that's critical here is whether the oversight entity determines in light of the totality of circumstances, whether or not the program meets the definition. So I read that to say that the the decision has to be communicated, not all the underlying data. So again, that may be your intention as a Department, but I don't think that's clear. And again, it's not changing my vote. But just to put that on the table, I think this addresses again one of the concerns around what data is really necessary and required.

MS. MACK: Thank you, Daniel. Heather, please.

MR. WASHINGTON: If can, if I, I'm sorry. We also say in the paragraph below that, I apologize, we also in the paragraph below that F that

the institution must have obtained and maintain documentation of the methodology by which the oversight entity made each determination. So there so we are not only requiring the submission of the evaluation, but also maintaining documentation of the methodology behind this. Further, in the report that the Department, sorry the application for the first prison education program at the first two additional locations, we are requiring documentation detailing the methodology, including thresholds, benchmarks, standards, metrics and data or other information oversight entity use and making the determination that the program is in the best interest of the student for all indicators under 668.241.

MS. MACK: Thanks, Aaron. Heather.

DR. PERFETTI: Thanks, Aaron. So I did just want to address Stan's comment about the information that I shared from a practitioner, that practitioner is at an institution and that institution is within our membership. And one of the other statements she made is that she often has to share with prisons that there are authorities to which the college and the program is bound and that is an accrediting agency. So excuse me. So the best interests of students provision is tied directly to the quality of the program, and that is the role of the accreditor to

ensure that what the institutions are delivering are of quality. I understand that the provisions here have been difficult because of the statute and the way the statute reads and all of the different players that have expectations here. But I didn't want to neglect to share that, that she is at an institution and it's within our membership. So she sees the value of the accrediting agency within the carceral space and how she's been able to leverage that to create good quality programs at institutions. So I did want to clarify that. I also want to offer our data commitment. We obviously believe that data is critical. And one of the solutions we also offered was to have a section that indicates the kinds of data that will be used by the Bureau of Prison and keep the assessment evaluation process as part of the work that the constituency group or the advisory committee helps to support versus the required list of data that is speaking to assessment. I think those are two very different approaches, and so we did also offer that as a solution as well. So I think that the advisory committee, as well as the constituencies that are providing feedback, are going to provide the best indicators for assessing or evaluating the program. I understand the department will be collecting data. That data is critical. We need it. We need to understand it.

And the Bureau of Prisons, as well as the institutions will want to have it. But assessing the program should not rise or fall on those criteria that are "musts". And so I just offer that as an alternative here again as well.

MS. MACK: Thank you, Heather. Aaron, I see your hand.

MR. WASHINGTON: I just wanted to reiterate as well, I spoke to this yesterday a little bit, but what we're saying the mandate is for the assessment and the mandate assessment of enrollment post-release. The mandate is for the assessment of job placement. The mandate is for the assessment of earnings of the individual. There are still flexibility baked into the regulatory language. If we just take the first if we just take the first romanette, whether the rate of confined or incarcerated individuals continuing continuing their education post-release as determined by the percentage of students who enrolled in higher education, as reported by the Department. So if we just stop there, we can note that the Department of Education is going to be providing this information to the Bureau of Prisons or the Department of Corrections, which we call the oversight entity. And then, it says, meets the thresh, meets the thresholds established by the

oversight entity with input from relevant stakeholders. And so that's where the flexibility comes in is because the the thresholds are set by the oversight entity, but they're still taking into account that feedback from relevant stakeholders, which we have defined as as representatives of incarcerated students, organizations representing incarcerated students, SHEEOs, and accrediting agencies, and it can even include more individuals as determined by the oversight entity. And keep in mind another point of flexibility that the Department has also amended from our final from our position from November 30th on the final day of the subcommittee was that we incorporated a concept of in the light of the totality of circumstances. And I think you all saw in the comment bubble that was sent around that not meeting one of the indicators is not disqualifying for for a prison education program, but it is good and we do think it's good and we continue to think it's good that we have an assessment of those indicators to ensure that the program is in the best interest of students.

MS. MACK: Dr. McTier

DR. MCTIER: I hear everyone. I just want to remind everyone that we are an hour away from our last, this is our last session and so I know some of

our other constituents want to get to IDR. It seems again like I mentioned in the caucus that we are actually spinning the wheels at this point. And so I recommend that we either, you know, come to the vote, determine what we're going to do so that we can also get to some of these other important pieces that we're all here for and only because we are, we're spinning the wheels at this point.

MS. MACK: Thanks, Dr. McTier.

Bethany.

MS. LILLY: I would actually mostly agree with Dr. McTier. I'm trying to understand Heather's point, and I think Michaela was asking for a similar clarification in the chat. So my understanding is that Heather's main objection is that a list of categories that accrediting agencies need to look at to approve a program is a "must" now rather than a "may". Aaron has just explained that those criteria remain more or less flexible. The accrediting agencies have all the flexibility to figure out exactly what of those they want to use, but that the list is now a required data collection point, which to Stan's point earlier, seems to be a really important element here. Is there something I'm missing about flexibility here? Or is it just? Sorry, thanks, Aaron.

MR. WASHINGTON: Can I just, I just, one thing, Bethany. The, I just wanted to read the lead-in. So what we're talking about right now is 668.241, and the lead-in is an oversight entity's determination that a prison education program is operating in the best interests of students must include an assessment of the following. So the accreditation is not making these determinations. It is the oversight entity. Let me just go to the definition of oversight entity, quickly. I know you probably know it Bethany, but I just wanted everybody to hear the definition of oversight entity. The oversight entity is the appropriate State Department of Corrections or other entity that is responsible for overseeing correctional facilities or the Federal Bureau of Prisons Prisons. So what we're talking about right now is the determination by those entities the Bureau of Prisons, State Prisons of Corrections.

MS. LILLY: Okay. Aaron, you just went on mute.

MR. WASHINGTON: That's it. That's it. Did you hear the did you hear the last part?

MS. LILLY: Okay, that is very helpful. So the problem is actually that Heather is probably worried that her agencies are losing authority to make this determination. That makes way more sense to

me now than what I was thinking earlier. So thank you for that.

MS. MACK: Heather, would you like to clarify?

DR. PERFETTI: Institutions delivering the programs that are being dictated in terms of the measurement. Which what is usually done is the institutions have the ability to determine the indicators of success for students within their programs. And I think if the oversight entity uses these data elements and finds that the the program is not in the best interest of students, then there is a statement that it must allow for programs to reapply within a reasonable time frame so institutions delivering programs that are in effect on them. We as accreditors would also be looking at the data that institutions are being required to use as part of the evaluation of the programs. I too, just want to reiterate if we're going to, Kayla, allow me some time to consult with my constituents. I think that would be helpful at this point. I don't think there's new conversation here. I think that it's been discussed with the Department now multiple times with with numerous resolutions or alternatives proposed, and they seem to be immovable on that section in particular. So I'm not sure that I'm

prepared to move forward with a vote without at least some time to talk with constituents, my constituency group.

MS. MACK: We wanted to get in everyone's comments, but I have promised you that we'd circle back so that you can have some caucus time for consultation purposes. Stan I do see your hand. Any final comments before we would move in that direction?

DR. ANDRISSE: Yes. So just a final thought is, so as an accrediting agency, your responsibility should be to make sure programing is in the quality is in the best interest, you should not be letting your institutions that you accredit dictate how you how you move. So the fact that one of your institutions is telling you that this is a bad move shouldn't weigh so heavily on how you view it as the accrediting agency, because your responsibility is to make sure that what they program is of quality. So they shouldn't be that that's power and privilege being used at its highest form. You're letting it a powerful institution, presumably, use their power to say that as the accrediting agency, you shouldn't move this way. It shouldn't work that way. You should be representing your accrediting agencies, not an institution that you accredit.

MS. MACK: Heather, please go ahead.

DR. PERFETTI: So, if I could, I was just sharing one story from one institution, I have consulted with my constituency group, who also have objections for similar reasons. So it is not just representing one institution. It is the sentiments that have been shared by other accreditors just for clarity.

MS. MACK: I see no other hands. Heather if we go to a caucus so that you have an opportunity to consult. How much time do you anticipate you would need before we could reconvene and come back for the purposes of an official consensus check?

DR. PERFETTI: Kayla, I won't need long. I don't know if you want to move on to the next topic and Michale can come to the table while I consult with others, and that won't delay getting to these other important topics.

MS. MACK: Okay, I'm seeing a number of thumbs up from the group. So if Michale, alternate, would like to come to the table while Heather steps away, we can continue with our process. Let me do a quick recap for everyone. Your committee has reached consensus on issue one, total permanent disability discharge, issue three, eliminating interest capitalization for non-statutory capitalization events,

and issue number 11, false certification discharge. We already in the course of our process today returned to issue one I'm sorry issued two closed school discharge and that one will remain without consensus. We have also touched back on issue 12, and that is where we now have Heather consulting with some constituencies before we would resume the process on that particular issue and take a second official consensus check to see if we are in fact in consensus at that time. That means that we remain with issues 4 and 5, PSLF, where the initial check was not consensus. IDR, issue 10, where we did not have initial consensus. Three Borrower Defense issues issues 6, 7 and 8 where we did not have consensus earlier today and pre dispute arbitration issue 9 where we did not have consensus earlier today. So what I would like to do is start from the top, revisit our PSLF issues, issues number 4 and 5, and ask the committee if there are any new ideas for moving us forward towards consensus? Daniel.

MR. BARKOWITZ: I'm sorry, Kayla. Just a process question, in our agenda, we actually covered IDR before Public Service Loan Forgiveness. Personally, I would find it helpful if the Department has any response to the any further response to the issues raised because that will influence my vote on PSLF. So I

don't know about the rest of negotiators, but I think again, because they are tied together, I feel they need to go in that order. I don't know. I'm seeing Bethany's head shake, yes. I'm seeing David's camera shake. I think that's his head as well. Okay. So yeah, I think I think all of us would like to take IDR first, just to get a sense of whether or not there's any movement from the Department on IDR.

MS. MACK: Understood. What I was intending to do is try to go in the order of the issue numbers, but also where we were closer rather than further apart. We can go back to IDR, but I want you to all to keep in mind that this isn't a grouping based consensus and it's issue by issue consensus. So I want you to continue to consider those and you should base each of the checks on whether you have serious reservations on those issues. But if we would like to chat around IDR, I'm happy to check in. Bethany, first, I see your hand.

MS. LILLY: But this entire rulemaking is on all of the things, and I think negotiators have made it excruciatingly clear that we think IDR and PSLF are tied issues and part of our concerns when it comes to the I will admit a decent proposal from the Department on Public Service Loan Forgiveness doesn't

address the exact people that they say that they're trying to help with the IDR proposal. And so they're not being helped in IDR, they're not being helped in Public Service Loan Forgiveness. So that's why we're stuck here like to think that they're separated issues, I mean, sure we can, we can keep talking about it. But like, we're trying to help the same population of folks who are getting help from neither of these proposals. And so that's why I think negotiators are particularly frustrated and would like to hear from the Department on IDR.

MS. MACK: I hear you, and it's our full intent as the facilitation group to get back to all of those issues and take consensus checks, if the mark is moved, new ideas come forward. Jennifer, there's a request from the committee to first initially hear on IDR. Is there any anything new from the Department on that particular issue that would be helpful to the conversation?

MS. HONG: So nothing new, nothing new on IDR. Just reiterate that everything that was raised we're taking into consideration as we move this process forward, we think that there are a lot of good ideas. Again, we came to the table initially with more open ended questions on IDR. We took some more time to kind

of develop that and we're going to take these issues back as we consider them going forward with the (inaudible).

MS. MACK: Any new ideas or thoughts from the committee on this issue? Michaela.

MS. MARTIN: And it's not new, but I really haven't moved from that, like if we're not expanding PSLF, then IDR is intrinsically linked to ensuring that there's a pathway. And so I can't really give behind the idea of someone's ability to get out from a lifetime of debt based solely on the corporate tax designation of the employer that they give their their labor to. I just I just can't like, I think the term that gets thrown around is it's a philosophical difference, right? And that's fine. I can't I just can't do that. And so I hope that when they go back that there's attention given to IDR and that it isn't only viewed as a vehicle for PSLF because it is so much more than just a vehicle to PSLF, even though they are connected in that way. And I I just really hope that there is meaningful consideration about the current state of things, particularly with payments coming up, right? Like people are looking to this and waiting to hear like what can be done? Are payments going to be lowered? Because we are in a national student debt

crisis and this doesn't address the level and the brevity of the topic. It's kind of a little bit disappointing. And not to, like you Jennifer, and I appreciate the work that's been done, but it just it just doesn't hit the mark.

MS. MACK: Thank you, Michaela.

Bethany, please.

MS. LILLY: Is there anything else we could discuss that would be helpful for the Department as they continue to have these discussions? I mean, I think that the analysis and the details that we've given around, especially the impact of graduate school loans from a racial equity lens from discussing exactly which poverty levels are where and how much they were money were actually talking about and the difficulties that creates geographically. I mean, I'd be happy to cede my time to more public witnesses if that's something that we could do. I just, is there anything else we can do to be helpful to Department here in this? I think we've made ourselves fairly clear, but if there's something else that we could talk about, that would be helpful. I'm certainly happy to do that. And I know there's no public comment today, but like if since we're sitting here kind of waiting on Heather I, I was trying to come up with ideas.

MS. MACK: Persis, please.

MS. YU: Thank you. So I want to follow up and, you know, give this this opportunity that I do appreciate some of the pieces that the Department has considered. I think that the inclusion of defaulted borrowers and IBR is a really important change, as is the inclusion of pre-consolidation loans on both Direct and FFEL loans for Income Driven Repayment. I think that's really important and I don't want that to get lost, but I have to agree with Bethany and Michaela here that this proposal, it just doesn't meet the moment. We're in a student loan crisis where we acknowledge that, you know, nearly a quarter of borrowers are behind, you know, before the pandemic, were behind on payments and there's a lot of structural reasons that that has happened. And this proposal, the EICR, only focuses on such a narrow, tiny part of it. I mean, an important, the payment amount is an important part, but it is only one part of it. And I think low-income borrowers, you know, the folks who we represent are the ones who have gotten left out of of both the PSLF and the IDR proposal. You know, there is not really a meaningful way for them to get cancelation sooner, either through PSLF or IDR. I think the Department did an amazing job with the PSLF waiver, you know, through

the way, I mean, there was more that I would have liked them to have done in it, especially for borrowers in forbearances. But like but there was an RFI on what has gone wrong on what the Department could do more of. And we have not seen that level of dedication for the low-income borrowers, the folks who were, you know, essential workers during the pandemic who, you know, have been working at grocery stores and in restaurants and who are going to be making payments for at least 20 years. And so we, you know, the Department, this administration has not met the moment for low income borrowers and what is needed. And so I am encouraged to hear the Department is considering more proposals through the NPRM process. But I really encourage you to think about what are the big structural problems keeping low income borrowers away from resolving their student debt issues and, you know, give them the relief that they need immediately.

MS. MACK: Thank you, Persis, Joe.

MR. SANDERS: Yeah, I agree with Bethany and Persis that this is a scope problem. You know, borrowers are in crisis, we need to address the major structural problems in these programs. If we're going to correct the extremely low loan discharge rates that we see in these programs. In the opinion of the

state AGs accounting of payments in both IDR and PSLF is, if not the most, if not the biggest structural problem, you know, it's the top three. We think that if if more payments were counted, then loans people would progress through the system and get their loans discharged. And so I put forward, I thought a lot about how can we count these? What's a way it's administrable? How can this work for the Department? I put forward the proposal that that based on our experience as state AGS and what we've seen in our (inaudible), addresses the borrowers that the the Department says that they want to help the the economically distressed, low income borrowers who just can't make payments, right? That's the the guardrails that I put around the counting of forbearances, somebody who's been in forbearance for 24 months without making a full payment. And that's that's based on investigations that we've done into the servicing industry. If the Department doesn't like that proposal, we're open to other ways to count payments. I have seen other proposals that others have put out. For example, the Department will count forbearances in instances where state attorneys general have investigated servicers. That's something that we could probably work with and live with. You know, I'm sure others have, I know Persis has definitely has a lot of

ideas on this, her thinking that the Department has concerns about their authority under 1087 E, I I understand that. And so, you know, in my proposal and some of the stuff I saw from Persis, we talk about counting things through ICR, which is expressly recognized in 1087 E as a qualifying program. So I so that the counting the payments is my my big thing on both IDR and PSLF. The other thing you have to look at on PSLF that is what are your what are we doing about FFEL on a going forward basis. It's awesome, but it ends in a year. And so we got to do, you know, I think that that I think the structural change is like having the reporting going to the Department is a great switch from the disclosure dynamic. But, we need to we need to commit to something then of what's going to happen with that reporting. So I stand ready to to talk through those issues, I just don't know what the Department is looking for to to address those. And so some feedback on that would help. From my perspective, move that forward.

MS. MACK: David, please.

DR. TANDBERG: Yeah. Yeah, I mean, I'm in agreement with what Persis and Joe, Bethany have all said. It's clear we're we're not going to reach, to me, others may disagree, but that consensus ain't going to happen today. The Department's going to remain a no

vote. My call then, would be for the Department as they go through the process of advancing these regulations that they treat what we've said. I mean, I know we're not voting again, I think, remember, we were pretty much in consensus outside the Department. I mean, that's a damn powerful statement that you have all of these experts, all of these interested parties who have come in large agreement on what should be done. I would hope the Department's goal would be to write regulations that are largely aligned with what has been proposed and really excellent line item proposals, redlines have been given to the Department. I hope that's a starting point. I know Joe, Persis, and others have shared those and so that's my hope. I hope that this is just one inning of the baseball game. You got a base hit. We hope in the next inning you'll actually swing for a home run. It's there. I think all the language and the ideas have been presented and and that you don't miss this moment. That would be a real shame.

MS. MACK: Jeri, please,

MS. O'BRYAN-LOSEE: I just want to concur with everybody, I think there was a lot done and I'm glad to hear that you're still going to be revisiting things, and I just want to make another plug for the difference between grad and undergrad as well as

our Parent Plus people. I think there are more people affected than you realize, and it sounds like an administrative nightmare for the Department. So I just want to plug that one more time.

MS. MACK: Thank you, Jeri. I'm not saying any other hands. Jennifer, did you have any response or final thoughts on this issue?

MS. HONG: Yeah, no, just appreciate the feedback here. And also, Joe, is that is that investigation something that you'd be able to share with us?

MR. SANDERS: Yeah, we're we're, you know, I'll go back to my constituencies that that have that specific data, but I think that we're we're open to talking to the Department and if some evidence and data would help you guys, that's absolutely something that we can consider and we want to work with our government partners in this.

MS. HONG: Thank you.

MS. MACK: Alright, thank you, Jennifer. Thank you, Joe. If I may, I'll move us to the next issue to see if there are any new ideas or thoughts moving that forward. Now that we've touched upon IDR, if the committee is amenable, I'd like to move us to issues 4 and 5 on PSLF. Does anyone have any new thoughts or

ideas on moving those issues forward towards consensus? Okay. I see no hands from the committee. It is my understanding as well that Heather is back from consulting with her constituents. So Heather, if you would like to return to the table, I believe we can return to the Pell discussion. Thank you, Heather. Heather, if there is anything else you want to report out or share with the committee, I'll give you the floor. Otherwise, I'm inclined to move everyone to a consensus check on issue 12.

DR. PERFETTI: Thank you, Kayla. I do just want to share that accrediting agencies certainly respect the work of the subcommittee led by Stan and Belinda and want to recognize all that the subcommittee invested into the regulations that came forward, and I know there were compromises made at the subcommittee as well. I still have serious reservations about the regulations. I am hopeful that those challenges will be addressed by the constituency groups. I have concerns that continue about good quality programs delivered by exceptional institutions exiting this important space. With that said, I will be changing my vote.

MS. MACK: Okay. Then I would like to move the committee to an official consensus check on issue 12, Pell Grant eligibility for prison education

programs. I'd ask that one individual from each constituency be on screen and hold those thumbs up until I call your name so that we make sure that we get everyone on record. You show me your thumbs now.

DR. PERFETTI: Kayla, I'm sorry to interrupt, but Michale reminded me that that was with the recommendations of changes that the Department agreed to accept.

MS. MACK: Let's walk through those, if we could, so that everyone sees those on screen. Aaron, if you have those at your fingertips and can share that document.

MR. WASHINGTON: Can, I need to make one request. Can Jennifer would you mind calling one last caucus? Jennifer Hong.

MS. HONG: Can I request a caucus with with who?

MR. WASHINGTON: I'm sorry, everyone who was in the caucus last time.

MS. MACK: Let's call these constituencies out then, if I may, I believe it's accrediting agencies, financial aid administrators, two-year public colleges, four-year private nonprofit institutions, minority serving institutions, independent students, and the Department. Is that accurate?

MS. HONG: That's right, yes.

MS. MACK: Brady, if you could cue that up. As we're cuing that up, we can go, Persis I see your hand. Welcome back. Thank you for your patience during that brief caucus break. Right before we were going to cue the documents onto the screen and make sure that all committee members knew of any changes that were being made in the text in our pursuit of consensus, can we share the document on screen and review those? Just to remind everyone we are moving towards a new consensus check on issue 12. Who can I turn it over to to point out the couple of edits being proposed?

MR. WASHINGTON: Jennifer? Okay. Yeah. Okay. Sorry, I have to move the, this box over a little bit. Okay, so the first edit that we see on our screens is we are accepting the suggestion to update language under the accreditation accreditation requirements specifically on B 4 to read, reviewed and approved the methodology for how the institution in collaboration with the oversight entity, made the determination that the prison education program meets the same standards and substantially similar programs that are not prison education programs at the institution. Our next update to the regulations is in 668.241, that's the best interest determination. And what we've done here is we

have taken romanette 8, whether the completion rates reported by the Department of Education, well, the completion rate indicator and we've moved that from the "must" assess to the to the "may" assessed to the "may" assess. And so so that'll end up being romanette 3 under "may". Those were the two changes that were made.

MS. MACK: Thank you for that, Aaron. Are there any clarifying questions about those two changes from the committee? I'm not seeing any, so if I can ask that we cease sharing the document so that we can see everyone on screen. I am going to move everyone to a consensus check on issue 12. Please hold your thumbs high until I get to you so that we can confirm where we are. Thank you. Misty, sideways thumb. Heather, sideways thumb. Noelia, sideways thumb. Daniel, sideways thumb. Christina, thumbs up. Bethany, thumbs up. David, sideways thumb. Jeri, thumbs up. Justin, thumbs up. Carol, thumbs up. Jaye, thumbs up. Anne, thumbs up. Joe, thumbs up. Stan, thumbs up. Persis, thumbs up. Dixie, thumbs up. And Jennifer, thumbs up. Congratulations to the committee. You have reached consensus on issue 12, Pell Grant eligibility for prison education programs. Alright, thank you all for your hard work and continued deliberations. And again, I want to extend thanks to the subcommittee for all of their hard work away from these

sessions as well. Jeri, please.

MS. O'BRYAN-LOSEE: Just one shout out for the education piece that went along with this, this was very educational for me, and I'm really proud of the work that we did here. And should anybody, Stan, if you need help with anything, you let me know. I am on board with with helping whatever you may need.

MS. MACK: Thank you for that, Jeri. Okay. That is the fourth issue that this committee has reached consensus on. There are several others that we have already returned back to to revisit throughout the day, including our closed school discharge, IDR, and our two PSLF issues. The only issues, according to my notes, that we would perhaps be returning to this afternoon are issues six, seven, and eight as related to Borrower Defense and issue nine as related to pre dispute arbitration. So the question that I would like to present to the committee is does anyone have any new thoughts or ideas on the Borrower Defense issues for moving them towards consensus? Again, new thoughts or ideas? And I'd like to recognize Josh back at the table for the legal aid constituency. And Jessica back at the table for proprietary institutions, thank you, Jessica. Okay, I am not seeing any new additions to the dialog for purposes of Borrower Defense. Please allow me to ask

the same of issue nine pre dispute arbitration. Are there any new ideas or thoughts moving the committee towards consensus? Okay. Then I would like to recap that we have now returned and revisited each of the 12 issues before this committee. We have reached consensus on on, excuse me, total and permanent disability discharge, eliminating interest capitalization for non-statutory capitalization events, false certification discharge, as well as Pell Grant eligibility for prison education programs. Alright, the remaining eight issues we have not reached consensus on. At this time, I'd like to ask Jennifer the Department is there anything else that we need to address or discuss as a committee? Aaron, I see that. Aaron, is your hand raised?

MR. WASHINGTON: It is, yeah. So I just wanted to say thank you to the main committee and subcommittee and also that the Department believes that completion rates are critical are a critical measure of student progress and institutional success. Completion rates are used by many entities in higher education, including for consumer information purposes, for under the Higher Education Act, by states and accrediting agencies in assessing college outcomes, and by institutions themselves in identifying gaps in performance and opportunities for continuous

improvement. And so we provide this information to the College Scorecard and the accreditor dashboards and many other contexts to support practitioners and policymakers and the federal government's investment, and the federal government invests billions each year in programs designed to increase postsecondary completion rates. So we we do feel strongly about this measure, the completion measure, and we also acknowledge that it wasn't explicitly included in the prison education program legislation. And we are very happy that we reached consensus today and and that for those reasons, we were willing to move that to the optional consideration by oversight entities.

MS. MACK: Thank you, Aaron, for sharing that out. Jennifer, did you have anything?

MS. HONG: Nothing further on the agenda items.

MS. MACK: Okay. Bethany, I see your hand.

MS. LILLY: I don't know if this would be helpful or not, but since we have an hour left, I would be happy to go through the IDR and PSLF proposals and issue by issue within the proposals take a consensus check if that would be helpful to Department. Because I think there are elements, I mean, Persis highlighted

several of them when she was speaking earlier, where we would, I think you'd probably reach consensus very easily in the sub issue areas, so I don't know if that's helpful to Department. I wanted to just at least since we have the hour left propose that that might be one way to use it.

MS. MACK: Thank you, Bethany. David.

DR. TANDBERG: I do have a comment, but I think it may not be relevant depending on Jennifer's response to Bethany's proposal. So maybe I'll keep my hand up but yield to Jennifer.

MS. MACK: Jennifer, let me let me turn it over to you for a response on behalf of the Department in terms of how we may spend our time together.

MS. HONG: Sure. I think, I think we have I think we have a good understanding what IDR, the issues on IDR and a good understanding that there's an interest to include, to expand employer eligibility. I understand that piece. And I was surprised that issue four got so many new votes. So if anything is worthwhile to revisit, I would suggest the improvements that we made to the application process. I think I'm hearing that there was interest in further expanding in addition to what we already have there, the payment counting. But

if anything, I think that might be useful to revisit. We'd be open to that.

MS. MACK: Okay. David, did you want to share your comment based on that response? Okay, let me ask the committee. Are there any further points of clarification or ideas to offer specifically around PSLF issue four, the application process?

MS. MARTIN: Can you articulate just what all is included in that topic.

MS. HONG: Yeah, I think we literally took, I mean, I could just tell you, that was everything pertaining to the improvements we made to the to the process of. Remember, we took the consensus vote for issue five all the way up to qualifying repayment plan and then we took four to be everything else. Everything other than the definition of employer. And and so that that includes basically the reconsideration process, the automation that we included, the Hold Harmless procedures, the deferment and forbearances that we're counting. So we did a lot and and then not counting the having the clock restart on consolidation. So I thought we were all on board with those, at least with four. So if anybody has and that's page four to the end basically. If there are specific comments that folks wanted to make, we're happy to hear them.

MS. MACK: Okay, thank you. Daniel, please.

MR. BARKOWITZ: Thank you, Kayla. Can I ask a question to the Department? So one of the deferments that's not called out, so again, I get there are two that sort of stick out, one is the unemployment deferment, I get that right. Again, if you're not employed, you don't qualify for Public Service Loan Forgiveness. The whole point is you have to be in a qualified job. The second one that that strikes me as missing is school based deferment. And I go back to the question of and I just want to understand the thinking here, especially as it pertains both the deferment listed and the Hold Harmless area. So if a student is employed full time as an employee at a at a qualifying employer and they opt for a school based deferment, but choose to make a payment, that payment will not count toward their payment account. Is that correct? And I guess just it feels strange because I could choose not to take the school based deferment, and in that situation, presumably I could be making payment and could have qualifying periods. But if I choose to take the school based deferment and make a payment, it doesn't qualify. So was that intentional or am I am I misunderstanding? Because that's also conceivable that I

just I misinterpreted what the Department's intention was.

MS. MACK: Is there an immediate response to Daniel's inquiry?

MS. HONG: No, go ahead, I'll circle back.

MS. MACK: Okay, I want to acknowledge that Carol has come in for proprietary institutions. Persis, please go ahead.

MS. YU: Thank you. I mean, I think, you know, one of the things that we've we've talked a lot about is, of course, that these forbearance, that the forbearances that folks are getting steered into are the ones that are basically excluded. And I, you know, one of the things that's come up in some of our conversations and I don't know if it's been explicitly stated at the table, is that like, how do folks actually make these payments right in the Hold Harmless? I mean, so first of all, I have a lot of logistics questions about the Hold Harmless period. But how do people make these payments if we've already determined that they're already making the payments that they can afford? And this is not this is my not my point, but it's been said around and I want to make sure that it said on the public record that this is a really big concern about

really the logistics of how this would work. It sounds like, I'm curious about whether or not there is another avenue to get these proxies like Joe mentioned, right? I think that there's a way that we can move I think there is a way we can move forward. I don't know if we can move forward in the next 50 minutes, but like, it sounds like there is a way that we can figure out a way to count these payments without this kind of nearly impossible process where borrowers, you know, I'm thinking about like my clients who even, you know, with a \$10 payment, if they've been, I've had clients who've been steered into forbearances for 5, 10 years, right? So like even a \$10 payment over a 10 year period is going to be prohibitively expensive for many of them, right? How are they going to make those payments? How are we going to ensure that that we actually do have a way for that time to count? And are there proxies? You know, the 24 months, I think, is a, you know, is a reasonable place to start of thinking about what can we think to identify folks who probably were steered because I think this really is the population that we need to be concerned about. I very much appreciate the other deferments and forbearances that have been added. I think that they are huge problems, but like but really the crux of the problem is the folks who have been

steered and I'd love to think creatively about ways that we can identify folks. And and so whether or not in the next 50 minutes, if we're just spit balling what could that look like or or offline through the process. But I think this is really where we have the majority of our concerns. And of course, this is a concern that we have. It's mirrored in PSLF and in IDR, especially as those two both are and should be identical in this regard.

MS. MACK: Thank you, Persis. Heather our PSLF advisor has come to the table, please go ahead Heather.

MS. JARVIS: Just in response to Daniel's inquiry. I was going to mention, my experience has been that this affects graduate and professional borrowers in residency circumstances. For veterinarians, for example, internships that are based on campus within the context of a graduate or professional program. And I see you nodding your head and and my experience has been, just as you say, where there are some students have been successful in removing their loans from an in-school deferment because they are working full time. But then if they are also taking classes more than half time, the in-school deferment status will then be again processed automatically and they will and can request that it be lifted. But then we see circumstances where

people have one month here and there that is in deferment and they're missing payments as they go due to that that auto process of in-school deferment status.

MS. MACK: Thank you, Heather.

Bethany, your hand was up, it went down, just want to make sure that's not inadvertent and I get to you if you're intending a comment.

MS. LILLY: I'm echoing Persis on this. It's the Hold Harmless that I think most people are hung up on because complexity wise it's so hard for people to get through that. I mean, if you're on Social Security disability insurance, I mean, hopefully you'd get captured by TPD, but that's not going to capture seniors. That's not going to capture people on retirement benefits who are on fixed income and aren't going to be able to afford the payments. Like I, I appreciate the Department trying to come up with solutions here. I really, really do. But I just the solution that's been offered is not going to work for low income folks who you're targeting. So that's that's my issue here. Everything else, I'm a big thumbs up on. Thank you, guys. This is great.

MS. MACK: Thank you, Bethany. Joe, I see your hand.

MR. SANDERS: Yeah, just to put a

finer point on what Bethany just said, if you couldn't get into IDR in the first place and you got steered into a forbearance, you're not going to be able to make a Hold Harmless payment that retroactively addresses that.

MS. MACK: Thank you, Joe. Jennifer, I know these comments were in response to to you seeking more clarification or asking if they were anything else on issue four, does the Department now have what you need from the committee in response to that question?

MS. HONG: Yeah, I'm understanding that you want us to contemplate inclusion of in-school deferment, which was a deliberate exclusion. We just we didn't put it in here in the proposed language. I understand that you want us to consider residencies forbearances in particularly this Hold Harmless provision that we proposed and find a solution a better solution for borrowers that have been improperly steered into forbearances. So thank you for that feedback. I see Daniel's hand.

MS. MACK: I do as well. Daniel, please.

MR. BARKOWITZ: So I think I've argued myself, I'm I'm tired, It's been a long week. I think I've answered my own question. So let me try this out on you Jennifer. If I look at section six, what I think I'm

reading is that if you're not covered under one of the other types of deferment forbearances that we've listed as being automatically counted as a period of payment. Then you can make a payment to hold yourself harmless, and that would allow someone who's in school deferment who was employed to make that payment, I think it's time reading that. So so again, the way I see this, then a student who was in school, deferred, could make a payment. But I guess I'm now questioning why an in-school deferment wouldn't count, as one of those called out pieces under the deferment or forbearances that would count. So why are we requiring someone to make a payment if they're otherwise employed, isn't the point here, their employment rather than their payment status. How is that any different than any other type of deferment or forbearance? So I'm still I'm still struggling with where the in-school deferment falls, but I understand that someone who is in school deferment could make payments under this proposal to catch up. But I would prefer them not to have to make payment if the whole point here is the employment qualification is what categorizes them.

MS. MACK: Thank you, Daniel.

Jennifer, did you have a response to that?

MS. HONG: So, I, so I was answering

your initial question about the inclusion in making payments if you receive any of the phone deferment or forbearances. Remember throughout the course of this our session, we expanded that list. We didn't come forward with that list initially, you know, and so we we just we didn't have in-school deferment on there. And I think I think just I realized, we realized, that there are individuals that work full time and are in school full time and, you know, could still be in qualifying employment, and your your point is well taken. We just didn't include it in this proposed language.

MS. MACK: Thank you. Jaye, please go ahead.

MS. O'CONNELL: So I just wanted to comment on the, I mean, forbearance steering and malfeasance has been a common theme, it's very hard for me to hear. You know, we as a nonprofit state agency, our staff are public servants. Some of them eligible for Public Service Loan Forgiveness. And like we, we show up with good intentions to not harm borrowers. And I thought as I was reading the Department's comment bubble on the Hold Harmless provision that it wasn't requiring proof of steering. And the reason I bring that up is just that, hindsight is 20/20 and a lot of cases, and there are a lot of provisions available, a lot of

complexity in our student loan programs. So I mean, I think about the Peace Corps public comments where it wasn't servicers, but the Peace Corps saying, you know, you get three years of subsidy and a Peace Corps deferment. I don't, you know, I don't look at that as malfeasance. That is something that is true and it's an entitlement under the law. So I just I just wanted to add there are properly granted deferments, forbearances, administrative forbearances. There are things that we as servicers do to help borrowers in temporary and different situations. And I just I I was thinking as I read that Hold Harmless understanding the complexity of student loan servicing is complex. I do understand that, but that it didn't it wasn't really about the that you could get those payments back, even if you you chose an option in the past, and you now want to buy it back, so I just was looking for that clarity.

MS. MACK: Thank you, Jaye. Persis, I see your hand.

MS. YU: Thank you. I would like to respond to that and I think that I mean, I so I think it's never really helpful to to to really, you know, talk about intentions necessarily. I I'm I am okay with assuming people's best intentions. And I mean, I think obviously the example of the Peace Corps, right? Like, I

100% believe that the Peace Corps had really good intentions in in telling borrowers to put themselves in these deferments. I think the problem is that despite the good intentions, borrowers wound up in plans that were ultimately not the most helpful for them. And I think that this is one of the reasons why, you know, eliminating the requirement that a borrower, you know, prove some sort of steering is very important because I think that steering will, I think the most egregious examples are certainly there are plenty of examples, and I'm sure Joe will give many of them of very egregious examples where borrowers have been steered for malicious purposes. But I think, you know, there are lots of ways that steering occurs. They occur by servicers. They apparently occur by the Peace Corps. And you know, our clients get steered by default management companies all the time. And at the end of the day, the problem is is that the borrowers were harmed. It's not about the intentions of whoever did it. You know, and I think that that decoupling, you know, this Hold Harmless from, you know, this malfeasance from this intention piece is actually very helpful for that because at the end of the day, what we want is we want borrowers to be able to get the benefits that they were entitled to. And so, you know, whether or not there was malfeasance, whether or

not it was a very well-intentioned, you know, I mean, I've talked to many earnest customer service reps who were just wrong, right? And at the end of the day, they were just incorrect. And we need to make sure that borrowers are able to get the most advantageous options for them. And when that doesn't happen, we need to be able to make them whole. And so I think that's what this is that's what I know that we're trying to do. I think we just have not quite gotten there yet.

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

MR. SANDERS: Thanks. So, you know, I think that I think the Jaye raises an important point here. What about somebody who just their car broke down and they needed a break from payments for three months? They could normally afford the payments and they just got to pay for a new carburetor. Right? So they go into a forbearance for three months, they pay for the carburetor and then they're back making their payments right? That's not the type of forbearance that state AGs think needs to be addressed through this regulation, right? The proxy that we've proposed is 24 months in forbearance without making a full payment. And let me get into the reasoning behind that a little bit, right? So if you have somebody who has been in any kind of

forbearance, whatever kind, all the various types, right, for 24 months, that's an indication that forbearance was not the right type of repayment plan for that individual. Because a forbearance is meant to deal with a very short term economic problem. If you're in forbearance for 24 months, there's a bigger structural financial problem here, and somebody along the way should have said, have you considered Income Driven Repayment? And, you know, looking at it through that lens, we think especially retroactively, right, not not on a prospective things, you couldn't have somebody that read the reg and said, ha ha, I'm going to get 24 months of forbearance in free time and IDR. Just retroactively, we think that's eminently reasonable to say those people should have been in IDR and those that time should count towards IDR and by extension PSLF. And, you know, I, you know, we don't have time here today, but I would be happy to continue to engage with the Department, my constituency we would be happy to engage with the Department, to see, you know, if you're talking about PSLF and the 97% denial rates, if you were to parse out the different types of reasons that payments didn't count, you know, would that, you know, how much how how many of those missed payments have been addressed by the types of forbearances and deferments that the

Department's already included? How many would be addressed by the proposal that was put forward in the red line that we did on Wednesday? How many would be addressed by the by the proposal that I put forward by any other proposal that was put forward? But I think that that is potentially something that's knowable and could be worked out so, happy to continue to engage in this discussion. But that's just a little more background on the reasoning of of the proxy that we proposed.

MS. MACK: Thank you, Joe. Justin.

MR. HAUSCHILD: Yeah. So I'm by no means an expert on all these constituencies here, we're talking about forbearances and steering. I do want to say that I voted in support of PSLF, but I do have I share the concerns that are being raised by folks, including including Joe. That being said, I did vote in favor of it, I stand by that vote, my constituency, but I just want to try to get a better understanding of the Department's hesitancy here to include things like the general forbearance. Because, you know, and maybe, maybe it's this idea, this moral idea, but I just don't understand. I think Joe's raised a lot of good points here. They're not, generally speaking, always the right plan to begin with. They are temporary in nature. My

understanding is that they're discretionary, you know, they're not. So I just don't. I guess I'm wondering, is the Department's reluctance to include forbearances speaking more to the appropriateness of forbearances as a concept rather than whether or not they should count towards IDR or PSLF?. I'm just really struggling with what I feel like is an odd tension here because forbearance is the thing, forbearance is something we allow, there are benchmarks by which a forbearance is granted, they are discretionary in nature, they are temporary in nature. I just I'm just not understanding it. And maybe it's because I'm not understanding something fundamentally. But anyway, I just wanted to throw that out there.

MS. MACK: Thank you, Justin.

MS. HONG: Yeah, I mean, I think I think we touched upon this earlier, and I just to remind you, you know, we we hadn't included all these deferments and forbearance initially. So, you know, we've added a lot here in terms of counting payments when in times when you're in forbearance or deferment, but. But I think it was Brian in OGC spoke to the discretionary nature of granting some of these forbearances, and it's, you just request it and you get it, so yeah, there is there is concern that we're not

upholding the statute because someone could conceivably just put themselves on forbearance and count all those payments toward public service. So we so we want to we do want to balance these concerns with effective guardrails as well.

MS. MACK: Thank you, Jennifer.

Heather.

MS. JARVIS: I'd like to also raise the subject of the difference between the making of payments and the counting and tracking of payments. And I understand that the purview of this committee is the regulatory language and not supervision of the servicers or the policies with regard to the contracts with the servicing companies. But I would indicate that, you know, one of the problems borrowers have faced in qualifying for Public Service Loan Forgiveness is external to the complexity of the rules from the borrower perspective, and there are many instances in which borrowers have made payments that ought to have been counted as qualifying that were not in fact counted as qualifying by FedLoan servicing initially on the first pass or sometimes on the second pass. And we've had various levels of success in raising questions and have had some support from the Department in following through on those issues. So one of my hesitations is

with the way that this proposed language is presented is not so much that it doesn't include an appropriate number of deferments and forbearances, as I do appreciate that the Department has given thoughtful consideration to expanding the circumstances in which payments can be counted or or more specifically, in which months can be counted. Because we should acknowledge that although the statute says 120 payments, a payment does not mean a transferring of money from the borrower to the servicer in every case, and the Department acknowledges that. A payment under an Income Driven Plan can be of zero dollars. A payment can count during certain periods of forbearance, as well as as Department is acknowledged. So one of the problems is how do we allow servicers the opportunity to successfully administer these programs? And one way to do that would be to simplify the regulations. And and although we have expanded the case where payments can be counted, we have also made it a lot more complicated. Where what the Department is doing now with the limited waiver is it in fact brilliantly simple and is why it should be able to be so successful with it. You look to see when did borrowers enter a repayment status and if they were in a repayment status and working full time in public service, then they're progressing in time towards

forgiveness. And I think there's a way to write the regulations in order to assist the servicers in the difficult task of counting payments accurately for borrowers.

MS. MACK: Thank you, Heather. Again, Jennifer, I'd ask you, do you have everything on behalf of the Department in terms of the responses around issue four that we've revisited?

MS. HONG: No, this is very helpful.

MS. MACK: Anything else that you wanted to circle back to Jennifer?

MS. HONG: No.

MS. MACK: Okay, then I would ask, are there any final comments from the committee? Alright. Joe, please,

MR. SANDERS: I just want to thank the Department for taking up these extremely important issues for borrowers, regardless of whether we reach consensus or not, it's encouraging for the Department to be searching for solutions, and I want to thank them for having all of us here and for trying to find a way forward.

MS. MACK: Thank you for that, Joe David, please.

DR. TANDBERG: Is is this final

comments on this issue or final comments generally?

MS. MACK: I was just seeing the question in the chat as well.

DR. TANDBERG: Yeah, Daniel asked the same thing.

MS. MACK: Yeah, he did. I'm inviting, I think, final final comments because we just concluded the conversation around four.

DR. TANDBERG: Yeah, in final final comment spirit, first, just a huge thank you to Jennifer. Being the federal negotiator at a negotiated rulemaking is an impossible impossibly difficult job and you've done an absolutely outstanding job. So I appreciate everything you've given to the committee. And then also huge, huge, thank you to all the Department's staff. These are crazy, busy, crazy, difficult times during negotiated rulemaking and they've done an outstanding job. And then just a follow up, same same message that Joe shared. Just appreciate the Department picking up on these incredibly important issues and approaching it from the perspective of what's best for the students. It's been a privilege and an honor to participate.

MS. MACK: Thank you, David. Daniel, please.

MR. BARKOWITZ: I will echo that, and I'll add to my list a deep appreciation to the facilitators and the staff from FMCS. This is not an easy job at all, and so I will I will add to the group of folks that David is highlighting. I'll also say, you know, I had some some concerns about a virtual negotiation. And while there were certainly pieces that we missed being virtually, I appreciate the opportunity to serve virtually. I hope the Department considers in the future when able to move back to an in-person, I think we lose the opportunity to be in touch with each other. However, even in person, I think the public nature of these negotiations has been really informative and helpful for the general public. And I know that following the Twitter feed, it's been a moment by moment, blow by blow conversation tracking online. And that you know that the ability to have these conversations in the public eye, I think, is really important. So I would I would really encourage us to balance a need to be in person and a desire to be in person, but still maintaining the public ability for folks to log in and view.

MS. MACK: Thank you, Daniel. At this time, I would love for everyone to turn on their cameras so that we can truly recognize you all as we close out

this virtual negotiated rulemaking session. And with that Jennifer, I'd love to ask you if you have any final remarks on behalf of the Department.

MS. HONG: I do, thank you, Kayla. First of all, it's it's been a real honor to serve as a federal negotiator. As you all describe, these are important issues, the issues that we all care about here at the Department and just every step of the way being with you in your commitment, engaging with you in these discussions. I realize we we didn't reach consensus on everything, but we reached consensus on four items and on two and then on four other items, we were very close. And the other issues, again, we look forward to continuing this conversation by way of the NPRM. As a reminder on the issues that we did reach consensus on, we would expect that you not comment comment negatively on those issues. And we realized that this is this is hard, but we we embrace it because this a real testament to democracy and public input and we we really look forward to it. I also want to thank FMCS for staying with us throughout these three sessions also. You met some of the staff at the Department on camera. There's a whole crew of other people that are tuning in, taking notes, listening, going back, drafting, poring over your proposals, talking to people about it. So I just want to

say thank you to them as well and thank you to the students and families that are listening in and working, and we're trying to do the best by you as well. So thank you.

MS. MACK: Alright, thank you, Jennifer. On behalf of FMCS we want to thank the Department of Education, Jennifer, general counsel, are screen sharers, the folks live editing, and all of the folks behind behind the scenes. We do want to thank the committee for your participation, your passion, your patience with the process and all of the expertise. We've learned a great deal from you. We would like to give a special thanks to the advisors, Heather and Raj and all that they contributed to to this process. We want to thank the subcommittee for all their work that they did during their sessions. All of the public commenters who chimed in and shared their stories and their ideas, and all of the constituencies in the public, tuning in, logging in and paying attention. So on behalf of FMCS, myself, Cindy, Brady, Emil, and Kevin, we've greatly appreciated the opportunity to work with each and every one of you through an important process on consequential issues with a group that we will never forget. I can promise you that, so thank you all. And that concludes this round of negotiated

rulemaking.

Appendix

**Department of Education
Office of Postsecondary Education
Zoom Chat Transcript
Affordability and Student Loans Committee
Session 3, Day 5, Afternoon, December 6, 2021**

DISCLAIMER:

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

From Marjorie (P), 4 Yr Insts. (she/her) to Everyone:

I'm here but internet is still not working well.

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

I am coming back to the table for legal aid

From Michaela Martin to Everyone:

Stan is at the table

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

Dr. Mc Tier will be primary for this topic

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

Fuzzy slippers!

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

awww

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

lol

From Stan (A) Ind. Students to Everyone:

Yes to Neg Reg Happy Hour

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

Fuzzy slippers and socks all throughout neg reg >

From Stan (A) Ind. Students to Everyone:

Thank you for that David and Daniel.

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

+1 David. I don't want to limit access.

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

+1 to Stan re: the necessity for data to ensure equity

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

+1 Stan!

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

+1 Stan

From Joe (P) State AGs to Everyone:

+1 Jennifer

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

+1 Jennifer!

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

+1 Jennifer

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

+1 to Jennifer as well

From Michaela Martin to Everyone:

+1 Jennifer

From Stan (A) Ind. Students to Everyone:

Thank you, David.

From Anne (P), State DOCs to Everyone:

Thank you David!

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

Thank you for your work, Stan, and your advocacy.

From Suzanne Martindale (A) state regulators to Everyone:

+1 david

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

I'm at the table for a few minutes for legal aid

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

Thanks for your comment, Aaron. That helps...

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

I'm back at the table

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

Again the only submission would be on the first two programs at two locations. But I appreciate the walkthrough...

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

I would also add that for public institutions who want to offer prison education programs would also (in

almost every case) need to get approval of the program from a state higher education agency and/or system office. So one additional level of review and quality assurance.

From Michaela Martin to Everyone:

I am not understanding the crux of Heathers argument. What is the sticking point? Just the indicators?

From Justin (P) Servicemembers and Veterans to Everyone:

thanks, Bethany, for that question. I was wondering something similar.

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

I can share the name of the association I have heard from (I have their permission). AACC (American Association of Community Colleges) has heard from numerous institutions with concerns...

From Michaela Martin to Everyone:

So it's about the institutions having to allow a program to reapply...but isn't it their program?

From Michaela Martin to Everyone:

+1 Stan

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

Yeah, I think Stan's hitting on why I was confused.

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

+1

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

like, why does it matter to accreditors?

From Joe (P) State AGs to Everyone:

+1 Stan

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

+1 Stan

From Michaela Martin to Everyone:

I am back at the table for ind students

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

I'd like to start with IDR

From Joe (P) State AGs to Everyone:

+1 Daniel

From Suzanne Martindale (A) state regulators to Everyone:

+1 daniel

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

+1 Daniel

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

I'm back as primary

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

And +1 on Daniel let's start with IDR

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

Can I also clarify that because there is no public comment period, we go until 4:00 today with our negotiation? Earlier, Dr. McTier implied we ended at 3:30... Just trying to confirm.

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

I think Dr. Mc Tier was accounting for breaks that's our understanding that we go til 4

From Michaela Martin to Everyone:

Great question

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

My operating assumption has been 4:00 ET.

From Brady FMCS Facilitator to Everyone:

To confirm, there is no public comment session today.

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

Thank you Bethany

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

So, Brady, that means we negotiate until 4:00, correct?

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

+1 on defaulted borrowers + FFEL

From Brady FMCS Facilitator to Everyone:

That is correct.

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

And also Peace Corps borrowers as public comments made clear.

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

re: things left out of the PSLF Waiver

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

+1 to Bethany and Persis

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

+1 Joe

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

+1 to Joe re: payment counting

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

And Michaela!

From Justin (P) Servicemembers and Veterans to Everyone:

+1 David

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

+1 David

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

See the discussion we just had.

From Michaela Martin to Everyone:

+1 /\ Bethany

From Christina Tangalakis, she/her (A) 2 year public to Everyone:

thank you Heather

From Michaela Martin to Everyone:

Stan is in for Ind students

From Jaye (P) FFEL Agencies to Everyone:

Can others have a quick break?

From Anne (P), State DOCs to Everyone:

Thank you everyone!!!!

From Stan (A) Ind. Students to Everyone:

Thank you everyone.

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

Thank you so much to the subcommittee!!!!

From Suzanne Martindale (A) state regulators to Everyone:

congrats to the subcommittee!

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

+1 Persis

From Justin (P) Servicemembers and Veterans to Everyone:

Thank you to the subcommittee

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

Echoing thanks to the subcommittee!

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

Thank you to the subcommittee!!! CONGRATS,

From Stan (A) Ind. Students to Everyone:

Thank you Jeri.

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

Josh is back at the table for legal aid

From Jessica Barry, Proprietary (P) to Everyone:

I'm back at the table, too

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

I'm back

From Suzanne Martindale (A) state regulators to Everyone:

+1 on temp checks within an issue

From Jessica Barry, Proprietary (P) to Everyone:

Carol is subbing back in

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

+1 to Persis on complexity of the Hold Harmless

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

I would be 👍 on all of the additions

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

my concern is also the hold harmless in this section

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

+1 on hold harmless

From Michaela Martin to Everyone:

+1

From Michaela Martin to Everyone:

and +1 Joe. Well put

From Michaela Martin to Everyone:

The road to hell is paved with good intentions

From Suzanne Martindale (A) state regulators to Everyone:

+1 heather

From Joe (P) State AGs to Everyone:

+1 Heather

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

+1 Heather

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

Final comments overall or final comments on Issue 4/5?

From Stanley Andrisse to Everyone:

It's been a pleasure serving with you all. I hope that we can stay in touch 🙏.

From Suzanne Martindale (A) state regulators to Everyone:

+1 david, thank you Jennifer!

From Joe (P) State AGs to Everyone:

+1 Daniel

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

Agreed Jennifer you've been great!!

From Joe (P) State AGs to Everyone:

Thanks to all the negotiators

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

Thank you all!

From Heather (P) - Accrediting Agencies to Everyone:

Been a great experience with an amazing group of people - many thanks to all of you and especially the Department and the facilitators!

From Michaela Martin to Everyone:

Thank you to Jennifer and ed staff!

From Heather-PSLF Advisor to Everyone:

Thanks go to ED and FMCS!

From Joe (P) State AGs to Everyone:

Thank you FMCS

From Suzanne Martindale (A) state regulators to Everyone:

+1 Daniel!

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

Many many thanks to all of the ED folks + FMCS!

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

Yes, thank you FMCS!!!

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

Yes thank you FMCS!

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

Thank you to FMCS and ED for all their hard work. As well as the negotiators!

From Michaela Martin to Everyone:

Thank you FMCS

From Anne (P), State DOCs to Everyone:

It's been an incredible process to watch and be a part of. Thank you to everyone! Congratulations to ED and FMCS for a job well done!

From Will (A) FFEL Agencies to Everyone:

Agreed that an inperson would be better

From Bobby (P) - 2 Year Pubilc Colleges to Everyone:

Thank you Jennifer and the department of ED. Thank you all on the committee, this has been quite the experience and I learned so much from this and each of you. Please keep in touch. and of course thanks to FMCS

From Noelia (A), Minority Serving Inst. to Everyone:

Thanks to FMCS, Dept of Ed, and all the negotiators! Have a great holiday season!

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

Please go back to in person!

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

Echo the thanks to ED & FMCS

From Michale (A) Accreditation to Everyone:

Totally agree with all of the praise for our hard working team - all around. Thank you all.

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

+1 on thanks to ED, FMCS, and the other negotiators

From Jaye (P) FFEL Agencies to Everyone:

Thank you for the opportunity. I am impressed with the fact that we were successful in covering all the Issue Papers at the level we did.

From Justin (P) Servicemembers and Veterans to Everyone:

+1 in thanking ED, FMCS, and the other negotiators

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

+1 praise for FMCS

From Joe (P) State AGs to Everyone:

Thanks you advisors!

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

Thank you both!

From Michale (A) Accreditation to Everyone:

+1 to future "in-person" neg reg, Zoom cannot replace the "hallway conversations" where so much happens

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

+1 on subcommittee, advisors, and public commenters

too!

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

+1 Josh

From Jessica Barry, Proprietary (P) to Everyone:

I just want to thank The Department for giving me this opportunity to represent our sector and share our perspectives. Thank you to my fellow negotiators and advisors for your dedication to the process. I also want to thank my alternate, Dr. Carol Colvin, and our constituents for their incredible focus and unwavering commitment to the great students and institutions of our sector.

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

I will miss your daily emails Kayla!