

Vanessa Gomez
U.S. Department of Education
400 Maryland Ave. SW, Room 2C179
Washington, DC 20202

Dear Ms. Gomez:

Docket ID ED-2021-OPE-0077

Thank you for the opportunity to provide feedback on the U.S. Department of Education's intention to establish negotiated rulemaking committees to establish updated regulations on certain Title IV Higher Education Act matters. As the country is emerging from a year-long, debilitating pandemic, we believe these conversations are timely. We strongly support the Department initiating a negotiated rulemaking process to strengthen Gainful Employment and improve Public Service Loan Forgiveness (PSLF) and college affordability. We also urge ED to expand the topics proposed for negotiated rulemaking to include providing institutions with express authority to allow a reset of students' satisfactory academic progress (SAP) if they have not been enrolled in college for a number of years. One challenging academic year should not permanently disqualify a student from federal financial aid.

Higher Learning Advocates (HLA) is a non-profit advocacy organization working to shift federal policy from higher education to higher learning—education and training beyond high school that leads to a degree, credential, or employment. With more students participating in higher education than ever before, we strive to strengthen the connection between federal policy and the needs of today's students, employers, and communities.

Gainful Employment

Gainful Employment regulations issued during the Obama Administration provided valuable information to today's students regarding debt and earnings resulting from programs at postsecondary institutions. These regulations also introduced the concept of earnings into the discussion of higher education outcomes in a powerful way. The federal government has the responsibility to ensure aid is used for programs that provide the promised results, including adequate wages or salaries, for students and taxpayers, especially those certificate programs that are intended to be directly tied to employment. The significant weakening of this regulation by the prior administration, before it had been fully implemented, sent the wrong signal to students and taxpayers.

We are pleased that ED intends to conduct negotiated rulemaking to strengthen and restore gainful employment regulatory requirements. As the negotiated rulemaking process moves forward, we urge the Department to use the 2016 rule as a baseline but to also consider widening the set of outcome metrics that programs would have to meet, to include important outcomes such as:

- Employment – whether a student is able to find a job in the field in which they are studying, including sitting for all licensure exam requirements connected to the certificate or degree they have earned. Additionally, because these programs are designed to lead to employment outcomes, program completers should be able to attain a job in their field of study within an appropriate period of time after completion.
- Value – whether the program provides the promised outcomes for the student. Specifically, completion of a gainful employment applicable program should enable a student to take the next step in their employment or education by passing a licensing exam needed to obtain employment. The value should include a minimum pass rate of students who sit for licensure

exams and an examination of the earnings gained from pre-enrollment to six months post-completion.

Satisfactory Academic Progress and Returning to School

We also recommend that ED consider adding an additional matter to the list of those being proposed for negotiated rulemaking related to satisfactory academic progress (SAP). When a student fails to meet an institution's SAP requirements, they can lose access to federal student aid. Section 484(c)(3) of the Higher Education Act permits an institution to waive the SAP requirements in certain situations: the death of a relative, personal injury or illness, or special circumstances as determined by the institution. We would propose that ED define "special circumstances" in regulation to include the situation in which a student who has violated SAP requirements has not been enrolled in a Title IV participating institution of higher education for the immediate past two years after such violation. Any student qualifying for such a waiver would be expected to maintain a 2.0 GPA and complete two-thirds of credits attempted going forward from the date of such waiver.

It is an especially critical time to provide this new SAP regulatory authority to institutions. Many students who initially attempt postsecondary education and violate SAP requirements face significant affordability barriers to accessing education without federal student aid. A two year wait-out period would allow students the time to better ready themselves for postsecondary education. At a time when postsecondary education is a vital avenue to gaining employment that provides for a living wage, allowing institutions to provide this waiver to students meeting these criteria is vital.

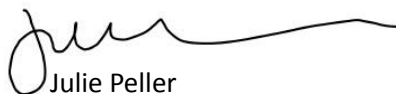
Affordability and Public Service Loan Forgiveness

We are pleased that ED intends to ease the barriers that borrowers face in achieving loan forgiveness under PSLF. While ED's recent data shows that many students have not yet completed 120 payments, much of this is due to the restart of this period for individuals consolidating their loans. ED should closely examine this and other issues connected to PSLF to remove any unreasonable regulatory barriers to achieving forgiveness for public service employment. PSLF is a motivating factor for today's students who want to serve in the public sector in jobs that require postsecondary credentials but are hesitant to do so due to cost.

We are also pleased that in addition to PSLF, ED has proposed several issues that directly impact the affordability of college. Specifically, we support efforts to streamline regulations pertaining to the ability to benefit to increase its usefulness while maintaining its integrity. In addition, we support ED in beginning the regulatory process for restoring Pell Grant eligibility for incarcerated individuals. Each of these, and other topics, will help students access and afford postsecondary education.

Thank you for your attention to our views on these matters. Higher Learning Advocates stands ready to assist ED as the negotiated rulemaking process moves forward.

Sincerely,



Julie Peller
Executive Director
Higher Learning Advocates