

Data Request: Partial Relief for BD Claims

To: U.S. Department of Education Federal Negotiator
From: William Hubbard, Student Veterans of America, and Walter Ochinko, Veterans Education Success
Re: Information Request for Partial Relief Calculations by U.S. Department of Education
Date: January 4, 2018

On December 20, 2017, the Department of Education announced a new approach to processing current borrower defense claims. In particular, borrowers whose claims meet the standard for approval will also be assessed to determine the *amount* of relief for which they are eligible. The Department described that it will compare students' current earnings to those of their peers from a passing gainful employment program; those making less than half of the GE passing earnings will receive full relief from their federal student loans taken out to attend the relevant program, and students earning above that amount will receive proportionally less relief.

For the present rulemaking, the Department has asked negotiators to consider approaches for determining the amount of relief to grant to borrower defense applicants, including a proposal similar to the December 20, 2017 announcement. To fairly consider this question, and to evaluate the Department's currently proposed standards for "financial harm" and granting partial loan discharges, we require additional information about the planned partial relief formula. We therefore request that, in advance of the January Committee meeting, the Department share copies of its policy documents (beyond the publicly available press release) explaining the details of how and to whom the partial relief process is to be applied.

Additionally, we seek the following information, to be provided as available rather than waiting until the entire response is prepared:

Clarifications on the Partial Relief Formula

- Is the partial relief formula announced on December 20, 2017 applicable only to applicants from Corinthian Colleges? If not, please specify if it is applicable to all current applicants; or, if only applicable to those from certain schools, specify which schools.
- Were all of the borrower defense claim approvals and denials announced on December 20, 2017 for borrowers at Corinthian Colleges? Has the Department preliminarily assessed partial relief options for other institutions, and does it believe this formula is viable at those institutions?
- How is the Department calculating or determining students' earnings for purposes of calculating relief under the formula announced December 20, 2017?
- If the Department is determining earnings for individual borrowers based on an average, how is that average calculated?

- How does the Department anticipate accessing students' current earnings going forward? Will this information be self-reported, obtained from the Social Security Administration, or obtained via another avenue?
- How is the Department selecting the earnings benchmark for the partial relief calculation? Does it take into account the debt load of students in the benchmark cohort as compared with the applicant's debt load or the debt load of students in the applicant's program? Does it take into account the location of the students in the benchmark cohort (again, as compared with the applicant's location)?
- Will the GE earnings benchmark of passing programs include only the earnings of those in the same program *and* credential level? How does it factor in the earnings of students who are unemployed, either because they have enrolled in another school program or because they cannot find employment?
- How does the Department anticipate processing claims for former students in fields for which there are no GE data (for the program or the credential level) or for which none of the GE programs are passing? Will there be a threshold as to how many passing GE programs (or students in passing GE programs) must be available for the data to be considered reliable enough to use as a benchmark?
- How does the Department anticipate processing claims for former students whose earnings exceeded the relevant benchmark even prior to the student's enrollment in the program giving rise to the borrower defense claim?
- Has the Department done an analysis of whether GE earnings data, which are based on completers, are suitable for adjudicating claims of both completers and noncompleters? If so, please share this analysis.
- What are the criteria the Department uses for denying borrower defense claims, particularly in the context of the denials it announced on December 20, 2017?
- Please share any analysis the Department has conducted comparing gainful employment earnings data to Bureau of Labor Statistics earnings data. Given that the Department plans to rely on gainful employment earnings in the context of current claims, and has proposed to use BLS data in its Session Two issue papers, we would like to evaluate both options.

Data Analysis

- Please provide the breakdown of borrower defense claim approvals and denials by: 8-digit OPE ID, CIP code, and credential level.
- Please provide a breakdown for the borrower defense claim approvals announced on December 20 for each of the tiers of the amount of relief that the Department plans to use (e.g., 100%, 50%, 40%, etc.). Please provide an estimated breakdown in the same manner for all claims the Department has received between January 20, 2017 and the date of this request.
- Please provide an estimated cost savings for the borrower defense claim approvals announced on December 20, 2017 for using a partial relief formula as opposed to providing full relief for all approved claims. Please provide an estimated cost savings in the same manner for all claims the Department has received between January 20, 2017 and the date of this request.

Implications for Veterans

Please note that we would appreciate receiving responses to all of the questions in this document as soon as possible. However, we understand that the analysis for the below questions may take some additional time, and ask that the responses to the earlier questions not be delayed by them.

- How many defrauded veterans have applied for borrower defense? How many have been approved for full relief and partial relief? How many veteran claims are pending? Please provide these statistics in the aggregate as well as by institution (8-digit OPE ID).
- How many defrauded spouses and dependents of veterans have applied for borrower defense? How many have been approved for full relief and partial relief? How many of these claims are pending?
- What kind of outreach is the Department doing to alert defrauded veterans of the Department's delay of the borrower defense rule? What kind of outreach is the Department doing to communicate with each defrauded veteran of the status of their respective pending case?

Data Request: Partial Relief for BD Claims

To: U.S. Department of Education Federal Negotiator
From: William Hubbard, Student Veterans of America, and Walter Ochinko, Veterans Education Success
Re: Information Request for Partial Relief Calculations by U.S. Department of Education
Date: January 4, 2018

On December 20, 2017, the Department of Education announced a new approach to processing current borrower defense claims. In particular, borrowers whose claims meet the standard for approval will also be assessed to determine the *amount* of relief for which they are eligible. The Department described that it will compare students' current earnings to those of their peers from a passing gainful employment program; those making less than half of the GE passing earnings will receive full relief from their federal student loans taken out to attend the relevant program, and students earning above that amount will receive proportionally less relief.

For the present rulemaking, the Department has asked negotiators to consider approaches for determining the amount of relief to grant to borrower defense applicants, including a proposal similar to the December 20, 2017 announcement. To fairly consider this question, and to evaluate the Department's currently proposed standards for "financial harm" and granting partial loan discharges, we require additional information about the planned partial relief formula. We therefore request that, in advance of the January Committee meeting, the Department share copies of its policy documents (beyond the publicly available press release) explaining the details of how and to whom the partial relief process is to be applied.

Additionally, we seek the following information, to be provided as available rather than waiting until the entire response is prepared:

Clarifications on the Partial Relief Formula

- Is the partial relief formula announced on December 20, 2017 applicable only to applicants from Corinthian Colleges? If not, please specify if it is applicable to all current applicants; or, if only applicable to those from certain schools, specify which schools.
- Were all of the borrower defense claim approvals and denials announced on December 20, 2017 for borrowers at Corinthian Colleges? Has the Department preliminarily assessed partial relief options for other institutions, and does it believe this formula is viable at those institutions?
- How is the Department calculating or determining students' earnings for purposes of calculating relief under the formula announced December 20, 2017?
- If the Department is determining earnings for individual borrowers based on an average, how is that average calculated?

- How does the Department anticipate accessing students' current earnings going forward? Will this information be self-reported, obtained from the Social Security Administration, or obtained via another avenue?
- How is the Department selecting the earnings benchmark for the partial relief calculation? Does it take into account the debt load of students in the benchmark cohort as compared with the applicant's debt load or the debt load of students in the applicant's program? Does it take into account the location of the students in the benchmark cohort (again, as compared with the applicant's location)?
- Will the GE earnings benchmark of passing programs include only the earnings of those in the same program *and* credential level? How does it factor in the earnings of students who are unemployed, either because they have enrolled in another school program or because they cannot find employment?
- How does the Department anticipate processing claims for former students in fields for which there are no GE data (for the program or the credential level) or for which none of the GE programs are passing? Will there be a threshold as to how many passing GE programs (or students in passing GE programs) must be available for the data to be considered reliable enough to use as a benchmark?
- How does the Department anticipate processing claims for former students whose earnings exceeded the relevant benchmark even prior to the student's enrollment in the program giving rise to the borrower defense claim?
- Has the Department done an analysis of whether GE earnings data, which are based on completers, are suitable for adjudicating claims of both completers and noncompleters? If so, please share this analysis.
- What are the criteria the Department uses for denying borrower defense claims, particularly in the context of the denials it announced on December 20, 2017?
- Please share any analysis the Department has conducted comparing gainful employment earnings data to Bureau of Labor Statistics earnings data. Given that the Department plans to rely on gainful employment earnings in the context of current claims, and has proposed to use BLS data in its Session Two issue papers, we would like to evaluate both options.

Data Analysis

- Please provide the breakdown of borrower defense claim approvals and denials by: 8-digit OPE ID, CIP code, and credential level.
- Please provide a breakdown for the borrower defense claim approvals announced on December 20 for each of the tiers of the amount of relief that the Department plans to use (e.g., 100%, 50%, 40%, etc.). Please provide an estimated breakdown in the same manner for all claims the Department has received between January 20, 2017 and the date of this request.
- Please provide an estimated cost savings for the borrower defense claim approvals announced on December 20, 2017 for using a partial relief formula as opposed to providing full relief for all approved claims. Please provide an estimated cost savings in the same manner for all claims the Department has received between January 20, 2017 and the date of this request.

Implications for Veterans

Please note that we would appreciate receiving responses to all of the questions in this document as soon as possible. However, we understand that the analysis for the below questions may take some additional time, and ask that the responses to the earlier questions not be delayed by them.

- How many defrauded veterans have applied for borrower defense? How many have been approved for full relief and partial relief? How many veteran claims are pending? Please provide these statistics in the aggregate as well as by institution (8-digit OPE ID).
- How many defrauded spouses and dependents of veterans have applied for borrower defense? How many have been approved for full relief and partial relief? How many of these claims are pending?
- What kind of outreach is the Department doing to alert defrauded veterans of the Department's delay of the borrower defense rule? What kind of outreach is the Department doing to communicate with each defrauded veteran of the status of their respective pending case?

Data Request: Partial Relief for BD Claims

To: U.S. Department of Education Federal Negotiator
From: William Hubbard, Student Veterans of America, and Walter Ochinko, Veterans Education Success
Re: Information Request for Partial Relief Calculations by U.S. Department of Education
Date: January 4, 2018

On December 20, 2017, the Department of Education announced a new approach to processing current borrower defense claims. In particular, borrowers whose claims meet the standard for approval will also be assessed to determine the *amount* of relief for which they are eligible. The Department described that it will compare students' current earnings to those of their peers from a passing gainful employment program; those making less than half of the GE passing earnings will receive full relief from their federal student loans taken out to attend the relevant program, and students earning above that amount will receive proportionally less relief.

For the present rulemaking, the Department has asked negotiators to consider approaches for determining the amount of relief to grant to borrower defense applicants, including a proposal similar to the December 20, 2017 announcement. To fairly consider this question, and to evaluate the Department's currently proposed standards for "financial harm" and granting partial loan discharges, we require additional information about the planned partial relief formula. We therefore request that, in advance of the January Committee meeting, the Department share copies of its policy documents (beyond the publicly available press release) explaining the details of how and to whom the partial relief process is to be applied.

Additionally, we seek the following information, to be provided as available rather than waiting until the entire response is prepared:

Clarifications on the Partial Relief Formula

- Is the partial relief formula announced on December 20, 2017 applicable only to applicants from Corinthian Colleges? If not, please specify if it is applicable to all current applicants; or, if only applicable to those from certain schools, specify which schools.
- Were all of the borrower defense claim approvals and denials announced on December 20, 2017 for borrowers at Corinthian Colleges? Has the Department preliminarily assessed partial relief options for other institutions, and does it believe this formula is viable at those institutions?
- How is the Department calculating or determining students' earnings for purposes of calculating relief under the formula announced December 20, 2017?
- If the Department is determining earnings for individual borrowers based on an average, how is that average calculated?

- How does the Department anticipate accessing students' current earnings going forward? Will this information be self-reported, obtained from the Social Security Administration, or obtained via another avenue?
- How is the Department selecting the earnings benchmark for the partial relief calculation? Does it take into account the debt load of students in the benchmark cohort as compared with the applicant's debt load or the debt load of students in the applicant's program? Does it take into account the location of the students in the benchmark cohort (again, as compared with the applicant's location)?
- Will the GE earnings benchmark of passing programs include only the earnings of those in the same program *and* credential level? How does it factor in the earnings of students who are unemployed, either because they have enrolled in another school program or because they cannot find employment?
- How does the Department anticipate processing claims for former students in fields for which there are no GE data (for the program or the credential level) or for which none of the GE programs are passing? Will there be a threshold as to how many passing GE programs (or students in passing GE programs) must be available for the data to be considered reliable enough to use as a benchmark?
- How does the Department anticipate processing claims for former students whose earnings exceeded the relevant benchmark even prior to the student's enrollment in the program giving rise to the borrower defense claim?
- Has the Department done an analysis of whether GE earnings data, which are based on completers, are suitable for adjudicating claims of both completers and noncompleters? If so, please share this analysis.
- What are the criteria the Department uses for denying borrower defense claims, particularly in the context of the denials it announced on December 20, 2017?
- Please share any analysis the Department has conducted comparing gainful employment earnings data to Bureau of Labor Statistics earnings data. Given that the Department plans to rely on gainful employment earnings in the context of current claims, and has proposed to use BLS data in its Session Two issue papers, we would like to evaluate both options.

Data Analysis

- Please provide the breakdown of borrower defense claim approvals and denials by: 8-digit OPE ID, CIP code, and credential level.
- Please provide a breakdown for the borrower defense claim approvals announced on December 20 for each of the tiers of the amount of relief that the Department plans to use (e.g., 100%, 50%, 40%, etc.). Please provide an estimated breakdown in the same manner for all claims the Department has received between January 20, 2017 and the date of this request.
- Please provide an estimated cost savings for the borrower defense claim approvals announced on December 20, 2017 for using a partial relief formula as opposed to providing full relief for all approved claims. Please provide an estimated cost savings in the same manner for all claims the Department has received between January 20, 2017 and the date of this request.

Implications for Veterans

Please note that we would appreciate receiving responses to all of the questions in this document as soon as possible. However, we understand that the analysis for the below questions may take some additional time, and ask that the responses to the earlier questions not be delayed by them.

- How many defrauded veterans have applied for borrower defense? How many have been approved for full relief and partial relief? How many veteran claims are pending? Please provide these statistics in the aggregate as well as by institution (8-digit OPE ID).
- How many defrauded spouses and dependents of veterans have applied for borrower defense? How many have been approved for full relief and partial relief? How many of these claims are pending?
- What kind of outreach is the Department doing to alert defrauded veterans of the Department's delay of the borrower defense rule? What kind of outreach is the Department doing to communicate with each defrauded veteran of the status of their respective pending case?

From: [Hoblitzell, Barbara](#)
To: [Hay, Sarah](#)
Cc: [McLarnon, Gail](#); [Weisman, Annmarie](#); [BD2User](#); [Arnold, Nathan](#); [Siegel, Brian](#); [Hong, Caroline](#); [Nevin, Colleen](#)
Subject: Another BD Data Request
Date: Tuesday, January 16, 2018 2:13:40 PM

Hi, Sarah.

We're hoping your team might be able to assist with some "quick" data analysis (this week?).

Negotiators expressed concern regarding the determination of financial harm based on the lowest income quintile in BLS data. They argued that, for some professions, borrowers would only be able to assert financial harm if they were earning minimum wage or un-/under-employed. We'd like to understand which professions are more likely to have average earnings in the lower quintiles at or near the Federal minimum wage.

Colleen Nevin has some information regarding which professions these are likely to be and invites you to contact her for more information.

Kind regards,

b.

Barbara A. Hoblitzell
Office of Postsecondary Education
Policy, Planning and Innovation
202.453.7583

From: [Hoblitzell, Barbara](#)
To: [Hay, Sarah](#); [Cross, Freddie](#); [Settles, Justin](#); [BD2User](#)
Subject: Another data request
Date: Tuesday, November 14, 2017 5:04:29 PM

An updated listing of LOCs the Department has

Sent from my iPhone

Data Requests Received During Session 1: BD Negotiated Rulemaking

#	Data Request	Received?	Response	Status
1	Are there incidents (and examples) of program review findings of misrepresentation?	Session 1	<i>Between 10/1/2008 and 10/31/2017, Program Compliance issued 29 final determinations (FPRDs or EDLs) with misrepresentation findings. In addition, as of 11/1/2017 there were 15 open program reviews with pending misrepresentation findings. From 12/4/2015 to present, there were 11 recertification denials and one fine action associated with misrepresentation; however, five of the recertification denials were related to schools included in the 29 final determinations. Note that counts of program reviews are based on Program Review Control Numbers and counts of recertification denials are based main locations. In some cases, the same corporate parent owned more than one school affected.</i>	Response provided to negotiators during Session 1
2	For BD claims that have been adjudicated, how many were approved based on misrepresentation?	Session 1	<i>ALL of the BD claims approved to date have been based on misrepresentations.</i>	Response provided to negotiators during Session 1
3	For BD claims that have been adjudicated, how many were approved based on substantial misrepresentation?	Session 1	<i>"Substantial" is not in element of the current version of the regulation which is based on at state law. However, for the claims that have been approved to date, "substantial" was, in fact, a component or requirement of the state laws involved. Thus, all claims approved to date have been based on substantial misrepresentations.</i>	Response provided to negotiators during Session 1
4	What actions are the Department taking (or has taken) to make students aware of their rights under BD?	Session 1	<i>The Department has created and maintains a website at StudentAid.gov that provide detailed information, including: Who Qualifies for Borrower Defense to Repayment Loan Forgiveness, Borrower Defense Application, Options for and Implications of Forbearance and Stopped Collections Status, and Information and Resources for Help. Information regarding borrower defense is also included in the borrower's promissory note</i>	Response provided to negotiators during Session 1
5	What, if any, outreach efforts are being undertaken?	Session 1	<i>In 2015, the Department conducted an email outreach campaign to over 50,000 borrowers who attended Heald College since 2010 to notify them that they may be eligible for debt relief based on borrower defense. That email, sent to borrowers' last known email addresses, provided general information about borrower defense and described the Department's findings related to misleading placement rates published by Heald College. The email provided information about eligibility and linked to both the list of programs covered by the Department's findings and the page where they could fill out the attestation form. In 2016, the Department continued to engage in several robust outreach efforts, including: (1) Postal Mail Campaign - Targeted over 280,000 Everest and WyoTech borrowers who enrolled between 2010 and 2014, the period covered by the Department's findings. The Department estimates that this postal campaign yielded over 30,000 additional borrower defense applications. (2) Universal Form - Developed and promoted the availability of a "universal form" that provides more guidance to all borrowers on how to apply for borrower defense. (3) Partnership with State Attorneys General - Worked closely with state attorneys general from across the country to conduct outreach to former CCI students from their states. These 42 state partners, as well as the Attorney General of the District of Columbia, used a variety of methods – including email, postal mail, telephone calls, and events – to reach more Corinthian borrowers. (4) Facebook Pilot - Deployed 219,000 Facebook ads to users who had expressed an interest in Heald College, one of the Corinthian schools. (5) Servicer Pilot - Each servicer communicated with a subset of Corinthian borrowers using emails, letters, outbound calls, or texts.</i>	Response provided to negotiators during Session 1

Data Requests Received During Session 1: BD Negotiated Rulemaking

#	Data Request	Received?	Response	Status
6	Cost of restoring Pell eligibility.	Session 1		(b)(5)
7		Session 1		
8	What proportion of consolidated loans are affected by misrepresentation/associated with a BD claim?	Session 1		
9	N years IHEs are required to store administrative and student records.	Session 1	<i>Three for financial aid records; the issue with BD is that fin aid records are unlikely to provide useful evidence in support of either a claim or an institutional defense</i>	
10	How often was a statute of limitations applied in BD claims and whether loans could or could not be discharged as a result.	Session 1		
11	Data on state standards.	Session 1		
12	How much the Department has recovered from closed school discharges?	Session 1		
13	An updated listing of LOCs the Department has obtained from schools	Session 1		
14	Amount of interest accruing for the first 12 months a claim is pending and the amount of interest accrued as of 11/01/2017 after 12 months in pending claim status	Session 1		
15	The average, median, and range of costs to rehabilitate a borrower's account and a breakdown of how those costs are incurred.	12/8/2017		
16	The average, median, and range of costs to rehabilitate a borrower's account for borrowers who initiate rehabilitation within the first 60 days and successfully complete the rehabilitation plan.	12/8/2017		
17	The average, median, and range of amount of collection fees charged to borrowers who rehabilitate their loans both as a dollar amount and percentage of account balance.	12/8/2017		

Data Requests Received During Session 1: BD Negotiated Rulmaking

#	Data Request	Received?	Response	Status
18	For the 1 year prior to March 1, 2017, the average, median, and range of amount of collection fees, both as a dollar amount and percentage of account balance, charged to borrowers who initiated rehabilitation within the first 60 days and successfully complete the rehabilitation plan.	12/8/2017		
19	The total number of borrowers each year who rehabilitate their loans.	12/8/2017		
20	The number of borrowers each year who initiate loan rehabilitation within the first 60 days and successfully complete the rehabilitation plan.	12/8/2017		
21	The average, median, and range of costs to collect on a loan each year that it is in default.	12/8/2017		
22	The amount collected in collection fees from rehabilitations each year, both in absolute dollars and as a percentage of total revenue due to collection fees.	12/8/2017		
23	The portion of total revenue due to collection fees on loans rehabilitated in the first 60 days.	12/8/2017		
24	How many GAs were charging 16% collection fees to borrowers who rehabilitated in the first 60 days of default prior to making the announcements reported on March 29, 2017?	12/8/2017		
25	Since making the announcements reported on March 29, 2017, how many GAs are now charging 16% collection fees to borrowers who rehabilitated in the first 60 days of default?	12/8/2017		
26	For the 12 months prior to the announcements reported on March 29, 2017, how many borrowers initiated a rehabilitation agreement with their GA in the first 60 days of default? (Please provide monthly data by GA.)	12/8/2017		
27	In the months since the announcements reported on March 29, 2017, how many borrowers initiated a rehabilitation agreement with their GA in the first 60 days of default? (Please provide monthly data by GA.)	12/8/2017		
28	For the GAs for which the announcements reported on March 29, 2017 represent a change in policy, indicated the amount of revenue lost due to not charging these borrowers collection fees.	12/8/2017		

From: [Hoblitzell, Barbara](#)
To: [Hay, Sarah](#); [Cross, Freddie](#); [Settles, Justin](#)
Cc: [Mahaffie, Lynn](#); [McLarnon, Gail](#); [Weisman, Annmarie](#); [BD2User](#); [Nevin, Colleen](#); [Arnold, Nathan](#); [Smith, Brian](#); [Foss, Ian](#); [Kolotos, John](#)
Subject: BD Neg Reg Session 1 Data Requests.xlsx
Date: Thursday, January 04, 2018 12:19:12 PM
Attachments: [BD Neg Reg Session 1 Data Requests.xlsx](#)

Good morning.

I've taken the liberty of recording the data requests received during and following our first session of negotiated rulemaking, the status of those requests, and where applicable, the response we received. I would like to continue to use this format to catalogue incoming data requests and their disposition.

If there are any data/information requests that your team will not be pursuing or that you have determined should be pursued by policy/program staff, please let me know ASAP – thanks!

As always, please let me know if you have any questions or concerns.

Kind regards,

b.

From: [Chesley, Susan](#)
To: [Hsu, Sarah](#); [Fu, Brian](#); [Greene, Matthew](#); [Cross, Freddie](#)
Cc: [BDUser](#)
Subject: Closed school discharge data
Date: Wednesday, January 03, 2018 10:37:01 AM

All,

As part of the comments on the BD issue papers, OMB (and the negotiators/public in other venues) have requested cost estimates related to expanding the closed school discharge window to 150 (or possibly up to 180 days). (b)(5)

(b)(5)

I am happy to discuss this at the data meeting or separate from that so we can get the information we need in the most efficient way possible. Please let me know if you have any questions.

Thanks,
Susan

MEMORANDUM

Date: December 8, 2017

To: U.S. Department of Education

From: Abby Shafroth, negotiator on behalf of legal assistance organizations

Re: Data Request re: Issue Paper 7 (Collection Fees)

In Issue Paper 7, the Department asked whether it should revise its regulations on the charging of collection costs by a guaranty agency to a defaulted borrower who responds within 60 days to the initial notice sent by the guaranty agency after it pays a default claim and acquires the loan from the lender. The Department explained that it previously issued guidance interpreting these regulations to bar a guaranty agency from charging collection costs to a defaulted borrower who enters into (and honors) a repayment agreement within this 60 day period.

As a matter of public policy, borrowers who fall behind on their federal student loans should be encouraged to immediately get their loans back in good standing. Therefore, I agree with the longstanding policy of the Department¹ that borrowers who take timely steps to successfully rehabilitate their loans should not be charged collection costs. However, I seek to better understand the concerns of guaranty agencies regarding the cost that they would incur if prohibited from charging collection fees to borrowers who enter into rehabilitation agreements within the first 60 days, and I believe providing data on this to the Committee would allow for a more informed deliberation.

To understand the scope of the financial impact that this regulation could have on guaranty agencies, I therefore request the information specified below. I ask for data on both the Department held loan portfolio and the GA held portfolio for each of the last five years, and that for GA held loans, the data be provided by GA. Alternatively, if the data cannot be provided by GA, then the average, median, and range of the different data points across all GAs.

Data Requested:

- 1) The average, median, and range of costs to rehabilitate a borrower's account and a breakdown of how those costs are incurred.
- 2) The average, median, and range of costs to rehabilitate a borrower's account for borrowers who initiate rehabilitation within the first 60 days and successfully complete the rehabilitation plan.
- 3) The average, median, and range of amount of collection fees charged to borrowers who rehabilitate their loans both as a dollar amount and percentage of account balance.

¹ Brief of Secretary of Educ., *Educ. Credit Mgmt. Corp. v. Barnes*, 318 B.R. 482 (S.D. Ind. 2004), at p.22 (filed Mar. 14, 2002).

- 4) For the 1 year prior to March 1, 2017, the average, median, and range of amount of collection fees, both as a dollar amount and percentage of account balance, charged to borrowers who initiated rehabilitation within the first 60 days and successfully complete the rehabilitation plan.
- 5) The total number of borrowers each year who rehabilitate their loans.
- 6) The number of borrowers each year who initiate loan rehabilitation within the first 60 days and successfully complete the rehabilitation plan.
- 7) The average, median, and range of costs to collect on a loan each year that it is in default.
- 8) The amount collected in collection fees from rehabilitations each year, both in absolute dollars and as a percentage of total revenue due to collection fees.
- 9) The portion of total revenue due to collection fees on loans rehabilitated in the first 60 days.

Additionally, on March 29, 2017, Bloomberg News reported that “[a]ll 26 loan companies that serve as middlemen for the Federal Family Education Loan (FFEL) program announced over the past several days that they will not automatically charge the default fee equivalent to 16 percent of the total balance owed.”² To understand the financial impact of this decision, I request:

- 1) How many GAs were charging 16% collection fees to borrowers who rehabilitated in the first 60 days of default prior to making the announcements reported on March 29, 2017?
- 2) Since making the announcements reported on March 29, 2017, how many GAs are now charging 16% collection fees to borrowers who rehabilitated in the first 60 days of default?
- 3) For the 12 months prior to the announcements reported on March 29, 2017, how many borrowers initiated a rehabilitation agreement with their GA in the first 60 days of default? (Please provide monthly data by GA.)
- 4) In the months since the announcements reported on March 29, 2017, how many borrowers initiated a rehabilitation agreement with their GA in the first 60 days of default? (Please provide monthly data by GA.)
- 5) For the GAs for which the announcements reported on March 29, 2017 represent a change in policy, indicated the amount of revenue lost due to not charging these borrowers collection fees.

Thank your prompt attention to this request. I look forward to continuing to discuss this issue.

² Shahien Nasiripour, [Trump’s Student Loan Default Penalty Has an Unlikely Foe](#), Bloomberg News (March 29, 2017).

From: [Hoblitzell, Barbara](#)
To: ebantle@fmcs.gov; mcaruso@fmcs.gov; rmiller@fmcs.gov
Cc: [BD2User](#); [Weisman, Annmarie](#)
Subject: FW: BD partial relief data request
Date: Thursday, January 04, 2018 2:24:42 PM
Attachments: [12292017 Partial Relief Negotiator Data Request - Google Docs.pdf](#)

FYI and to share with negotiators...

From: Walter Ochinko [mailto:w.ochinko@gmail.com]
Sent: Thursday, January 04, 2018 2:04 PM
To: Hoblitzell, Barbara
Cc: Will Hubbard
Subject: BD partial relief data request

Barbara,

Will and I are submitting the following data request on the partial relief policy announced by the Education Department late last year. We are also requesting veteran specific data but do not want the request for that data to hold up the Department's response to the other questions. Thanks (and Happy New Year!)

Walter Ochinko
Research Director
Veterans Education Success
(202) 657-1254

From: [Hoblitzell, Barbara](#)
To: [Rierner, Jeffrey \(Justin\)](#)
Cc: [Weisman, Annmarie](#); [McLarnon, Gail](#); [Mahaffie, Lynn](#); [BD2User](#)
Subject: FW: BD partial relief data request
Date: Thursday, January 04, 2018 2:07:24 PM
Attachments: [12292017 Partial Relief Negotiator Data Request - Google Docs.pdf](#)

Hi, Justin.

(b)(5)

Kind regards,

b.

From: Walter Ochinko [mailto:w.ochinko@gmail.com]
Sent: Thursday, January 04, 2018 2:04 PM
To: Hoblitzell, Barbara
Cc: Will Hubbard
Subject: BD partial relief data request

Barbara,

Will and I are submitting the following data request on the partial relief policy announced by the Education Department late last year. We are also requesting veteran specific data but do not want the request for that data to hold up the Department's response to the other questions. Thanks (and Happy New Year!)

Walter Ochinko
Research Director
Veterans Education Success
(202) 657-1254

From: [Hoblitzell, Barbara](#)
To: [Mahaffie, Lynn](#); [McLarnon, Gail](#); [Weisman, Annmarie](#); [Smith, Brian](#); [Hay, Sarah](#); [Cross, Freddie](#); [Settles, Justin](#); [Siegel, Brian](#); [Hong, Caroline](#)
Cc: ebantle@fmcs.gov; [BD2User](#)
Subject: FW: Data Request and Memos re: Borrower Defense Rulemaking Committee
Date: Friday, December 08, 2017 5:14:35 PM
Attachments: [Data request re Issue Paper 7.pdf](#)
[Memo re Issue Paper 4.pdf](#)
[Memo re Issue Paper 5.pdf](#)
[Memo re Issue Paper 6.pdf](#)

More input from non-Federal negotiators.

I am posting the memos in the 'Negotiator Proposals' file on SharePoint and will post the data request in the 'Data Files' directory.

From: Abby Shafroth [<mailto:ashafroth@nclc.org>]
Sent: Friday, December 8, 2017 5:04 PM
To: Hoblitzell, Barbara
Subject: Data Request and Memos re: Borrower Defense Rulemaking Committee

Hi Barbara,

Please find attached several documents relating to the borrower defense negotiated rulemaking:

- A data request pertaining to Issue Paper 7
- Memos regarding Issue Papers 4, 5, and 6

Would you please share these documents with Department staff and with the members of the negotiated rulemaking committee?

Thank you and have a wonderful weekend,

Abby

Abby Shafroth
Staff Attorney
National Consumer Law Center®
7 Winthrop Square, 4th Floor
Boston, MA 02110
617/542-8010
www.nclc.org

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast Ltd, an innovator in Software as a Service (SaaS) for business. Providing a **safer and more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

From: [Hay, Sarah](#)
To: [Hoblitzell, Barbara](#)
Cc: [McLarnon, Gail](#); [Weisman, Annmarie](#); [BD2User](#); [Arnold, Nathan](#); [Siegel, Brian](#); [Hong, Caroline](#); [Nevin, Colleen](#)
Subject: RE: Another BD Data Request
Date: Tuesday, January 16, 2018 3:01:53 PM

(b)(5)

Sarah Hay
Director of Policy Analysis & Forecasting Group
Policy, Planning, and Innovation Staff
Office of Postsecondary Education
US Department of Education
Sarah.Hay@ed.gov
202-453-6879 office
(b)(6) cell

From: Hoblitzell, Barbara
Sent: Tuesday, January 16, 2018 2:14 PM
To: Hay, Sarah
Cc: McLarnon, Gail; Weisman, Annmarie; BD2User; Arnold, Nathan; Siegel, Brian; Hong, Caroline; Nevin, Colleen
Subject: Another BD Data Request

Hi, Sarah.

We're hoping your team might be able to assist with some "quick" data analysis (this week?).

Negotiators expressed concern regarding the determination of financial harm based on the lowest income quintile in BLS data. They argued that, for some professions, borrowers would only be able to assert financial harm if they were earning minimum wage or un-/under-employed. We'd like to understand which professions are more likely to have average earnings in the lower quintiles at or near the Federal minimum wage.

Colleen Nevin has some information regarding which professions these are likely to be and invites you to contact her for more information.

Kind regards,

b.

Barbara A. Hoblitzell
Office of Postsecondary Education
Policy, Planning and Innovation
202.453.7583

From: [Fortelny, Gregory](#)
To: [Hamburg, Mark](#); [Hay, Sarah](#)
Cc: [Hoblitzell, Barbara](#); [Cross, Freddie](#); [BD2User](#); [Weisman, Annmarie](#); [Goldstein, Barry](#); [Minor, Robin](#)
Subject: RE: BD data request
Date: Tuesday, November 14, 2017 11:39:22 AM

(b)(5)



From: Hamburg, Mark
Sent: Tuesday, November 14, 2017 11:16 AM
To: Hay, Sarah
Cc: Hoblitzell, Barbara; Cross, Freddie; BD2User; Weisman, Annmarie; Fortelny, Gregory; Goldstein, Barry; Minor, Robin
Subject: RE: BD data request

(b)(5)



Mark Hamburg
Senior Data Analyst
SESG Front Office
Program Compliance
Federal Student Aid
206-615-3641

From: Hay, Sarah
Sent: Tuesday, November 14, 2017 8:05 AM
To: Hamburg, Mark
Cc: Hoblitzell, Barbara; Cross, Freddie; BD2User; Weisman, Annmarie; Fortelny, Gregory; Goldstein, Barry

Subject: BD data request

Hi Mark,

We've received a request from the negotiators for examples (with counts or sense of frequency) when misrepresentation is found by program compliance. Are these data in the public PEPS files? If not, are they captured in PEPS but not released publicly?

Barbara—any clarifications or corrections?

Sarah Hay
Director
Policy Analysis and Forecasting Group
Office of Postsecondary Education
Department of Education
sarah.hay@ed.gov

(b)(6) cell

Sent from my iPhone

From: [Foss, Ian](#)
To: [Hay, Sarah](#); [Hoblitzell, Barbara](#)
Cc: [BD2User](#); [Weisman, Annmarie](#); [Hammond, Cynthia](#)
Subject: Re: BD data request
Date: Tuesday, November 14, 2017 2:25:12 PM

Hi Sarah,

I'm not sure who you have been making requests to, but Cynthia Hammond would appreciate if all requests for FSA data include both Robin Minor and herself.

Ian

From: Hay, Sarah
Sent: Tuesday, November 14, 2017 1:53:54 PM
To: Hoblitzell, Barbara
Cc: Foss, Ian; BD2User; Weisman, Annmarie
Subject: Re: BD data request

I can do it.

Sarah Hay
Director
Policy Analysis and Forecasting Group
Office of Postsecondary Education
Department of Education
sarah.hay@ed.gov

(b)(6) cell

Sent from my iPhone

On Nov 14, 2017, at 11:49 AM, Hoblitzell, Barbara <Barbara.Hoblitzell@ed.gov> wrote:

That's fine – who will be responsible for making data requests to FSA (or others)?

From: Hay, Sarah
Sent: Tuesday, November 14, 2017 11:49 AM
To: Hoblitzell, Barbara
Cc: Foss, Ian; BD2User; Weisman, Annmarie
Subject: Re: BD data request

Hi Barbara,

Members of the data team are taking data-request focused notes. Maybe the best way to ensure we don't miss anything would be to consolidate our collective notes. That collective list could be used as the public record, if that seems reasonable.

I do think I and the data team should be kept informed on all data requests relative

to the BD regs since they'll ultimately be the writers responsible for producing the analyses and resulting RIA.

Sarah Hay
Director
Policy Analysis and Forecasting Group
Office of Postsecondary Education
Department of Education
sarah.hay@ed.gov

(b)(6) cell

Sent from my iPhone

On Nov 14, 2017, at 11:23 AM, Hoblitzell, Barbara
<Barbara.Hoblitzell@ed.gov> wrote:

Sarah,

Apparently Cynthia also made the request because she saw it in Ian's notes. However, shall I funnel all data requests through you, or shall I continue to maintain the record of data requests emanating from Neg Reg? (The issue becomes that all of these requests are documented as part of the official and public record, so we need to have a single source of all requests.)

b.

From: Hamburg, Mark
Sent: Tuesday, November 14, 2017 11:16 AM
To: Hay, Sarah
Cc: Hoblitzell, Barbara; Cross, Freddie; BD2User; Weisman, Annmarie; Fortelny, Gregory; Goldstein, Barry; Minor, Robin
Subject: RE: BD data request

(b)(5)

-Mark

Mark Hamburg
Senior Data Analyst
SESG Front Office
Program Compliance
Federal Student Aid
206-615-3641

From: Hay, Sarah
Sent: Tuesday, November 14, 2017 8:05 AM
To: Hamburg, Mark
Cc: Hoblitzell, Barbara; Cross, Freddie; BD2User; Weisman, Annmarie; Fortelny, Gregory; Goldstein, Barry
Subject: BD data request

Hi Mark,

We've received a request from the negotiators for examples (with counts or sense of frequency) when misrepresentation is found by program compliance. Are these data in the public PEPS files? If not, are they captured in PEPS but not released publicly?

Barbara—any clarifications or corrections?

Sarah Hay
Director
Policy Analysis and Forecasting Group
Office of Postsecondary Education
Department of Education
sarah.hay@ed.gov
(b)(6) cell

Sent from my iPhone

From: [Hammond, Cynthia](#)
To: [Hay, Sarah](#)
Cc: [Foss, Ian](#); [Hoblitzell, Barbara](#); [BD2User](#); [Weisman, Annmarie](#)
Subject: Re: BD data request
Date: Tuesday, November 14, 2017 3:07:38 PM

If it is data from one of our systems, such as COD, please continue to work with Greg and just cc me and robin so we are aware of the request. If it is something like the questions from earlier today, then it should go to Robin and me. I am not trying to make this more complicated, just trying to make sure the right folks know about the requests and we are more coordinated within FSA.

Sent from my iPhone

On Nov 14, 2017, at 2:34 PM, Hay, Sarah <Sarah.Hay@ed.gov> wrote:

Ok. BD group was assigned Greg Fortelny, so we've been working with him.

Sarah Hay
Director
Policy Analysis and Forecasting Group
Office of Postsecondary Education
Department of Education
sarah.hay@ed.gov
202-374-9796 cell

Sent from my iPhone

On Nov 14, 2017, at 2:25 PM, Foss, Ian <Ian.Foss@ed.gov> wrote:

Hi Sarah,

I'm not sure who you have been making requests to, but Cynthia Hammond would appreciate if all requests for FSA data include both Robin Minor and herself.

Ian

From: Hay, Sarah
Sent: Tuesday, November 14, 2017 1:53:54 PM
To: Hoblitzell, Barbara
Cc: Foss, Ian; BD2User; Weisman, Annmarie
Subject: Re: BD data request

I can do it.

Sarah Hay
Director
Policy Analysis and Forecasting Group
Office of Postsecondary Education
Department of Education
sarah.hay@ed.gov
(b)(6) cell

Sent from my iPhone

On Nov 14, 2017, at 11:49 AM, Hoblitzell, Barbara
<Barbara.Hoblitzell@ed.gov> wrote:

That's fine – who will be responsible for making data requests to FSA (or others)?

From: Hay, Sarah
Sent: Tuesday, November 14, 2017 11:49 AM
To: Hoblitzell, Barbara
Cc: Foss, Ian; BD2User; Weisman, Annmarie
Subject: Re: BD data request

Hi Barbara,

Members of the data team are taking data-request focused notes. Maybe the best way to ensure we don't miss anything would be to consolidate our collective notes. That collective list could be used as the public record, if that seems reasonable.

I do think I and the data team should be kept informed on all data requests relative to the BD regs since they'll ultimately be the writers responsible for producing the analyses and resulting RIA.

Sarah Hay
Director
Policy Analysis and Forecasting Group
Office of Postsecondary Education
Department of Education
sarah.hay@ed.gov
(b)(6) cell

Sent from my iPhone

On Nov 14, 2017, at 11:23 AM, Hoblitzell, Barbara
<Barbara.Hoblitzell@ed.gov> wrote:

Sarah,

Apparently Cynthia also made the request because she saw it in Ian's notes. However, shall I funnel all data requests through you, or shall I continue to maintain the record of data requests emanating from Neg Reg? (The issue becomes that all of these requests are documented as part of the official and public record, so we need to have a single source of all requests.)

b.

From: Hamburg, Mark
Sent: Tuesday, November 14, 2017 11:16 AM
To: Hay, Sarah
Cc: Hoblitzell, Barbara; Cross, Freddie; BD2User; Weisman, Annmarie; Fortelny, Gregory; Goldstein, Barry; Minor, Robin
Subject: RE: BD data request

(b)(5)



-Mark

Mark Hamburg
Senior Data Analyst
SESG Front Office
Program Compliance
Federal Student Aid

206-615-3641

From: Hay, Sarah
Sent: Tuesday, November 14, 2017 8:05 AM
To: Hamburg, Mark
Cc: Hoblitzell, Barbara; Cross, Freddie; BD2User;
Weisman, Annmarie; Fortelny, Gregory;
Goldstein, Barry
Subject: BD data request

Hi Mark,

We've received a request from the negotiators for examples (with counts or sense of frequency) when misrepresentation is found by program compliance. Are these data in the public PEPS files? If not, are they captured in PEPS but not released publicly?

Barbara—any clarifications or corrections?

Sarah Hay
Director
Policy Analysis and Forecasting Group
Office of Postsecondary Education
Department of Education
sarah.hay@ed.gov
(b)(6) cell

Sent from my iPhone

From: [Hoblitzell, Barbara](#)
To: [Hay, Sarah](#); [Cross, Freddie](#); [Settles, Justin](#)
Cc: [Mahaffie, Lynn](#); [McLarnon, Gail](#); [Weisman, Annmarie](#); [BD2User](#); [Nevin, Colleen](#); [Arnold, Nathan](#); [Smith, Brian](#); [Foss, Ian](#); [Kolotos, John](#)
Subject: RE: BD Neg Reg Session 1 Data Requests.xlsx
Date: Thursday, January 04, 2018 2:09:37 PM

Thanks, Sarah – I will incorporate the feedback you’ve provided.

If you could also please send me your list from Session 1, I will be happy to ensure any missing items are included.

From: Hay, Sarah
Sent: Thursday, January 04, 2018 2:05 PM
To: Hoblitzell, Barbara; Cross, Freddie; Settles, Justin
Cc: Mahaffie, Lynn; McLarnon, Gail; Weisman, Annmarie; BD2User; Nevin, Colleen; Arnold, Nathan; Smith, Brian; Foss, Ian; Kolotos, John
Subject: RE: BD Neg Reg Session 1 Data Requests.xlsx

Hi Barbara,

Thanks for putting this together. It’s really helpful. Here are some updates:

(b)(5)

Sarah Hay
Director of Policy Analysis & Forecasting Group
Policy, Planning, and Innovation Staff
Office of Postsecondary Education
US Department of Education
Sarah.Hay@ed.gov
202-453-6879 office

(b)(6) cell

From: Hoblitzell, Barbara
Sent: Thursday, January 04, 2018 12:19 PM

To: Hay, Sarah; Cross, Freddie; Settles, Justin
Cc: Mahaffie, Lynn; McLarnon, Gail; Weisman, Annmarie; BD2User; Nevin, Colleen; Arnold, Nathan; Smith, Brian; Foss, Ian; Kolotos, John
Subject: BD Neg Reg Session 1 Data Requests.xlsx

Good morning.

I've taken the liberty of recording the data requests received during and following our first session of negotiated rulemaking, the status of those requests, and where applicable, the response we received. I would like to continue to use this format to catalogue incoming data requests and their disposition.

If there are any data/information requests that your team will not be pursuing or that you have determined should be pursued by policy/program staff, please let me know ASAP – thanks!

As always, please let me know if you have any questions or concerns.

Kind regards,

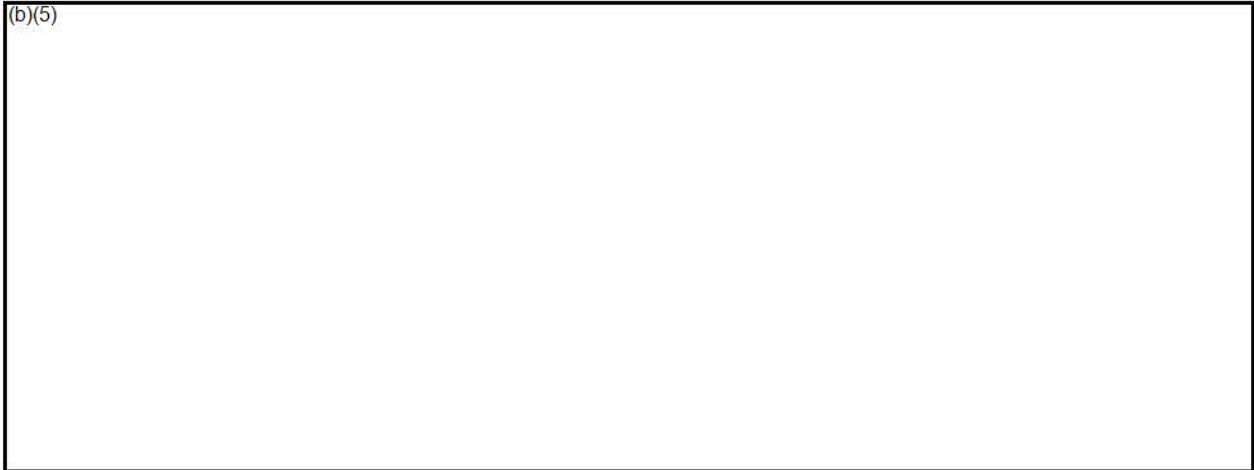
b.

From: [Hay, Sarah](#)
To: [Hoblitzell, Barbara](#); [Cross, Freddie](#); [Settles, Justin](#)
Cc: [Mahaffie, Lynn](#); [McLarnon, Gail](#); [Weisman, Annmarie](#); [BD2User](#); [Nevin, Colleen](#); [Arnold, Nathan](#); [Smith, Brian](#); [Foss, Ian](#); [Kolotos, John](#)
Subject: RE: BD Neg Reg Session 1 Data Requests.xlsx
Date: Thursday, January 04, 2018 2:05:22 PM

Hi Barbara,

Thanks for putting this together. It's really helpful. Here are some updates:

(b)(5)



Sarah Hay
Director of Policy Analysis & Forecasting Group
Policy, Planning, and Innovation Staff
Office of Postsecondary Education
US Department of Education
Sarah.Hay@ed.gov
202-453-6879 office
(b)(6) cell

From: Hoblitzell, Barbara
Sent: Thursday, January 04, 2018 12:19 PM
To: Hay, Sarah; Cross, Freddie; Settles, Justin
Cc: Mahaffie, Lynn; McLarnon, Gail; Weisman, Annmarie; BD2User; Nevin, Colleen; Arnold, Nathan; Smith, Brian; Foss, Ian; Kolotos, John
Subject: BD Neg Reg Session 1 Data Requests.xlsx

Good morning.

I've taken the liberty of recording the data requests received during and following our first session of negotiated rulemaking, the status of those requests, and where applicable, the response we received. I would like to continue to use this format to catalogue incoming data requests and their disposition.

If there are any data/information requests that your team will not be pursuing or that you have determined should be pursued by policy/program staff, please let me know ASAP – thanks!

As always, please let me know if you have any questions or concerns.

Kind regards,

b.

From: [Rierner, Jeffrey \(Justin\)](#)
To: [Hoblitzell, Barbara](#)
Cc: [Weisman, Annmarie](#); [McLarnon, Gail](#); [Mahaffie, Lynn](#); [BD2User](#)
Subject: RE: BD partial relief data request
Date: Thursday, January 04, 2018 4:37:10 PM

Thanks for sending Barbara. I'll take a look.

--

Justin Rierner
Special Counsel
Jeffrey.Rierner@ed.gov
Phone: 202-453-7063
Cell: (b)(6)

From: Hoblitzell, Barbara
Sent: Thursday, January 04, 2018 2:07 PM
To: Rierner, Jeffrey (Justin)
Cc: Weisman, Annmarie; McLarnon, Gail; Mahaffie, Lynn; BD2User
Subject: FW: BD partial relief data request

Hi, Justin.

(b)(5)

Kind regards,

b.

From: Walter Ochinko [<mailto:w.ochinko@gmail.com>]
Sent: Thursday, January 04, 2018 2:04 PM
To: Hoblitzell, Barbara
Cc: Will Hubbard
Subject: BD partial relief data request

Barbara,

Will and I are submitting the following data request on the partial relief policy announced by the Education Department late last year. We are also requesting veteran specific data but do not want the request for that data to hold up the Department's response to the other questions. Thanks (and Happy New Year!)

Walter Ochinko
Research Director
Veterans Education Success
(202) 657-1254

From: [Hay, Sarah](#)
To: [Hoblitzell, Barbara](#)
Cc: [BD2User](#); [Cross, Freddie](#); [McLarnon, Gail](#); [Mahaffie, Lynn](#); [Weisman, Annmarie](#)
Subject: RE: BD partial relief data request
Date: Thursday, January 04, 2018 3:10:11 PM
Attachments: [12292017 Partial Relief Negotiator Data Request - Google Docs.pdf](#)

(b)(5)

Sarah Hay

Director of Policy Analysis & Forecasting Group
Policy, Planning, and Innovation Staff
Office of Postsecondary Education
US Department of Education

Sarah.Hay@ed.gov

202-453-6879 office

(b)(6) cell

From: Hoblitzell, Barbara
Sent: Thursday, January 04, 2018 2:21 PM
To: Hay, Sarah
Subject: FW: BD partial relief data request

From: Hoblitzell, Barbara
Sent: Thursday, January 04, 2018 2:07 PM
To: Riemer, Jeffrey (Justin)
Cc: Weisman, Annmarie; McLarnon, Gail; Mahaffie, Lynn; BD2User
Subject: FW: BD partial relief data request

Hi, Justin.

(b)(5)

Kind regards,

b.

From: Walter Ochinko [<mailto:w.ochinko@gmail.com>]
Sent: Thursday, January 04, 2018 2:04 PM
To: Hoblitzell, Barbara
Cc: Will Hubbard
Subject: BD partial relief data request

Barbara,

Will and I are submitting the following data request on the partial relief policy announced by the Education Department late last year. We are also requesting veteran specific data but do not want the request for that data to hold up the Department's response to the other questions. Thanks (and Happy New Year!)

Walter Ochinko
Research Director
Veterans Education Success
(202) 657-1254

From: [Hoblitzell, Barbara](#)
To: [Hay, Sarah](#)
Cc: [BD2User](#); [Cross, Freddie](#); [McLarnon, Gail](#); [Mahaffie, Lynn](#); [Weisman, Annmarie](#)
Subject: RE: BD partial relief data request
Date: Thursday, January 04, 2018 3:16:55 PM

Thanks, Sarah.

(b)(5)



From: Hay, Sarah
Sent: Thursday, January 04, 2018 3:10 PM
To: Hoblitzell, Barbara
Cc: BD2User; Cross, Freddie; McLarnon, Gail; Mahaffie, Lynn; Weisman, Annmarie
Subject: RE: BD partial relief data request

(b)(5)



(b)(5)

Sarah Hay
Director of Policy Analysis & Forecasting Group
Policy, Planning, and Innovation Staff
Office of Postsecondary Education
US Department of Education
Sarah.Hay@ed.gov
202-453-6879 office
(b)(6) cell

From: Hoblitzell, Barbara
Sent: Thursday, January 04, 2018 2:21 PM
To: Hay, Sarah
Subject: FW: BD partial relief data request

From: Hoblitzell, Barbara
Sent: Thursday, January 04, 2018 2:07 PM
To: Riemer, Jeffrey (Justin)
Cc: Weisman, Annmarie; McLarnon, Gail; Mahaffie, Lynn; BD2User
Subject: FW: BD partial relief data request

Hi, Justin.

(b)(5)

Kind regards,

b.

From: Walter Ochinko [<mailto:w.ochinko@gmail.com>]
Sent: Thursday, January 04, 2018 2:04 PM
To: Hoblitzell, Barbara
Cc: Will Hubbard
Subject: BD partial relief data request

Barbara,

Will and I are submitting the following data request on the partial relief policy announced by the Education Department late last year. We are also requesting veteran specific data but do not want the request for that data to hold up the Department's response to the other questions. Thanks (and Happy New Year!)

Walter Ochinko
Research Director
Veterans Education Success
(202) 657-1254

From: [Hoblitzell, Barbara](#)
To: [Nevin, Colleen](#)
Cc: [Foss, Ian](#); [BD2User](#); [Hay, Sarah](#); [Cross, Freddie](#); [Minor, Robin](#); [Schmoke, Julian](#); [Weisman, Annmarie](#)
Subject: RE: BD Session 1, Day 2 Data request
Date: Tuesday, November 14, 2017 11:46:46 AM

Thanks, Colleen.

I'll confer with colleagues here and let you know if any additional questions arise.

From: Nevin, Colleen
Sent: Tuesday, November 14, 2017 11:45 AM
To: Hoblitzell, Barbara
Cc: Foss, Ian; BD2User; Hay, Sarah; Cross, Freddie; Minor, Robin; Schmoke, Julian
Subject: RE: BD Session 1, Day 2 Data request

Barbara, (b)(5)

(b)(5)

(b)(5) if you need anything else on these, please let me know.

Thanks,
Colleen

From: Hoblitzell, Barbara
Sent: Tuesday, November 14, 2017 10:58 AM
To: Nevin, Colleen
Cc: Foss, Ian; BD2User; Hay, Sarah; Cross, Freddie; Minor, Robin
Subject: BD Session 1, Day 2 Data request

We've received another request:

- What actions are the Department taking (or has taken) to make students aware of their rights under BD?
- What, if any, outreach efforts are being undertaken?

(b)(5)

Kind regards,

b.

Barbara A. Hoblitzell
Office of Postsecondary Education
Policy, Planning and Innovation
202.453.7583

From: [Fu, Brian](#)
To: [Chesley, Susan](#); [Hay, Sarah](#); [Greene, Matthew](#); [Cross, Freddie](#)
Cc: [BD2User](#); [Warner, Julie](#)
Subject: RE: Closed school discharge data
Date: Wednesday, January 03, 2018 1:50:55 PM

+Julie

From: Chesley, Susan
Sent: Wednesday, January 03, 2018 10:37 AM
To: Hay, Sarah; Fu, Brian; Greene, Matthew; Cross, Freddie
Cc: BD2User
Subject: Closed school discharge data

All,

As part of the comments on the BD issue papers, OMB (and the negotiators/public in other venues) have requested cost estimates related to expanding the closed school discharge window to 150 (or possibly up to 180 days). (b)(5)

(b)(5)

(b)(5)

Please let me know if you have any questions.

Thanks,
Susan

From: [Hoblitzell, Barbara](#)
To: [Nevin, Colleen](#)
Cc: [Hammond, Cynthia](#); [Foss, Ian](#); [Hamburg, Mark](#); [BD2User](#); [Hay, Sarah](#); [Cross, Freddie](#); [Weisman, Annmarie](#); [Schmoke, Julian](#); [Minor, Robin](#)
Subject: RE: Data request from BD Negotiators (Session 1, Day 1)
Date: Tuesday, November 14, 2017 11:37:35 AM

Thank you for the speedy reply!

From: Nevin, Colleen
Sent: Tuesday, November 14, 2017 11:37 AM
To: Hoblitzell, Barbara
Cc: Hammond, Cynthia; Foss, Ian; Hamburg, Mark; BD2User; Hay, Sarah; Cross, Freddie; Weisman, Annmarie; Schmoke, Julian; Minor, Robin
Subject: RE: Data request from BD Negotiators (Session 1, Day 1)

Barbara,

(b)(5)



If you want to discuss these or anything else during the lunch break, please let me know what time and I will make myself available.

Thanks,
Colleen

From: Hoblitzell, Barbara
Sent: Tuesday, November 14, 2017 10:39 AM
To: Minor, Robin; Nevin, Colleen
Cc: Hammond, Cynthia; Foss, Ian; Hamburg, Mark; BD2User; Hay, Sarah; Cross, Freddie; Weisman, Annmarie
Subject: Data request from BD Negotiators (Session 1, Day 1)

Good morning!

Our non-Federal negotiators have request the following data. Could you please let me know if these are data that can be made available and, if so, when?

1. For BD claims that have been adjudicated, how many were approved based on misrepresentation?
2. For BD claims that have been adjudicated, how many were approved based on substantial misrepresentation?

3. Are there incidents (and examples) of program review findings of misrepresentation?

As always, let me know if you have any questions.

Kind regards,

b.

Barbara A. Hoblitzell
Office of Postsecondary Education
Policy, Planning and Innovation
202.453.7583

From: [Hoblitzell, Barbara](#)
To: [Minor, Robin](#)
Cc: [Nevin, Colleen](#); [Hammond, Cynthia](#); [Foss, Ian](#); [Hamburg, Mark](#); [BD2User](#); [Hay, Sarah](#); [Cross, Freddie](#); [Weisman, Annmarie](#)
Subject: Re: Data request from BD Negotiators (Session 1, Day 1)
Date: Tuesday, November 14, 2017 3:39:57 PM

Thank you, Robin!

Sent from my iPhone

On Nov 14, 2017, at 3:36 PM, Minor, Robin <Robin.Minor@ed.gov> wrote:

Barbara,

(b)(5)

From: Hoblitzell, Barbara
Sent: Tuesday, November 14, 2017 10:39 AM
To: Minor, Robin; Nevin, Colleen
Cc: Hammond, Cynthia; Foss, Ian; Hamburg, Mark; BD2User; Hay, Sarah; Cross, Freddie; Weisman, Annmarie
Subject: Data request from BD Negotiators (Session 1, Day 1)

Good morning!

Our non-Federal negotiators have request the following data. Could you please let me know if these are data that can be made available and, if so, when?

- <!--[if !supportLists]-->1. <!--[endif]-->For BD claims that have been adjudicated, how many were approved based on misrepresentation?
- <!--[if !supportLists]-->2. <!--[endif]-->For BD claims that have been adjudicated, how many were approved based on substantial misrepresentation?
- <!--[if !supportLists]-->3. <!--[endif]-->Are there incidents (and examples) of program review findings of misrepresentation?

As always, let me know if you have any questions.

Kind regards,

b.

Barbara A. Hoblitzell
Office of Postsecondary Education
Policy, Planning and Innovation
202.453.7583

From: [Hoblitzell, Barbara](#)
To: [Minor, Robin](#); [Nevin, Colleen](#)
Cc: [Hammond, Cynthia](#); [Foss, Ian](#); [Hamburg, Mark](#); [BD2User](#); [Hay, Sarah](#); [Cross, Freddie](#); [Weisman, Annmarie](#)
Subject: RE: Data request from BD Negotiators (Session 1, Day 1)
Date: Tuesday, November 14, 2017 11:06:10 AM

Thank you!

From: Minor, Robin
Sent: Tuesday, November 14, 2017 11:05 AM
To: Hoblitzell, Barbara; Nevin, Colleen
Cc: Hammond, Cynthia; Foss, Ian; Hamburg, Mark; BD2User; Hay, Sarah; Cross, Freddie; Weisman, Annmarie
Subject: RE: Data request from BD Negotiators (Session 1, Day 1)

(b)(5)

From: Hoblitzell, Barbara
Sent: Tuesday, November 14, 2017 10:39 AM
To: Minor, Robin; Nevin, Colleen
Cc: Hammond, Cynthia; Foss, Ian; Hamburg, Mark; BD2User; Hay, Sarah; Cross, Freddie; Weisman, Annmarie
Subject: Data request from BD Negotiators (Session 1, Day 1)

Good morning!

Our non-Federal negotiators have request the following data. Could you please let me know if these are data that can be made available and, if so, when?

1. For BD claims that have been adjudicated, how many were approved based on misrepresentation?
2. For BD claims that have been adjudicated, how many were approved based on substantial misrepresentation?
3. Are there incidents (and examples) of program review findings of misrepresentation?

As always, let me know if you have any questions.

Kind regards,

b.

Barbara A. Hoblitzell
Office of Postsecondary Education
Policy, Planning and Innovation
202.453.7583

From: [Hoblitzell, Barbara](#)
To: [Hay, Sarah](#); [Goldstein, Barry](#)
Cc: [Fortelny, Gregory](#); [Fillinich, Mike](#); [BD2User](#); [Weisman, Annmarie](#)
Subject: RE: Do you have data that would provide examples of approved claims under substantial misrep?
Date: Tuesday, November 14, 2017 10:41:12 AM

+bd2user, Annmarie

From: Hay, Sarah
Sent: Tuesday, November 14, 2017 10:40 AM
To: Goldstein, Barry
Cc: Hoblitzell, Barbara; Fortelny, Gregory; Fillinich, Mike
Subject: Fwd: Do you have data that would provide examples of approved claims under substantial misrep?

We've gotten a request from the negotiators for details of claims approved under substantial misrepresentation. Specifically, how often was 668.71(f) cited? Or other reg cites that are being used.

(b)(5)

We've also received questions regarding how BD staff determine the state of jurisdiction to apply to the state.

(b)(5)

Sarah Hay
Director
Policy Analysis and Forecasting Group
Office of Postsecondary Education
Department of Education
sarah.hay@ed.gov

(b)(6) cell

Sent from my iPhone

Begin forwarded message:

From: "Hoblitzell, Barbara" <Barbara.Hoblitzell@ed.gov>
Date: November 14, 2017 at 9:59:40 AM EST
To: "Hay, Sarah" <Sarah.Hay@ed.gov>
Cc: "Weisman, Annmarie" <Annmarie.Weisman@ed.gov>, "Hong, Caroline" <Caroline.Hong@ed.gov>, BD2User <BD2User@ed.gov>, "Mahaffie, Lynn" <Lynn.Mahaffie@ed.gov>
Subject: Do you have data that would provide examples of approved claims under substantial misrep?

(b)(5)

Sent from my iPhone

From: Hay, Sarah
Sent: 7 May 2018 18:08:35 +0000
To: Cross, Freddie
Subject: BD FOIA
Attachments: BD Negotiators Data Requests_FOIA.xlsx

#	Data Request	Date Received
1	Are there incidents (and examples) of program review findings of misrepresentation?	Session 1
2	For BD claims that have been adjudicated, how many were approved based on misrepresentation?	Session 1
3	For BD claims that have been adjudicated, how many were approved based on substantial misrepresentation?	Session 1
4	What actions are the Department taking (or has taken) to make students aware of their rights under BD?	Session 1
5	What, if any, outreach efforts are being undertaken?	Session 1
6	Cost of restoring Pell eligibility.	Session 1
7	What proportion of consolidated loans are affected by misrepresentation/associated with a BD claim?	Session 1
8	N years IHEs are required to store administrative and student records.	Session 1
9	How often was a statute of limitations applied in BD claims and whether loans could or could not be discharged as a result.	Session 1
10	Data on state standards.	Session 1
11	How much the Department has recovered from closed school discharges?	Session 1
12	An updated listing of LOCs the Department has obtained from schools	Session 1
13	Amount of interest accruing for the first 12 months a claim is pending and the amount of interest accrued as of 11/01/2017 after 12 months in pending claim status	Session 1
14	The average, median, and range of costs to rehabilitate a borrower's account and a breakdown of how those costs are incurred.	12/8/2017
15	The average, median, and range of costs to rehabilitate a borrower's account for borrowers who initiate rehabilitation within the first 60 days and successfully complete the rehabilitation plan.	12/8/2017
16	The average, median, and range of amount of collection fees charged to borrowers who rehabilitate their loans both as a dollar amount and percentage of account balance.	12/8/2017
17	For the 1 year prior to March 1, 2017, the average, median, and range of amount of collection fees, both as a dollar amount and percentage of account balance, charged to borrowers who initiated rehabilitation within the first 60 days and successfully complete the rehabilitation plan.	12/8/2017
18	The total number of borrowers each year who rehabilitate their loans.	12/8/2017
19	The number of borrowers each year who initiate loan rehabilitation within the first 60 days and successfully complete the rehabilitation plan.	12/8/2017
20	The average, median, and range of costs to collect on a loan each year that it is in default.	12/8/2017
21	The amount collected in collection fees from rehabilitations each year, both in absolute dollars and as a percentage of total revenue due to collection fees.	12/8/2017
22	The portion of total revenue due to collection fees on loans rehabilitated in the first 60 days.	12/8/2017
23	How many GAs were charging 16% collection fees to borrowers who rehabilitated in the first 60 days of default prior to making the announcements reported on March 29, 2017?	12/8/2017
24	Since making the announcements reported on March 29, 2017, how many GAs are now charging 16% collection fees to borrowers who rehabilitated in the first 60 days of default?	12/8/2017

#	Data Request	Date Received
25	For the 12 months prior to the announcements reported on March 29, 2017, how many borrowers initiated a rehabilitation agreement with their GA in the first 60 days of default? (Please provide monthly data by GA.)	12/8/2017
26	In the months since the announcements reported on March 29, 2017, how many borrowers initiated a rehabilitation agreement with their GA in the first 60 days of default? (Please provide monthly data by GA.)	12/8/2017
27	For the GAs for which the announcements reported on March 29, 2017 represent a change in policy, indicated the amount of revenue lost due to not charging these borrowers collection fees.	12/8/2017
28	Is the partial relief formula announced on December 20, 2017 applicable only to applicants from Corinthian Colleges? If not, please specify if it is applicable to all current applicants; or, if only applicable to those from certain schools, specify which schools.	1/4/2018
29	Were all of the borrower defense claim approvals and denials announced on December 20, 2017 for borrowers at Corinthian Colleges?	1/4/2018
30	How is the Department calculating or determining students' earnings for purposes of calculating relief under the formula announced December 20, 2017?	1/4/2018
31	If the Department is determining earnings for individual borrowers based on an average, how is that average calculated?	1/4/2018
32	Has the Department preliminarily assessed partial relief options for other institutions, and does it believe this formula is viable at those institutions?	1/4/2018
33	How does the Department anticipate accessing students' current earnings going forward? Will this information be self-reported, obtained from SSA, or obtained via another avenue?	1/4/2018
34	How is the Department selecting the earnings benchmark for the partial relief calculation? Does it take into account the debt load of students in the benchmark cohort as compared with the applicant's debt load or the debt load of students in the applicant's program? Does it take into account the location of the students in the benchmark cohort (again, as compared with the applicant's location)?	1/4/2018
35	Will the GE earnings benchmark of passing programs include only the earnings of those in the same program and credential level? How does it factor in the earnings of students who are unemployed, either because they have enrolled in another school program or because they cannot find employment?	1/4/2018
36	How does the Department anticipate processing claims for former students in fields for which there are no GE data (for the program or the credential level) or for which none of the GE programs are passing? Will there be a threshold as to how many passing GE programs (or students in passing GE programs) must be available for the data to be considered reliable enough to use as a benchmark?	1/4/2018
37	How does the Department anticipate processing claims for former students whose earnings exceeded the relevant benchmark even prior to the student's enrollment in the program giving rise to the borrower defense claim?	1/4/2018

#	Data Request	Date Received
38	Has the Department done an analysis of whether GE earnings data, which are based on completers, are suitable for adjudicating claims of both completers and non-completers? If so, please share this analysis.	1/4/2018
39	What are the criteria the Department uses for denying borrower defense claims, particularly in the context of the denials it announced on December 20, 2017?	1/4/2018
40	Please share any analysis the Department has conducted comparing gainful employment earnings data to Bureau of Labor Statistics earnings data. Given that the Department plans to rely on gainful employment earnings in the context of current claims, and has proposed to use BLS data in its Session Two issue papers, we would like to evaluate both options.	1/4/2018
41	Please provide the breakdown of borrower defense claim approvals and denials by: 8-digit OPE ID, CIP code, and credential level.	1/4/2018
42	Please provide a breakdown for the borrower defense claim approvals announced on December 20 for each of the s of the amount of relief that the Department plans to use (e.g., 100%, 50%, 40%, etc.). Please provide an estimated breakdown in the same manner for all claims the Department has received between January 20, 2017 and the date of this request.	1/4/2018
43	Please provide an estimated cost savings for the borrower defense claims approvals announcement on December 20, 2017 for using a partial relief formula as opposed to providing full relief for all approved claims. Please provide an estimated cost savings in the same manner for all claims the Department has received between January 20, 2017, and the date of this request.	1/4/2018
44	How many defrauded veterans have applied for borrower defense? How many have been approved for full relief and partial relief? How many veteran claims are pending? Please provide these statistics in the aggregate as well as by institution (8-digit OPE ID).	1/4/2018
45	How many defrauded spouses and dependents of veterans have applied for borrower defense? How many have been approved for full relief and partial relief? How many of these claims are pending?	1/4/2018
46	What kind of outreach is the Department doing to alert defrauded veterans of the Department's delay of the borrower defense rule? What kind of outreach is the Department doing to communicate with each defrauded veteran of the status of their respective pending case?	1/4/2018

From: Hay, Sarah
Sent: 7 May 2018 18:02:37 +0000
To: Cross, Freddie
Subject: FW: BD partial relief data request
Attachments: image2018-05-17-112003.pdf

Sent: Thursday, January 04, 2018 2:07 PM
Subject: FW: BD partial relief data request

Hi,

(b)(5)

Kind regards,

Sent: Thursday, January 04, 2018 2:04 PM

Subject: BD partial relief data request

[Redacted] are submitting the following data request on the partial relief policy announced by the Education Department late last year. We are also requesting veteran specific data but do not want the request for that data to hold up the Department's response to the other questions. Thanks (and Happy New Year!)

MEMORANDUM

Date: December 8, 2017

To: U.S. Department of Education

From: [REDACTED]

Re: Data Request re: Issue Paper 7 (Collection Fees)

In Issue Paper 7, the Department asked whether it should revise its regulations on the charging of collection costs by a guaranty agency to a defaulted borrower who responds within 60 days to the initial notice sent by the guaranty agency after it pays a default claim and acquires the loan from the lender. The Department explained that it previously issued guidance interpreting these regulations to bar a guaranty agency from charging collection costs to a defaulted borrower who enters into (and honors) a repayment agreement within this 60 day period.

As a matter of public policy, borrowers who fall behind on their federal student loans should be encouraged to immediately get their loans back in good standing. Therefore, I agree with the longstanding policy of the Department¹ that borrowers who take timely steps to successfully rehabilitate their loans should not be charged collection costs. However, I seek to better understand the concerns of guaranty agencies regarding the cost that they would incur if prohibited from charging collection fees to borrowers who enter into rehabilitation agreements within the first 60 days, and I believe providing data on this to the Committee would allow for a more informed deliberation.

To understand the scope of the financial impact that this regulation could have on guaranty agencies, I therefore request the information specified below. I ask for data on both the Department held loan portfolio and the GA held portfolio for each of the last five years, and that for GA held loans, the data be provided by GA. Alternatively, if the data cannot be provided by GA, then the average, median, and range of the different data points across all GAs.

Data Requested:

- 1) The average, median, and range of costs to rehabilitate a borrower's account and a breakdown of how those costs are incurred.
- 2) The average, median, and range of costs to rehabilitate a borrower's account for borrowers who initiate rehabilitation within the first 60 days and successfully complete the rehabilitation plan.
- 3) The average, median, and range of amount of collection fees charged to borrowers who rehabilitate their loans both as a dollar amount and percentage of account balance.

¹ Brief of Secretary of Educ., *Educ. Credit Mgmt. Corp. v. Barnes*, 318 B.R. 482 (S.D. Ind. 2004), at p.22 (filed Mar. 14, 2002).

- 4) For the 1 year prior to March 1, 2017, the average, median, and range of amount of collection fees, both as a dollar amount and percentage of account balance, charged to borrowers who initiated rehabilitation within the first 60 days and successfully complete the rehabilitation plan.
- 5) The total number of borrowers each year who rehabilitate their loans.
- 6) The number of borrowers each year who initiate loan rehabilitation within the first 60 days and successfully complete the rehabilitation plan.
- 7) The average, median, and range of costs to collect on a loan each year that it is in default.
- 8) The amount collected in collection fees from rehabilitations each year, both in absolute dollars and as a percentage of total revenue due to collection fees.
- 9) The portion of total revenue due to collection fees on loans rehabilitated in the first 60 days.

Additionally, on March 29, 2017, Bloomberg News reported that “[a]ll 26 loan companies that serve as middlemen for the Federal Family Education Loan (FFEL) program announced over the past several days that they will not automatically charge the default fee equivalent to 16 percent of the total balance owed.”² To understand the financial impact of this decision, I request:

- 1) How many GAs were charging 16% collection fees to borrowers who rehabilitated in the first 60 days of default prior to making the announcements reported on March 29, 2017?
- 2) Since making the announcements reported on March 29, 2017, how many GAs are now charging 16% collection fees to borrowers who rehabilitated in the first 60 days of default?
- 3) For the 12 months prior to the announcements reported on March 29, 2017, how many borrowers initiated a rehabilitation agreement with their GA in the first 60 days of default? (Please provide monthly data by GA.)
- 4) In the months since the announcements reported on March 29, 2017, how many borrowers initiated a rehabilitation agreement with their GA in the first 60 days of default? (Please provide monthly data by GA.)
- 5) For the GAs for which the announcements reported on March 29, 2017 represent a change in policy, indicated the amount of revenue lost due to not charging these borrowers collection fees.

Thank your prompt attention to this request. I look forward to continuing to discuss this issue.

² Shahien Nasiripour, [Trump’s Student Loan Default Penalty Has an Unlikely Foe](#), Bloomberg News (March 29, 2017).

From: Hay, Sarah
Sent: 7 May 2018 17:45:58 +0000
To: Cross, Freddie
Subject: FW: Clarification sought on BD claim counts by institutional sector

I'd like to ask the Department to clarify the data provided in Table E.1 (below) to negotiators on Jan. 11th.

Please clarify:

- (1) How did the Department define the control of the institution – using the IPEDS classification, PEPS classification, or another?
- (2) In assigning a school to a sector, did the Department use the sector at the time of student enrollment or current control today. For example, are conversions from proprietary to nonprofit institutions reflected as proprietary (the control at the time of enrollment) or nonprofit (the control today)?
- (3) If formerly proprietary institutions are reflected as nonprofit colleges, please provide these data disaggregated with such institutions in their own category and/or disaggregated for all institutions by OPE ID.

Table E.1: Claim Counts and Total Loan Balances

School Type and Level	Claim Counts	Loan Balances
Public 2 Year	230	\$3,460,450
Public 4 Year	530	\$20,339,910
Private 2 Year	26,160	\$303,351,340
Private 4 Year	24,270	\$538,387,370
Proprietary 2 Year	40,910	\$635,685,720
Proprietary 4 Year	25,920	\$906,727,650
Foreign	30	\$3,298,560
Other	90	\$2,052,080

Counts and sums are rounded to the tens place.

From: Hay, Sarah
Sent: 7 May 2018 18:03:59 +0000
To: Cross, Freddie
Subject: FW: Data Request and Memos re: Borrower Defense Rulemaking Committee
Attachments: image2018-05-17-112045.pdf

Sent: Friday, December 08, 2017 5:13 PM
Subject: FW: Data Request and Memos re: Borrower Defense Rulemaking Committee

More input from non-Federal negotiators.

(b)(5)

Sent: Friday, December 8, 2017 5:04 PM
Subject: Data Request and Memos re: Borrower Defense Rulemaking Committee

Hi,

Please find attached several documents relating to the borrower defense negotiated rulemaking:

- A data request pertaining to Issue Paper 7
- Memos regarding Issue Papers 4, 5, and 6

Would you please share these documents with Department staff and with the members of the negotiated rulemaking committee?

Thank you and have a wonderful weekend,

Data Request: Partial Relief for BD Claims

To: U.S. Department of Education Federal Negotiator
From: [REDACTED]
Re: Information Request for Partial Relief Calculations by U.S. Department of Education
Date: January 4, 2018

On December 20, 2017, the Department of Education announced a new approach to processing current borrower defense claims. In particular, borrowers whose claims meet the standard for approval will also be assessed to determine the *amount* of relief for which they are eligible. The Department described that it will compare students' current earnings to those of their peers from a passing gainful employment program; those making less than half of the GE passing earnings will receive full relief from their federal student loans taken out to attend the relevant program, and students earning above that amount will receive proportionally less relief.

For the present rulemaking, the Department has asked negotiators to consider approaches for determining the amount of relief to grant to borrower defense applicants, including a proposal similar to the December 20, 2017 announcement. To fairly consider this question, and to evaluate the Department's currently proposed standards for "financial harm" and granting partial loan discharges, we require additional information about the planned partial relief formula. We therefore request that, in advance of the January Committee meeting, the Department share copies of its policy documents (beyond the publicly available press release) explaining the details of how and to whom the partial relief process is to be applied.

Additionally, we seek the following information, to be provided as available rather than waiting until the entire response is prepared:

Clarifications on the Partial Relief Formula

- Is the partial relief formula announced on December 20, 2017 applicable only to applicants from Corinthian Colleges? If not, please specify if it is applicable to all current applicants; or, if only applicable to those from certain schools, specify which schools.
- Were all of the borrower defense claim approvals and denials announced on December 20, 2017 for borrowers at Corinthian Colleges? Has the Department preliminarily assessed partial relief options for other institutions, and does it believe this formula is viable at those institutions?
- How is the Department calculating or determining students' earnings for purposes of calculating relief under the formula announced December 20, 2017?
- If the Department is determining earnings for individual borrowers based on an average, how is that average calculated?

- How does the Department anticipate accessing students' current earnings going forward? Will this information be self-reported, obtained from the Social Security Administration, or obtained via another avenue?
- How is the Department selecting the earnings benchmark for the partial relief calculation? Does it take into account the debt load of students in the benchmark cohort as compared with the applicant's debt load or the debt load of students in the applicant's program? Does it take into account the location of the students in the benchmark cohort (again, as compared with the applicant's location)?
- Will the GE earnings benchmark of passing programs include only the earnings of those in the same program *and* credential level? How does it factor in the earnings of students who are unemployed, either because they have enrolled in another school program or because they cannot find employment?
- How does the Department anticipate processing claims for former students in fields for which there are no GE data (for the program or the credential level) or for which none of the GE programs are passing? Will there be a threshold as to how many passing GE programs (or students in passing GE programs) must be available for the data to be considered reliable enough to use as a benchmark?
- How does the Department anticipate processing claims for former students whose earnings exceeded the relevant benchmark even prior to the student's enrollment in the program giving rise to the borrower defense claim?
- Has the Department done an analysis of whether GE earnings data, which are based on completers, are suitable for adjudicating claims of both completers and noncompleters? If so, please share this analysis.
- What are the criteria the Department uses for denying borrower defense claims, particularly in the context of the denials it announced on December 20, 2017?
- Please share any analysis the Department has conducted comparing gainful employment earnings data to Bureau of Labor Statistics earnings data. Given that the Department plans to rely on gainful employment earnings in the context of current claims, and has proposed to use BLS data in its Session Two issue papers, we would like to evaluate both options.

Data Analysis

- Please provide the breakdown of borrower defense claim approvals and denials by: 8-digit OPE ID, CIP code, and credential level.
- Please provide a breakdown for the borrower defense claim approvals announced on December 20 for each of the tiers of the amount of relief that the Department plans to use (e.g., 100%, 50%, 40%, etc.). Please provide an estimated breakdown in the same manner for all claims the Department has received between January 20, 2017 and the date of this request.
- Please provide an estimated cost savings for the borrower defense claim approvals announced on December 20, 2017 for using a partial relief formula as opposed to providing full relief for all approved claims. Please provide an estimated cost savings in the same manner for all claims the Department has received between January 20, 2017 and the date of this request.

Implications for Veterans

Please note that we would appreciate receiving responses to all of the questions in this document as soon as possible. However, we understand that the analysis for the below questions may take some additional time, and ask that the responses to the earlier questions not be delayed by them.

- How many defrauded veterans have applied for borrower defense? How many have been approved for full relief and partial relief? How many veteran claims are pending? Please provide these statistics in the aggregate as well as by institution (8-digit OPE ID).
- How many defrauded spouses and dependents of veterans have applied for borrower defense? How many have been approved for full relief and partial relief? How many of these claims are pending?
- What kind of outreach is the Department doing to alert defrauded veterans of the Department's delay of the borrower defense rule? What kind of outreach is the Department doing to communicate with each defrauded veteran of the status of their respective pending case?

From: Hay, Sarah
Sent: 7 May 2018 17:50:29 +0000
To: Cross, Freddie
Subject: FW: Data Sheet E.2

Hello,

(b)(5)



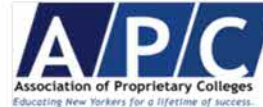
(b)(5)

Institutional D/E from Scorecard Data: Colleges Offering Art and Design Programs

Institution	City	State	Institutional Control	3 yr. Cohort Default Rate	Median Debt	Annual Income 6 Years After Graduation	Repayment Rate Year 3	"GE" Ratio (Debt to Income)
Pennsylvania Academy of the Fine Arts	Philadelphia	PA	NFP	4%	\$20,000	\$18,204	80%	13.8%
University of the Arts	Philadelphia	PA	NFP	7%	\$23,005	\$21,396	86%	13.4%
Columbus College of Art and Design	Columbus	OH	NFP	8%	\$23,000	\$23,196	80%	12.4%
Memphis College of Art	Memphis	TN	NFP	18%	\$19,500	\$20,100	59%	12.2%
California Institute of the Arts	Valencia	CA	NFP	7%	\$25,313	\$26,100	82%	12.1%
Maine College of Art	Portland	ME	NFP	9%	\$19,500	\$20,496	89%	11.9%
Minneapolis College of Art and Design	Minneapolis	MN	NFP	10%	\$23,000	\$24,996	89%	11.5%
Kansas City Art Institute	Kansas City	MO	NFP	14%	\$18,063	\$19,800	74%	11.5%
Moore College of Art and Design	Philadelphia	PA	NFP	4%	\$22,875	\$25,296	88%	11.3%
Cleveland Institute of Art	Cleveland	OH	NFP	6%	\$23,000	\$25,596	90%	11.3%
Ringling College of Art and Design	Sarasota	FL	NFP	13%	\$24,500	\$27,396	80%	11.2%
Montserrat College of Art	Beverly	MA	NFP	9%	\$18,750	\$21,996	80%	10.7%
Milwaukee Institute of Art & Design	Milwaukee	WI	NFP	6%	\$21,848	\$25,596	82%	10.7%
California College of the Arts	Oakland	CA	NFP	5%	\$23,875	\$28,296	86%	10.6%
School of the Art Institute of Chicago	Chicago	IL	NFP	10%	\$20,250	\$24,000	77%	10.6%
Maryland Institute College of Art	Baltimore	MD	NFP	5%	\$21,475	\$25,704	91%	10.5%
Art Academy of Cincinnati	Cincinnati	OH	NFP	2%	\$18,140	\$21,696	84%	10.5%
Cornish College of the Arts	Seattle	WA	NFP	13%	\$18,500	\$22,800	83%	10.2%
New Hampshire Institute of Art	Manchester	NH	NFP	11%	\$17,985	\$22,296	80%	10.1%
School of Visual Arts	New York	NY	Proprietary	8%	\$21,500	\$28,704	85%	9.4%
Art Center College of Design	Pasadena	CA	NFP	8%	\$29,031	\$39,096	85%	9.3%
Otis College of Art and Design	Los Angeles	CA	NFP	13%	\$24,000	\$32,400	84%	9.3%
Laguna College of Art and Design	Laguna Beach	CA	NFP	6%	\$17,250	\$23,496	90%	9.2%
Pratt Institute - Main	Brooklyn	NY	NFP	10%	\$18,750	\$28,404	83%	8.3%
Lesley University	Cambridge	MA	NFP	4%	\$17,750	\$27,000	77%	8.2%
School of the Museum of Fine Arts - Boston	Boston	MA	NFP	6%	\$14,000	\$21,396	87%	8.2%
Pennsylvania College of Art and Design	Lancaster	PA	NFP	3%	\$12,875	\$19,800	86%	8.1%
Rhode Island School of Design	Providence	RI	NFP	2%	\$21,000	\$33,696	93%	7.8%
Watkins College of Art Design and Film	Nashville	TN	NFP	16%	\$14,875	\$24,696	64%	7.5%
San Francisco Art Institute	San Francisco	CA	NFP	5%	\$13,000	\$21,804	64%	7.4%
The New School	New York	NY	NFP	5%	\$18,000	\$34,596	84%	6.5%

Legend - GE Metric Calculation:

Fail:	
Zone:	
Pass:	



Debt and earnings information available on the College Scorecard was collected and applied to the Gainful Employment debt to earnings formula to obtain the institutional debt to earnings rate. We recognize that the GE Rule analyzes programmatic debt to earnings while the Scorecard looks at institutional data. We also recognize that the Scorecard data differs in some ways from the GE data, yet we believe that it is the most relevant information available, especially since the Department has not published any programmatic debt to earnings data.

Data Requests after Session 1

- Discussion** Parse scorecard at the program level. Negotiators want to know if department has done this and whether we intend to do so. If we have it, where is it and can I share it with negotiators?
- Discussion** Do we still have an active data sharing agreement for research purposes to match with tax data? A negotiator mentioned this was put in place during the last negotiation.
- Discussion** Request by negotiators to see all wage and loan data by institution by program for all institutions and programs. That would be mean, median, mode, standard deviation, etc. a separate request was for which of these represent the greatest risk to the taxpayer and the department.
- Jordan** For as many cohorts as possible for GE programs (preferably going back in time as far as possible), for each program: # of total borrowers; how many referred to the offset program (i.e., defaults where money is recouped by taking money from tax refunds, EITC, etc.); how many referred to the wage garnishment program, and the average of total wages garnished over various time intervals (e.g., 5 years, 10 years post separation).
- Jordan** For each programs appearing in the 2011 and 2015 official DTE rates, how many programs have closed based on data in PEPs?
- Jordan** For each program and for as many of the DTE cohorts from 2006-2016 as possible, separately by completes and non-completes, and for the loan types below: what is the 1) number of borrowers with the given type of debt, 2) what are average and median balance at separation, 3) what are total outstanding balances at 3 and 5 years since separation, 4) what is average and median repayment rate (dollars outstanding at 3, 5 years vs. dollars at separation), and 5) what is 3 year CDR for each loan type. I'd like to see these calculated for 1) institution and private loans separately (just numbers and balances (1&2) assuming ED does not have repayment and CDR information); 2) grad plus loans; 3) the other Title IV loans currently used in the calculation; 4) the total of private, institutional, and federal loans (not including the PLUS loans); and 5) the total of private, institutional, and federal loans including PLUS loans.
- Jordan** I plan to make more requests that would involve linking GE data to IRS data and asking staff in OTA to perform analyses, but plan on waiting until the end of the first session to hear more of the issues that the committee is interested in. It would be great if ED/FSA could investigate renewing MOUs with Treasury for sharing that data for analysis

purposes as soon as possible to ensure those analyses are possible, as they were when I was at CEA from 2013-2015

Marc

To help the Committee better understand whether the current 8% and 12% thresholds are appropriate, we are requesting the Department compile comparable programmatic D/E data for a representative sample of non-GE degree programs in any or all of the following degree programs: acupuncture, criminal justice, drama, early childhood education, fine arts, graphic art design, and music. (additional background and information in email from Marc Jerome)

Laura

Can the Department of Education provide the D/E rates using NSLDS so that it can be compared to the school-reported information?

Jordan

. For each of the DTE cohorts (2006-2016), a) what are the mean and median average earnings of completers and non-completers; b) for students who are 24 or older at the start of their GE program, what are the mean and median earnings of students in each GE program.

Jordan

To the extent feasible given current CIP reporting to NSLDS, for each program in GE and non-GE school programs, what is DTE (based on GE methodology); what is repayment rate; what is average total debt at repayment

Institutional D/E from Scorecard Data: Colleges Offering Fashion Merchandising Programs

Institute	City	ST	Institutional Control	Highest Degree Offered	3 yr. Cohort Default Rate	Median Debt	Annual Income 6 years After Graduation	Repayment Rate Year 3	"GE" Ratio (Debt to Income)
Bauder College	Atlanta	GA	proprietary	Bachelor's or above	22%	\$15,571	\$16,700	22%	11%
Savannah College of Art and Design	Savannah	GA	Not for Profit	Graduate degree	7%	20,000	\$25,000	81%	10%
Johnson & Wales University-Providence	Providence	RI	Not for Profit	Bachelor's or above	14%	\$19,334	\$29,100	74%	8%
Johnson & Wales University-North Miami	North Miami	FL	Not for Profit	Bachelor's or above	14%	\$19,334	\$29,100	74%	8%
AI Miami International University of Art and Design	Miami	FL	proprietary	Bachelor's or above	23%	\$15,000	\$23,000	50%	8%
Central Michigan University	Mount Pleasant	MI	public	Bachelor's or above	4%	\$20,000	\$30,500	85%	8%
Howard University	Washington	DC	Not for Profit	Bachelor's or above	7%	\$21,903	\$35,000	65%	7%
Lasell College	Newton	MA	Not for Profit	Bachelor's or above	7%	\$19,000	\$32,100	84%	7%
Philadelphia University	Philadelphia	PA	Not for Profit	Bachelor's or above	5%	\$21,557	\$38,100	92%	7%
Indiana University of Pennsylvania-Main Campus	Indiana	PA	public	Bachelor's or above	7%	\$18,500	\$30,100	84%	7%
Marist College	Poughkeepsie	NY	Not for Profit	Bachelor's or above	2%	21,750	\$41,496	94%	6%
The New School	New York	NY	Not for Profit	Bachelor's or above	7%	\$18,000	\$34,600	84%	6%
Bay State College	Boston	MA	proprietary	Bachelor's or above	19%	\$11,500	\$24,800	64%	6%
FIDM/Fashion Institute of Design & Merchandising-Los Angeles	Los Angeles	CA	proprietary	Bachelor's or above	10%	\$12,000	\$29,400	79%	5%
FIDM/Fashion Institute of Design & Merchandising-San Francisco	San Francisco	CA	proprietary	Associate degree	10%	\$12,000	\$29,400	79%	5%
Berkeley College-New York	New York	NY	proprietary	Bachelor's or above	19%	\$13,000	\$31,300	55%	5%
LIM College	New York	NY	proprietary	Bachelor's or above	8%	\$15,250	\$36,500	84%	5%
Fashion Institute of Technology	New York	NY	public	Bachelor's or above	8%	\$16,000	\$38,900	86%	5%
Drexel University	Philadelphia	PA	Not for Profit	Graduate degree	4%	17,990	\$51,096	90%	4%
Brookdale Community College	Lincroft	NJ	public	Associate degree	17%	\$6,535	\$24,400	69%	3%
CUNY New York City College of Technology	Brooklyn	NY	public	Bachelor's or above	8%	\$6,500	\$28,200	74%	3%
Nassau Community College	Garden City	NY	public	Associate degree	13%	\$6,555	\$28,400	65%	3%
CUNY Kingsborough Community College	Brooklyn	NY	Public	Associate Degree	11%	5,000	\$23,796	65%	2%
SUNY Westchester Community College	Valhalla	NY	public	Associate degree	17%	\$5,500	\$28,200	62%	2%

Legend - GE Metric Calculation:

Fail:	
Zone:	
Pass:	



Debt and earnings information available on the College Scorecard was collected and applied to the Gainful Employment debt to earnings formula to obtain the institutional debt to earnings rate. We recognize that the GE Rule analyzes programmatic debt to earnings while the Scorecard looks at institutional data. We also recognize that the Scorecard data differs in some ways from the GE data, yet we believe that it is the most relevant information available, especially since the Department has not published any programmatic debt to earnings data.

From: [Filter, Scott](#)
To: [Hay, Sarah](#); [Hales, Anthony](#)
Cc: [GE17User](#)
Subject: FW: Data request (1 of 2)
Date: Thursday, February 08, 2018 9:56:52 AM

There is a follow up as a clarification to this email.

-----Original Message-----

From: Jennifer L. Blum [<mailto:jennifer.blum@laureate.net>]
Sent: Thursday, February 08, 2018 6:12 AM
To: Filter, Scott
Subject: Data request

Scott, I talked with Sara last evening who suggested I send you this note. For third session, if possible, for table 5 of the GE analysis paper, could we get information (perhaps adding new columns) of how many UG programs there are under each 2-digit CIP - ie, not just for GE programs but all programs and likewise how many students there are enrolled. So for example for CIP 13 on Education, it is helpful to know the data listed - that only 10% of all GE programs had a rate but 70% of students were captured but it would be even more interesting to see how many more programs would be captured with all programs/students included and proportionally how many of those total students were GE under the current GE regulatory structure. Thanks, Jennifer

From: [Filter, Scott](#)
To: [Hales, Anthony](#); [Hay, Sarah](#)
Cc: [GE17User](#)
Subject: FW: Data request (2 of 2)
Date: Thursday, February 08, 2018 9:57:05 AM

-----Original Message-----

From: Jennifer L. Blum [<mailto:jennifer.blum@laureate.net>]
Sent: Thursday, February 08, 2018 6:25 AM
To: Filter, Scott
Subject: Re: Data request

Sorry! One more addition to this - and for all programs in each of these CIPs what % of programs have 30 or more students and what % of students would be included in them. Thx

> On Feb 8, 2018, at 6:12 AM, Jennifer L. Blum <jennifer.blum@laureate.net> wrote:

>

> Scott, I talked with Sara last evening who suggested I send you this note. For third session, if possible, for table 5 of the GE analysis paper, could we get information (perhaps adding new columns) of how many UG programs there are under each 2-digit CIP - ie, not just for GE programs but all programs and likewise how many students there are enrolled. So for example for CIP 13 on Education, it is helpful to know the data listed - that only 10% of all GE programs had a rate but 70% of students were captured but it would be even more interesting to see how many more programs would be captured with all programs/students included and proportionally how many of those total students were GE under the current GE regulatory structure. Thanks, Jennifer

From: [Filter, Scott](#)
To: [Hay, Sarah](#); [Hammond, Cynthia](#)
Subject: FW: Data Request from Alternate Negotiator Marc Jerome
Date: Wednesday, December 06, 2017 2:43:10 PM
Attachments: [Nexus%20Center%20Comment%20on%20GE.docx](#)
[Art and Design Program Comparisons.pdf](#)
[Performing Arts Program Comparisons.pdf](#)
[Fashion Merchandising Program Comparisons.pdf](#)

Data Request #4

-----Original Message-----

From: Marc Jerome [<mailto:mjerome@monroecollege.edu>]
Sent: Wednesday, December 06, 2017 9:39 AM
To: Filter, Scott
Subject: Data Request from Alternate Negotiator Marc Jerome

When the GE Rule was negotiated, very little data existed about debt to earnings. Both institutional and programmatic earnings data made available since the publication of the Rule should give the Department, consumer advocates, and policymakers reason to question the appropriateness of the 8% and 12% D/E thresholds. The issue comes into play when a student compares a degree program at a GE institution and a non-GE institution.

Research from Mark Schneider

An analysis of programmatic D/E data from the University of Texas is available and instructive. It indicates that for certain fields of study, such as drama and the fine arts, over half of the programs would fail if the GE D/E metrics applied to them.*

Our analysis of data derived from the College Scorecard concludes that certain proprietary degree programs that do not pass the GE D/E metrics have significantly better (lower) D/E rates than rates for similar (or identical) non-GE programs when calculated using debt and earning values from the College Scorecard.

Data Request:

To help the Committee better understand whether the current 8% and 12% thresholds are appropriate, we are requesting the Department compile comparable programmatic D/E data for a representative sample of non-GE degree programs in any or all of the following degree programs: acupuncture, criminal justice, drama, early childhood education, fine arts, graphic art design, and music.

*Nexus Research & Policy Center: Letter to the Department of Education dated July 7, 2017.

Marc M. Jerome
President
Monroe College
A NATIONAL LEADER EDUCATING URBAN AND INTERNATIONAL STUDENTS Direct Line: 914-740-6803

From: [Filter, Scott](#)
To: [Jordan D. Matsudaira \(jordan.matsudaira@cornell.edu\)](#)
Cc: [Finley, Steve](#); [Andrade, Amanda](#); [Schlichter, Levon](#); [Amann, Amanda](#); [Burton, Vanessa](#); [Ramirez Javier \(jramirez@fmcs.gov\)](#); [Buck Ramona \(rbuck@fmcs.gov\)](#); [Miller Rozmyn \(rmiller@fmcs.gov\)](#)
Bcc: [GE17User](#)
Subject: Gainful Employment Data Request Follow Up
Date: Tuesday, December 19, 2017 2:02:17 PM
Attachments: [Matsudaira data request combined.docx](#)

Good afternoon Jordan-

As our data team tries to meet as many data requests as possible by the second negotiating session in February, with our very limited resources, they've asked me to reach out to those who have made data requests and ask for some additional information on the information requested. Could you provide some short responses to the following questions related to your various requests:

1. Which decision would this data help the committee make?
2. Which issue paper and specific, bulleted question is answered by this data request?
3. What level of priority would you assign this request (very important, somewhat important, less important)?

The response doesn't need to be significant, lengthy, or official in nature. We're just trying to get a feel of what you think would be most important for the overall discussion as we try to prioritize the many requests we've received.

I've attached a document that combines your request into one Word document to make it easier to respond.

Thanks in advance!

Scott

From: [Filter, Scott](#)
To: [Jennifer L. Blum \(jennifer.blum@laureate.net\)](mailto:jennifer.blum@laureate.net)
Subject: Gainful Employment Data Request
Date: Friday, March 09, 2018 10:29:43 AM

Good Morning Jennifer-

I wanted to follow up on the data request that you submitted for the third session. I heard back from our data people late yesterday that they are unable to complete the request in time for the third negotiation session.

My apologies that we were not able to fulfill the request, but I wanted to let you know ahead of time rather than have you wait until next week to find out.

See you next week.

Scott

From: Filter, Scott
Sent: 4 May 2018 13:48:08 +0000
To: Chase, Patty
Subject: GE FOIA Request: FW: Institutions at the low end of repayment
Attachments: Scorecard_distributions.xlsx

This is also for the GE FOIA request about data.

Scott

-----Original Message-----

From: Hay, Sarah
Sent: Thursday, March 15, 2018 2:35 PM
To: Jones, Diane; Mahaffie, Lynn
Cc: Filter, Scott; Hales, Anthony; Conner, Donald; Hammond, Cynthia
Subject: RE: Institutions at the low end of repayment

(b)(5)

Sarah Hay
Director of Policy Analysis & Forecasting Group Policy, Planning, and Innovation Staff Office of
Postsecondary Education US Department of Education Sarah.Hay@ed.gov
202-453-6879 office

(b)(6) cell

-----Original Message-----

From: Filter, Scott
Sent: Thursday, March 15, 2018 11:06 AM
To: Hay, Sarah; Hales, Anthony; Conner, Donald; Hammond, Cynthia
Subject: FW: Institutions at the low end of repayment

Here's the official request for data from Chad.

Scott

-----Original Message-----

From: Chad Muntz [<mailto:cmuntz@usmd.edu>]
Sent: Thursday, March 15, 2018 11:05 AM
To: Filter, Scott
Subject: Institutions at the low end of repayment

Hi Scott—

Can we get a distribution (public/private/for-profit) of the institutions with repayment rates below 40%.

Thanks,

Chad

The number and percent of institutions at various repayment rates, compared to all institutions and within their control group. Data taken from most recent scorecard data file in March 2018.

The SAS System Compared to 4063 institutions overall

Type IHE	N IHE	N rpy <10	PCT rpy<10	N rpy<20	PCT rpy<20	N rpy<30	PCT rpy<30	N rpy<40	PCT rpy<40	N rpy<50	PCT rpy<50
Public	1481	0	0%	4	0%	55	1%	299	7%	684	17%
Private nonprofit	1249	0	0%	24	1%	62	2%	113	3%	197	5%
Private for-profit	1333	4	0%	86	2%	363	9%	695	17%	1001	25%
TOTAL	4063	4	0%	114	3%	480	12%	1107	27%	1882	46%

Type IHE	N IHE	N rpy<60	PCT rpy<60	N rpy<70	PCT rpy<70	N rpy<80	PCT rpy<80	N rpy<90	PCT rpy<90
Public	1481	1054	26%	1266	31%	1409	35%	1479	36%
Private nonprofit	1249	380	9%	662	16%	953	23%	1187	29%
Private for-profit	1333	1190	29%	1292	32%	1328	33%	1333	33%
TOTAL	4063	2624	65%	3220	79%	3690	91%	3999	98%

The SAS System Compared to the total number within each IHE Type

Type IHE	N IHE	N rpy<10	PCT rpy<10	N rpy<20	PCT rpy<20	N rpy<30	PCT rpy<30	N rpy<40	PCT rpy<40	N rpy<50	PCT rpy<50
Public	1481	0	0%	4	0%	55	4%	299	20%	684	46%
Private nonprofit	1249	0	0%	24	2%	62	5%	113	9%	197	16%
Private for-profit	1333	4	0%	86	6%	363	27%	695	52%	1001	75%
TOTAL	4063	4	0%	114	3%	480	12%	1107	27%	1882	46%

Type IHE	N IHE	N rpy<60	PCT rpy<60	N rpy<70	PCT rpy<70	N rpy<80	PCT rpy<80	N rpy<90	PCT rpy<90
Public	1481	1054	71%	1266	85%	1409	95%	1479	100%
Private nonprofit	1249	380	30%	662	53%	953	76%	1187	95%
Private for-profit	1333	1190	89%	1292	97%	1328	100%	1333	100%
TOTAL	4063	2624	65%	3220	79%	3690	91%	3999	98%

For as many cohorts as possible for GE programs (preferably going back in time as far as possible), for each program: # of total borrowers; how many referred to the offset program (i.e., defaults where money is recouped by taking money from tax refunds, EITC, etc.); how many referred to the wage garnishment program, and the average of total wages garnished over various time intervals (e.g., 5 years, 10 years post separation).

For each programs appearing in the 2011 and 2015 official DTE rates, how many programs have closed based on data in PEPs?

For each program and for as many of the DTE cohorts from 2006-2016 as possible, separately by completers and non-completers, and for the loan types below: what is the 1) number of borrowers with the given type of debt, 2) what are average and median balance at separation, 3) what are total outstanding balances at 3 and 5 years since separation, 4) what is average and median repayment rate (dollars outstanding at 3, 5 years vs. dollars at separation), and 5) what is 3 year CDR for each loan type. I'd like to see these calculated for 1) institution and private loans separately (just numbers and balances (1&2) assuming ED does not have repayment and CDR information); 2) grad plus loans; 3) the other Title IV loans currently used in the calculation; 4) the total of private, institutional, and federal loans (not including the PLUS loans); and 5) the total of private, institutional, and federal loans including PLUS loans.

I plan to make more requests that would involve linking GE data to IRS data and asking staff in OTA to perform analyses, but plan on waiting until the end of the first session to hear more of the issues that the committee is interested in. It would be great if ED/FSA could investigate renewing MOUs with Treasury for sharing that data for analysis purposes as soon as possible to ensure those analyses are possible, as they were when I was at CEA from 2013-2015

For each of the DTE cohorts (2006-2016), a) what are the mean and median average earnings of completers and non-completers; b) for students who are 24 or older at the start of their GE program, what are the mean and median earnings of students in each GE program.

To the extent feasible given current CIP reporting to NSLDS, for each program in GE and non-GE school programs, what is DTE (based on GE methodology); what is repayment rate; what is average total debt at repayment

Institutional D/E from Scorecard Data: Colleges Offering Performing Arts Programs

Institution	City	State	Institutional Control	Highest Degree Offered	3 yr. Cohort Default Rate	Median Debt	Annual Income 6 Years After Graduation	Repayment Rate Year 3	"GE" Ratio (Debt to Income)
The Boston Conservatory	Boston	MA	Not for Profit	Bachelor's or above	10%	\$21,000	\$17,200	83%	15%
Manhattan School of Music	New York	NY	Not for Profit	Bachelor's or above	1%	\$22,275	\$20,100	94%	13%
The Juilliard School	New York	NY	Not for Profit	Bachelor's or above	5%	\$19,500	\$18,500	80%	13%
The University of the Arts	Philadelphia	PA	Not for Profit	Bachelor's or above	7%	\$23,005	\$21,400	86%	13%
Berklee College of Music	Boston	MA	Not for Profit	Bachelor's or above	11%	\$19,375	\$19,900	83%	12%
The New England Conservatory of Music	Boston	MA	Not for Profit	Bachelor's or above	1%	\$22,500	\$24,900	92%	11%
The Creative Center	Omaha	NE	proprietary	Bachelor's or above	16%	\$19,500	\$20,200	80%	11%
Cleveland Institute of Music	Cleveland	OH	Not for Profit	Bachelor's or above	6%	\$17,500	\$22,300	87%	9%
College for Creative Studies	Detroit	MI	Not for Profit	Bachelor's or above	10%	\$23,250	\$31,600	82%	9%
Columbia College-Chicago	Chicago	IL	Not for Profit	Bachelor's or above	11%	\$18,582	\$24,700	72%	9%
Pennsylvania College of Art and Design	Lancaster	PA	Not for Profit	Bachelor's or above	3%	\$12,875	\$19,800	86%	8%
Pratt Institute-Main	Brooklyn	NY	Not for Profit	Bachelor's or above	10%	\$18,750	\$28,400	83%	8%
School of the Museum of Fine Arts-Boston	Boston	MA	Not for Profit	Bachelor's or above	6%	\$14,000	\$21,400	87%	8%
Five Towns College	Dix Hills	NY	proprietary	Bachelor's or above	11%	\$14,750	\$22,100	71%	8%
American Academy of Dramatic Arts-Los Angeles	Los Angeles	CA	Not for Profit	Associate degree	20%	\$12,000	\$20,300	76%	7%
American Academy of Dramatic Arts-New York	New York	NY	Not for Profit	Associate degree	20%	\$12,000	\$20,300	76%	7%
American Musical and Dramatic Academy	New York	NY	Not for Profit	Bachelor's or above	19%	\$12,000	\$20,100	69%	7%
KD College Conservatory of Film and Dramatic Arts	Dallas	TX	proprietary	Associate degree	16%	\$12,000	\$20,200	41%	7%
McNally Smith College of Music	Saint Paul	MN	proprietary	Bachelor's or above	10%	\$13,166	\$22,500	77%	7%
The New School	New York	NY	Not for Profit	Bachelor's or above	7%	\$18,000	\$34,600	84%	6%
Villa Maria College	Buffalo	NY	Not for Profit	Bachelor's or above	20%	\$12,000	\$22,700	57%	6%
New York Conservatory for Dramatic Arts	New York	NY	proprietary	Certificate degree	4%	\$12,000	\$22,200	69%	6%
Portfolio Center	Atlanta	GA	proprietary	Certificate degree	6%	\$20,000	\$45,100	87%	5%
Atlanta Institute of Music	Duluth	GA	proprietary	Certificate degree	20%	\$5,500	\$17,700	61%	4%
Musicians Institute	Hollywood	CA	proprietary	Bachelor's or above	23%	\$7,073	\$20,200	66%	4%
The Creative Circus	Atlanta	GA	proprietary	Certificate degree	11%	\$18,374	\$60,100	82%	4%

Legend - GE Metric Calculation:

Fail:	
Zone:	
Pass:	



Debt and earnings information available on the College Scorecard was collected and applied to the Gainful Employment debt to earnings formula to obtain the institutional debt to earnings rate. We recognize that the GE Rule analyzes programmatic debt to earnings while the Scorecard looks at institutional data. We also recognize that the Scorecard data differs in some ways from the GE data, yet we believe that it is the most relevant information available, especially since the Department has not published any programmatic debt to earnings data.

The number and percent of institutions at various repayment rates, compared to all institutions and within their control group. Data taken from most recent scorecard data file in March 2018.

The SAS System Compared to 4063 institutions overall

Type IHE	N IHE	N rpy <10	PCT rpy<10	N rpy<20	PCT rpy<20	N rpy<30	PCT rpy<30	N rpy<40	PCT rpy<40	N rpy<50	PCT rpy<50
Public	1481	0	0%	4	0%	55	1%	299	7%	684	17%
Private nonprofit	1249	0	0%	24	1%	62	2%	113	3%	197	5%
Private for-profit	1333	4	0%	86	2%	363	9%	695	17%	1001	25%
TOTAL	4063	4	0%	114	3%	480	12%	1107	27%	1882	46%

Type IHE	N IHE	N rpy<60	PCT rpy<60	N rpy<70	PCT rpy<70	N rpy<80	PCT rpy<80	N rpy<90	PCT rpy<90
Public	1481	1054	26%	1266	31%	1409	35%	1479	36%
Private nonprofit	1249	380	9%	662	16%	953	23%	1187	29%
Private for-profit	1333	1190	29%	1292	32%	1328	33%	1333	33%
TOTAL	4063	2624	65%	3220	79%	3690	91%	3999	98%

The SAS System Compared to the total number within each IHE Type

Type IHE	N IHE	N rpy<10	PCT rpy<10	N rpy<20	PCT rpy<20	N rpy<30	PCT rpy<30	N rpy<40	PCT rpy<40	N rpy<50	PCT rpy<50
Public	1481	0	0%	4	0%	55	4%	299	20%	684	46%
Private nonprofit	1249	0	0%	24	2%	62	5%	113	9%	197	16%
Private for-profit	1333	4	0%	86	6%	363	27%	695	52%	1001	75%
TOTAL	4063	4	0%	114	3%	480	12%	1107	27%	1882	46%

Type IHE	N IHE	N rpy<60	PCT rpy<60	N rpy<70	PCT rpy<70	N rpy<80	PCT rpy<80	N rpy<90	PCT rpy<90
Public	1481	1054	71%	1266	85%	1409	95%	1479	100%
Private nonprofit	1249	380	30%	662	53%	953	76%	1187	95%
Private for-profit	1333	1190	89%	1292	97%	1328	100%	1333	100%
TOTAL	4063	2624	65%	3220	79%	3690	91%	3999	98%