



National College Access Network

Building Connections. Advancing Equity. Promoting Success.

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The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

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Ricardo Torres
National Student Clearinghouse

Executive Director
Kim Cook

Re: Docket ID ED-2018-OPE-0027-0001

Dear Secretary DeVos:

Thank you for this opportunity to comment on the proposed changes to the borrower defense to repayment notice of proposed rulemaking (NPRM). This consumer protection is crucial to the population of the National College Access Network members: low-income students, students of color, and students who are first in their family to go to college. These groups of students are least likely to have assistance in the college going process or to have additional resources to aid in their defense against a fraudulent institution. They are also most likely to have limited higher education choices due to location or family obligations.

Founded in 1995, NCAN's mission is to build, strengthen, and empower communities committed to college access and success so that all students, especially those underrepresented in postsecondary education, can achieve their educational dreams. With its members and partners, NCAN develops and supports programs and policy solutions that help more students aspire to, apply to, enter, and succeed in college or other postsecondary training. NCAN's hundreds of members span a broad range of the education, nonprofit, government, and civic sectors, including national and community-based nonprofit organizations, federally funded TRIO and GEAR UP programs, school districts, colleges and universities, foundations, and corporations.

The students our members serve, and more importantly – the students who are like the students our members serve but are beyond our capacity to reach – need the ability to find relief from burdensome student debt resulting from attendance at an institution that misled the student.

Among the many changes proposed in the NPRM, two specific issues would be especially detrimental to the student populations whom our members serve:

- **Eliminating Group Discharge – Requiring students to individually apply for loan discharge is an undue burden on the student, particularly low-income students who may not have the resources to find support in preparing their defense.** Further, having access to evidence to meet the higher proposed threshold of evidentiary standard will make mounting this type of individual defense even more difficult. Students who attend the same institution, have the same experience, and would likely have access to the same evidence should be permitted to apply for a loan discharge as a group. Further, requiring an institution to reply to each in-



stance of possible borrower defense individually places a burden on the institution when many cases could be very similar.

- **Requirement to Default – Forcing students to default on their loan before they can apply for a loan discharge adds insult to their injury of attending an institution that mistreated them.** This NPRM will cause additional harm to students by either incentivizing them to default simply to pursue their claim, even if they are able to pay their loans through savings or another means that are not a result of their education, or serve as a road block to filing a claim if they do not want to damage their credit history. Further, damaging their credit history could make it harder for them to secure future employment or housing, putting them at greater risk for needing further assistance.

Additional elements of the proposed rule change will also make it difficult for low-income students to pursue borrower defense. A narrow time window to apply for a loan discharge will make it more likely students will miss the opportunity, particularly low-income students who may not have the information or resources to navigate the process. Allowing an institution to deny a student a transcript further harms their future when they attempt to receive a beneficial education.

Underrepresented students most need higher education to the change the futures of their families. In many cases these students do not have the ability to move away from their region, to receive help with family obligations, or to leave their jobs. This can limit their choices in higher education and make it more likely that they attend an institution with mal intent. This same lack of resources makes mounting an individual defense against repayment of student loans difficult and negative impacts on their credit all the more damaging to their financial stability. The National College Access Network strongly urges the Department not to move forward with a final regulation that does not address our concerns.

Sincerely,

A handwritten signature in black ink that reads "Kim Cook". The signature is written in a cursive, flowing style.

Kim Cook
Executive Director