

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.
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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?

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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.)
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- 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: [Riemer, 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

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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
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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.

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

Sent from my iPhone

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Sarah Hay
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Sent from my iPhone

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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
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(b)(5)



-Mark

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Senior Data Analyst
SESG Front Office
Program Compliance
Federal Student Aid

206-615-3641

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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,

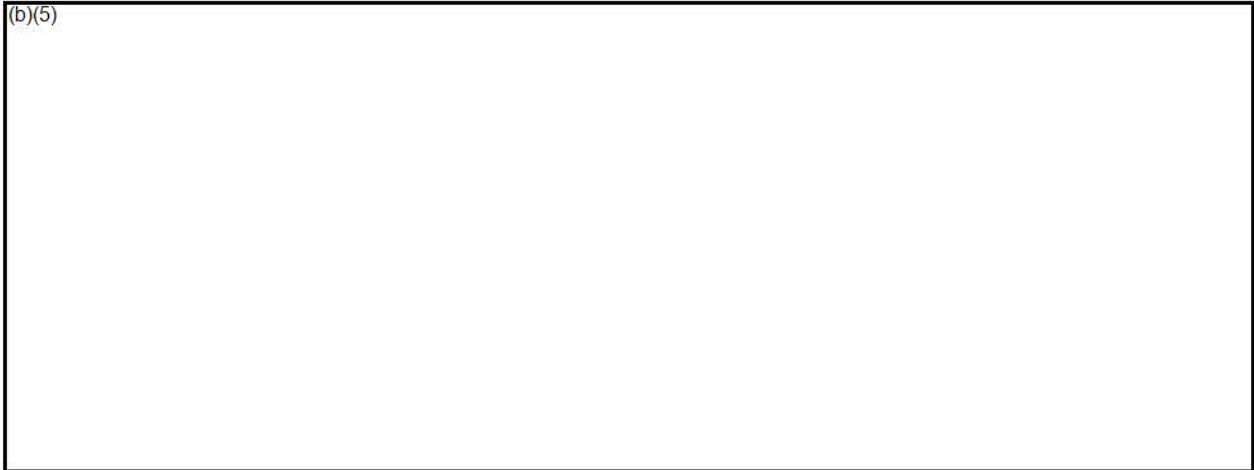
b.

From: [Hay, Sarah](#)
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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
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(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
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(b)(6) cell

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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.

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Sent: Thursday, January 04, 2018 2:04 PM
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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
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To: Riemer, Jeffrey (Justin)
Cc: Weisman, Annmarie; McLarnon, Gail; Mahaffie, Lynn; BD2User
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Research Director
Veterans Education Success
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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)

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