



April 24, 2023

The Honorable Nasser H. Paydar, Ph.D.
Assistant Secretary for Postsecondary Education
U.S. Department of Education

Re: Docket ID ED–2023–OPE–0039

Dear Assistant Secretary Paydar:

Thank you for the opportunity to provide comments on U.S. Department of Education’s intent to establish a new negotiated rulemaking committee (ID # ED-2023-OPE-0039). New America’s higher education program believes that our higher education system must be accessible, affordable, equitable, and accountable for helping students lead fulfilling and economically secure lives. We are researchers, writers, and advocates from diverse backgrounds who engage in thoughtful analysis, shedding light on the thorniest issues in higher education and developing student-centered federal policy recommendations. Our work makes us well-positioned to provide these comments.

The American higher education system relies on principles of shared responsibility to ensure that institutions are held accountable for the education they provide to students. The program integrity triad, composed of states, accrediting agencies, and the Department, is vital for ensuring that colleges and universities provide students with the education they are promised when enrolling in higher education. The intent of the triad is laudable, but operationally often falls short.

This rulemaking provides the opportunity to enhance accreditation so that it serves as the robust stamp of quality that it is intended to provide. The Department also has the chance to change or eliminate poorly designed regulations from the 2020 accreditation rulemaking that made it far too easy for poorly performing institutions to avoid accountability.

State authorization should work hand in hand with accreditation to prevent colleges from enrolling students and then failing to provide them with the education and outcomes they have been promised. Currently there are too few protections for students and too much room for institutions to shop for the state with the fewest consumer protections. These issues are especially prevalent in online education. Online education has revolutionized higher education, while simultaneously creating new challenges and complexities for students, institutions, and state governments. State authorization is crucial for protecting students from predatory institutions.

The students harmed when oversight falls short are disproportionately women, first generation and low-income students, students of color and veterans. This rulemaking provides the opportunity to

improve higher education for all students, but especially those most vulnerable to the abuses of predatory institutions.

Our comments also note where there is room for improvements in the Return of Title IV aid process, particularly in reference to how institutions handle leaves of absence. Additionally, we are heartened by the Department's continued desire to protect student loan borrowers. We suggest ways, outside the negotiated rulemaking process, for the Department to ensure borrowers have easy access to income-driven repayment (IDR) plans, can select an IDR plan when it is beneficial to do so, and can avoid unnecessary deferments and forbearances.

We have also signed onto comments that were submitted by the Protect Students and Taxpayers Coalition and that represent a broad coalition of organizations working on behalf of students, veterans, faculty and staff, civil rights advocates, and researchers. We agree with those comments as well as providing additional detail in our comments here.

We look forward to continuing to engage the Department on ways to strengthen quality, accountability, and consumer protection to assure colleges and universities and the federal student loan system serve students and borrowers well. Should you wish to discuss any of our comments, our contact information is below.

Rachel Fishman
Acting Director
Higher Education Program, New America
Fishmanr@newamerica.org

Edward Conroy
Senior Policy Advisor
Higher Education Program, New America
Conroy@newamerica.org

Sarah Sattelmeyer
Project Director for Education, Opportunity, and Mobility
Higher Education Program, New America
sattelmeyer@newamerica.org

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Improve representation and process at the negotiating table

The Department of Education is required by the Higher Education Act (HEA) to use negotiated rulemaking when regulating issues related to Title IV programs. The process is meant to be consensus-based, bringing together all of the parties that will be affected by the regulation to form a balanced committee to negotiate the rule. However, balance has not been achieved historically, often at the expense of students, borrowers, and taxpayers. Instead of bringing all of the critical stakeholders to the table, schools and accreditors have dominated the makeup of the committee, marginalizing student and consumer protection voices. For instance, when the Department regulated distance education under the previous administration, it filled the committee almost exclusively with representatives of colleges, but failed to include a consumer protection representative or a state attorney general representative. The Department even initially failed to include a state authorization representative, until it was petitioned and pressured by other committee members to do so (but it still did not assign an alternate member).

The Department has the opportunity to improve its approach for deciding who gets a voice at the negotiating table and to ensure that voices focused on equity and representing students, borrowers, other consumers, and states (including authorizers and attorneys general) are given equal or greater

weight at the table. We must stop thinking of industry as the primary stakeholder. Additionally, the panel should understand and represent the diversity of America and today's students and borrowers, including women, students of color, low-income students, students with disabilities, first-generation college students, veteran students, LGBTQ students, student parents, and more. Any regulation that is made will likely have disparate effects across these communities, and those effects should be considered.

Additionally, in New America's submitted comments on the proposed rulemaking for Prison Education Programs (Docket ID ED-2021-OPE-0062), we brought up concerns with the subcommittee process. The Department should consider ending its use of subcommittees as part of the negotiated rulemaking process. Instead, issues that do not fit well with the regulatory agenda at the table should have its own negotiated rulemaking. If the Department feels the need to engage a subcommittee on a specific topic, it must be staffed appropriately and include all the relevant stakeholders.

Accreditation

Accreditation Background

Accreditation serves as the primary check on academic quality in higher education.¹ This responsibility, along with the responsibility to act as the gatekeepers to federal financial aid means effective accreditation is critical to ensuring that the billions of dollars invested in our higher education system are well spent.

Time after time, accreditors have shown that they are unwilling to hold institutions to robust standards that protect students and taxpayers.² Absent strong federal regulations, these shortcomings are likely to persist.

The upcoming rulemaking provides the Department with an opportunity to walk back some of the problems created by regulations revised under the Trump administration.³ Additionally, new, and revised regulations provide the opportunity to ensure accreditors properly perform their role as arbiters of quality and gatekeepers of federal financial aid dollars. Students deserve to be able to trust that accreditation is a mark of quality, not simply a rubber stamp.

¹ Clare McCann and Amy Laitinen, *The Bermuda Triad: Where Accountability Goes to Die*, (Washington DC, New America, November 19, 2019), <https://www.newamerica.org/education-policy/reports/bermuda-triad>

² Flores, Antoinette, "The Unwatched Watchdogs: How the Department of Education Fails to Properly Monitor College Accreditation Agencies," Center for American Progress, September 19, 2019, <https://www.americanprogress.org/article/the-unwatched-watchdog>

³ Marissa Navarro, *How the US Department of Education Can Fix Damaging Accreditation Regulations* (Washington DC, Center for American Progress, June 2022), <https://www.americanprogress.org/article/how-the-us-department-of-education-can-fix-damaging-accreditation-regulations/>

Hold accreditors to high standards and effective implementation?

The Department can use this rulemaking to require more from accreditors who serve as the gatekeepers to billions of dollars in federal funding. The recommendations below provide initial ideas and suggestions the Department can use to guide the upcoming rulemaking process.

Organizations seeking to enter the accreditation space should be held to high standards and be able to demonstrate that they can provide effective and robust oversight of the institutions they seek to accredit. New agencies should be able to demonstrate not just a certain number of years of experience, but also that the experience is relevant and demonstrates the ability to ensure institutions are providing a high-quality education.

Effective accreditation takes time, expertise and capacity that accrediting agencies sometimes lack. Robust standards are only as good as how effectively they are enforced. Revised regulations should require that accrediting agencies have sufficient staff— both in terms of quantity and relevant expertise— and adequate financial resources to support a more robust accreditation review and recognition process.

Agencies could deploy their resources more effectively if they adopted risk-based reviews of the institutions they oversee. The Department could help encourage risk-based approaches by adding guidelines on what issues should warrant agencies taking a more focused look at particular institutions. Risk-based approaches would enable agencies to devote more time and attention to institutions that pose the greatest risk for students and taxpayer dollars. Risk-based review has recently been adopted to aid in the oversight of GI Bill funds, which could serve as a useful model.⁴ Issues that could be triggers for review include: the number of complaints received about an institution; retention and completion rates; borrower default rates; and earnings, among others.

In addition to having the staff and financial capacity to effectively conduct their work, accreditors' *processes and policies* must also be effective if they are going to truly protect students. Research from New America has highlighted problems with accreditors' complaint processes, which often seem designed to discourage the submission of complaints and ensure the agency is not obligated to follow through on such concerns.⁵ We recommend the Department build out complaint policy requirements in the regulations to address these known issues. At a minimum, accreditor complaint procedures should provide the ability to receive and process complaints easily (e.g., online), and with the opportunity to provide such complaints anonymously.

The area where effective processes are most crucial is college closures. When colleges close suddenly, students are the ones most harmed.⁶ Currently there is too much reliance on teach out plans, that are

⁴ Nathan Arnold, Joe Wescott, Beth Stein, and Bethany Little, *Lessons from a Risk-Based Oversight model Designed to Protect Students and Taxpayers*, Washington DC, American Legion and EducationCounsel, January 2022), <https://educationcounsel.com/wp-content/uploads/2022/01/RiskBasedReviewReportFinal012822.pdf>

⁵Edward Conroy, *Higher Education Accreditors Don't Want to Hear Your Complaints*, (Washington DC, New America, February, 2023), <https://www.newamerica.org/education-policy/briefs/higher-education-accreditors-dont-want-to-hear-your-complaints>

⁶ Rachel Burns, Lynneah Brown, Kelsey Heckert, Dustin Weeden, Hee Sun Kim, Beatrix Randolph, Aaron Pevitz, Sarah Karamkovich, and Jennifer Causey, *A Dream Derailed? Investigating the Impacts of College Closures on Student Outcomes*, (Herndon Virginia and Denver Colorado, SHEEO and National Clearinghouse, January 2021), <https://sheeo.org/sheeo-and-national-student-clearinghouse-research-center-to-quantify-impact-of-college-closure-on-student-persistence-and-completion/>

often inadequate when they have to be implemented with little notice. To help protect students in the event of institutional closures the department should consider requiring more teach out agreements, rather than teach out plans.

There is substantial research from the Center for American Progress showing that accrediting agencies are rarely fulfilling their requirement to have a public member with a representative genuinely representing the broader public.⁷ Too often public members are drawn from the higher education industry itself, or even from institutions accredited by that agency. The Department should require that public members are truly independent from the higher education industry and receive training to ensure they are properly equipped to provide oversight.

At present, the regulations allow agencies too much latitude over reviews of new locations, allowing some institutions to evade pre-approval of new locations and handing decisions on their review over to staff rather than agency's commissions. These processes could be improved by requiring that all new locations are reviewed and decisions on substantive change issues be made by commissions, not agency staff.

Enhance Student Achievement Standards

Accrediting agencies, particularly the former regional accreditors, do too little to ensure their institutions are truly addressing the need to improve student outcomes, including retention and withdrawal rates, graduation rates, high debt loads, and the labor market value of their postsecondary credentials. Accreditors frequently fail to take action against institutions with consistently poor outcomes for their students and must be pushed to be more proactive in ensuring that students are not consigned to institutions that fail to provide them with a quality education.⁸

One of the challenges with student achievement standards are differing definitions and metrics across agencies. These differences make it very challenging to assess student achievement standards at institutions with different accreditors. The Department can improve student achievement standards by requiring shared definitions as well as requiring that data on student achievement is disaggregated by categories like race, gender and low-income status. Additionally, accreditors should be required to set clear expectations of what their student achievement standards are and then effectively enforce those standards by holding institutions accountable if they fail to measure up.

⁷ Ben Miller, *Bolstering the Public Voice in Accreditation: Accreditation Agencies Need to Include More Truly Independent Members Among Their Commissioners*, (Washington DC, Center for American Progress, June 6, 2019) <https://www.americanprogress.org/article/bolstering-public-voice-accreditation>

⁸ Antoinette Flores, *How College Accreditors Miss the Mark on Student Outcomes*, Fact Sheet, (Washington DC, Center for American Progress, November, 2018), <https://www.americanprogress.org/article/fact-sheet-college-accreditors-miss-mark-student-outcomes>
Andrea Fuller, and Douglas Belkin, *The Watchdogs of College Education Rarely Bite*, *The Wall Street Journal*, June 17, 2015, <https://www.wsj.com/articles/the-watchdogs-of-college-education-rarely-bite-1434594602>

Improve the Recognition Process and NACIQI Oversight

The current recognition process provides very limited time for the public to understand, and comment on the relevant materials related to accrediting agencies' recognition processes, limiting the utility of the public input process. Given the lengthy timelines involved in the recognition process, information is often outdated by the time agencies appear before NACIQI. We suggest that an additional period of public comment held nearer to the time when agencies appear before NACIQI would improve transparency and the recency of information provided by public comments.

The current approach to agency reviews places the same weight and focus on small programmatic accreditors as it does on major Title IV gatekeeper agencies. By treating all agencies the same Department resources are being stretched thin, with too much time spent on some agencies and too little on others. We suggest the Department consider how it could revise this approach to devote more time and resources to agencies that control access to large amounts of Title IV aid and pose a much greater risk as a result. By focusing on the most important areas of review for non Title IV gatekeepers, the Department could free up resources to spend more time on larger and more complex accreditors. Risk-based review approaches could also be used when deciding whether an institution requires re-evaluation during an accreditation cycle.

To facilitate transparency, we encourage the Department add a requirement that accreditors post their materials on their websites at least a week prior to NACIQI meetings. Additionally, the Department could require that agency redactions be made prior to submission to the Department and certified under penalty of perjury that the agency made a good-faith effort to make only (and all) necessary redactions; it is our hope this will ease the process of Department review of materials, though it would not supplant it.

NACIQI is meant to provide an independent look at accreditor recognition processes, yet their role as an independent body is unclear, and even undermined by the fact that their involvement in the process comes exclusively after the staff analysis is entirely complete. This is made even harder by the fact that the recognition processes rely more heavily on a file review, in which the Department may not even retain records unless they identify an issue – hamstringing NACIQI's ability to speak with an independent voice to those issues. The Department could increase and enhance the role of NACIQI in the review process by having members provide requests on areas they believe accreditation team staff should focus on during the file review process.

Remove or Correct Poorly Designed 2020 Regulations

This rulemaking provides an opportunity to rescind the problematic “alternative standards” that allow institutions who meet special criteria, such as offering “innovative programs” to meet different accreditation criteria. Innovation is important in higher education, but cannot be used as a way to access a lower tier of standards. Students deserve to know that even new and innovative programs are being held to the same standards as more well-established programs.

The 2020 regulations have given agencies the license to keep institutions with known compliance problems in good standing for far too long. This can leave students in the dark, not knowing they are

enrolling at an institution that has accreditation compliance issues. Currently, institutions can be out of compliance for up to three years, or even longer if the accreditor deems the institution has a good cause to be out of compliance. Once an agency has found an institution to be out of compliance it can take up to four more years for institutions to fix problems before they face sanctions. Regulations that allow seven years or more worth of students to enroll without knowing about compliance problems at their school must be changed.

The 2020 regulations allow the Department to deem an agency “substantially compliant” in some cases. This sets up a situation where some agencies can evade NACIQI oversight and submit a “monitoring report” rather than a “compliance report.” However, the idea of “substantial compliance” has no set boundaries, and relies heavily on interpretation. For example, at the most recent NACIQI meeting in February 2023, even NACIQI members noted they found the concept confusing, leading to significant discussion around when they should ask for a monitoring report versus a compliance report.⁹ The Department should consider eliminating the concept of substantial compliance.

Raise the Floor for State Authorization

Current state authorization regulations established a floor for authorization, but only provided the most basic protections to students. Now is the time to raise that floor, particularly since nearly every state has joined the National Council for State Authorization Reciprocity Agreements (NC-SARA), which requires states to defer to the authorization practices of the state where the institution operates.

There are numerous considerations the Department can make to raise the floor to protect consumers and taxpayer dollars. The Department should consider an expiration date to be placed on the authorization, not longer than five years, to ensure institutions regularly go through a full renewal process with states rather than being authorized in perpetuity. The Department should also establish a new set of requirements for annual reviews of records. These reviews should include colleges’ financial circumstances, student outcomes (including requiring states establish student achievement measures), and student complaints. To address any staffing concerns at state authorizing agencies, the Department could mandate a minimum level of capacity.

Additionally, the Department must work with negotiators to ensure that when students enroll in programs that require licensure, that program will indeed lead to licensure in the state they reside. Some colleges mislead students into thinking that their education will lead to employment in their chosen field, when in fact the program doesn’t meet minimum requirements for state licensure.

Lastly, COVID-19 accelerated the trend of online education and fully online higher education programs. Unfortunately, states have not kept pace and few have created protections for online students. Since NC-SARA restricts participating states from creating and enforcing protections when harms and abuses

⁹ Department of Education, *NACIQI Transcript February 28-March 2, 2023 (Day 3 Thursday, March 2)*, p. 76 onwards, (Washington DC, Department of Education, March 2023), https://sites.ed.gov/naciqi/files/2023/03/Rev.Day-3-Transcript_Final-2_NACIQI-Winter-2023-Meeting-1.pdf

occur, it is important that state authorization regulations contain protections that enable states to enforce their consumer protection laws. There also must be governance requirements for a state authorization reciprocity agreement in order to promote full public transparency.

Improve Return of Title IV Funds

Return of Title IV (R2T4) aid regulations are meant to protect taxpayers by enabling the Department to recoup funds from students who withdraw from the semester before they have reached the 60 percent mark of the enrollment period. The regulations are also intended to ensure that students use their lifetime Pell Grant eligibility and aggregate loan limits at a pace that will provide them sufficient financial aid to graduate. R2T4 often penalizes students who withdraw because of circumstances beyond their control and present a significant administrative burden for institutions.

Institutions frequently cite the administrative challenge of collecting financial aid from students who withdraw, and they often place holds on accounts that effectively prohibit students from future registration or obtaining their transcripts.¹⁰ Some data exists from institutions and the Department to quantify the scope of the problem, but taxpayers likely are not recouping unearned aid from students; they are recouping it from institutions. Colleges often respond by barring students from continuing postsecondary education until these debts are paid.¹¹ Research from Ithaca S&R suggests that the students most likely to be impacted by enrollment bars and withheld transcripts are low-income students and students of color.¹²

All institutions that wish to have the option of not returning Title IV funds when a student withdraws must have a leave of absence policy. The Department should consider encouraging institutions to have such a policy and provide clearer guidance on what must be included in such policies to ensure they help protect students from facing unnecessary bills when they have to withdraw from college for reasons outside their control. Examples could include when the leave is due to medical reasons or to care for a family member with medical issues. The Department could also allow broader use of professional judgment that lets future financial aid cover outstanding charges.

¹⁰ Julia Karon, James D. Ward, Catharine B. Hill, and Martin Kurzweil, *Solving Stranded Credits: Assessing the Scope and Effects of Transcript Withholding on Students, States, and Institutions*, (New York, Ithaca S+R, October 2020), <https://sr.ithaca.org/publications/solving-stranded-credits/>

¹¹ Sarah Pingel and Martin Kurzweil, "Education Department Focuses on Reform of Under-the-Radar Higher Ed Financial Aid Rule", *The Hill*, February 22, 2023 <https://thehill.com/opinion/congress-blog/3869929-education-department-focuses-on-reform-of-under-the-radar-higher-ed-financial-aid-rule/>

¹² Sosanya Jones and Melody Andrews, *Stranded Credits: A Matter of Equity*, (New York, Ithaca S&R, August 2017), <https://sr.ithaca.org/publications/stranded-credits-a-matter-of-equity/>

Distinguish between fully online and hybrid in distance education definitions

New America is a member of the Postsecondary Data Collaborative (PostsecData). Postsec Data members are committed to the use of high-quality postsecondary data to improve student success and advance educational equity. We echo a comment we made on the Department’s proposed extension of an Information Collection Request for the National Student Loan Data System. A new field must be added to NSLDS around distance education, using the definitions from the Integrated Postsecondary Education Data System (IPEDS). This field would distinguish whether each student is enrolled exclusively online, exclusively in-person, or as a hybrid student (and indeed, further gradation can probably be made). As more students continue to blend modalities between fully online and fully in person, it’s an important addition that will provide policymakers with timely and responsive data.

Ensure borrowers select IDR plans and avoid deferments and forbearances

To help ensure borrowers select an IDR plan when it is beneficial to do so and avoid unnecessary deferments and forbearances, the Department must make it easier to enroll in these plans. The Department has already taken important, long-term steps toward remedying past problems with the student loan system and setting the most vulnerable borrowers up for success through its IDR and PSLF waivers, regulations and actions to make forgiveness and discharge programs easier to access, and elimination of interest capitalization.¹³ In addition, its proposal for a new IDR plan that streamlines existing plans and is more obviously the best choice for many borrowers, automatically enrolls borrowers into an IDR plan after 75 days of non-payment (with prior consent for data sharing), and makes it easier to access and remain in IDR plans will greatly reduce the number of defaults by facilitating IDR enrollment and recertification.

An effective and speedy roll-out of the new IDR plan is a critical first step toward facilitating vulnerable borrowers’ access. But the Department must also ensure a robust implementation of the FUTURE Act.¹⁴ This 2019 law facilitates the secure sharing of relevant data between the Internal Revenue Service (IRS) and the Department of Education and establishes the framework and authority for the Department to allow borrowers to more automatically enroll and reenroll in IDR plans. Effective implementation of the FUTURE Act and the Department’s proposed structural and operational changes to IDR would help level the playing field in terms of the amount of paperwork and engagement required when borrowers are

¹³ Office of Federal Student Aid, “Payment Count Adjustments Toward Income-Driven Repayment and Public Service Loan Forgiveness Programs,” U.S. Department of Education, accessed April 22, 2023, <https://studentaid.gov/announcements-events/idr-account-adjustment>; Office of Federal Student Aid, “The Limited PSLF Waiver Opportunity Ended on Oct. 31, 2022,” U.S. Department of Education, accessed April 22, 2023, <https://studentaid.gov/announcements-events/pslf-limited-waiver>; and 87 FR 65904

¹⁴ Public Law 116–91

choosing, or being directed to choose, among IDR and forbearance options. In short—it makes it almost as easy to enroll in IDR as it is to enroll in a forbearance.

New America proposed several additional suggestions for implementing the FUTURE Act in our recent comments to the Department’s proposed rule (ED-2023-OPE-0004) on a new IDR plan.¹⁵ These include:

- Ensuring that borrowers not only have the ability to provide consent for data sharing on Master Promissory Notes and the IDR application but also applications for other programs offered by the Department, through the borrower’s online accounts with their servicer and the Department, in writing to the Department or servicers, and at other times when they engage with the Department and its contractors. This early consent would also allow the Department and its contractors to tell borrowers what they *would* owe on an IDR plan if they were to enroll, a powerful tool that the Department must use as it implements the provisions of the FUTURE Act.
- Ensuring there are easy, early, and multiple ways to gain consent from a borrower’s spouse if they choose to file their taxes jointly. The Department must also ensure that it only needs to get spousal consent one time (unless the borrower’s marital or tax filing status changes).
- Using the Department’s authority not only to determine borrowers’ eligibility for and enroll them into IDR plans when they are at least 75 days behind on their loans but also to automatically enroll borrowers into IDR plans once they enter default and into IDR plans as they exit default, assuming borrowers are eligible for those plans.
- Using the IRS definition of household size in order to avoid having to confirm borrowers’ family sizes each time a borrower must begin or recertify IDR enrollment. (The IRS (for filing taxes) and Department of Education (for calculating an IDR payment amount) have slightly different definitions of household size.¹⁶) Borrowers should be permitted to request a different payment amount if using the Department’s definition is more beneficial.

Implementation of the FUTURE Act will remove barriers that many borrowers face enrolling in and recertifying for an IDR plan. However, the Department must ensure that borrowers can easily update their income information if it changes after they have filed their taxes or for other reasons. New America staff proposed some considerations in a 2021 analysis, including:¹⁷

- Currently, those who provide alternative documentation of their income in order to apply for, recertify for, or modify payments while in an IDR plan are required to demonstrate the components of their own (and a spouse’s, if appropriate) adjusted gross income. While there isn’t a defined, comprehensive list of acceptable documentation, the application for enrollment in such a plan indicates that borrowers can include evidence of taxable income that is no more

¹⁵ Sarah Sattelmeyer, Tia Caldwell, and Rachel Fishman, “Comments on Docket ID # ED-2023-OPE-0004,” New America, February 10, 2023, https://downloads.regulations.gov/ED-2023-OPE-0004-13457/attachment_1.pdf

¹⁶ Internal Revenue Service, “Publication 501 (2022), Dependents, Standard Deduction, and Filing Information,” U.S. Treasury Department, accessed February 9, 2023, <https://www.irs.gov/publications/p501> and 88 FR 1894

¹⁷ Sarah Sattelmeyer, “3 ways the Biden administration can help families and student loan borrowers affected by the pandemic,” Brookings, April 22, 2021, <https://www.brookings.edu/research/three-ways-the-biden-administration-can-help-families-and-student-loan-borrowers-affected-by-the-pandemic/>

than 90 days old. However, borrowers are advised to not provide evidence of untaxed income, such as what might be received as part of a public assistance program.

- While documentation of untaxed income is excluded, such documentation—including evidence of receipt of public assistance or benefits as part of a means-tested program—could be proof, in some cases, that a borrower has taxable income which is below a certain threshold and that a borrower qualifies for a lower or \$0 IDR payment. To make the submission of alternative documentation of income easier for many vulnerable borrowers, especially those who might not have a regular or consistent paycheck, the Department could direct servicers to accept evidence of enrollment in some public assistance programs as proof of having taxable income below a certain threshold and provide guidance on how to interpret such documentation.