



August 2, 2022

U.S. Department of Education
400 Maryland Ave. S.W.
Washington, DC 20202

Docket ID ED-2021-OPE-0077

On behalf of the 1.7 million members of the American Federation of Teachers, including the members of the American Association of University Professors—many of whom are student loan borrowers and the vast majority of whom work in public service—we write in strong support of the proposed changes to the Public Service Loan Forgiveness program. These changes will remove unnecessary bureaucratic hurdles and restore PSLF to closer to the program Congress envisioned, making PSLF work for the borrowers it was intended to help, keeping the promise of PSLF.

PSLF guarantees that those who work in public service and consistently pay their monthly student loan bills will have the balance of their loans forgiven after 10 years. But borrowers have faced rampant servicer misconduct, were issued confusing and sometimes contradictory guidance about the status of their applications and had no clear process for contesting erroneous decisions. Combined with administrative barriers erected during the initial rulemaking more than a decade ago, and made worse by the last administration, this led to fewer than 2 percent of applicants getting the relief they were promised with the program's creation in 2007.

The Biden administration changed this, issuing a temporary PSLF waiver and settling several lawsuits, including one brought by the AFT, among other things. As a result, today 145,000 borrowers have secured the benefits promised by PSLF in 2007. The proposed changes now under consideration will further solve the program's bureaucratic hurdles by clarifying the definition of full-time work, allowing greater flexibility in how borrowers make their payments, codifying a reconsideration process, and moving toward making the program automatic. These are all important changes that the AFT has advocated for, and these proposals have our full support.

Clarifying the definition of full-time employment is particularly useful in two ways. First, as there is no consistently applied standard for what constitutes full-time work, it allows all borrowers who are working in public service jobs for at least 30 hours a week to qualify for PSLF. This will make the program more consistent across employers and will eliminate employer-based confusion that could artificially and unfairly block borrowers from accessing the relief they have earned. Second, this proposal recognizes the

The **American Federation of Teachers** is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

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unique—and often challenging—working and economic conditions of adjunct faculty at institutions of higher education. Adjunct faculty increasingly fill the majority of the teaching positions at colleges and universities, but they are compensated at such low rates that many need to rely on public benefits to get by.¹ Student loan debt is an additional burden. The conversion calculation of 3.35 hours per credit or contact hour taught acknowledges the hours of preparation, grading and student support (such as office hours) that go into each classroom hour of work. This multiplier also aligns with state laws in California and Oregon and a proposed law in New York expected to be enacted by the time these federal regulations are finalized. We strongly support the inclusion of a 3.35 multiplier in this rule to clarify to adjunct faculty and their employers their eligibility for PSLF relief.

The additional flexibility allowed to borrowers for making qualifying payments under this proposed rule builds on the lessons learned from the temporary PSLF waiver—mainly, that a large number of public service workers have been making their student loan payments in good faith, but that bad information from servicers and from the department itself, as well as counterproductive regulations, have blocked student debt relief to public workers. For example, we have heard countless stories from our members of good faith efforts to repay loans—such as by making an extra loan payment that puts all future payments into “paid ahead” status instead of “on-time”—that have derailed PSLF qualifying payments under the existing rules. This proposed rule also recognizes that poor loan servicing and the complexities of borrowers’ lives have often led borrowers into situations that unnecessarily halted their progress toward PSLF relief; for example, being placed in forbearance, deferment or loan consolidation disrupts progress toward PSLF relief instead of facilitating it. This proposed rule eliminates those artificial barriers to relief.

No matter how well-constructed a program is, any system that is affecting millions of people will not be perfect. That is why it is so vital that the Department of Education have a formal reconsideration process in place for borrowers who want to contest a denial of forgiveness or an undercounting of payments toward forgiveness. It is well past time to create such a process, and we support the inclusion of a reconsideration process in this proposed rule. If such a process had been in place, it would not have been necessary for our members to seek legal recourse in our *Weingarten v. DeVos* lawsuit.

In addition to a safety net for especially complex cases, the best way to overcome many bureaucratic hurdles to achieving forgiveness for the most borrowers is to make PSLF automatic, eliminating unnecessary burden on both borrowers and the department. For years the AFT has advocated for making PSLF as automatic as possible, and the proposed rule lays the groundwork for that. We are hopeful that this

¹ American Federation of Teachers, “An Army of Temps: AFT Adjunct Faculty Quality of Work/Life Report,” February 2022, www.aft.org/sites/default/files/qualitylifereport_feb2022.pdf.

proposed rule change, along with data-match efforts currently underway, will pave the way for a system that becomes fully automatic for the vast majority of public service workers.

While we support the changes put forward by the department in this proposal, we also encourage the department to do far better in providing access to this program for all those who do public service work but are currently excluded from accessing the program based on existing regulations—for example, early childhood educators. The most important factor in high-quality early childhood education is the quality and consistency of the educator. Early childhood educators are paid poverty-level wages, which contributes to an educator retention crisis among early childhood workers. This is why early childhood education was specifically mentioned in the PSLF statute as an area of public service, and PSLF should be available to as many early childhood workers as possible. While we wish early childhood education was provided far more robustly in public schools, unfortunately the public sector has failed to meet the demand. The same is true of child care: Center-based child care is critical, and until such time as child care is offered on the same basis as first grade, all early educators and child care workers should qualify for PSLF.

Additionally, most workers think of their place of employment as just that—the place they perform their work, regardless of which organization their paycheck comes from. But current regulations mean that two colleagues working side by side may have different PSLF eligibility; a travel nurse, for example, may be ineligible for PSLF while her co-worker is eligible. The PSLF statute did not distinguish by paycheck origination when listing categories of public service work. We encourage the department to regulate in that spirit, so that regardless of the organization providing the paycheck (whether or not state law prohibits direct hiring by certain organizations), borrowers doing full-time public service work, especially those doing that work in public or nonprofit settings, will be eligible for PSLF relief.

This is especially important in healthcare, an absolutely critical public service whose complexities of licensure, contracting and temporary employment were not well-reflected in previous regulations. We advise the department to take the perspective of the patient. If the patient is seeking healthcare in a public hospital or clinic, all the workers providing that care should be eligible for PSLF, regardless of their tax paperwork. Though the tax status of a hospital or clinic may not always be clear to patients (and sometimes changes depending on hospital acquisition), the setting of the provided public service is a good benchmark for PSLF eligibility.

The department has sought feedback on whether employers would be willing to sign employment certification forms for workers in these more complex situations. Though we represent workers, not employers, we have seen that all PSLF employers need additional guidance on filling out ECFs. Even where

an employee is clearly eligible under the law, we have had members face skepticism and even hostility from supervisors presented with PSLF employment certification forms. A broad outreach effort to human resources professionals and public service managers is necessary, regardless of whether contract employees are made eligible. If contract employees do become eligible for PSLF, that information can be included in employer outreach.

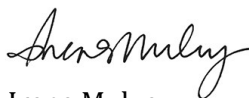
The Public Service Loan Forgiveness program was a promise made by Congress that full-time public service workers, after a decade of work, would have their remaining student loans forgiven. We strongly support these proposed regulations so that a promise made is a promise kept.

Thank you for considering our views on this important topic.

Sincerely,



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