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The Honorable Miguel Cardona
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Beth Grebeldinger
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Re: Docket ID number ED- 2023-SCC-0079

Dear Secretary Cardona and Ms. Grebeldinger,

We are writing to provide comments on the Public Service Loan Forgiveness ("PSLF") form proposed by the U.S. Department of Education ("ED"). As you know, the PSLF Program was revised during the Negotiated Rulemaking process in 2021, resulting in new regulations codified at 34 CFR § 685.219, which became effective on July 1, 2023. Concurrent with these new regulations, ED implemented the ability for borrowers and employers to digitally sign and submit PSLF forms electronically through the PSLF Help Tool. The PSLF form was redesigned to comport with the new regulations, encourage the use of the new electronic signature option, and align the form's instructions with the online user experience.

We commend ED's efforts to simplify and improve the PSLF regulations and implement an electronic signature process for the PSLF form. However, to ensure that borrowers can access the full potential of PSLF, we believe that additional revisions to the form will reduce borrower and employer confusion, maintain consistency with the new regulations, and minimize burdens on borrowers and employers.

1. Reduce Borrower and Employer Confusion

We believe there are opportunities throughout the proposed form to lessen the chances of confusion for both borrowers and employers.

a. Revise Section 2, Borrower Request.

We are concerned that the opening sentence of the proposed PSLF form does not adequately clarify the distinction between qualifying for PSLF/TEPSLF versus qualifying for forgiveness under PSLF/TEPSLF and may confuse the average reader. In our view, the sentence places undue emphasis on whether borrowers and their loans qualify for PSLF/TEPSLF and should instead be framed around whether borrowers have reached the number of qualifying payments necessary to receive loan forgiveness. We suggest revising the opening sentence as follows:

I request (1) that the U.S. Department of Education (the Department) ~~consider this form an application for loan forgiveness to determine whether I have reached the number of qualifying payments required to receive forgiveness under PSLF or TEPSLF, and forgive discharge~~ any qualifying loans that I have, and (2) if none of my loans ~~have reached the number of qualifying payments required to receive forgiveness, qualify for PSLF or TEPSLF forgiveness when I submit this form,~~ determine how many qualifying payments I have made toward PSLF and TEPSLF.

Immediately following the opening sentence, borrowers may check a box to put their loans in forbearance while their application is reviewed. Because prior versions of the PSLF form required borrowers to check boxes in this section, and since the checkbox comes immediately after the borrower request, we are concerned that borrowers may default to checking the box and inadvertently request a forbearance, thereby depriving themselves of months that would otherwise qualify for PSLF.¹ We therefore suggest moving the forbearance request checkbox to the bottom of the page, near the borrower's signature.

FSA Response: Thank you for your comment. This recommendation is a policy change outside the scope of this information collection request.

No Change

b. Eliminate the full-time and part-time designation in Section 4, Question 5.

The new PSLF regulations have simplified the definition of full-time employment by adopting a 30 hours per week standard. However, in addition to requiring employers to certify the average hours the employee worked, the proposed form still requires employers to also certify whether employees are full or part-time. As ED is aware, employers have varying standards for what constitutes full-time employment and many consider 30 hours per week to be part-time employment. While the proposed PSLF form defines "full-time" for purposes of the PSLF Program, employers and employees may miss this definition and incorrectly report employment that meets the Program's full-time requirement as part-time. We are concerned that this could not only deter eligible borrowers from pursuing PSLF but could also result in improper rejections by the PSLF servicer.² Requiring a full-time/part-time determination, on top of the calculation of average hours per week, adds undesirable complexity to the form.

¹ The PSLF form states that the period of forbearance will not count toward forgiveness; however, we ask ED to consider, whether, since the forbearance offered while the application is pending is prospective and does not appear to be the retroactive forbearance described in 34 CFR § 685.219 (e)(8), the prospective forbearance actually falls under 34 CFR § 685.205 (b)(9), and therefore qualifies as an administrative forbearance that counts toward forgiveness.

² To the extent that the full-time/part-time check boxes are maintained, they should not be used by the servicer to determine whether employment is eligible; only the borrower's reported hours should be used.

Provide complete instructions on how to calculate the average hours per week in Section 6.

To comport with the removal of the full-time/part-time determination and to provide complete instructions on calculating the average number of hours per week, we propose expanding the instruction in Section 6, Question 6 as follows:

*Provide the average number of hours ~~you~~ **the borrower** worked per week during the period being certified. This should include vacation, leave time, or any leave taken under the Family Medical Leave Act of 1993, but should not include time spent performing volunteer services.*

If a borrower works an average of 30 hours per week, for a minimum of 8 months in a 12-month period, such as in an educational setting, their average hours per week during the 12-month period should reflect their average hours per week during the 8 months in which they worked. If the borrower performs non-tenure track work, such as an adjunct or non-tenure track faculty member, the weekly average hours should be calculated using a formula that multiplies the credit or contact hours (e.g., teaching and office hours) per week by at least 3.35 hours.

FSA Response: Thank you for your comment. We will consider this in future form updates.

No Change

c. Clarify that only PSLF forms completed and submitted through the PSLF Help Tool can be e-signed and submitted online at studentaid.gov/pslf in Section 6.

As currently worded, the instruction in Section 6 creates the misimpression that borrowers can submit their manually signed PSLF forms at [Studentaid.gov/pslf](https://studentaid.gov/pslf). We suggest revising the instruction as follows:

*~~If this form is completed through the PSLF Help Tool can be completed and submitted online at [StudentAid.gov/pslf](https://studentaid.gov/pslf), you can e-sign and submit it through the PSLF Help Tool.~~
If this form is being completed manually or was generated to sign manually, it must be signed using an **acceptable signature**.*

FSA Response: Thank you for your comment. We have updated language on the form.

d. Reword and supplement the instructions in Section 3.

The first instruction is aimed at encouraging borrowers to complete their PSLF form through the PSLF Help Tool, but the last sentence doesn't provide adequate instruction or guidance on what will happen if borrowers use the PSLF Help Tool and may therefore be confusing. We suggest revising the instruction as follows:

We highly recommend that you complete this form online by going to [StudentAid.gov/pslf](https://studentaid.gov/pslf). Doing so allows you to search for your employer using the PSLF Employer Database to prepopulate this form, e-sign it, and submit it to your employer for e-signature. Once your employer e-signs the form, it will be transmitted to the PSLF servicer. ~~You are also able to submit this form if your employer electronically certifies your employment.~~

FSA Response: Thank you for your comment. We have revised the instructions to address your comment.

To account for the fact that borrowers are always certifying past employment, and must often submit multiple forms for a single employer due to breaks in employment or changes to employment status, we also propose changing the second instruction as follows:

If you have had non-consecutive periods of employment with the same qualifying employer, or a change in your employment status, you must fill out a form for each period. You should certify your employment annually. You should complete this form annually or any time you change employers or have a change in your employment status.

FSA Response: Thank you for your comment, we are not recommending any change at this time.

No Change

We believe this instruction is particularly important given that employers cannot presently add employment periods or new PSLF forms when e-signing forms through the PSLF Help Tool.

e. Simplify the instructions for Section 6, Question 4.

As worded, we are concerned that the instructions for entering the employment or certification start and end date may be confusing and too long. They also contain references to Question 5, which we have proposed eliminating. We therefore suggest the following revisions, which include reordering parts of the existing text for clarity:

Employment or Certification Begin Date

- If this is the first time you are submitting this employer for certification, or ~~if you have continued to be employed in the same employment status (Question 5) since you began employment with this employer,~~ Enter the date that you began your employment with the employer. If this date was before the October 1, 2007 start date of the PSLF Program, list 10/01/2007. ~~whose FEIN/EIN appears in Question 1:~~*

or

- If your employment status has changed since you last had your employment certified with this employer, or ~~if you have had a break in employment since you last had your employment certified with this employer,~~ Enter the begin date that you would like to be evaluated with the employer. If this date was before the October 1, 2007 start date of the PSLF Program, list 10/01/2007. ~~whose FEIN/EIN appears in Question 1:~~*

Employment or Certification End Date

Enter the date that you:

- Ended employment with the employer ~~whose FEIN/EIN appears in Question 4, or~~
- Your ~~Ceased to be in the~~ **employment status changed** reported in Question 5.

FSA Response: Thank you for your comment. This recommendation is a policy change outside the scope of this information collection request.

No Change

2. Maintain Consistency with the Regulations

We believe the proposed form should be changed in several ways to better comport with the new PSLF regulations.

a. Resolve problems with the definition of "Full-Time" in Sections 7 and 9.

The proposed form's definition of "Full Time" is problematic for two reasons. First, it appears to be inappropriately tied to whether *the employer* considers an 8-month employee to be employed during the 12-month period, which is beyond the regulation's requirements.³ Second, as drafted, it inappropriately excludes borrowers who do not work under a contract. As stated above, we have proposed incorporating parts of the definition of "Full-Time" into the instructions for calculating average hours per week, with adjustments to comport with the regulation, as shown below.

*If a borrower **works** ~~is employed on a contractual basis where they provide an average of 30 hours of work per week for a minimum of 8 months in a 12 month period, such as in an educational setting, but they continue to be considered employed for the full year,~~ **their average hours per week during the 12-month period should reflect their average hours per week during the 8 months in which they worked.** ~~they should be considered Full-Time for the full 12 months.~~*

These problems also arise in Section 9, *Full-Time Employment*, which again ties the full-time standard to whether *the employer* grants credit for a full year's worth of employment and whether the position is under contract. We therefore suggest the following revisions:

*If you are a teacher or in another position **with an employment period of** ~~under contract for~~ at least eight out of 12 months, you meet the full-time standard if you work an average of at least 30 hours per week **for a minimum of eight months in a 12-month period** ~~during the contractual period and receive credit by your employer for a full year's worth of employment.~~*

*If you are a non-tenure or adjunct faculty member at an institution of higher education, meaning you are paid solely for the credit hours you teach, you meet the definition of full-time if you **work at least** ~~are employed the equivalent of~~ 30 hours per week, as determined by multiplying each credit or contact hour **(e.g., teaching and office hours)** taught per week by at least 3.35.*

FSA Response: Thank you for your comment. This recommendation is a policy change outside the scope of this information collection request.

No Change

³ Per 34 CFR § 685.219 (b), "Full-Time" means: (i) Working in qualifying employment in one or more jobs - (A) A minimum average of 30 hours per week during the period being certified, (B) A minimum of 30 hours per week throughout a contractual or employment period of at least 8 months in a 12-month period, such as elementary and secondary school teachers and professors and instructors, in higher education, in which case the borrower is deemed to have worked full time; or (C) The equivalent of 30 hours per week as determined by multiplying each credit or contact hour taught per week by at least 3.35 in non-tenure track employment at an institution of higher education.

b. Do not apply payments beyond the 120th qualifying payment to other outstanding loans, as described in Section 9.

The proposed PSLF form states that if borrowers request forgiveness and elect forbearance, this forbearance period will not count toward forgiveness. In our experience, it has often taken many months for PSLF applications to be approved, leaving borrowers in the position of either continuing to make payments or risking otherwise qualifying months. For borrowers who elect to continue making payments, Section 9, Other Important Information, indicates that payments made after the 120th qualifying payment will either be refunded *or applied to the borrower's other outstanding loans*. If the refund is applied to other outstanding loans, we are concerned that it may not be applied toward the borrower's qualifying PSLF payment count (*i.e.*, if the refund is treated as a lump sum payment and covers payments beyond the borrower's next IDR recertification date, the payments beyond the IDR recertification date will not count toward forgiveness).⁴ The proposed regulations contain no indication that ED should apply refunds to other federal loans. To avoid refunds being applied in a manner for which PSLF borrowers do not receive PSLF credit, refunds should be provided directly to borrowers in all cases.⁵

FSA Response: Thank you for your comment. This recommendation is a policy change outside the scope of this information collection request.

No Change

3. Reduce Burdens for Borrowers and Employers

Completing PSLF forms can be time consuming for borrowers and employers. Due to changes in work hours, non FMLA leaves, and extensive work histories, employers must often complete multiple PSLF forms for a single employee. For example, the Massachusetts Human Resources Division has informed our Office that it has completed as many as seventeen forms for a single employee, and routinely completes multiple forms to capture a single employee's employment history. As outlined below, we believe there are several ways to help mitigate these burdens, and potentially, ED's costs in processing PSLF forms.

a. Add an instruction not to list employment occurring before the Oct. 1, 2007 start date of the PSLF Program in Section 4, Question 4.

We suggest including an instruction in Section 4, Question 4 that only employment occurring after October 1, 2007 should be certified. For example, Question 4 could be revised as follows:

Employment Period:
Employment or Certification Begin Date (if employment began before the 10/01/2007 start date of the PSLF Program, list 10/01/2007 as the Begin Date): _____
(mm/dd/yyyy)
Employment or Certification End Date: _____ **OR** Still Employed
(mm/dd/yyyy)

FSA Response: Thank you for your comment. This recommendation is a policy change outside the scope of this information collection request.

No Change

⁴ 34 CFR § 685.219 (c)(2)(iii)

⁵ Additionally, it is unclear how the refund would be applied (e.g., to principal or outstanding interest), and whether it would cause due dates to advance and disrupt auto debits or payment schedules.

This change could be accompanied by modifications in Section 6, Question 4, as shown in (l)(f) above, to help clarify that only employment occurring after the October 1, 2007 start date of the PSLF Program can be certified and counted toward PSLF.

b. Add an instruction to round average hours per week to the nearest whole number in Section 4, Question 6 and Section 6, Question 6.

Full-time Massachusetts state employees work 37.5 hours per week. However, the PSLF Help Tool does not allow borrowers or employers to enter decimals, rendering the PSLF Help Tool and e-signature function unusable for tens of thousands of Massachusetts state employees and creating significant administrative burdens. Since the employer is required to certify that "the information in Section 4 is true, complete, and correct to the best of my knowledge and belief" both the PSLF Help Tool and the proposed PSLF form should contain an instruction to round to the nearest whole number.⁶ This could be accomplished as follows:

6. Average hours per week: _____ (round up to the nearest whole number)

FSA Response: Thank you for your comment. We have modified the instructions to clarify how to enter non-whole numbers.

Similarly, Section 6, Question 6 should explain that average hours per week should be rounded up to the nearest whole number.

c. For forms generated via the PSLF Help Tool, enable employers to make changes to all fields in Section 4 and generate additional PSLF forms.

When the PSLF Help Tool is used to generate a PSLF form, the borrower provides the information requested in Section 4. However, in our experience, employers must often correct the information provided by the borrower. Multiple Human Resources Departments in the Commonwealth have informed our Office that it is their routine practice to either (1) instruct employees to leave it to the employer to complete Section 4 or (2) fully replace the Section 4 information submitted by the employee. As explained above, these employers must often also

generate multiple PSLF forms to accurately capture the employee's employment history. These practices, born out of necessity, are largely incompatible with use of the PSLF Help Tool's e-signature function. While some of the fields in Section 4 are presently editable by the employer, the inability to edit all the fields, along with the employer's inability to generate multiple PSLF forms, will likely hamper use of the PSLF Help Tool's e-signature function, and should be addressed.

FSA Response: Thank you for your comment. This recommendation is a policy change outside the scope of this information collection request.

No Change

d. Clarify that dates that are not in the MM/DD/YYYY format will still be accepted in Section 6.

Our office has previously observed loan servicers arbitrarily rejecting loan discharge applications based on date formatting. While Section 6 contains an instruction to enter dates in MM/DD/YYYY format, it should also clarify that while this date format is preferred, forms will not be rejected due to use of a different date format.

FSA Response: Thank you for your comment. It is necessary to establish a date standard for accurate processing. However, the PSLF servicer has received guidance to not reject forms when a non-standard date format can be clearly interpreted.

No Change

⁶ This guidance needs to be included on the PSLF form and not on a separate website.

e. Do not request full social security numbers or put them on every page.

Borrowers and employers need to email PSLF forms to one another as part of the process of completing them. However, many employers and employees have valid concerns about emailing documents that contain full social security numbers. As such, the proposed form should only solicit the last four digits of the borrower's social security number, and these last four digits should not appear on every page of the form.

FSA Response: Thank you for your comment. This recommendation is a policy change outside the scope of this information collection request, but we will consider for future updates.

No Change

We commend ED for the substantial improvements it has made to the PSLF Program and are optimistic that they will enable more public service workers to access the full potential of PSLF. We appreciate ED's consideration of our comments.

Sincerely,



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