

insights

TYPES NOT MAPPED YET December 13, 2017 | TTR not mapped yet | Aaron D. Lacey

Borrower Defense Rule: Negotiated Rulemaking Session 1

Webinar

On November 13, 2017, the U.S Department of Education began the process of overhauling a complex and controversial Obama-era regulation commonly referred to as the “borrower defense” rule.

During this process, which will continue well into next year, the Department will revisit the standards and processes pursuant to which borrowers can seek to discharge their federal loans based on institutional misconduct, as well as the standards and processes pursuant to which the Department can seek to recover discharged amounts from schools. In addition, the Department will consider revising closed-school and false certification discharge provisions, expanding financial responsibility standards, and updating the institutional composite score calculation. With few exceptions, this rule will apply to all institutions of higher education.

Thompson Coburn Partner Aaron Lacey was appointed by the Department as one of the primary negotiators tasked with reworking the rule, charged specifically with negotiating on behalf of “general counsels, attorneys, and compliance officers” at institutions of higher education. In November, Aaron participated in the first round of rulemaking, joining a group that includes student and consumer advocates, agency representatives, accreditors, financial aid administrators, and business officers, as well as representatives from different types of institutions of higher education. The negotiators will reconvene again in January and February.

This first webinar in the series will update postsecondary attorneys and compliance officers on the progress of the rulemaking, and to provide additional detail regarding the key issues discussed during the first session, held November 13-15, 2017.

CLE

The live presentation of this program was approved for 1.5 hours general CLE credit in California and Illinois and 1.8 hours of general CLE credit in Missouri. CLE credit is no longer available for this recording.

Presenter

[Aaron Lacey](#)

**Please note that this is a 90-minute presentation*

Originally Presented:

December 13, 2017

authorsTest

aaron

Aaron D. Lacey