



March 5, 2021

Robin Minor
Acting Chief Operating Officer
Office of Federal Student Aid
U.S. Department of Education
830 First Street, NE
Washington, D.C. 20202

Dear Acting Chief Operating Officer Minor:

I write today to urge you to provide immediate relief to student loan borrowers who are eligible for a total and permanent disability (TPD) discharge of their federal student loans. The most effective and timely way to do so is by granting automatic discharges to those borrowers whom the Social Security Administration (SSA) has deemed eligible.

AccessLex Institute, in partnership with its nearly 200 nonprofit and state-affiliated ABA-approved member law schools, has been committed to improving access to legal education and to maximizing the affordability and value of a law degree since 1983. The AccessLex Center for Legal Education Excellence advocates for policies that make legal education work better for students and society alike and conducts research on the most critical issues facing legal education today.

Student loan borrowers who are determined to be totally and permanently disabled by a medical doctor, the SSA or the Department of Veterans Affairs (VA) may receive a discharge of their federal student loans. Data matching between federal agencies has partially streamlined the process and makes it clear to the U.S. Department of Education (ED) who is eligible for a TPD discharge. However, even after it is determined that an individual is eligible, ED requires most borrowers to submit an application in order to obtain a discharge, creating an unnecessary barrier to relief.

While borrowers whom the VA finds eligible for TPD discharge automatically have their federal student debt discharged, the same is not true for those who are considered totally and permanently disabled by SSA. As a result, nearly 400,000 borrowers that SSA has determined are eligible have not had their student loans discharged. Borrowers that are unable to make their payments can fall into default, be placed into forced collections and have their federal disability benefits garnished, despite being qualified for a discharge.

In order to expeditiously provide the relief to totally and permanently disabled borrowers to which they are entitled, ***ED should issue a notice of proposed rulemaking that proposes to eliminate the need for borrowers to submit a TPD application and to grant automatic discharges to those that are determined to be totally and permanently disabled by SSA.***

Automatically discharging the student loans of borrowers who are totally and permanently disabled is sound public policy that will alleviate the financial burden placed on these borrowers, who may struggle to repay their loans. Additionally, doing so would put borrowers who are deemed eligible for TPD discharge by SSA on equal footing as those deemed eligible by the VA.

If you would like to discuss this matter further, please contact me at cchapman@accesslex.org. You can also reach our Director of Policy, Nancy Conneely, at nconneely@accesslex.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris P. Chapman". The signature is fluid and cursive, with a large initial "C" and "P".

Christopher P. Chapman
President and Chief Executive Officer