

May 5, 2025

Office of Postsecondary Education
U.S. Department of Education
400 Maryland Avenue SW, 5th Floor
Washington, DC 20202

Submitted via regulations.gov

**Re: Comments to Department of Education in response to Intent to
Receive Public Feedback for the Development of Proposed
Regulations and Establish Negotiated Rulemaking Committee;
Docket ID ED-2025-OPE-0016**

Public Rights Project (“PRP”) appreciates the opportunity to comment in response to the Department of Education’s announcement of its intent to establish a negotiated-rulemaking process to make changes to, among other programs, the Public Service Loan Forgiveness program.

PRP is a not-for-profit legal advocacy organization committed to equitable enforcement of law. Operating at the intersection of community organizing and government enforcement, PRP seeks to catalyze more rights protection by our network of local government partners. PRP provides technical assistance, training, and legal support to drive enforcement that improves the daily lives of historically underserved groups.

PRP objects to any regulations that would narrow the definition of a “qualifying employer” for the purpose of determining PSLF eligibility. The PSLF program enables borrowers, including our employees and members, to enter public-service careers and carry out critically important work for the public good. Restricting the program would harm the public-service professions—teachers, nurses, social workers, legal aid, public defenders, and countless others—and make it difficult for organizations to fulfill their missions and provide important services to populations in need.

Student debt is a substantial barrier to entry for critically important public-service work.

Total outstanding federal student debt in the United States now exceeds \$1.7 trillion¹ among more than 42 million borrowers.² Student loans are a tremendous barrier for people seeking employment in public-service jobs particularly, where salaries are persistently low compared to private-sector jobs. That is especially true for low-income, non-white, and first-generation borrowers. And many public-service jobs—healthcare, social work, and law, among many others—require not just Bachelor’s degrees but also graduate degrees, requiring aspiring professionals to take on additional debt to pursue their chosen profession and exacerbating the disparity between debt and compensation.

Consider, for example, the legal profession: 70% of law students graduate with student debt, borrowing an average of \$119,292.³ But lawyers entering public-service jobs are underpaid—by some margin—relative to their private-sector counterparts, making it difficult to sustain a lasting career.⁴ Similarly, social workers who obtain a Master’s of Social Work (the terminal degree required to practice clinical social work independently) graduate with a mean total student debt of \$67,000,⁵ but the mean starting salary for social workers with MSWs is just \$47,100.⁶ Among K-12 teachers, nearly half take on student loans averaging more than \$50,000; starting salaries are routinely under \$40,000.⁷

Disparities between student debt undertaken and public-service-sector salaries, and the prospect of more competitive salaries and benefits in the private sector, mean that many borrowers may forgo public-service jobs altogether because they

¹ Melanie Hanson, *Student Loan Debt Statistics*, Education Data Initiative (updated Mar. 16, 2025), <https://perma.cc/6TRR-RJ9U>; see also Adam Looney & Constantine Yannelis, *What Went Wrong with Federal Student Loans?*, Brookings (2024), <https://perma.cc/Z4KN-ZVXR> (from 2000 to 2020, the number of borrowers with student debt went from 21 million to 45 million, and the total amount owed “quadrupled from \$387 billion to \$1.8 trillion”).

² *Id.*

³ Melanie Hanson, *Average Law School Debt*, Education Data Initiative (updated Oct. 1, 2024), <https://perma.cc/JSL7-7GYT>.

⁴ According to an analysis by the National Association for Law Placement, “the median salary for entry-level civil legal services lawyers was \$64,200” in 2023. Nat’l Ass’n for Law Placement, *NALP’s Public Service Attorney Salary Survey Shows Pay Remains Lowest at Civil Legal Services Organizations*, NALP Bulletin (May 2024), <https://perma.cc/RK2Y-U5HD>. Median entry-level salaries for public defenders and other kinds of public-interest lawyers were \$69,600 and \$69,500, respectively. *Id.*

⁵ Edward Salsberg et al., *The Social Work Profession: Findings from Three Years of Surveys of New Social Workers*, NASW 12 (Aug. 2020), <https://perma.cc/5ZM2-QZ6L>.

⁶ *Id.*

⁷ Nat’l Educ. Ass’n., *Student Loan Debt Among Educators: A National Crisis* 7, 12 (July 2021), <https://perma.cc/YJM5-5DTW>.

cannot otherwise cover all living expenses, including their student debt. The result is severe workforce shortages in the nonprofit sector.⁸ Indeed, nonprofit organizations consistently report that salary competition is the single largest factor harming their ability to attract and retain employees.⁹

And the consequences of attrition and difficulties recruiting can be dire to the people public-interest organizations seek to serve—reduction or elimination of services and longer waiting times mean that people in need have less access to healthcare, childcare, education, legal assistance, and other basic human services that the nonprofit sector provides, including for people with disabilities, LGBTQ+ people, people of color, and other vulnerable communities.¹⁰

The PSLF program was designed to help people enter public-service employment.

Fortunately, Congress, with bipartisan support, enacted the PSLF program (as part of the College Cost Reduction and Access Act)¹¹ to encourage entry for a wide range of public-service professions.

As the legislative history around the passage of the Act shows, the program was designed to support those who want “to be teachers, to be in law enforcement, to work in legal aid, to work as a public defender, to work in environmental protection, to work in a variety of areas that are extraordinarily important for our country and for our society”;¹² and those in “emergency management, public safety, . . . public education, early childhood education, childcare, public health and social work in public service agencies, public services for individuals with disabilities and the elderly, public interest legal services, public defenders, school librarians, school-based service providers, teaching full-time at a tribal college or university.”¹³ And that enumerated list of employers was “not exclusive, it is inclusive.”¹⁴ As Senator Kennedy explained, “we have made this as wide as we could in terms of

⁸ See Nat’l Council of Nonprofits, *2023 Nonprofit Workforce Survey Results: Communities Suffer as Nonprofit Workforce Shortage Crisis Continues* 3-4 (2023), <https://perma.cc/7NDN-27LG>; Ctr. For Effective Philanthropy, *State of Nonprofits in 2023: What Funders Need to Know* (2023), <https://perma.cc/9KZB-856A>; see also, e.g., ABA *Profile of the Legal Profession 2024*, <https://perma.cc/E4UY-4JGN> (accessed Apr. 24, 2025) (explaining survey results showing that legal-aid attorneys are in low supply and high demand, attributable in large part to low pay and large student-loan balances); see also John Gross, *Why Our Public Defense Systems Are Collapsing*, Nat’l Ass’n for Pub. Defs. (June 5, 2023), <https://perma.cc/ZP9S-7MNU>.

⁹ Nat’l Council of Nonprofits, *supra* note 8, at 10.

¹⁰ *Id.* at 5-8.

¹¹ See Pub. L. 110-84, 121 Stat. 784 (2007).

¹² 153 Cong. Rec. S9448 (daily ed. July 17, 2007) (statement of Sen. Bernie Sanders).

¹³ *Id.* at S9462 (statement of Sen. Ted Kennedy).

¹⁴ *Id.*

trying to respond to the sense that is out there in our schools and colleges, . . . to say: Look, if you want to give something back, we are going to make it possible.”¹⁵

As Congress envisioned, PSLF is a vitally important government program that eases the student-debt burden for those who choose public-service professions. Together with other federal financial-assistance programs, the PSLF program helps to bridge the income gap between public service and private employment to make public service a feasible career path. As of October 2024, more than a million borrowers have had more than \$70 billion in student debt discharged through the program.¹⁶ And PSLF has proven to be an important recruitment and retention tool for public-service employers, as the Department itself has recognized.¹⁷

Losing access to the PSLF program would harm PRP, its employees, and its ability to hire and retain talent.

PRP is a qualifying employer for purposes of PSLF eligibility and regularly employs people covered by it. Losing eligibility as a qualifying PSLF employer—or the threat of such a loss—would cause immediate, serious, and lasting harm.

As described above, sustainable careers in this field depend on access to the PSLF program. Should PRP’s employees lose access to the program, many of them will not be able to afford to make their required monthly student-loan payments while remaining in their current positions.

It also stands to place PRP at a competitive disadvantage in the hiring market, where nonprofit organizations are *already* at a disadvantage when it comes to hiring and retention. The threat or actual loss of the PSLF program will make it more difficult for PRP to attract new employees and to retain existing ones, because we could no longer offer these employees the prospect of student-loan forgiveness after making the requisite number of payments. And that, in turn, frustrates our

¹⁵ See 153 Cong. Rec. S9536 (daily ed. July 19, 2007) (statement of Sen. Ted Kennedy).

¹⁶ See Council of Econ. Advisors, *Making Public Service Loan Forgiveness Work for Borrowers and the American People*, White House (Oct. 17, 2024), <https://perma.cc/L62V-GXEW>.

¹⁷ See U.S. Dep’t of Educ., Fed. Student Aid, *Tackling the Public Service Loan Forgiveness Form: Employer Tips*, <https://perma.cc/DS3F-3RDM> (accessed Apr. 24, 2025) (Department resource for employers instructing that, “While [PSLF] is a potentially life-changing benefit for your employee, it’s also an opportunity for you. You can use your eligibility as a qualifying employer for the PSLF . . . program[] as a recruitment tool to attract highly qualified employees to your organization); Julie Burrell, Coll. & Univ. Professional Ass’n for Human Resources, *Public Service Loan Forgiveness: Help Employees Achieve Their Financial Goals*, The Higher Ed Workplace Blog (Sept. 17, 2024), <https://perma.cc/S9H6-E5BP> (noting that human resources can use the PSLF program “as part of a retention and recruitment strategy” and that it is “an especially attractive benefit to potential employees”).

ability to carry out our mission. And it requires diverting and reallocating financial resources that could otherwise be put to other purposes.

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PRP strongly opposes any effort by the Department to undermine the PSLF program. Such attempts would contravene Congress's intent in establishing the program, sow chaos and confusion for the millions of borrowers participating in the program—not to mention the millions more relying on its continued existence as they make decisions regarding higher-education enrollment and employment—and, ultimately, harm the array of public-service organizations that provide education, healthcare, legal, social, and other services for the benefit of the American people.

Should you have any questions about this comment, please feel free to contact Jon Miller (jon@publicrightsproject.org), Chief Program Officer.