

GENERAL SESSION #4

Federal Update

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U.S. Department of Education

2023 FSA Training Conference for Financial Aid Professionals

AGENDA

1. FAFSA Simplification
2. Recent guidance
3. Negotiated rulemaking
4. Regulatory issues – loans
5. Regulatory issues – non-loans



Implementing the 2024-25 FAFSA



Background Information

Why are we making these changes?

FUTURE Act

Enhances the FAFSA experience by allowing the U.S. Department of Education to automatically obtain federal tax information from the IRS for students, parents, or other contributors (such as a spouse or stepparent) who provide consent and approval

FAFSA Simplification Act

Expands access to federal student aid and introduces significant changes to the FAFSA process, including changes to the FAFSA form, how students and families will complete it, and the eligibility calculation



Phased deployment of FAFSA functionality and features

EA: General-23-100 Update on the Implementation of the 2024-25 FAFSA

- 1** Students and families may complete and submit the FAFSA form by Dec. 31. Once the application is complete, students will receive a confirmation email including their estimated Student Aid Index (SAI) and Federal Pell Grant eligibility.
- 2** Schools and state higher ed agencies will begin receiving Institutional Student Information Records (ISIRs) by the end of January 2024. Additionally, students will be able to make corrections and updates at this time. Institutions will be able to make corrections in the following weeks.
- 3** Links to export FAFSA information directly to certain state financial aid applications and the ability for unpaid preparers to complete a FAFSA form on behalf of students will return with the 2025-26 FAFSA form.

Collaboration for success

- Working with institutions, college counselors, software vendors and partner organizations
- State aid agency collaboration
- Opportunities for Q&A
- Provide flexibilities for reduced burden



Updating the 2024–25 *Better FAFSA® Better Future* Roadmap

FSA launched the 2024–25 *Better FAFSA Better Future* Roadmap to help students, their families, counselors, institutional partners, and states understand the changes with tools and resources.

The Roadmap includes a growing suite of training, technical guides, planning tools, media communications, and outreach activities.

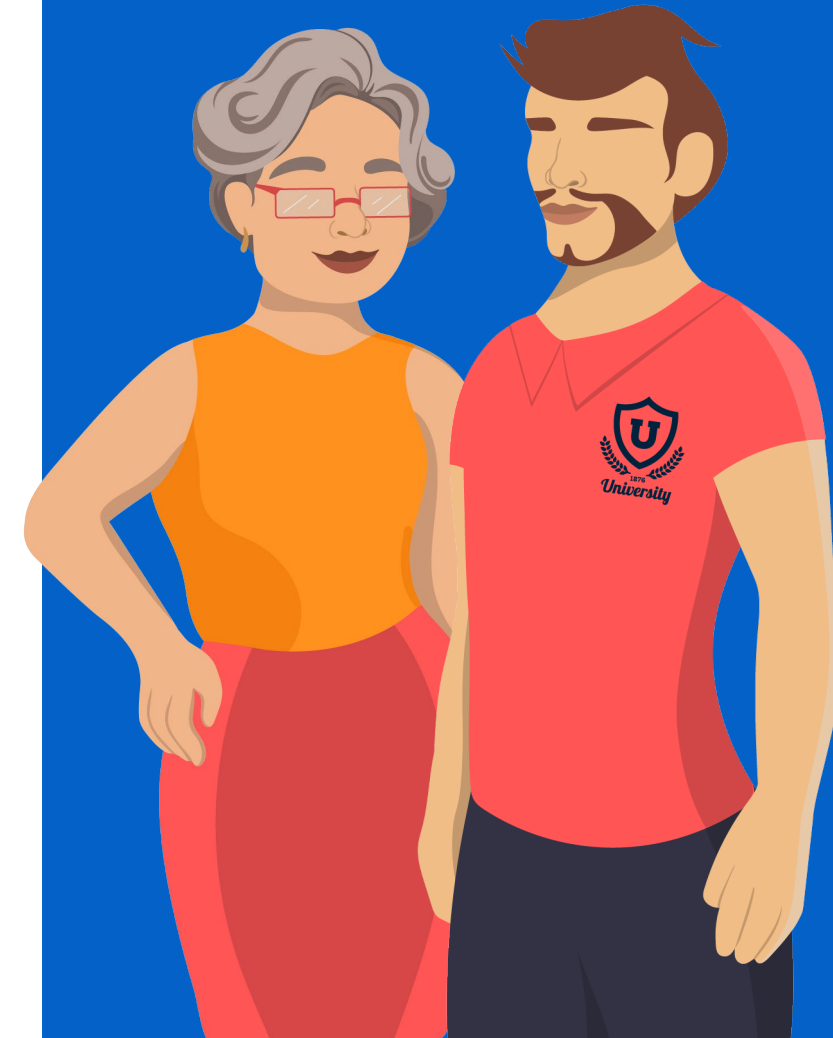
FAFSA Simplification Page now also includes a 2024-25 Updates tracker to be updated regularly with implementation updates and new resources.





For Institutions and State Partners

Resource	Delivery Date
2024-25 FAFSA Updates Feature This tool embedded into the Knowledge Center FAFSA Simplification Information page will provide regular updates on FAFSA development timing, webinars, and release of additional resources.	Beginning November 2023
2024–25 FAFSA Form Available	By December 31, 2023
2024-25 ISIR and FAFSA Submission Summaries Available FSA will complete eligibility determination and begin transmitting Institutional Student Information Records (ISIRs) and FAFSA Submission Summaries to states, institutions and applicants.	January 2024
2024-25 PDF FAFSA Processing and Institutional Corrections FSA will begin processing PDF (paper) FAFSA forms and producing output documents including Institutional Student Information Records (ISIRs) and FAFSA Submission Summaries. Institutions will also be able to submit corrections to ISIRs via the FAFSA Partner Portal or their financial aid management systems.	Beginning February 2024





For Counselors and Advocates

Resource	Delivery Date
Financial Aid Estimator and Preview Tools Online tools for students and families will provide an early estimate of their Student Aid Index and potential eligibility, as well as visual previews of the 2024-25 FAFSA form.	Summer through Fall 2023
Fact Sheets One-page resources for counselors about priority topics identified by college access professionals will include understanding the Student Aid Index, creating an FSA ID, assisting students with unusual circumstances, and use of federal tax information. Fact Sheets will be developed to address Frequently Asked Questions and support students and families during the phased implementation of the 2024-25 FAFSA process.	Summer through Winter 2024
2024-25 ISIR and FAFSA Submission Summaries Available FSA will complete eligibility determination and begin transmitting Institutional Student Information Records (ISIRs) and FAFSA Submission Summaries to states, institutions and applicants.	January 2024





For Students and Families

Resource	Delivery Date
Preparing for 2024-25 FAFSA Outreach Campaign Communications campaign, including tutorial videos, directed to students and families highlighting what they should do to prepare and key facts on what to expect from the new FAFSA process including how to obtain an FSA ID; features of the new FAFSA; and Pell eligibility.	Summer 2023
Financial Aid Estimator and Preview Tools Online tools for students and families to get an early estimate of their SAI and potential eligibility and visual previews of the new form.	Summer through Fall 2023
FAFSA Information Updates on StudentAid.gov On-going updates to FAFSA information and help resources	Summer through Winter 2024
FSA Social Media Outreach Ongoing multi-channel social media campaign to prepare students and families for the 2024-25 FAFSA.	Beginning November 2023
2024–25 FAFSA Form Available	By December 31, 2023



Resources and Deliverables to Date

- ✓ [Training: Better FAFSA Better Future Webinar Series](#)
 - On-demand recordings and in-depth training materials on topics related to the FAFSA Simplification implementation
- ✓ [Draft SAI and Pell Grant Eligibility Guide](#)
 - Includes an EFC → SAI crosswalk, case studies, and Min/Max Pell eligibility look-up tables
- ✓ Updates to [2024-25 FAFSA Technical Specifications Guide](#)
 - Revised 2024-25 Draft ISIR Record Layout posted on October 10, 2023
 - 2024-25 Test ISIR data file posted September 28, 2023
- ✓ [2024-25 FAFSA Form Preview Presentation](#)
 - Screenshots of the online FAFSA form

Key Resources and Deliverables

- ✓ [Webinar: 2024-25 FAFSA® Demonstration](#)
 - Virtual tour of the new features in the FAFSA form, including the new roles page, inviting contributors, student demographic questions, and the parent wizard
- ✓ Revised [Federal Student Aid Estimator](#)
 - Online tool to enable students to find out how much federal student aid they may be eligible for starting in the 2024-25 award year
- ✓ Updates to [Financial Aid Toolkit](#)
 - Online repository of outreach materials to help you communicate with students and families about what to anticipate and how to navigate the changes
- ✓ [2024-25 FAFSA® Prototype](#)
 - Web-based design tool allowing users to navigate specific applicant scenarios.



Tools & Resources

- ➔ Knowledge Center
- ➔ Financial Aid Toolkit
- ➔ Follow Us on Social

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RECENT GUIDANCE



RECENT POLICY GUIDANCE

- DCL GEN 23-12: 2024–2025 Award Year: FAFSA Information to be Verified and Acceptable Documentation
 - Summarizes and explains changes in the verification process for 2024-2025 resulting from the FAFSA Simplification Act and the FUTURE Act
 - Provides suggested text that an institution may use to fulfill its regulatory verification requirement
 - Published to coincide with Federal Register Notice
- Federal Register Notice (September 19, 2023) – FAFSA information to be verified for the 2024-2025 award year and acceptable documentation
 - Chart showing FAFSA information and corresponding acceptable documentation
 - Chart showing Verification tracking flags (V1, V4, and V5 are active), verification group names, and FAFSA information to be verified

Verification Tracking Groups

Verification tracking flag	Verification tracking group name	FAFSA information required to be verified
V1	Standard Verification Group	<p>Tax Filers</p> <ul style="list-style-type: none"> Adjusted Gross Income Income Earned From work U.S. Income Tax Paid Untaxed Portion of IRA Distributions Untaxed Portion of Pensions IRA Deductions and Payments Tax Exempt Interest Income Education tax credits Foreign income exempt from Federal Taxation <p>Non-Tax Filers</p> <ul style="list-style-type: none"> Income Earned From Work <p>Tax Filers and Non-Tax Filers</p> <ul style="list-style-type: none"> Family Size
V2	Reserved	N/A
V3	Reserved	N/A
V4	Custom Verification Group	Identity/Statement of Educational Purpose
V5	Aggregate Verification Group	<p>Tax Filers</p> <ul style="list-style-type: none"> See Tax Filers Under V1 <p>Non-Tax Filers</p> <ul style="list-style-type: none"> Income Earned From Work <p>Tax Filers and Non-Tax Filers</p> <ul style="list-style-type: none"> Family Size Identity/Statement of Educational Purpose
V6	Reserved	N/A

RECENT POLICY GUIDANCE

- DCL GEN 23-11: FAFSA Simplification Act Changes for Implementation in 2024-25

Summarizes changes to requirements under Title IV of the Higher Education Act resulting from the FAFSA Simplification Act that will become effective for the 2024-25 Award Year.

- Transition from Expected Family Contribution to Student Aid Index
- Use of Federal Tax Information
- Changes to Need Analysis Formulas
- Income and Asset Components and Allowances Against Income
- Dependency Status
 - Provisional Independent Status
- Removal of Alternate Expected Family Contributions
- Calculation of a Pell Grant
 - Enrollment Intensity

RECENT POLICY GUIDANCE

- DCL GEN 23-10: Implementation and Policy Guidance of the Pre-Dispute Arbitration Agreement Provisions – Institutions:
 - May not compel a student to pursue a complaint based upon a “borrower defense claim” through an internal dispute process before the student presents the complaint to an accrediting agency or a government agency authorized to hear the complaint
 - May not rely on a pre-dispute arbitration agreement with a student who has obtained or benefited from a Direct Loan with respect to any aspect of a class action related to a borrower defense claim
 - May not enter or rely on a pre-dispute agreement to arbitrate any aspect of a borrower defense claim with a student who obtained or benefited from a Direct Loan
 - Must submit copies of certain judicial records related to any claim concerning a borrower defense claim filed in a lawsuit by the institution against the student or by any party, including a government agency, against the institution

Regulations published on November 1, 2022

RECENT POLICY GUIDANCE

- DCL GEN-23-09: Accreditation and Eligibility Requirements for Distance Education
 - Distance education waivers and flexibilities expire October 7, 2023
 - Reminder that institutions that offer any portion of a Title IV-eligible program via distance education must:
 - Be evaluated by their recognized institutional accrediting agency, which has distance education within the scope of its recognition, for effective delivery of distance education
 - Be reviewed by their recognized institutional accrediting agency under its substantive change procedures once it meets or exceeds the distance education 50 percent threshold, (50 percent of a program, 50 percent of students, or 50 percent of courses)
 - Institutions that have been previously reviewed during a comprehensive review for initial accreditation or reaffirmation of accreditation, or that are in the process of renewing their accreditation, and met or will meet the 50 percent threshold are not required to be evaluated again provided the distance education review occurs before the grant or renewal of accreditation
 - Follow any additional policies and procedures set by their recognized institutional accrediting agency regarding distance education

NEGOTIATED RULEMAKING



AFFORDABILITY AND STUDENT LOANS

The Department convened the Negotiated Rulemaking for the Affordability and Student Loans Committee in 2021

Negotiations were held:

- Session 1 held October 4-8, 2021
- Session 2 held November 1-5, 2021
- Session 3 held December 6-10, 2021

Notice of Proposed Rulemaking

- July 13, 2022

Final Rule Publication:

- November 1, 2022

Effective Date of Regulations:

July 1, 2023

Effective Date Final regulations; Technical and Correcting Amendments.

- July 6, 2023

IMPROVING INCOME-DRIVEN REPAYMENT (IDR)

The Department convened the Negotiated Rulemaking for the Affordability and Student Loans Committee in 2021

Negotiations were held:

- Session 1 held October 4-8, 2021
- Session 2 held November 1-5, 2021
- Session 3 held December 6-10, 2021

Notice of Proposed Rulemaking

- January 11, 2023

Final Rule Publication:

- July 10, 2023

Effective Date of Regulations:

July 1, 2023, July 1, 2024 & July 1, 2025

INSTITUTIONAL ELIGIBILITY AND ACCOUNTABILITY

The Department convened the Negotiated Rulemaking for the Committee in 2022

Negotiations were held:

- Session 1 held January 18-21, 2022
- Session 2 held February 14-18, 2022
- Session 3 held March 14-18, 2022

Notice of Proposed Rulemaking

- July 28, 2022 (90/10, CIO, and PEP)
- May 19, 2023 (GE, Fin. Res., Admin. Cap., Cert. Procedures, and ATB)

Final Rule Publication:

- October 28, 2022 (90/10, CIO, and PEP)
- October 10, 2023 (GE)
- October 31, 2023 (Fin. Res., Admin. Cap, Cert. procedures, and ATB)

Effective Date:

July 1, 2023

July 1, 2024

July 1, 2024

COMMITTEE CONVENED FOR THE MODIFICATION, WAIVER, OR COMPROMISE OF FEDERAL STUDENT LOANS.

The Department established a Negotiated Rulemaking Committee to discuss topics under the authorities granted to the Secretary under HEA Section 432(a), which relates to the modification, waiver, or compromise of Federal student loans.

Negotiations schedule:

- Session 1 held October 10 and 11
- Session 2 held November 6 and 7
- Session 3 will be held December 11-12

REGULATORY ISSUES – LOANS

AFFORDABILITY AND STUDENT LOANS

Implementation Date of Regulations - July 1, 2023:

1. Interest Capitalization
2. Total and Permanent Disability
3. False Certification
4. Public Service Loan Forgiveness
5. Closed School Discharge
6. Pre-Dispute Arbitration
7. Borrower Defense to Repayment
8. Prison Education Programs

Final regulations. <https://www.federalregister.gov/documents/2022/11/01/2022-23447/institutional-eligibility-under-the-higher-education-act-of-1965-as-amended-student-assistance>

Final regulations; technical corrections and correcting amendments.

<https://www.federalregister.gov/documents/2023/07/06/2023-14289/institutional-eligibility-under-the-higher-education-act-of-1965-as-amended-student-assistance>

IMPROVING INCOME DRIVEN REPAYMENT PLANS

Early Implementation Date of Regulations - July 30, 2023:

1. The Revised Pay As You Earn (REPAYE) Plan is being renamed the Saving on a Valuable Education (SAVE) Plan.
2. Increase the amount of income exempted from the calculation of the borrower's payment amount from 150% of the Federal poverty guideline (FPL) to 225% of FPL for borrowers on the REPAYE (SAVE) plan.
3. Change definition of family size for Direct Loan borrowers in IBR, ICR, PAYE, and REPAYE (SAVE) to exclude the spouse when a borrower is married and files a separate tax return.
4. Will not charge any remaining accrued interest each month after the borrower's payment is applied under the REPAYE (SAVE) plan.

IMPROVING INCOME DRIVEN REPAYMENT PLANS

Implementation - Prior to the effective date of July 1, 2024:

1. Modified regulations for all IDR plans to allow for certain periods of deferment to count toward forgiveness.

Implementation - Effective date of July 1, 2024:

1. Modified regulations for all IDR plans to allow for certain periods of forbearance to count toward forgiveness.
2. Lower the share of discretionary income used to calculate the borrower's monthly payment for under REPAYE (SAVE) to 5% for undergraduate loans and 10% for graduate loans. For borrowers with loans in both categories a weighted average will be used.

IMPROVING INCOME DRIVEN REPAYMENT PLANS

Implementation - Effective date of July 1, 2024:

3. Align the definition of “family size” in the FFEL Program to coincide with the definition of “family size” in the Direct Loan Program.
4. For REPAYE (SAVE) only, the Department will grant forgiveness starting at 10 years for borrowers whose original total Direct Loan principal balances was less than or equal to \$12,000. Time to forgiveness will increase by one year for each additional \$1,000 added to their original principal balance above \$12,000.
5. Allow for catch-up payment option for payments made to count toward forgiveness on deferment and forbearance periods that do not automatically count toward forgiveness.

IMPROVING INCOME DRIVEN REPAYMENT PLANS

Implementation - Effective date of July 1, 2024:

6. Permit borrowers to receive credit toward forgiveness for payments made prior to consolidating their loans.
7. Automatic enrollment into an IDR plan for borrowers who have not made a scheduled payment on the loan for at least 75 days or is in default.
8. IBR modification to clarify borrowers in default are eligible to make payments under the plan and receive credit toward forgiveness.

IMPROVING INCOME DRIVEN REPAYMENT PLANS

Implementation - Effective date of July 1, 2024:

9. Remove borrowers from default in the limited circumstances.
10. Established a provision allowing the Secretary to automatically place a borrower into the REPAYE (SAVE) plan for defaulted borrowers who are in an IBR plan and rehabilitated the loan.
11. A borrower who makes 60 monthly payments on REPAYE (SAVE) may no longer switch to IBR.

IMPROVING INCOME DRIVEN REPAYMENT PLANS

Implementation - Effective date of July 1, 2024:

- 12. Modify alternative plan to only calculate for 10-year amortization, with limitation of 12 payments counting toward forgiveness.
- 13. Limit enrollment in ICR to currently enrolled borrowers who continue to pay under the plan, and borrowers whose loans include a Direct Consolidation loan that repaid a parent PLUS loan.
- 14. Limit enrollment in PAYE to currently enrolled borrowers who continue to make payments.

For a full list of all changes to the IDR regulations, go to the link below:

Final regulations. <https://www.federalregister.gov/documents/2023/07/10/2023-13112/improving-income-driven-repayment-for-the-william-d-ford-federal-direct-loan-program-and-the-federal>

REGULATORY ISSUES – NON-LOANS



PRISON EDUCATION PROGRAMS (PEP)

Implementation - Effective date of July 1, 2023:

1. Confined or incarcerated student may access a Federal Pell Grant by enrolling in an eligible PEP
2. Further regulates the definition of a PEP as established in the HEA
3. Establishes application requirements to ED and accrediting agency for approval of PEPs
4. Defines the “best interest determination” – the process for oversight entities (DOJ-Bureau of Prisons and State Depts. of Correction) – in approving PEPs

90/10

Implementation - Effective date of July 1, 2023*:

* 90/10 regulations apply to institutional fiscal years beginning on or after January 1, 2023 (consistent with statutory changes)

1. Aligns the 90/10 regulations with the statutory change in the American Rescue Plan to include all Federal aid, not just Title IV aid, in the calculation
2. Modifies the 90/10 calculation by:
 - Requiring that institutions timely disburse Title IV funds by the end of their fiscal year
 - Disallowing the proceeds from the sale of institutional loans to count in the 90/10 calculation
 - Revising the requirements that non-Title IV programs must meet for institutions to be able to count the proceeds from those programs as non-Federal revenue in the 90/10 calculation
3. Establishes that institutions are liable for all Title IV funds they disburse after the fiscal year they become ineligible due to failing 90/10, except funds they are entitled to disburse under 34 CFR § 668.26

CHANGE IN OWNERSHIP

Implementation - Effective date of July 1, 2023:

1. Regulatory changes address the growing number of CIOs (some of which also seek a conversion from proprietary to nonprofit or public status), the increasing complexity of ownership, and the heightened risk to students and taxpayers
2. The changes:
 - Clarify the definitions of “additional location,” “branch campus,” “main campus,” and “nonprofit institution” and describe characteristics of institutions that do not generally meet the definition of a nonprofit institution
 - Require that institutions provide ED with 90 days' notice of an impending change in ownership, ensure that accreditation and State licensure are in effect as of the day before the proposed change, and codify practices on submission of financial statements and provision of financial protection
 - Clarify what constitutes a CIO and a change in control, distinguishing between natural persons and entities in § 600.21 and the conditions under which they constitute a change of control

FINANCIAL VALUE TRANSPARENCY AND GAINFUL EMPLOYMENT



Federal Student Aid
OFFICE of the U.S. DEPARTMENT of EDUCATION

Implementation - Effective date of July 1, 2024:

1. Create a financial value transparency framework consisting of two metrics
 - Annual discretionary debt-to-earnings rates
 - Earning premium measure
2. Impose an accountability framework for GE programs by linking the financial value transparency metrics to GE program eligibility
3. Establish reporting requirements including student-level program information; attendance and withdrawal/completion dates; private and institutional loan debt; and certain institutional charges

FINANCIAL VALUE TRANSPARENCY AND GAINFUL EMPLOYMENT (GE)



Federal Student Aid
OFFICE of the U.S. DEPARTMENT of EDUCATION

Implementation - Effective date of July 1, 2024:

4. Provide program information to students through a website maintained by ED
 - Students must acknowledge seeing the information before receiving Title IV funds if enrolling in a program with poor debt outcomes
 - Warnings required for students enrolling in GE programs at risk of losing Title IV eligibility
5. Require institutions to certify that GE programs meet applicable accreditation and state requirements

FINANCIAL RESPONSIBILITY

Implementation - Effective date of July 1, 2024:

1. Removes and reserves § 668.15 to consolidate all financial responsibility provisions under Subpart L
2. Requires audit reports to be submitted by the earlier of 30 days after the date of the report or six months after the end of the institution's fiscal year
3. Specifies that institutions would not be considered to meet financial obligations if they fail to make debt payments for more than 90 days, fail to make payroll obligations, or borrow from employee retirement plans without authorization
4. Revises mandatory and discretionary triggers for financial protection

FINANCIAL RESPONSIBILITY

Implementation - Effective date of July 1, 2024:

5. Requires the conditions under which an institution must report a triggering event
6. Specifies that ED may independently assess whether an auditor's concerns have been addressed or whether an opinion of doubt reflects a lack of financial responsibility
7. Clarifies the timeframe related to audit and program review findings that lead to a liability of greater than 5 percent of Title IV volume

ADMINISTRATIVE CAPABILITY

Implementation - Effective date of July 1, 2024:

1. Requires institutions to provide adequate financial aid counseling and communications to advise students about the most beneficial types of financial assistance available
2. Specifies that institutions must not engage in misrepresentations or aggressive and deceptive recruitment
3. Restricts institutions from having any principal or affiliate whose past misconduct or closure contributed to liabilities exceeding 5 percent of that institution's Title IV funds
4. Requires that the institution has not been subject to a significant repeated or unresolved negative action or finding by a state or federal agency, a court, or an accrediting agency, and that the institution has not lost eligibility to participate in another federal educational assistance program due to an adverse action

ADMINISTRATIVE CAPABILITY

Implementation - Effective date of July 1, 2024:

5. Strengthens the requirement that institutions must develop and follow adequate procedures to evaluate the validity of a student's high school diploma
6. Requires that institutions provide adequate career services to eligible students who receive Title IV assistance
7. Stipulates that institutions must provide accessible clinical or externship (when applicable) placement within 45 days of the completion of other required coursework

CERTIFICATION PROCEDURES

Implementation - Effective date of July 1, 2024:

1. Eliminates the provision that requires ED to approve participation for an institution if it has not acted on a certification application within 12 months
2. Specifies additional events that would lead to provisional certification, such as if an institution triggers one of the proposed new financial responsibility triggers
3. Requires provisionally certified schools that have major consumer protection issues to recertify after no more than three years
4. Establishes supplementary performance measures ED may consider in determining whether to certify or condition the participation of an institution

CERTIFICATION PROCEDURES

Implementation - Effective date of July 1, 2024:

5. Requires an authorized representative of any entity with direct or indirect ownership of a private institution to sign a program participation agreement (PPA)
6. Adds federal agencies and state attorneys general to the list of entities that have the authority to share information with each other and the Department
7. Limits the number of hours in a GE program to the greater of the minimum number of hours required by the State in which the institution is located, or the minimum number of hours required in another State meeting certain qualifying requirements
8. Establishes conditions that ED may apply to provisionally certified institutions, changes in ownership, and nonprofit conversions

ABILITY TO BENEFIT

Implementation - Effective date of July 1, 2024:

1. A student without a high school diploma (or recognized equivalent) who enrolls in an eligible career pathway program can establish Title IV eligibility by fulfilling one of the ability-to-benefit (ATB) alternatives:
 - Pass an independently administered, Department-approved ATB test;
 - Complete at least six credit hours or equivalent coursework (225 clock hours) applicable toward a degree or certificate offered by the institution; or
 - **Participate in a State process approved by the Department**
2. Regulations provide clarifications concerning eligible career pathway programs and State processes to:
 - Clarify what is required to show that a program qualifies as an eligible career pathway program
 - Eliminate requirement that first-time applicants for the State process must demonstrate past performance metrics, establishing quality controls for an initial approval period
 - Clarify requirements for States reapplying for subsequent approval of their State process
 - Establish reporting requirements needed to retain access to Title IV programs

KEY RESOURCES

- <https://fsapartners.ed.gov/knowledge-center>
- [OPE's negotiated rulemaking website](#)
- <https://www.Regulations.gov>
- <https://www.federalregister.gov/>
- <https://www.ecfr.gov>
- <https://fsaconferences.ed.gov/> - Session B05 - Income Driven Repayment Session

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