

insights

TYPES NOT MAPPED YET February 09, 2022 | TTR not mapped yet | Jeffrey R. Fink, Aaron D. Lacey

Responding to Student Borrower Defense to Repayment (BDR) Claims

Webinar

Under the Higher Education Act, the U.S. Department of Education is directed to issue regulations governing when student borrowers may seek to discharge their federal student loans due to the misconduct of their institutions of higher education. These regulations—called the “Borrower Defense to Repayment” (“BDR”) regulations—first originated in 1994, but until recently, resulted in only a handful of claims by students seeking to discharge their federal student loans.

During the Obama administration, the Department undertook a wholesale revision of the BDR regulations, encouraged students to file BDR claims, and signaled that it would aggressively seek to hold institutions liable for federal student loans that the Department discharged. During the Trump administration, the Department revised the BDR regulations and proposed a new approach for the processing of thousands of pending student BDR claims, which resulted in litigation against the Department. During the Biden administration, the Department is now aggressively processing and investigating the backlog of student BDR claims and revising the BDR regulations yet again.

Thompson Coburn’s Higher Education Practice is pleased to announce that the next entry in its 2021-22 Higher Education Webinar Series will explore the BDR regulations as to student loan discharges, the Department’s processing of student BDR claims, and the litigation concerning the Department’s practices as to BDR claims. The webinar will then turn to a discussion about how an institution can best respond to BDR claims and attempt to avoid potential liability for federal student loans discharged by the Department.

The upcoming webinar will be presented by Aaron Lacey, Chair of the Firm’s Higher Education Practice, and Jeff Fink, a Firm partner who has helped respond to several hundred student BDR claims.

CLE

The live presentation of this webinar was approved for 1.0 hour of general CLE credit in California, Illinois, and Texas; 1.2 hours of general CLE credit in Missouri; and 1.0 hour of professional practice CLE credit in New York. CLE credit is no longer available for this recording.

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