

## **Borrower Defense to Repayment**

The Borrower Defense to Repayment Rule offers students relief from federal student loan borrowers based on fraudulent, misleading, or illegal acts by their institution. More information regarding this rule can be found at <https://studentaid.gov/manage-loans/forgiveness-cancellation/borrower-defense>.

### **Pre-dispute Arbitration Agreements or Class Action Waivers**

Focus Personal Training Institute is licensed by the state of New York State Education Department (NYSED), Bureau of Proprietary School Supervision (BPSS). As such, the following policy guidance is adhered to<sup>1</sup>:

1. No school rule, policy, or agreement required as a condition of enrollment in or completion of a course or curricula, can undermine or prevent a student from exercising their private right of action under New York State Education Law § 5003(8).
2. No school rule, policy, or agreement between a licensed private career school and a student shall limit, deter, prevent, or prohibit BPSS from taking disciplinary action against a school pursuant to New York State Education Law § 5003.
3. Arbitration clauses are not permitted in school enrollment agreements or course catalogs. Since the inclusion of such clauses in an enrollment agreement may diminish or make less obvious to students, their right of private action guaranteed by Education Law § 5003(8), and may diminish the authority of BPSS to take disciplinary action against schools to resolve student complaints, arbitration clauses do not meet the standard for reasonableness, which is required by 8 NYCRR §126.7(b)(12) of the Commissioner's Regulations.

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<sup>1</sup> Education Law 5002(1)(b)(5); Education Law § 5003(8); 8 NYCRR §126.7(b)(12); 8 NYCRR §126.1(a).