

**Comments Received During 60-Day Public Comment Period
On the Draft 2009-2010 Free Application for Federal Student Aid (FAFSA)**

Question 11:

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Comment: Question 11: Driver's License Number. We suggest adding this text to the end:
“(leave blank if you do not have one).”

Question 13:

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Comment: Question 13: E-mail Address. We suggest modifying the last sentence as follows:
“If you prefer to be contacted by postal mail, *or do not have an email address*, please leave this field blank.”

Question 14:

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Comment: Notes for question 14 (page 5). The current language makes it unclear whether students who are neither citizens nor eligible noncitizens should complete the FAFSA. We recommend changing the last sentence of this Note to match the language used in the current FAFSA on the Web Worksheet, as follows: “However, *you should still complete the application, because you may be eligible for state or college aid.*”

Question 14: Citizenship. We suggest this modification: “Mark *only one.*” We also recommend adding “*Skip to question 16*” after option (c).

Question 16:

From: Steven Winey [mailto:WINEYS@cedarville.edu]
Sent: Monday, August 11, 2008 8:32 AM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: 2009-10 Draft FAFSA comments . . .

Comment: Question 16 has huge implications for many students, especially upperclass-level students in our university. Paper FAFSA -- perhaps consider adding a 'Note' on Page 2 which would state something along the lines of -- You are reporting your marital status 'as of today' -- the time you submit your first FAFSA for the 2009-10 year. Understand, this is NOT a correctable item. If you are currently single/divorced and you plan to marry at a later date during the 2009-10 year, you may want to speak to the Financial Aid Office at your school before submitting this FAFSA. Again, once you submit your first FAFSA, you will not be able to make any corrections to this item. Online FAFSA -- I have no idea what type of instructions / help pops up -- but again perhaps some type of note under question.

Question 19:

From: Leonard Gude [mailto:leonard.gude@regenteducation.com]
Sent: Monday, August 11, 2008 9:04 AM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: 2009-10 FAFSA Comments

Comment: Student Status of Legal Residency. Question 19 is redundant and could be calculated based on the student's response to question 20.

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Question 19: State Residence. We recommend defining "state of legal residence" in the Notes section.

Question 22:

From: Jim Green [mailto:jgreen@pct.edu]
Sent: Thursday, August 28, 2008 9:23 AM
To: FAFSA Comments
Subject: Comments on 2009-2010 FAFSA Draft

Question 22: The 'Register me' wording for the Selective Service question is good.

From: Stephanie Gardiner [mailto:gardiner@mail.csi.cuny.edu]
Sent: Tuesday, September 23, 2008 10:19 AM
To: FAFSA Comments
Subject: 2009-10 FAFSA

Define Selective Service - I had several students tell me they didn't know what that was so they left it blank.

From: Kantrowitz, Mark [mailto:mkant@fastweb.com]
Sent: Friday, October 03, 2008 4:42 PM
To: FAFSA Comments
Cc: Kantrowitz, Mark
Subject: Comments on 8/7/08 Draft of the 2009-2010 FAFSA

The gender and selective service questions were in a more compact format on the 2008-09 FAFSA. If there's a good reason for the new format (say, user studies demonstrated that it minimized confusion), modify it to fit in three lines instead of four to save space. For example, if you add carriage returns to yield:

Are you
male or
female?

to split #21 across three lines, that might free up enough horizontal space to make #22 fit in three lines, saving a line.

Question 23:

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Question 23: Drug Conviction. This question applies only to students who have received federal financial aid in the past, and therefore it is superfluous for first-time applicants -- the population most likely to be deterred by the FAFSA's complexity and length. Since all renewals are electronic, and the Department automatically distinguishes between renewal-eligible applicants and first-time applicants online, this question should appear only on the electronic FAFSA presented to renewal-eligible applicants.¹

For renewal-eligible applicants, we suggest replacing the current sentence that begins with "If you have,..." with the following two sentences: "*Whether you answer "yes" or "no," complete and submit this application. If you answer "yes," we will send you a worksheet in the mail so you can determine if your conviction affects your eligibility for aid.*"

Question 26:

From: Creviston, Pearl [mailto:Pearl.Creviston@ctcd.edu]
Sent: Tuesday, September 23, 2008 1:53 PM
To: FAFSA Comments
Subject: 09/10 FAFSA Review

High school question 26 is much better than this year's question, we had a majority of students who left it blank this year.

From: Steven Winey [mailto:WINEYS@cedarville.edu]
Sent: Monday, August 11, 2008 8:32 AM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: 2009-10 Draft FAFSA comments . . .

Question 26 -- We have received a number of FAFSA's where this was left 'Blank'. Online FAFSA -- Make this a 'required' field -- if they leave it blank and try to go on to the next section, force them back to this question so that they provide one of the answers. ** if this is left blank, then packaging of aid is delayed and the student gets frustrated.

¹ The term "renewal-eligible applicant" is used here to refer to students who have previously completed the regular FAFSA, but *not* those who have only completed the FAFSA4caster.

From: Deborah Flinn [mailto:dflynn@charteroak.edu]
Sent: Thursday, August 14, 2008 12:47 PM
To: FAFSA Comments
Subject: FAFSA 2009-2010

To Whom It May Concern: After review of the proposed FAFSA we have identified a few areas that we believe could be changed for clarity: FAFSA Q26: We have an entirely adult population and suggest that this question be worded differently. Our suggestion is: Do you have or will you have a High School completion status when you begin college in the 2009-2010 school year?

From: Jim Green [mailto:jgreen@pct.edu]
Sent: Thursday, August 28, 2008 9:23 AM
To: FAFSA Comments
Subject: Comments on 2009-2010 FAFSA Draft

Question 26: The revised high school completion question is welcomed! It is a great improvement over the 2008-09 question wording about this item.

Question 28:

From: Lili C Vidal
Sent: Wednesday, August 27, 2008 8:39 AM
To: 'FAFSAComments@ed.gov'
Subject: Comments on 2009-10 FAFSA

Good morning. I have three comments for the 2009-10 FAFSA: 1. Yeah! There is more clarity to some of the troublesome questions of the past. And no worksheets. Thank you. 2. Question 28. Still is troublesome for credential students. They don't know how to answer the question correctly – although 29 includes them. Either specifically include them in 28 or provide instructions on how they should answer 28.

From: Kantrowitz, Mark [mailto:mkant@fastweb.com]
Sent: Friday, October 03, 2008 4:42 PM
To: FAFSA Comments
Cc: Kantrowitz, Mark
Subject: Comments on 8/7/08 Draft of the 2009-2010 FAFSA

Making questions 28-31 self-contained improves clarity and is more convenient for the applicants, but does increase the length of the form. The side-by-side format for questions 33 and 34 is an improvement.

Question 29:

From: Steven Winey [mailto:WINEYS@cedarville.edu]
Sent: Monday, August 11, 2008 8:32 AM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: 2009-10 Draft FAFSA comments . . .

Question 29 -- Another question that creates problems in processing student's aid. Many students who are 'Undeclared' regarding their choice of major, but who are definitely accepted into an undergraduate degree program (answers should legitimately be 0, 1, 2) are unfortunately confused and enter their answer as '9' (Other / Undecided) -- this answer is problematic as it will not allow student to receive any Federal Aid, whether Pell Grant, ACG, SMART or fed'l loans. Online FAFSA -- If they select '9' as their answer, have a 'Pop-up Comment' explain that they

have indicated their answer and to explain the difference between 'Undeclared' major status and 'Undecided' degree/certificate aspirations . . .

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Question 29: Degree/certificate. Prospective and current students may not be familiar with the subcategories of degrees listed in this question. Unless the distinctions are required by statute or necessary for determining aid packages, we recommend combining the two associate degree answer options into one answer labeled "*Associate degree*," and combining the two certificate or diploma answers into one answer labeled "*Certificate or diploma (occupational, technical or education program)*."

Question 31:

From: Steven Winey [mailto:WINEYS@cedarville.edu]
Sent: Monday, August 11, 2008 8:32 AM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: 2009-10 Draft FAFSA comments . . .

Question 31 -- They are filling out an application for Federal Student Aid, and their FAFSA results will also be used in processing State and institutional aid. It seems to me that the answer '5' Don't Know is neither helpful to them nor to financial aid professionals who are trying to package aid for these students in a timely way. Please consider removing this answer from the options -- force the student to make a decision. If they change their minds regarding this question, they can always contact their financial aid counselor or submit a correction on their FAFSA. ** By the way -- I like the way you have integrated Worksheets A, B, and C into the Student Section and the Parents Financial Section. **

From: Kantrowitz, Mark [mailto:mkant@fastweb.com]
Sent: Friday, October 03, 2008 4:42 PM
To: FAFSA Comments
Cc: Kantrowitz, Mark
Subject: Comments on 8/7/08 Draft of the 2009-2010 FAFSA

I question the need for question 31 and recommend its elimination to save space.

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Question 31: Work-study/Student loans. We are concerned that the current language ("In addition to grants, are you interested in work-study or student loans?") gives students the impression that they are agreeing to accept these types of aid if offered to them. We recommend changing the question to say: "In addition to grants, are you interested in *being considered for* work-study or student loans? *Note: Your answer will not affect your eligibility for grants, and you do not have to accept these types of aid if offered to you.*"

Question 32:

From: Johnson, Susan Marie [mailto:johnsosm@uww.edu]
Sent: Wednesday, September 24, 2008 9:29 AM
To: FAFSA Comments
Subject: FAFSA comments

I think the wording under the notes for question 32 regarding the TEACH grant should read either "agree to teach" or "commit to teach" rather than "intend."

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Notes for question 32 (page 6). It would be helpful to direct students to the specific website that houses information on the TEACH Grant Program, instead of the Department's general student aid website, as not all FAFSA applicants will have the internet search knowledge to find this information. We also recommend that the Department acquire and use a shorter and more intuitive web address (such as www.TEACHgrant.gov) that will redirect to the current URL (<http://studentaid.ed.gov/PORTALSWebApp/students/english/TEACH.jsp>).

Question 34:

From: Laura Heimbach [mailto:heimbach@mail.sdsu.edu]
Sent: Wednesday, August 06, 2008 1:44 PM
To: FAFSA Comments
Subject: FAFSA Changes

In regards to FAFSA changes, I'd like to make a recommendation for a change effective immediately. The FAFSA on the Web allows students and parents to skip the asset questions if the student and/or parent could have filed a 1040EZ or 1040A. When we receive a student's Selected ISIR, we collect the appropriate tax returns. When we determine that the student and/or parent were required to file a 1040, we then have to do a 2nd follow up to collect asset information. We have to do this because when we correct the FAFSA questions # 34 & # 78 and send electronic corrections to CPS, our corrections reject because the asset sections were left blank from the original FAFSA. Again, this causes us secondary follow up and needless delays on us awarding students. I'd like to recommend that everyone be required to provide their asset information, and then let the FAFSA response to the above questions determine whether or not the student is eligible for the Simplified Needs Test or not. Thanks for your consideration.

Question 39:

From: Kantrowitz, Mark [mailto:mkant@fastweb.com]
Sent: Friday, October 03, 2008 4:42 PM
To: FAFSA Comments
Cc: Kantrowitz, Mark
Subject: Comments on 8/7/08 Draft of the 2009-2010 FAFSA

In questions 39 and 40, why remove the "You" and "Your Spouse", given that there's room? While embedding the instructions for questions 39 and 40 is an improvement, the instructions still do not accurately reflect income earned from work. See <http://www.finaid.org/fafsa/earnedincome.phtml> for a discussion.

Question 42:

From: Gilma Lopez [mailto:Gilma_Lopez@hmc.edu]
Sent: Monday, August 11, 2008 1:54 PM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: 2009-10 FAFSA

Hi! Thank you for allowing and requesting comments on the DRAFT copy of the 2009-10 FAFSA. I have a couple of comments in regards to the equity on student's/parents'(s) investments and business/farm. Each year, my staff find themselves calling, emailing and corresponding with students and their families about erroneous information submitted on the FAFSA in regards to investments and other real estate. While it is more prominent on the parents' (s) area than on the student's, it is still an item that I think needs clear wording on the questions and instructions since both questions #42 and #92 ask for the same type of information from the student and the parent(s) respectively. Most of the time, the parent(s) either include the value of their retirement plan OR they omit the equity on other real estate (which we follow up from the Schedule E-1040 Form). If the question can be split, like it used to be a few years back, to request information on investments separately from other real estate equity, I think it will alleviate a lot of the work and time we spend following up. In addition to splitting the question, please allow parents to report figures in excess of \$999,999. Since most of the FAFSA's are now completed online, I don't think that space is an issue here.

From: Sheryl Mihopulos [mailto:mihopulo@adelphi.edu]
Sent: Thursday, August 28, 2008 8:12 AM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: Comments on 09-10 FAFSA

Hello. Recent guidance from the Dept. of Education (Michelle Belton) clarifying the reporting of business value is not reflected on page 2 of the "notes" for questions 42-43 and 92-93. The family owned and controlled means 50% or more ownership of the business by a member of the family who is listed in the household size on the FAFSA. We have found that families who own businesses point to the directions in the FAFSA and argue with the financial aid office about this point. They simply see the less than 100 employees and don't understand the interpretation by ED of the "family owned and controlled". Thank you for your time and guidance.

From: Solinga, Elaine F. (Financial Aid) [mailto:efsol@conncoll.edu]
Sent: Wednesday, September 10, 2008 1:52 PM
To: FAFSA Comments
Subject: DRAFT FAFSA

Why is net worth limited to \$999,999? We have families that have net worth significantly greater than \$1,000,000 that would be 'no need'. However, since they are restricted to reporting net worth as \$999,999, they qualify for subsidized federal aid. This does not seem fair that taxpayers should have to pay the subsidy on this need based aid for a family who would not qualify if the net worth field could accept a value greater than \$999,999.

Question 43:

From: Gilma Lopez [mailto:Gilma_Lopez@hmc.edu]
Sent: Monday, August 11, 2008 1:54 PM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org

Subject: 2009-10 FAFSA

In regards to items #43 and #93, my staff find themselves deleting the figures reported by the students and parent(s) after we find out that the business employs less than 100 employees. Please make the question and instructions more clear about this. Thank you again for allowing input regarding the draft copy of the FAFSA and for taking the time to read my comments. Take care!

Question 44:

From: Kathy OMeara [mailto:Kathy.OMeara@castleton.edu]
Sent: Monday, August 11, 2008 9:15 AM
To: FAFSA Comments
Subject: Veterans Benefits

In addition to the type of veterans education benefits I suggest adding back in the questions ... # of months and monthly amount. Thank you

From: Johnson, Susan Marie [mailto:johnsosm@uww.edu]
Sent: Wednesday, September 24, 2008 9:29 AM
To: FAFSA Comments
Subject: FAFSA comments

I like the new layout – the yes/no question for veteran's benefits, filling in the oval for grade level and expected enrollment, and the way worksheet B&C have been incorporated.

Question 45:

From: Paxton, Sandy [mailto:Sandy.Paxton@kentuckianaworks.org]
Sent: Tuesday, August 12, 2008 2:13 PM
To: FAFSA Comments
Subject: 09-10 FAFSA

I am at a loss when answering question #45. There needs to be a definition of what the different types of aid are like there is for questions 58-60, 103 and many others. I don't have access to the chapters mentioned. I am a TRIO counselor and complete 300-400 FAFSAs a year.

Question 46:

From: Shirley Hamilton [mailto:HamiltonS@coastalcarolina.edu]
Sent: Monday, August 18, 2008 5:36 PM
To: FAFSA Comments
Subject: 2009-2010 FAFSA DRAFT

It looks so much better without the worksheet. Thank you. Page 7 - question 46, e. Page 9 - question 94, e. Combat pay is never included in the AGI, unless the IRS is changing the tax form. None of the contents of Box 12 on the W2 appear in the AGI. Page 2 of Form 1040, #66, b, is where nontaxable combat pay is listed but not included in any calculation. Thank you for this opportunity to give you input.

From: Creviston, Pearl [mailto:Pearl.Creviston@ctcd.edu]
Sent: Tuesday, September 23, 2008 1:53 PM
To: FAFSA Comments
Subject: 09/10 FAFSA Review

How is combat pay being addressed, is it still going to be used as income earned from work? Combat pay and 1040A auto zero under 20,000? We have a large military population and see a lot of people filing a 1040A with combat pay in excess of \$30,000, who are qualifying for a full PELL grant, is that issue going to continue?

Question 48:

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Question 48: Age. Once individuals have established that they are independent students by answering "yes" to one question in Step Three, it is unnecessary for them to answer the remaining questions in the section. As age is the most common way to qualify as an independent student, we recommend allowing students who answer "yes" to question 48 to skip the other Step Three questions (assuming that questions 51 and 52 are not used to determine eligibility for military educational benefits). For the paper version of the FAFSA, we recommend adding this text to the end of question 48: "*If "yes" skip questions 49-60 and proceed directly to Step Four.*" Similar language should be added to the FAFSA on the Web Worksheet, and skip logic should be employed in the online FAFSA to achieve this goal.

Question 49:

From: Roger [mailto:roger@latech.edu]
Sent: Thursday, August 28, 2008 11:53 AM
To: FAFSA Comments; FAFSAComments@nasfaa.org
Subject: Comments on the 2009-2010 FAFSA

Provide clear guidance regarding the marital status at the time they sign the FAFSA and the fact that they cannot change marital status on a subsequent submission.

Question 52:

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Notes for question 52 (page 7). The Notes fail to describe all possible scenarios under which the answer "No" should be selected as specified in 20 U.S.C. 1087vv(c)(1)(B). Here is the statutory language, with italics for emphasis:

- (c) Veteran and veterans' education benefits
 - (1) The term "veteran" means any individual who—
 - (A) has engaged in the active duty in the United States Army, Navy, Air Force, Marines, or Coast Guard; and
 - (B) was released under a condition *other than dishonorable*.

To comply with the statute, the following criterion should be added to the end of the second paragraph:

“or (4) were engaged in active duty in the U.S. Armed Forces but released under dishonorable conditions.”

Question 54:

From: Rodney Clements [mailto:rclements@ccga.edu]
Sent: Wednesday, August 06, 2008 9:32 AM
To: FAFSA Comments
Subject: Question #54

Question #54 on the FAFSA asks “Do you have dependents (other than your children or spouse.....”. However, in the Application and Verification Guide, it states “Children and **legal** dependents”. Often we get students who are obviously trying to make themselves independent by listing a sibling or niece or nephew as a dependent. We explain to them that the dependent has to be a “legal” dependent (as stated in the AVG). But, students don’t see the word “legal” on the FAFSA. I think the word “legal” should be added to the FAFSA to match the wording on the AVG.

Question 55-57:

From: Moretta,Cora L [mailto:moretta@uakron.edu]
Sent: Thursday, August 28, 2008 8:27 AM
To: FAFSA Comments
Cc: 'FAFSAComments@nasfaa.org'
Subject: 2009-2010 FAFSA

Question 55: When you were age 13 or older, were both your parents deceased, were you in foster care or were you a dependent/ward of the court? We have had several students that were in temporary foster care or a ward of the court and then released to their parents and are currently with their parents prior to turning 18 years of age. This question reads at any time a student was in foster care or a ward of the court they are automatically independent. Is this correct or should the wording be changes to say still in foster care or a still a dependent/ward of the court.

From: Loerts, Sandra [mailto:sandra.loerts@mnsu.edu]
Sent: Wednesday, September 24, 2008 6:21 PM
To: FAFSA Comments
Cc: 'FAFSAComments@nasfaa.org'
Subject: 09-10 FAFSA comments

In the review of the draft FAFSA for 09-10, we want to comment on question #55. The wording for question 55, as well as the instructions for this question, is confusing. For the question, we suggest changing the wording to say, “Are both of your parent’s deceased, or when you were age 13 or older, were you in foster care or were you a dependent/ward of the court?” This makes more sense because it doesn’t matter when their parents were deceased, if that is the status as of the date FAFSA is being filed. For the instructions for this question, it is confusing because it says “answer yes to this question even if you are now adopted,” but does not the FAFSA want the student to use the information of the adoptive parents if they are not both deceased? This makes it sound like the student does not need to use their information, as long as at one point (before adoption by current parents) they had been orphaned? Thank you for your consideration of this feedback.

From: Roger [mailto:roger@latech.edu]
Sent: Thursday, August 28, 2008 11:53 AM
To: FAFSA Comments; FAFSAComments@nasfaa.org
Subject: Comments on the 2009-2010 FAFSA

Page 3, Notes for questions 56 and 57 (page 7). Modify and expand the note to clearly explain question 56 and 57 on page 7 in light of the changes in the HEOA. (Reason/Cite: PL 110-315, HEOA Section 473 (c) (1) new (B) and (C)). Step 3, Page 7, Questions 56 and 57. Question requires revision in view of cited clarification in HEOA. (Reason/Cite: PL 110-315, HEOA Section 473 (c) (1) new (B) and (C)).

From: Schick, Wendell [mailto:wschick@unoh.edu]
Sent: Thursday, September 04, 2008 4:00 PM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: Minors in legal guardianships

Ladies and gentlemen. I am concerned about the dependency status questions that are expanded to include applicants who were in foster care, emancipated minors, minors in legal guardianship, homeless, or at risk for homelessness. Although I understand the intent, there are numerous students in Ohio public school systems that live with "legal guardians" enabling them to attend another public school system other than the one their parents live in. These students have "legal guardians" for the sole purpose of allowing them to attend a preferred school. For example, to play on their favorite, or preferred athletic team. These students have parents who allow this to occur for numerous situations, but these parents are in many cases well-off economically. Please consider this when making the final draft. Thank you.

From: Jerry Loheide [mailto:jloheide@csufresno.edu]
Sent: Wednesday, September 10, 2008 11:43 AM
To: FAFSA Comments
Subject: 2009-10 FAFSA

Hi! On question # 55 if a student cannot provide verification do we correct the answer to no? On questions # 56 & 57 if the student has a court order that's in effect from another state would they answer yes?

From: Carolyn Karno
Sent: Thursday, August 14, 2008 1:02 PM
To: TEA Department
Subject: Response to FAFSA Changes

I reviewed the proposed FAFSA and have the following concerns: Page 7, Step 3. Question 55 reads, "When you were 13 years or older, were both parents deceased, were you in foster care or were you a dependent/ward of the court?" The way this reads, students who were in foster care or wards of the court for even 6 months at age 14 and then returned to their parents) would still check "Yes" and be considered independent. Is this what the regulations intended? Also, students with parents who were deceased prior to the age of 13 may be confused by the question. Question 56 and 57 reads, "As of today, are you (an emancipated minor) in legal guardianship as determined by a court in your state of legal residence?" By prefacing the question with, "As of today", this only helps minors. What happens to these same students when they turn 18? Will they have to answer, "No" and seek professional judgment?

From: Rick Weems [mailto:anrdw1@uaa.alaska.edu]
Sent: Tuesday, September 23, 2008 12:08 PM
To: FAFSA Comments
Subject: Independent Questions

Emancipation is going to create problems. Just because a child has turned 18 and a parent feels they should be on their own or a financial planner recommends this approach to increase aid eligibility or because they are a child of an attorney etc is not a reason to give them a Pell Grant. Emancipation is already covered under Professional Judgement for those that can really document unusual issues.

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Question 55: Foster youth/Ward of the court. For clarification, we recommend the following revision: "*At any time since you turned age 13, were both your parents deceased, were you in foster care or were you a dependent/ward of the court?*"

From: Kendra Burnette [mailto:BurnetteK@SMCSC.EDU]
Sent: Wednesday, September 24, 2008 8:24 AM
To: FAFSA Comments
Subject: 2009-10 FAFSA

Regarding Q. 57 and legal guardianship, most of the legal guardianship court orders that I have seen expire when the student becomes 18 years of age. If the intent of this question is to relieve the burden of so many Dependency Overrides by FAOs, I would suggest that the question be reworded to ask if the student was in a legal guardianship until the age of 18. I have several students who could avoid a full dependency evaluation just by being able to answer "yes" to this question, but they cannot answer "yes" if the guardianship has expired.

From: Pamela Miller [mailto:pmiller@msbcollege.edu]
Sent: Tuesday, September 30, 2008 3:41 PM
To: FAFSA Comments
Subject: Commentary on changes to the FAFSA for 2009-2010

First of all I want to say that we all agree with the removal of the Worksheets (implementing it into the form is much easier to read). One of the areas we focused on and were more concerned on were all of the "yes" and "no" questions for marking dependency. There are now 13 questions as opposed to less in the prior years. The more we separate out the questions, the more confused a student will get. A big emphasis is in questions 55 through 59 (how many times can we ask a student in a different context if they have been "homeless")? I think all these questions can fall into one category and, as we have for other questions such as the drug conviction, we can have a worksheet for FA professionals to determine their dependency status. Too many questions bring more confusion on the up-front. For example, one question could assist in all of these such as: "As of today, do you have or have you had a change in guardianship as determined by the court?" Once again, a professional worksheet can determine from there.

From: Lyberger, Shirley J [mailto:Shirley.Lyberger@vangent.com]
Sent: Monday, October 06, 2008 2:55 PM
To: FAFSA Comments
Subject: Dependency changes 2009/2010

Emancipated minors: what happens if the order is no longer in effect (ie, under age 24 (21 example))

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Notes for question 55 (page 7). For clarification and simplification, we suggest changing the Note to say:

“Answer “Yes” if *at any time since turning age 13:*

- *You had no living parent (biological or adoptive), even if you are now adopted; or*
- *You were in foster care, even if you are no longer in foster care as of today; or*

You were a dependent/ward of the court, even if you are no longer a dependent/ward of the court as of today.”

Question 58:

From: Leonard Gude [mailto:leonard.gude@regenteducation.com]
Sent: Monday, August 11, 2008 9:04 AM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: 2009-10 FAFSA Comments

Questions 58 through 60 appear to be redundant. Recommend combining them in to a single question. "At any time on or after July 1, 2008 were you determined to be an unaccompanied youth who was homeless by one or more of the organizations listed in the Notes on page 3?" Benefits from Federal Benefits Program.

From: Empire State Coalition [mailto:empirest@empirestatecoalition.org]
Sent: Friday, August 15, 2008 2:52 PM
To: FAFSA Comments
Subject: FAFSA Proposed Applications – Comments

To Whom It May Concern: I am writing to offer comments on the proposed FAFSA application for July 1, 2009- June 30, 2010. As a youth service professional who has been working with or on behalf of homeless, runaway and street-involved youth for over 20 year, it is extremely gratifying to see unaccompanied youth recognized as in need of an exemption from parental participation in the application process. Far too many young people who are homeless have been stymied in their quest for higher education by the onerous requirement that they have their parents provide information on the forms. My one concern about the proposed application is the gap created between those eligible to apply as unaccompanied youth (under 21), and your age of independence for all students (24). Under the proposed application, questions 58, 59 and 60 only apply to “youth” defined as someone under the age of 21 or still enrolled in high school. There are many young adults who have successfully completed their GEDs or have completed high school while homeless. If these young people are ages 21 through 23 they would be ineligible for student aid as a homeless youth under your narrow definition. To remedy this inequity, you could expand the definition of homeless youth to someone under the age of 24 or you could add another category of homeless young adult with “young adult” defined as person under the age of 24 and simply add “or homeless young adult” to questions 58, 59 and 60. Thank you in advance for you consideration of this comment.

From: Legier, Kim
Sent: Wednesday, August 27, 2008 9:43 AM
To: 'FAFSAComments@ed.gov'

Cc: 'FAFSAComments@nasfaa.org'
Subject: 2009-2010 FAFSA

Dear DOE, Thank you for the opportunity to voice our opinions about the 2009-2010 FAFSA. I work at a two-year community college in Southern California. We see many attempts of abusing the federal aid program. We require students to submit proof of independent status. How are we to confirm someone is homeless or at risk of being homeless? In fact, I don't think this problem will be unique to the community college system. For years we have heard about the need for more Pell Grants for needy students. However, this question of being homeless allowing students to be independent, just opens the door for flagrant abuse of the federal program across all sectors. I strongly feel that low income is enough of a litmus test for need-based aid. Why are we opening the floodgates for abuse??? I've been a financial aid administrator for 17 years and have seen some really creative ways students and parents make themselves need-based eligible. As a financial aid administrator and tax payer, I find this avenue of independence to be fiscally irresponsible. I would like to see students who are truly needy get more funding not people who see loopholes in abusing the program. Please reconsider this question for determining independent status. Correct me if I am wrong, doesn't the Pell program always operate in the red? Certainly this "homeless" factor will further put the program in the red. I am dead set against it.

From: Roger [mailto:roger@latech.edu]
Sent: Thursday, August 28, 2008 11:53 AM
To: FAFSA Comments; FAFSAComments@nasfaa.org
Subject: Comments on the 2009-2010 FAFSA

Page 3, Notes for questions 58-60 "Answer "No" phrase. Direct the student to local social services where they can obtain an official determination rather than the financial aid office. Directing the applicant to the financial aid office for assistance because the applicant "believes" they meet the conditions places a burden on the financial aid office to perform external investigation of an issue that is within the purview of social services. The financial aid office does not have the resources to make a documented determination of this status. Even if the financial aid office refers the student to the local social services offices, an additional step for the applicant has been created.

From: Jerry Loheide [mailto:jloheide@csufresno.edu]
Sent: Wednesday, September 10, 2008 11:43 AM
To: FAFSA Comments
Subject: 2009-10 FAFSA

On questions 58-60 what is a determination and what type of verification is acceptable for schools to collect? Thanks.

From: Carolyn Karno
Sent: Thursday, August 14, 2008 1:02 PM
To: TEA Department
Subject: Response to FAFSA Changes

Questions 58, 59, 60 all deal with homeless, unaccompanied youth who probably have no idea what type of funding their shelter receives. It's not as if shelters have signs stating funded through HUD. I am not aware of any Connecticut school districts that have a school district homeless liaison so I assume that many districts assign these duties to a school administrator. I think these questions could be combined and simplified.

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Questions 58-60: Unaccompanied homeless youth. Our proposed changes address a statutory issue in the draft while simultaneously making it easier for students to understand what they are being asked. As detailed below, we recommend that instead of asking three separate questions that attempt to capture the various ways an applicant might qualify as an independent student due to being homeless or at risk of homelessness, the form should ask just one simple question accompanied by a more detailed Notes section. The College Cost Reduction and Access Act of 2007 (CCRAA) specifies that certain unaccompanied youth are considered independent if they are homeless *or* are self-supporting and at risk of homelessness, *and* if they receive an official determination of their status from one of four sources. However, the draft language for questions 58 and 59 does not currently include those who are determined to be self-supporting and at risk of homelessness, as mandated by the CCRAA in section 604(a)(2). Here is the statutory language, with italics for emphasis:

“(H) has been verified during the school year in which the application is submitted as *either an unaccompanied youth who is a homeless child or youth* (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act), *or as unaccompanied, at risk of homelessness, and self-supporting*, by—

“(i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;

“(ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;

“(iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or

“(iv) a financial aid administrator; or”;

We recommend replacing questions 58, 59, and 60 -- which are long, confusing, and still do not cover all of the potential combinations of status and source of determination -- with the following single question: “*At any time on or after July 1, 2008, did you receive a determination that you were an unaccompanied youth who was homeless, or that you were an unaccompanied youth who was self-supporting and at risk of being homeless?*”

The new question would be accompanied by a reference to the Notes section, and the first paragraph of the Notes would read: “Answer ‘Yes’ if you received a determination *that you were an unaccompanied youth who was homeless, or self-supporting and at risk of homelessness, from any of the following sources* at any time on or after July 1, 2008:

- *Your high school or school district homeless liaison*
- *The director, or designated staff, of an emergency shelter program funded by the U.S. Department of Housing and Urban Development*
- *The director, or designated staff, of a runaway or homeless youth center or transitional living program.*
- *A financial aid administrator at the school you attend/plan to attend.*”

Further, the 21-or-younger definition of "Youth" in the Notes for questions 58-60 appears to conflict with legislative intent. Under the draft definition of "Youth" in the FAFSA Notes, unaccompanied homeless youth who are 22 or 23 years old will not be considered independent students and, because these youth do not have access to parental signatures or income information, they will not be able to apply for federal financial aid. While the statutory language of the CCRAA does not specify ages pertaining to "unaccompanied homeless youth," the congressional record shows clear intent to provide federal student aid access to unaccompanied homeless youth who would not otherwise qualify as "independent" and are unable to provide parental information.² Additionally, the Government Accountability Office, in advising Congress on this and related issues, has defined disconnected youth as "youth aged 14 to 24 who are not in school and not working, or who lack family or other support networks."³ Therefore, we recommend revising the Notes as follows: "Youth" means you were born on or after January 1, 1986."

From: Lyberger, Shirley J [mailto:Shirley.Lyberger@vangent.com]
Sent: Monday, October 06, 2008 2:55 PM
To: FAFSA Comments
Subject: Dependency changes 2009/2010

Homeless or in danger: What authority can determine, what happens to the 21-year-old (not at "youth" but not in custody of parent –kicked out)?

Question 61:

From: Stephanie Gardiner [mailto:gardiner@mail.csi.cuny.edu]
Sent: Tuesday, September 23, 2008 10:19 AM
To: FAFSA Comments
Subject: 2009-10 FAFSA

For question 61, I strongly suggest either making divorced and separated 2 separate choices or defining separation for Federal Guidelines. Several students say their parents haven't been together for X amount of years but they're not legally divorced so they put "married". Hope this helps.

Question 66:

² Rep. Judy Biggert (R-IL): "The current Free Application for Federal Student Aid, or FAFSA, creates insurmountable barriers for unaccompanied homeless youth--youth that are homeless and alone. These children do not receive financial support from their parents, and many do not have access to parental financial information or a parental signature required by the FAFSA. As a result, unaccompanied homeless youth are prevented from accessing the financial aid they need because they cannot supply the information required by the FAFSA. The FAFSA Fix for Homeless Kids Act addresses these barriers by allowing unaccompanied homeless youth to apply for federal financial aid without providing parental income information or a parent signature. This will open the doors of higher education to some of our nation's most vulnerable youth, and I am pleased that H.R. 2669 includes the FAFSA Fix for Homeless Kids Act." U.S. House of Representatives, Conference Report on H.R. 2669, College Cost Reduction and Access Act, September 7, 2007. Available from http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?dbname=2007_record&page=H10267&position=all. Accessed 9/18/08.

³ GAO noted that the various statutes relating to homeless and disconnected youth do not prescribe an age range. U.S. Government Accountability Office, Report to the Chairman, Committee on Education and Labor, House of Representatives. *Disconnected Youth - Federal Action Could Address Some of the Challenges Faced by Local Programs That Reconnect Youth to Education and Employment*. GAO-08-313. Washington, DC: February 28, 2008. Available from <http://www.gao.gov/new.items/d08313.pdf>. Accessed 9/10/08.

From: Franceskino, Odette [mailto:Odette.Franceskino@quinnipiac.edu]
Sent: Tuesday, September 09, 2008 4:19 PM
To: FAFSA Comments
Cc: FAFSAComments@NASFAA.org
Subject: FAFSA Comments

Hello. Here are a few comments from reading the 2009-10 FAFSA draft: For Questions #9, #66 and #70 of the FAFSA. Why not standardize the form to list the year as YYYY instead of 19YY even when referencing birthdates.

Question 73:

From: Leonard Gude [mailto:leonard.gude@regenteducation.com]
Sent: Monday, August 11, 2008 9:04 AM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: 2009-10 FAFSA Comments

Parent Status of Legal Residency. Question 73 is redundant and could be calculated based on the student's response to question 74.

Question 74:

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Question 74: Parents' Email Address. We recommend adding this sentence to the end of question 71: *"If your parent(s) do not have an email address, leave this question blank."*

Question 75:

From: Jaime Schulang [mailto:Jschulang@salus.edu]
Sent: Thursday, August 07, 2008 9:15 AM
To: FAFSA Comments
Subject: 09-10 FAFSA comment

I have just reviewed the 09-10 FAFSA, and had a comment about number 75. I feel it would be better to change the first two items in the list for who to include in the parents' household to: 1. yourself, even if you don't live with your parents; 2. your parents. Since this is the parents' section, it should be obvious that the parents should be included in the household, but often the students do not include themselves if they do not live with the parent. This way, it clearly states that the student is to be included even if they do not live with the parent. Thank you for your time.

From: Jim Green [mailto:jgreen@pct.edu]
Sent: Thursday, August 28, 2008 9:23 AM
To: FAFSA Comments
Subject: Comments on 2009-2010 FAFSA Draft

Question 75 & 77: Will the order of these questions be the same on the FOTW worksheet? It needs to be. In 2008-09 on the FOTW worksheet, the question about parents' household members' receipt of the federal benefit programs came BEFORE the question about # of people

in parents' household (the reverse of the order on the paper FAFSA). These questions should come in the same order on the FOTW worksheet.

From: Meyers, Val [mailto:Meyersv@msu.edu]
Sent: Thursday, August 28, 2008 11:10 AM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: Response to proposed FAFSA changes - 2009-10

Although question 75 indicates only include individuals who will be receiving more than half their support from the parent, we think some language to clarify that foster children should not be included (since support is being received by the state) would be helpful. It's inconsistent with question 95c, which directs parents not to include foster or adoption payments for such children, so they should be instructed not to include them in the household.

Question 76:

From: Franceskino, Odette [mailto:Odette.Franceskino@quinnipiac.edu]
Sent: Tuesday, September 09, 2008 4:19 PM
To: FAFSA Comments
Cc: FAFSAComments@NASFAA.org
Subject: FAFSA Comments

For Questions #76 and #97 of the FAFSA regarding number in college ... a program that leads to a college degree or certificate (add) at a school eligible for any of the Title IV (Federal Student Aid) programs. If you need to add a note reference for this statement in the instructions (see page 28 of the 2008 Application and Verification Guide) an example of an exclusion would be students at a U.S military academy because most of their primary educational expenses are paid for. I like the incorporation of the worksheets in the body of the FAFSA. Thank you for sharing the draft!

Question 77:

From: Leonard Gude [mailto:leonard.gude@regenteducation.com]
Sent: Monday, August 11, 2008 9:04 AM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: 2009-10 FAFSA Comments

Combine questions 77 through 81 into a single question. "In 2007 or 2008, did you, your parents, or anyone in your parents' household, receive benefits from Social Security Income, Food Stamps, Free or Reduced Price Lunch, TANF or WIC? Yes No" Combine questions 98 through 102 into a single question. "In 2007 or 2008, did you, (or your spouse) or anyone in your household, receive benefits from Social Security Income, Food Stamps, Free or Reduced Price Lunch, TANF or WIC? Yes No"

From: Johnson, Susan Marie [mailto:johnsosm@uww.edu]
Sent: Wednesday, September 24, 2008 9:29 AM
To: FAFSA Comments
Subject: FAFSA comments

I could not find if TANF and WIC were spelled out anywhere on the form. If they aren't spelled out, I think they should be.

Questions 80-81

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Questions 80 and 81 (and their corollaries, Questions 101 and 102): Federal Benefits. As currently written, these questions require a level of knowledge about government programs that applicants are unlikely to have. In particular, Question 80, and its companion Question 101, assume that applicants will know what TANF is by the acronym alone, and will know whether they “receive benefits” through TANF. Although TANF is a federal benefit, it is administered at the state level and goes by very different names in different states. For example, it is called CalWorks in California, MFIP (Minnesota Family Investment Program) in Minnesota, and WAGES (Work and Gain Economic Self-Sufficiency) in Florida. There is no reason that recipients in these and many other states would know that their benefit actually comes through TANF. The very-low-income students and families who receive TANF benefits are those most in need of federal financial aid to attend and succeed in college. It is essential that applicants can easily determine the correct answer to question 80 as well as the other questions related to means-tested benefits, because these questions directly affect eligibility for the Simplified Needs Test and Automatic-Zero EFC. Questions 80, 81, 101, and 102 should be accompanied by an explanation in the Notes section. The Notes should spell out the full names of both TANF and WIC (similar to the 2008-2009 FAFSA), but also, and much more importantly, include the following explanation: “*TANF is sometimes called “welfare” and may have a different name in your state. To find the name of your state’s program, see [URL] or call 1-800 -4-FED-AID.*” The URL in brackets [] above should link to a list of state TANF program names, ideally on the FAFSA website. There should also be a hyperlink to this list from the question in the online FAFSA (that opens in a new window when clicked, and does not replace the online FAFSA being worked on). For an example of a list of all state TANF programs, see <http://www.ct.gov/dss/cwp/view.asp?a=2352&q=305132>. The Department must also ensure that all operators on the FAFSA helpline understand what TANF is and have reference materials with state program names easily available. We placed 14 calls to the 1-800-4-FED-AID helpline to ask for help answering Question 80, including whether being enrolled in a state welfare program would qualify an applicant to fill in the “TANF” bubble in question 80 on the draft form. Despite the fact that most of the operators clearly wanted to help and consulted other resources before giving a definitive answer, *half gave incorrect information which would have led applicants who did receive TANF to answer that they did not receive it.*

Question 85:

From: Jim Green [mailto:jgreen@pct.edu]
Sent: Thursday, August 28, 2008 9:23 AM
To: FAFSA Comments
Subject: Comments on 2009-2010 FAFSA Draft

Questions 85 and 103: There is no time period provided. For example, I could have lost my job or been laid off 5 years ago and could truthfully answer Yes to the question, even though I have since found another job or career. I think a time period (during or since the previous calendar year) should be included for clarification.

From: Carolyn Karno
Sent: Thursday, August 14, 2008 1:02 PM
To: TEA Department
Subject: Response to FAFSA Changes

Page 8, question 85 pertains to dislocated workers. According to the instructions provided, just about anyone who has been let go from a job could claim they are dislocated. Is this what the regulations intended?

From: Pamela Miller [mailto:pmiller@msbcollege.edu]
Sent: Tuesday, September 30, 2008 3:41 PM
To: FAFSA Comments
Subject: Commentary on changes to the FAFSA for 2009-2010

...number 85 when parents are asked to report if they are a dislocated worker which includes unemployment information. There is no question for the students to complete this information therefore creating a lack of reporting on the independent student's case. I understand this question may be trying to supply the correct amount of aid based on a student or parent's income but we need to have this question either on both sides (student and parent) or leave it off and use the professional judgment to determine this.

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Question 85: Dislocated worker. For grammatical agreement, we suggest changing the language of question 85 to: "Is either of your parents a dislocated worker?"

Question 86:

From: Pam Palermo [mailto:Pam.Palermo@ewc.wy.edu]
Sent: Tuesday, September 23, 2008 1:05 PM
To: FAFSA Comments
Cc: Terri Hauf; FAFSAComments@nasfaa.org
Subject: 2009-2010 FAFSA comments

Question #86 and 87 should refer to the people referenced in question #75 - perhaps clarification there? State parent/stepparent not parents(s) in guidelines on Q75. Too many students add dad's info to mom's even though they are divorced....Also, could you include information telling them that if the parent is remarried at the time they fill out the FAFSA, but wasn't married the prior year, be sure to combine tax/income information...

Question 94:

From: Mary Bauer [mailto:mbauer@tricity.wsu.edu]
Sent: Wednesday, September 10, 2008 12:55 PM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: 09-10 FAFSA comments

Just a few of my comments. In question 94. Parents' 2008 Additional Financial Information Items C. Taxable earnings from need-based employment programs such as work-study and D. Student Grant and Scholarship aid reported to the IRS in your adjusted gross income. I believe we should preface the question, "if the parent(s) was a student during the 2008 year". I get many questions about this question as parents wonder if they are supposed to put what the student reported as grant income here and work-study employment as most parents are not in school at the same

time as their children and thus have no idea about reporting student grant/scholarship aid as income to the IRS.

From: Lauren Asher [mailto:LASher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM
To: FAFSA Comments
Cc: Brown, Michele
Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Questions 94 and 95. Please increase the font size to make these questions easier to read.

General Comments:

From: Mary Edington [mailto:MEdington@greenriver.edu]
Sent: Thursday, August 07, 2008 8:47 PM
To: FAFSA Comments
Subject:

Thank you for the opportunity to comment. This version takes the FAFSA to an extreme that will drive applicants away. This version is truly over-kill and in no way simplifies the application process. Even after working in financial aid for 30 years, my eyes roll when looking at this form. It might be great for a tax accountant but not for the average family. Please reduce some of the entries from worksheets.

From: Humeston, Dart [mailto:dhumeston@mail.barry.edu]
Sent: Thursday, August 28, 2008 8:05 AM
To: FAFSA Comments
Subject: 2009-2010 comments

I respectfully offer comments about the draft 2009-2010 FAFSA that I just reviewed. The FAFSA is now six fully packed pages for students and parents to complete. Six pages! Congress indicated a desire for the Department of Education to simplify the financial aid application process. I do not believe a six page application, which is four pages more than most people's IRS tax returns, meets that desire. I strongly encourage a greater effort to reduce unnecessary items, and to reduce the length of this most important application. With respect.

From: Deborah Donald [mailto:Donald@uaccm.edu]
Sent: Friday, August 08, 2008 10:13 AM
To: FAFSA Comments
Subject: FAFSA

First, FAFSA 2008-2009 gives the students and parents the option to not answer questions about their income. Most of our students opt out to answer this question, which embarked an overload for office verification for our office. Giving the students this option should not be a choice, but required. All STUDENTS and/or PARENTS should have to answer questions regarding their income. Secondly, the question regarding if a student has a high school diploma or GED should be a requirement as well. No student without this requirement, regardless of any institution she/she attends, will not be allowed to attend school without a high school diploma or GED. I plead with you to take these two things into consideration when making changes to the new 2009-2010 FAFSA Application. Thank

From: Steven Winey [mailto:WINEYS@cedarville.edu]
Sent: Monday, August 11, 2008 8:32 AM
To: FAFSA Comments

Cc: FAFSAComments@nasfaa.org
Subject: 2009-10 Draft FAFSA comments . . .

My comments are mostly in relation to the on-line FAFSA and the use of 'skip-logic' and some other observations which might relate to programming. Understand, I'm an end-user who processes FAFSA data into our administrative system and get to work through many of the errors which block processing properly. Section Headers which begin with 'Step . . .' -- would recommend a change which would clearly identify the section with Student or Parent info:

Step 1 - Student: For questions 1-32 . . .

Step 2 - Student: Answer questions 33-60 . . .

Step 3 - Student: Answer all questions in this step to determine . . .

Step 4 - Parent Information: Complete this step if the student answered "No" to all questions in Step 3.

Step 5 - Student: Complete this step only if the student answered "Yes" to any question in Step 3.

** Online 'skip-logic' programming: If a student did not answer "Yes" to any of the Step 3 'Dependency Status' questions, then do not allow them access to questions 96-103.

** I know it doesn't go into their EFC calc, but it makes no sense as they will sometimes come back and make corrections to this info which is unnecessary to even review

Step 6 - Student: Indicate which colleges you want . . . Consider having a 'Pop-up Comment' which would state something to the effect "If you have determined that you will definitely not be attending one of the schools indicated, please remove them as a 'destination point for your FAFSA data.' If you change your mind, you can certainly submit a correction and add them back to the list at a later time. This would help eliminate processing time/work on the financial aid staff as FAFSA's for students who have no intent to attend would not come into our systems for processing. - this is especially true of 'Renewal FAFSAs'. Just some ideas for your consideration as you make improvements to the FAFSA application. Thanks for the great strides that have been made the past couple of years. I trust these ideas/thoughts are helpful for you in your review process.

From: Mary Sommers [mailto:sommersm@unk.edu]
Sent: Monday, August 11, 2008 9:48 AM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: Draft FAFSA for 2009-2010 -- Comments

I am providing comments from the financial aid staff at the University of Nebraska at Kearney. We spent a portion of our staff meeting last week reviewing the draft version of the form and have several comments and suggestions. We were pleased to the worksheets eliminated and capturing of untaxed income in the form itself. We also appreciate the thoughtful approach to the layout of the form. We especially like sections where previously instructions were on a different page and now on imbedded with the question (year in school, for example). We realize your staff had a difficult assignment: to try to make as logical and simple as possible a very complicated set of new questions. Job well done. We do have several thoughts on the form for your consideration:

On page 2, under the section "Notes for questions 35 and 84 . . ."

The description of who is typically eligible to file a short form is logical and makes sense. However you also have included the "reverse" description. That is the description of who does not qualify. We believe that is too confusing. We would suggest that you eliminate the sentence beginning "A person is **not** eligible to file a 1040EZ . . ." Keep the sentence beginning "If you filed a 1040 only to claim Hope or Lifetime . . .". We honestly think including both sentences is redundant and might confuse more than help applicants.

Under the instructions for questions 58-60 on page 3, is it possible (and we understand that it may not be) to include generally a description of who might make the determination that an

individual is an unaccompanied youth. We are concerned that the student may feel like an unaccompanied youth and mark "yes" based upon their own personal analysis. If it is possible (and again we realize this might be not be possible) that the determination is typically made by a state or federal agency, that may help eliminate some erroneous answers.

On the form itself, under the untaxed income section, it occurred to us that perhaps you could combine E & F, untaxed portions of IRA distributions or untaxed portions of pensions. We're not sure if that was ever discussed and it never occurred to us until this year. But perhaps that may be a way to create some more space.

On page 8 at the very top, the instructions that essentially describe whether a student should complete the parents section or not, we really do think that needs to be right at the end of Section 3, if at all possible.

Our final discussion point on the 2009-2010 FAFSA was simply that reviewing the paper form seems to be less and less relevant as more and more of our students use the on-line FAFSA. We know the on-line FAFSA with it's "smart" technology is so much more user friendly and frankly we are most anxious to review on on-line version of the FAFSA for 2009-2010. Will it be possible someday for that to be presented in a "draft" on-line format for comment? We hope so.

From: Hurley, Peter [mailto:Peter.Hurley@CSN.EDU]
Sent: Monday, August 11, 2008 12:38 PM
To: FAFSA Comments
Subject: high school question

For 08-09, CSN received a number of ISIRs from the renewal process where the student failed to answer the HS/GED question on the renewal application because they answered it on their original FAFSA and didn't realize they needed to answer it again. Please emphasize the need to (re) answer the question, or carry the old answer forward on the renewal process. Thanks

From: Deborah Flinn [mailto:dflinn@charteroak.edu]
Sent: Thursday, August 14, 2008 12:47 PM
To: FAFSA Comments
Subject: FAFSA 2009-2010

Page 2: Notes for questions 38 (page 6): Is this section required? Will it not confuse students/families further? They have already filed their taxes, or their taxes were prepared for them. These students may have no idea on how to answer this question or where to look for guidance. Is this information being tracked? Notes for questions 42-43 (page 6) and 92-93 (page 9): Investments include real estate such as rental property and second homes ... Directions & FAFSA: Questions 55-60 ... These issues are already dealt with through professional judgement at the Institutional level. As the FAFSA indicates, the Institution may ask for documentation to substantiate these answers. I'm not sure how this will benefit students and/or aid offices in facilitating the aid process. Will this in fact impede the process, if the student answers the question incorrectly?

Question? Worksheet A has been discarded. When a student/family has low income and indicates social security benefits, may a school use PJ to add these benefits back in worksheet B as untaxed income? Or are these benefits totally excluded from the calculation? The reason I ask, is that I have accounted for some families where both parents are receiving full social security disability benefits, and their calculated EFC precludes them from receiving Pell. Thank you for your time.

From: Lili C Vidal
Sent: Wednesday, August 27, 2008 8:39 AM

To: 'FAFSAComments@ed.gov'
Subject: Comments on 2009-10 FAFSA

Step Seven. "will use federal and/or state student financial aid only to pay the cost..." I would suggest "financial aid to pay only the cost..." The way it is written currently implies that students can only use fed/state aid to pay the costs of attendance (not work, private support, etc.) The suggested change makes it clearer that the aid received is to be used only for the costs of education. Thank you for the chance to give feedback.

From: Meyers, Val [mailto:Meyersv@msu.edu]
Sent: Thursday, August 28, 2008 11:10 AM
To: FAFSA Comments
Cc: FAFSAComments@nasfaa.org
Subject: Response to proposed FAFSA changes - 2009-10

The Office of Financial Aid at Michigan State University thanks you for the opportunity to comment on the 2009-2010 FAFSA. 1) Page 3 (Notes) for questions 61-95 (pages 8 and 9) Step Four. This is the only note that states which "Step" the questions are pertaining to; all others just indicate the question numbers. We are not sure how much consistency matters, if it all. 2) Although there is not language on the paper application direction parent/students to skip asset questions, we wonder if this is going to be true of the web application as well. We found during 2008-09 that parents and students were allowed to skip the asset questions online if it appeared as if they qualified for the simplified needs test. If they were selected for verification and it was determined that they did not qualify for the simplified needs test then reject 1 was created (missing asset information). This caused further delays in finalizing aid as we then needed to follow up for asset information. 3) While the elimination of the Worksheet and incorporation of the questions into the body of the FAFSA is probably more clear for the student and parent, we are still concerned about the density of the form at those points in the form (questions 46 & 47 and 94 & 95). 4) We appreciate the clarity of the additional questions regarding student independence (foster care, emancipated minors, minors in guardianship, etc.)

From: Dixon, Kathy K (Big Sandy) [mailto:KDIXON0020@kctcs.edu]
Sent: Wednesday, September 10, 2008 10:37 AM
To: FAFSA Comments
Subject: BSCTCS

As a FAO consultant students give their pin numbers to their parents who in turn use it to apply for their FAFSA. There is no real way to be sure that the information is correct except through the verification process. The biggest gap that I see is that the PELL chart is not focused on working parents and is geared for those with low income. The students whose parents are both working places them in a EFC range to where they qualify for very little of the PELL. The chart actually needs to be flipped upside down and begin with the working parents and move toward those who are going to automatically qualify because of lack of income. Students with a high EFC are forced to borrow loans; yet, those who have a low EFC usually do borrow anyway simply because they can. If the government would stipulate that those who receive the PELL funds be limited to borrowing perhaps there would be less students in default. Since credit history is not a requirement students with low EFC's often view there will not be as much penalty as those who with the high EFC would not take that risk to ruin their parents credit history. In another essence the "War on Poverty" has only emphasized a dependence on the government for funding and use financial aid as a means of income instead of working.

From: Mary Bauer [mailto:mbauer@tricity.wsu.edu]
Sent: Wednesday, September 10, 2008 12:55 PM
To: FAFSA Comments

Cc: FAFSAComments@nasfaa.org
Subject: 09-10 FAFSA comments

Step Five: Complete this step only if you (the student) answered "Yes" to any question in Step Three. I think that this should be bolded and say something about skipping to Step 6. So maybe "Step 5 is for students not required to complete Step 4 (parents income). If you were required to provide parental income skip to Step 6 (entering school information)." Or something similar. Most students will not look back and see if they answered Yes to questions in Step 3 and will completely have forgotten step 3 by this point and just continue to fill out all Green Student sections. And last, is it possible to add in the information section what to do if your parent's do not have SSNs (or are not citizens) but the child or the FAFSA applicant does have one and is a citizen? Thank you.

From: Kernes, Yolie
Sent: Monday, June 30, 2008 1:21 PM
To: 'FAFSA.Comments@ed.gov'
Subject: Question

I have a request. For the next FAFSA, please consider adding a line item to address 'Taxable Income'. My rationale for requesting this information is that many federal programs, specifically TRiO programs, require 'taxable income' verification for their federal mandates. We're both federal programs, it would be logical to collect the mandated information on the same form (FAFSA). Please provide feedback on this request. Thank you.

From: Abram Bolouvi [mailto:abolouvi@lagcc.cuny.edu]
Sent: Tuesday, September 16, 2008 10:38 AM
To: FAFSA Comments
Subject: Comments about Your FAFSA

Can you be more clear in the comments when student is selected for verification or has a problem with Social Security Administration or even Selective Service and other? When student is selected for verification or has any edit preventing disbursement, they should be told to contact their school financial aid office and collect financial documents (signed federal taxes); missing documents to be submitted. CPS Customer Service has the habit of telling students that their FAFSA has been processed and often fails to explain to them what they must do if selected for verification. The comment on the SAR is not even clear enough to give student a clue to contact the school. Student believes that once CPS says "application is processed" there is nothing else to do. Thanks.

From: Pam Palermo [mailto:Pam.Palermo@ewc.wy.edu]
Sent: Tuesday, September 23, 2008 1:05 PM
To: FAFSA Comments
Cc: Terri Hauf; FAFSAComments@nasfaa.org
Subject: 2009-2010 FAFSA comments

We think there should be additional/continual clarification before each sub-section of section 4 (Answer all the questions in Step Four about your parents even if you do not live with them. Grandparents, foster parents, legal guardians, aunts and uncles are not considered parents on this form unless they have legally adopted you. If your parents are living and married to each other, answer the questions about them. If your parent is single, widowed, divorced, separated or remarried,...) put this before #86, #91, #94, #95...or do a Remember – parents are considered to be....

From: Lauren Asher [mailto:LAsher@ticas.org]
Sent: Tuesday, September 23, 2008 3:21 PM

To: FAFSA Comments

Cc: Brown, Michele

Subject: The Institute for College Access and Success 2009-10 FAFSA public comments submitted 9_23_08

Page 1: Cover Page. Using Your Tax Return. The sentence, “If you have not yet filed your return, you can still submit your FAFSA, but you must provide income and tax information,” is confusing as currently written. We suggest instead: “If you have not yet filed your return, *submit your FAFSA with estimated income and tax information.*”

Filling Out the FAFSA. We recommend two changes to help applicants understand what kinds of “unusual circumstances” are relevant and how to address them: 1) Rephrase the phrase that begins with “If you or your family has unusual circumstances...,” to say: “If you or your family has unusual circumstances *that have caused significant changes to your financial situation since filing your taxes* (such as loss of employment), complete this form to the extent you can, then submit it as instructed and consult with the financial aid office at the *college(s) where you are applying or attend.*” 2) Move the reworded sentence above so that it becomes the second paragraph of the “Using Your Tax Return” section, since it pertains to using your tax return to fill out the FAFSA.

Page 4: What is the FAFSA?

We suggest making this the second page in the packet so that students have an opportunity to learn more about the FAFSA before they see the Notes pages, where there is a lot of very specific information that could overwhelm and discourage potential applicants from continuing. Also, the information in italics at the bottom of the page is too valuable to be treated like a footnote that may be easily overlooked. We suggest making it part of the above section “Where can I get more information on student aid?”

Page 7: FAFSA personal information form

The text in the Step Two section on page 7 is very small and difficult to read. In the Step Three section, the font size is improved, but the lack of space between lines makes it even more difficult to read. If both the font size and space between lines cannot be improved, we recommend adding more space between each question in Step Three. Our suggestions below for questions 58-60 should help make more space available on the page.

Other General Comments (*italics in this section are for emphasis*)

As specified in 44 U.S.C. § 3501, the first two purposes of the Paperwork Reduction Act are as follows: “(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government; (2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government[.]” In addition, the request for public comments on this draft FAFSA published in the *Federal Register* states that the Secretary is interested in comments that address “how might the Department enhance the quality, utility, and clarity of the information to be collected,” and “how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.”

We urge you to use information technology to minimize the paperwork burden for financial aid applicants, maximize the public benefit and utility of financial information collected by the federal government, and improve the quality of the information collected by the FAFSA in the following four ways.

1) Prepopulate the FAFSA with IRS data. The FAFSA currently asks applicants to provide a significant amount of income and tax information that the applicants have already provided to the Internal Revenue Service (IRS). Instead, the Department should – with the applicants’ consent – prepopulate those questions with information transferred directly from the IRS. Using this approach, applicants would be spared many of the most difficult, important, and error-prone questions on the FAFSA, resulting in a much shorter and simpler form. And the Department, states, and colleges would still get all the information they need to determine aid eligibility, without having to verify that applicants accurately identified and transcribed the information from various

lines on their tax forms. We have identified at least 24 questions on the draft FAFSA that could be prepopulated with data from the IRS as authorized in section 485(q)(1) of the Higher Education Opportunity Act of 2008, which reauthorizes the Higher Education Act (HEA). The statute states (*italics are for emphasis*):

SEC. 485. STUDENT ELIGIBILITY.

(q) Use of Income Data-

(1) MATCHING WITH IRS- The Secretary, in cooperation with the Secretary of the Treasury, is *authorized to obtain from the Internal Revenue Service such information reported on Federal income tax returns* by applicants, or by any other person whose financial information is required to be provided on the Federal student financial aid application, as the Secretary determines is necessary for the purpose of--

(A) *prepopulating the Federal student financial aid application described in section 483*; or

(B) verifying the information reported on such student financial aid applications.

(2) CONSENT- The Secretary may require that applicants for financial assistance under this title provide a consent to the disclosure of the data described in paragraph (1) as a condition of the student receiving assistance under this title. The parents of an applicant, in the case of a dependent student, or the spouse of an applicant, in the case of an applicant who is married but files separately, may also be required to provide consent as a condition of the student receiving assistance under this title.

The questions that request specific information from applicants' tax forms include:

- Step Two: Questions 36-40, Question 46a and e, Question 47a, b, d, e, and f; and
- Step Four: Questions 86-90, Question 94a and e, Question 94a, b, d, e, and f.

Eliminating the need for students and parents to enter the answers to these questions will also help fulfill the charge in section 483(a)(4)(B)(i) of the reauthorized HEA, which states:

(B) REDUCTION OF DATA ELEMENTS-

(i) REDUCTION ENCOURAGED- Of the number of data elements on the FAFSA used for the 2009-2010 award year, the Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance and consistent with efforts under subsection (c), shall continue to reduce the number of such *data elements required to be entered by all applicants*, with the goal of reducing such number by 50 percent.

While we realize that making these changes prior to implementing the 2009-2010 FAFSA may not be feasible, we urge the Department to quickly begin taking the steps necessary to simplify the FAFSA form and process in this way. We also hope these suggestions will help inform the Department's planning for the report due to Congress by November 13, 2008, per section 483(f) (2) of the reauthorized HEA:

(f) REDUCTION OF INCOME AND ASSET INFORMATION TO DETERMINE ELIGIBILITY FOR STUDENT FINANCIAL AID-

2) REPORT ON FAFSA SIMPLIFICATION EFFORTS TO DATE- *Not later than 90 days after the date of enactment of the Higher Education Opportunity Act*, the Secretary shall provide a written report to the authorizing committees on the work the Department has done with the Secretary of the Treasury regarding--

.....

(D) how the Internal Revenue Service can provide to the Secretary of Education income and other data needed to compute an expected family

contribution for taxpayers and dependents of taxpayers, and when in the application cycle the data can be made available;
(E) whether data provided by the Internal Revenue Service can be used to--

- (i) *prepopulate* the electronic version of the FAFSA with student and parent taxpayer data; or
- (ii) generate an expected family contribution *without additional action on the part of the student and taxpayer*.....

2) Make it easier to find the printable version of the FAFSA. We have found that it takes a minimum of *nine steps* to find the printable FAFSA from the www.fafsa.ed.gov home page, and it could take many more steps if the student does not already know the correct links to follow and has to search around the site. While we believe that filing the FAFSA online should be encouraged, those who are not able to do so should have easy access to the printable version. Therefore, we strongly recommend that the Department provide a link to the printable version of the FAFSA on the same webpage that provides the direct link to the online version.

3) Help connect students to state grant aid. All states that cooperate in simplifying the application process should be allowed to provide a direct link to their state grant program information through the online FAFSA form. Skip logic could provide the appropriate link for each applicant. In addition, the Department should provide a complete list of these links in a prominent place on the FAFSA website.

4) Use an intuitive URL. We strongly recommend that the Department acquire and begin using "www.fafsa.gov" so that students can find the FAFSA site more easily. Thank you for the opportunity to comment on the draft 2009-2010 FAFSA.

From: janneyk@aol.com [mailto:janneyk@aol.com]
Sent: Saturday, September 27, 2008 8:54 AM
To: FAFSA Comments
Subject: how to make the FAFSA easier

Could you guys not have so many things to process..it took me a while to send my forms plus the SAT scores..i think that the school should do it for us because they already have the information..and the 60\$ is ok, but we shouldnt have to pay given the fact that college is beyond that amount.!!!

From: g [mailto:arlo001@centurytel.net]
Sent: Saturday, September 27, 2008 3:52 PM
To: FAFSA Comments
Subject: Simplification

My request is in reference to the actual Loan processes. I took out Student loans both subsidized and unsubsidized as well as got inticed into choosing the Parent Plus subsidized and unsubsidized loans. I have two children. On one child alone, once he completed his schooling he & I are responsible to pay four seperate payments each month on his student loans. Due to the complexity of these loans, they cannot all be consolidated into one easy payment plan. Also, to make it even more of a burden, the Parent Plus loans started coming in before he even finished schooling because they say that the parent is already working so they can pay instantly. As his Parent, my arguement is that I receive no benifit of his education toward my income "instantly" so why do they think I would be in any position to pay instantly? I had to put all his loans into Forbearance due to my lack of income to pay. This is no fix as they still accrue interest during this period so really I'm adding on to the worries I already have about future affordability. My annual income is less than \$30,000. I wanted to get my sons into school so they have opportunities beyond what I have and can provide. The child who just finished school makes less

than \$500 every two weeks at the job he got through his fine education. This is barely enough to pay his living expenses. His loans total close to \$35,000. His monthly payments will eat up two weeks worth of his wages. As I said, I don't make any extra income due to his newly acquired education. So what kinds of answers can this government funding help me find? He was uneligible for grants because of his chosen field...Auto mechanics. Funny thing is that when will this country not be in need of well trained auto mechanics, especially considering the diversity of the upcoming fuel changes? Why are the only government grants given to the "Arts" & "Science" majors? We've got some work to do, here. Please HELP!

From: g [mailto:ar1o001@centurytel.net]
Sent: Saturday, September 27, 2008 3:52 PM
To: FAFSA Comments
Subject: Simplification

One other thing. In order for my son to get any decent job in his chosen field he also needs to purchase nearly \$10,000 worth of tools and take additional Brand name specified trainings starting at \$5000 which would need to be in his "non-work" hours so he wouldn't even be making money while obtaining these specialized additions. He does not have the tools he needs and is looking at totally dropping out of the automobile mechanics employment because it just isn't feasible. He will be picking an entry level occupation and suplimental job just to pay off loans he isn't even getting the benifits from. This is an area the government can and should consider working on. Starting with Dealerships who pay thier untrained entry level Dealer and office staff more than the guys who make it possible to drive those cars off the lot. My son is on commissions which pay him only while he is logged into a car. Some days that means he actually pays to go to work. They require that he does the Used car 150 point inspections and the New car 50 point inspections without pay. I think that is pretty unethical. They tell him it is because they don't get paid to do those inspections, although those inspections are what they use to market the selling of the cars through their dealership. He cares that the customers who bring their cars to him to be serviced can feel safe after he releases them back but if he does anything beyond the exact specifications he gets no pay for it. And if it takes him longer to do a job than the "alloted" time, which in some cases couldn't be achieve in a NASCAR pit stop, he gets no pay beyond the time they've alloted. This sets mechanics up to send unsafe cars out on our government funded highways. Please work on this! We need answers to the energy crunches and we should start with these students. NOW! Not later. Thank you for your attention.

From: Pamela Wright [mailto:pwright@email.smith.edu]
Sent: Saturday, September 27, 2008 4:29 PM
To: FAFSA Comments
Subject: FAFSA Redesign Input

Input: Suggestion 1. The Already Suggested Pre-population of IRS Data into the FAFSA Without having done any research, on the surface, pre-populating IRS data into the FAFSA seems like an excellent idea. I see the benefits as follows: A) This would help prevent confusion with people who are not familiar with tax or financial terminology, be they minorities or not. B) This would help allow for faster completion and submission. Many people are not good at record-keeping, are disorganized, or are divorced/separated. In such cases, records may not be handy for use in completing the FAFSA, delaying the submission. C) This would eliminate the human error that comes with copying figures from other records to the FAFSA. The reduced errors translate into more expedient processing of aid applications. And because financial aid officers would be saved time from correcting errors, they will have more time to help other students. 2. Accommodate Foreign Addresses!!! The FAFSA does not allow for foreign addresses. Well, it does in that students must include their city AND country in the city field. That is a poor workaround, and one that causes processing problems down the road. Our application will either not extract that loan for a file to be transmitted to the DOE (I work at a Direct Lending school), or,

if it was transmitted for origination approval, it will reject. Not all students that are eligible for federal loan aid have a home address in the USA. It just seems U.S.-centric and a bit outdated to not have address fields that are outside of the U.S. Thank you for your consideration.

From: Brandee Chan [mailto:bchan3@cox.net]
Sent: Sunday, September 28, 2008 2:10 AM
To: FAFSA Comments
Subject: Simplification of FAFSA forms

Simplifying this process is of great value to American students and their families. The ability to file the FAFSA and access low cost educational financing is vital to our students, making this process difficult invites private competitors to entice students into less desirable loans - another long term financial disaster in the making.

From: Patrice.Brooks@rich.frb.org [mailto:Patrice.Brooks@rich.frb.org]
Sent: Monday, September 29, 2008 8:09 AM
To: FAFSA Comments
Subject: suggestions for FAFSA improvement

I submitted a FAFSA for the first time in January of this year. I was able to submit the form with no problem. However, it was very time-consuming and, for me, most of the questions did not apply, so I entered either blanks, NA, or 0. For people like me, who submit a 1040A short form to the IRS each year, I suggest you also provide a short FAFSA form. Or, better yet, somehow link the 2 forms. Most of the information I provided on the FAFSA was also available on the 1040A. I submitted my 1040A before i did the FAFSA, so the electronic FAFSA could reach over to the electronic 1040A and copy any needed information.

From: Wilson2 Brian [mailto:bwilson2@santarosa.edu]
Sent: Monday, September 29, 2008 12:11 PM
To: FAFSA Comments
Subject: 2009-2010 FAFSA

I like that the Worksheet questions have been integrated into the form. What I don't like is the bouncing back and forth across the page to answer questions in numerical order. Some of the questions are confusing and will require translation from a financial aid professional. Good reason to select all paper FAFSA applicants for mandatory verification, I think. Also, why isn't consent to authorize IRS matching integrated into the signature statement? This would allow pre-population of this vital and confusing information to the FAFSA-on-the-Web webpage. I look forward to your next draft. Thanks much.

From: terry white [mailto:tjackw@hotmail.com]
Sent: Monday, September 29, 2008 2:23 PM
To: FAFSA Comments
Subject: making higher education attainable

Making forms easier is great, it doesn't make obtaining education any easier. With the state of the economy, the cost of health care, medications, gasoline and food many families are not even 'getting' by. If I had to do things over again-I would think twice about going back to school. As a single parent of a special needs child, on welfare I thought I needed the education not only to support us but to learn how to manage my child's disorder better. Now, I have medical problems and I am unable to use my medications as my physician orders, I can't seek the medical services I really need in part because my wages are being garnished to repay my student loan. My loan has tripled in size from 11,000 to 33,000 and the payments I made early on really did not make a

difference. I work to maintain my health insurance but am unable to afford my meds, dental care etc. I may be eligible for disability but I'm not ready for that. The Department of Education does not care if I receive medical care or not, they do not appreciate the fact that I am very frugal. My niece is thinking about going to college in a couple of years, I'm sorry to say I don't have any good advice I can give her. Signed, doing without in WV

From: Tim Jacobson [mailto:TJacobson@globeuniversity.edu]
Sent: Tuesday, September 30, 2008 2:29 PM
To: FAFSA Comments
Subject: 09-10 FAFSA

And

From: Lisa Roesch [mailto:lroesch@msbcollege.edu]
Sent: Tuesday, September 30, 2008 3:03 PM
To: FAFSA Comments
Subject: FAFSA Response

And

From: Kristina Hutchins [mailto:kristinahutchins@globeuniversity.edu]
Sent: Wednesday, October 01, 2008 5:58 PM
To: FAFSA Comments
Subject: FAFSA

FAFSA Response. In reviewing the 2009-2010 FAFSA our major concern centers in regards to the length and the amount of additional questions that have been added for the coming year. The addition of the specific questions from the Worksheets A-C is a step in the right direction as it makes the process of completing the application more streamlined for students since they no longer need to refer to information that is not on the application. The concern for these sections and for the questions that determine s student's dependency status is the sheer number of questions contained in these sections. Over the last few years there has been a great deal of discussion about making the FAFSA simpler for students and parents to complete. These sections defeat this effort in two regards: First the number of questions that are being asked will discourage students from completing the application just due to the shear length of the application. Secondly the questions especially the ones dealing with dependency status are both repetitive and confusing. With the new application, 13 questions are needed to determine dependency status and of those thirteen 2 ask about military service, 2 ask about the student's dependents, 3 ask about the student's parents or guardian, and 3 ask whether the student is homeless. It is understandable that the purpose of these questions is to clarify the student's situation, but wouldn't that be better accomplished by an FA administrator which they may have to do even with the purposed questions.

From: Pamela Miller [mailto:pmiller@msbcollege.edu]
Sent: Tuesday, September 30, 2008 3:41 PM
To: FAFSA Comments
Subject: Commentary on changes to the FAFSA for 2009-2010

Looking at a semantic view, most students would already state that the form is overwhelming. Adding more questions or breaking the questions down may make it worse. Thank you.

From: Lisa Hedman [mailto:aepalisades@att.net]
Sent: Thursday, October 02, 2008 2:32 PM
To: FAFSA Comments

Cc: Lisa Hedman Home
Subject: resent FAFSA 2009/2010

I think the following changes need to be considered THIS YEAR for the 2009-10 FAFSA. Investment Property owner/Managers work every bit as hard keeping their "small business" afloat, and deserve the same consideration as small business owners whose assets do not count against them for financial aid.

<http://ifap.ed.gov/fafsa/0801SummaryChanges0910FAFSA.html> I would like to suggest that rental property/ or investment property not be considered the same as owning a CD, savings account or money market account. Investment property is not liquid. IF investment property is the family's business it should be treated the same as a family business, with the assets not counting against the family just as a family's business assets are not counted in their asset base. They can't sell their business to pay for college(or no one will eat), anymore than I can sell my rental properties to pay for college or my family will not eat. I only have a small business, with a few employees- way less than 100 employees, and it should count as a small business not as if I had a pile of cash sitting in a money market account. This property provides our sole income which isn't much, but if I have to sell, I will not have enough income to live off of, let alone send a child to college.

From: Southberwick@aol.com [mailto:Southberwick@aol.com]
Sent: Friday, October 03, 2008 8:14 PM
To: FAFSA Comments
Subject: I like the changes re: Social Security

Dear Sir and/or Madam: I have been having an exceptionally difficult time trying to pay for my daughter's educations while living on a fixed income. I am receiving social security disability. I believe it is fair to not have to have the non-taxed portion count. If one has other income that would change his or her ability to afford the education (as evidenced by it being taxed), then it appears it would be reportable and therefore included. I think that this is a very fair resolution to the Social Security dilemma. Thank you.

From: Kantrowitz, Mark [mailto:mkant@fastweb.com]
Sent: Friday, October 03, 2008 4:42 PM
To: FAFSA Comments
Cc: Kantrowitz, Mark
Subject: Comments on 8/7/08 Draft of the 2009-2010 FAFSA

My comments on the 8/7/08 draft of the 2009-2010 Free Application for Federal Student Aid (FAFSA) appear below. My goal is to make it easier for students to pay for college. In the case of the FAFSA, this involves making the form more efficient, less confusing and less intimidating. The 2009-2010 FAFSA appears to reflect a philosophical shift toward making the form more self-contained. In particular, the worksheets, multiple choice answers to some questions and some instructions are now embedded in the form itself. While this may make the form less confusing for some families, it does increase the length of the form from five pages (including the worksheets) in 2008-2009 to six pages in 2009-2010. This seems to be in conflict with the goal of simplifying the FAFSA. I agree with most of the comments submitted by Lauren Asher of The Institute for College Access and Success (TICAS) on September 23, 2008 and will not repeat them here except where necessary to amplify those comments.

Page 1: The title of the form, "Free Application for Federal Student Aid", is bigger than on the 2008-2009 FAFSA. This is an improvement. Perhaps the title could be made even bigger? I suggest adding more emphasis to the word "Free", perhaps by adding a half-point rule underscore under the word "Free". The fine print "US Department of Education, Federal Student Aid" under the FAFSA logo is unreadable 4 point type. I suggest eliminating it to make the "FAFSA" bigger. Also remove the dots arrow from the left side of the "FAFSA", as it is not

necessary. The dots already appear in two other places on the page. Unusual circumstances include any financial circumstances that differentiate the family from other families in addition any changes in the family's financial circumstances since the prior tax year. The TICAS recommendation addresses only half of this. Both aspects should be addressed. I suggest giving more examples of special circumstances, such as all of the statutory examples, including tuition expenses at an elementary or secondary school, medical or dental expenses not covered by insurance, unusually high child care costs, recent unemployment of a family member or independent student, change in housing status due to homelessness, the number of parents enrolled at least half-time in a degree, certificate, or other program leading to a recognized educational credential at an institution with a program participation agreement under section 487, or other changes in a family's income, a family's assets, or a student's status. There is a lot of redundancy in the contact information listed on this page. For example, www.fafsa.ed.gov is mentioned three times, www.federalstudentaid.ed.gov once, 1-800-4-FED-AID once, 1-800-433-3243, twice. Perhaps the page could be redesigned to mention all of the contact information just once, but in bigger type and in a single location, and still save space by eliminating the redundancy. The documentation and form reference two similar addresses, www.studentaid.ed.gov and www.federalstudentaid.ed.gov. For example, the notes about the TEACH Grant on page 2 reference www.studentaid.ed.gov and page 1 references www.federalstudentaid.ed.gov. Page 4 lists both URLs in the answer to "Where can I get more information on student aid". The www.federalstudentaid.ed.gov address links to the www.studentaid.ed.gov address, and also to announcements, the Federal Aid First campaign. I suggest using only one of these two generic addresses throughout the FAFSA to minimize confusion. In addition, the TEACH Grant reference is not direct to the information about the TEACH Grant, which will force families to search for the information, adding to their frustration. It would be better to give a more direct URL. Since the more direct URLs are long, it would be better to provide a short abbreviated URL that redirects to the longer URL. For example, use www.studentaid.ed.gov/teachgrant. You already do something similar with the URL www.studentaid.ed.gov/completedefafsa. Or use www.teachgrant.gov or www.teachgrant.ed.gov. Streamline the list of state aid deadlines by using numeric dates, such as 4/15/09 instead of April 15, 2009. If you do this and find a more compact way of indicating "date received" or "date postmarked" (after all, you already have footnotes for some of these designations), it might be possible to display the deadlines in two columns in half the space. For example, use R to designate "date received" and P to designate "date postmarked". The US Department of Education should try to influence the states to agree on a single common application date, such as March 15. Current common deadline clusters include:

- February 15 (1)
- March 1 (10, including March 2)
- March 15 (4, including March 10)
- April 1 (3, including March 31)
- April 15 (3)
- May 1 (5)
- May 15 (1)
- June 30 (2)
- July 1 (5)

Even if the list were narrowed to three dates, that would simplify the list of state deadlines significantly, allowing it to fit in a much smaller space.

Page 3: I agree with TICAS that clarity and simplicity outweigh the desire to track each individual trigger of independent student status. Except when there is a compelling reason to have a separate question (e.g., a question is prone to error), related status questions should be merged.

Page 4: I agree with TICAS's advice to move the "What is the FAFSA" page to page 2. I would further suggest moving the two notes pages to the end, so that the form itself is the middle six pages, making it easier to separate the form from the instructions. The paragraphs in the right side column are indented one em while the ones on the left side are not. I suggest eliminating the paragraph indent for consistency and to save space.

Page 7: Including Worksheets B and C as part of the FAFSA is ok, but unbundling the student and parent questions adds an extra half page to the FAFSA. Note that eliminating worksheet A

eliminates a tool that many colleges previously used to identify at-risk students. It would be helpful to publicize statistics on the correlation between Worksheet A answers and remaining questions on the form, such as income. This might help schools adopt proxies for identifying at-risk students. Why are you using this particular order for the dependency questions? The order seems arbitrary. I suggest an order based on the frequency of Yes answers, but with related questions (e.g., the children and dependent other than a spouse questions) floating together. Page 10: Bolding the authority to verify is good. I suggest also bolding the first and last sentence in that paragraph. I agree with TICAS's recommendation to prepopulate the FAFSA with IRS data, which will necessitate using prior-prior-year (PPY) data. In addition, I recommend that the US Department of Education evaluate and implement a drastic simplification of the need analysis formula. Specifically, I recommend replacing the formula with $EFC = 15\% (AGI - 150\% \text{ Poverty Line}) / \text{Number Children in College}$. This is similar to the formula used in the income-based repayment formula to cap monthly loan payments. If the formula is good enough to evaluate ability to pay after the student graduates, it should be good enough to evaluate ability to pay while the student is in school. This is a much more transparent and easy to understand formula. In addition, almost all of the information needed to calculate the EFC is available to the IRS, allowing the FAFSA to fit on a postcard. (Number of children in college could be inferred by counting the number of different applications listing the same parent social security numbers.)

From: David Roberts [mailto:workershelper@yahoo.com]
Sent: Monday, October 06, 2008 1:15 PM
To: Oesby, Mattie
Subject: FAFSA Technical Issue

Dear Sir/Madam. I am a financial aid professional and attorney with a client who is a parent of a dependent who receives private disability from a private insurance company for which he paid premiums in after-tax dollars. Although the FAFSA '08-'09 in Worksheet B directs the parent to list "Other untaxed income not reported elsewhere...", and gives several examples including "disability", I would respectfully point out that the federal statute and regulations do not mention "disability" under "other untaxed income". To the contrary, the regulation seems to exclude "private disability" for the reasons that follow:

1. 20 U.S.C. Sec. 1087vv (b) provides the only definition for "*untaxed income and benefits*" relating to the financial aid program. The term "*disability*" is not used anywhere within this statute, and it does not appear in any of the 13 specific categories listed under Sec. 1087vv(b)(1)-(13). Although there is a catch-all provision at sec 1087vv (b)(14), this would appear not to include private disability benefits either:
"(14) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or benefits received through participation in employment and training activities under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq]."
2. As further support, the federal regulation, specifically 34 CFR Sec 668.56(a)(5)(vii), makes it clear that the phrase "*untaxed income*" includes only that "*subject to U.S. income tax reporting requirements*". Since the parent is receiving private disability paid for with after-tax dollars, the IRS has advised me that this is non-taxable and does not need to be reported per 26 U.S.C. Sec. 104 (a) (3).
3. There appears to be a specific legislative intent by Congress to exclude from "*untaxed income and benefits*" any category of benefit not specifically mentioned or included in 20 U.S.C. Sec. 1087vv (b) as evidenced by the numerous amendments made to this section, including the most recent amendment made in Public Law 110-315 on August 14, 2008.
4. Apart from the FAFSA form and worksheets which mention "*disability*", other sections of the ed.gov website and publications offered therein seem to be inconsistent by NOT including the word "*disability*" under "*untaxed income*". For example, lesson 7-01 of the FSA Coach does not include "*disability*" under the definition of "*untaxed income*". I

would respectfully request written guidance from the appropriate individual with reference to the above concern at your earliest convenience.

From: Shelley Draper [mailto:sdraper@careerpointcollege.edu]
Sent: Wednesday, October 08, 2008 5:31 PM
To: FAFSA Comments
Subject: Comments

I feel that this is one of the best FAFSA's that I have seen in a while.

From: Susan Kronmiller [mailto:SKronmiller@msccollege.edu]
Sent: Thursday, October 09, 2008 12:33 PM
To: FAFSA Comments
Subject: 2009-2010 fafsa comments

I find the dependency questions on page 7, repetitive and confusing. Educating the Financial Aid Administration staff to accomplish this goal would be easier than having all these confusing questions for the student to answer. I like the fact that Worksheets A, B, and C are incorporated in the main FAFSA, these questions were often times missed or deliberately left blank.

Drew Scheberle [Via USPS to Secretary Spellings]
Sr. Vice President, Education and Talent Development
Austin Chamber of Commerce

The Austin Chamber has three goals for the recommendations we make for the 2009-2010 proposed electronic FAFSA form: Remove as many duplicative questions as possible and provide clarity to questions as needed. We recommend 9 for removal and 2 for inclusion however your plans to cut questions dramatically have much merit; Harness electronic capabilities to ease user experience; and Connect FAFSA and individual financial data in the IRS to increase accuracy and simplify.

The Chamber supports your efforts in FAFSA simplification and is prepared to give appropriate assistance; please do not hesitate to contact me.

From: JoAnn Litton [mailto:littonj@gvsu.edu]
Sent: Friday, October 10, 2008 2:44 PM
To: FAFSA Comments
Subject: 09-10 FAFSA

I would like to express a concern regarding the use of an Emancipation judgement to determine a student to be independent for federal financial aid. As I reviewed individual state laws on emancipation I quickly learned that what is true in one state is NOT true in another state. Some states will not even allow a minor under sixteen to see an order of emancipation - but some will. One of the tenets of federal financial aid rules to determine dependency status has always been something that is true regardless of which state you resident in - you are or aren't born by the given date; you are or aren't married; you are or aren't a veteran. Now with the introduction of emancipation I believe that we will be treating students differently based on their state of residence with the emancipation issue. I believe it would be much better to allow an individual financial aid office to use their professional judgement to determine this - an emancipation could be just one of many facts supporting a student's request. Please feel free to contact me if you have any questions on my comments.

From: Sheri Thomas [mailto:skthomas@mtu.edu]
Sent: Friday, October 10, 2008 3:24 PM

To: FAFSA Comments
Subject: 2009-2010 FAFSA Comments

Comments on the 2009-2010 FAFSA. Instruction Format Change. The new format that incorporates notes prior to key questions (e.g. Q 16) is a constructive change and should be applied wherever possible. FAFSA Page 2—Notes for questions 35 (page 6) and 84 (page 8). There is a high incidence of error on this question. The current note text is repetitive and confusing. Suggested text: A person is not eligible to file a 1040A or 1040EZ if he or she makes \$100,000 or more, itemizes deductions, receives income from a business or farm, is self-employed, received alimony, was required to file Schedule D or E, or had expenses/deductions that could only be reported on a 1040.

FAFSA Questions 37 and 87

Though the instruction is specific to line items on the tax form, FAFSA filers report taxes withheld or tax paid plus self-employment taxes. Suggested text: Enter ... income tax (not amount withheld) for 2008. Income tax amount is on IRS Form 1040... Do not include self-employment tax.

FAFSA Questions 44 and 45 and Notes for Question 45 (Page 2)

The reformatting of the questions for veteran's education benefits is problematic. Though the addition of Question 45 will assist in providing information we previously had to request, it is important for packaging purposes to have a monthly value of the benefit. Until verification of the benefit can be made, an estimate is better than no data. The instruction "Note that the financial aid administrator at your college will need you to provide information about the amount of education benefits you **received**" is perplexing. First, it is presumed that the sentence should read "you will receive." Secondly, if a student has to communicate with the Financial Aid Office why can it not be done in a consistent manner through the FAFSA. Suggested text: Respond to this question only if you will receive veterans' education benefits from July 1, 2008 through June 30, 2009. Enter the source, monthly amount, and number of months.

FAFSA Page 3—Notes for questions 85 (page 8) and 103 (page 10)

Text: Answer "Don't know" to question 85 if you are not sure that your parent is a dislocated worker. Answer "Don't know" to question 103 if you are not sure that you or your spouse is a dislocated worker. You can contact your financial aid office for assistance in answering this question. There is great potential for schools to provide inconsistent and incorrect information as it relates to defining a dislocated worker or displaced homemaker. Question 23 (prior Q31) refers applicants to FSAIC. ED should establish the same procedure for these inquiries. Suggested text: If you are unsure how to answer this question, call 1-800-433-3242 for assistance.

FAFSA Question 56

There are two issues that could alter the interpretation of this independent status criterion. For both parents and students, there is a prevalent and ongoing confusion between IRS tax exemption guidance and the FAFSA process. That is, if the parent cannot or chooses not to claim the applicant as a tax exemption it is believed that the student is independent. It is likely, that this misconception could also be easily applied to emancipation.

In Michigan, emancipation occurs by operation of law or pursuant to a petition filed by a minor with the family division of circuit court. Emancipation occurs by operation of law when a person reaches the age of 18 years. There is a concern that a FAFSA filer may not be attentive to the distinction between emancipated by law or the court.

Suggested Text: As of today, has a court in your state of legal residence recognized you as an emancipated minor?

FAFSA Page 3—Notes for questions 58-60 (page 7); FAFSA Question 60

The note does not include a definition of self-supporting.

FAFSA Question 61/62

It is not uncommon for a FAFSA filer to interpret the question as it relates to the marital status of the biological parents. In such cases, the filer whose parent has remarried reports a status of divorced /separated and completes the remainder of the form excluding the stepparent's financial data. A variation of this same issue occurs when the filer reports a status of divorced/separated, reports the stepparent's earnings but excludes the income from the AGI. The aid office cannot

discern if the reported status is that of the natural parents or a current marriage. In all cases, the EFC is significantly distorted.

Suggested Text: What is the marital status of the parents who are reporting information on this form? What date did this marital status occur?

Question 77 and 98

We have found that filers report that they received Supplemental Security Income when in fact it was social security benefits. An incorrect response can create a significant variation in eligibility.

Suggested Text: Mark all the programs that apply. Do not mark Supplemental Security Income for social security benefits.

From: Shelton, Hilary O. [mailto:hoshelton@naacpnet.org]

Sent: Friday, October 17, 2008 1:18 PM

To: FAFSA Comments

Subject: NAACP Comments

Although Question 23 does intend to encourage students to complete the FAFSA, we feel strongly that greater clarification is needed by: 1) Targeting the question only to renewing applicants, as this question is superfluous for first-time applicants, who are most likely to be deterred by the complexity of the FAFSA; 2) Re-phrasing the question to more clearly and strongly encourage applicants who have drug convictions to submit the FAFSA; 3) Including a Notes section detailing elements of the penalty as greater information is necessary to help applicants understand the limitations on aid; and 4) including details about the penalty and how to restore eligibility on the Question 23 Worksheet as additional information to improve applicant understanding of the question and penalty can only help. Lastly, given the high number of young adults who currently use the Internet as well, , we hope that all recommendations discussed with reference to the draft 2009-2010 FAFSA will be considered and applied to the on-line version of the 2009-2010 FAFSA and the accompanying FAFSA and Web Worksheets, which were not provided for public comment.

From: Walter Desmond [mailto:w.desmond@sbcglobal.net]

Sent: Sunday, October 19, 2008 2:13 AM

To: FAFSA Comments

Subject: Comments on Draft of FAFSA 09-10

Great changes will make FA easier for the neediest and least fortunate. Two minuscule comments: Page 8, question 85: Should say "As of today, is either of your parents..." NOT "As of today, ARE either or your parents..." Also Page 4, Paperwork Reduction Act section: The estimate of one hour "for reviewing instruction, searching data resources, gathering data, filling out form and reviewing it" is probably not achievable even for the most accomplished veteran, much less a first-timer. THREE HOURS maybe. Excellent revisions, and concern about kids behind the revisions. Thanks

From: Brooke Koenig [mailto:BKoenig@UFP.UCCS.EDU]

Sent: Monday, October 20, 2008 5:01 PM

To: FAFSA Comments

Subject: FAFSA Comments from UCCS

Feedback on the 2009-2010 Draft of the FAFSA from the University of Colorado at Colorado Springs Financial Aid and Student Employment Office:

We would like the enrollment status for each semester (summer, fall and spring) to make a comeback. We used that information to package off of and now find that we have to make a large number of budget duration changes and that affects how much of the efc is assessed; The "don't know" answer for "Able to file a short form?" question that the students guess at and then it effects the formula that they are calculated under should be changed to yes or no only; Regardless of methodology used all students and parents should have to report assets. Too often we are finding that we are changing the answer to the question and assets were not

reported and then we cannot send the correction and get a corrected etc; As for the new dependency questions: Question 56, *as of today are you an emancipated minor as determined by a court in your state of legal residence?* We would like "minor" clarified. We do not want families to think they can emancipate their 19 and 20 year olds in an effort to be independent for FAFSA reasons. We are assuming minor refers to under 18 years of age but would like that clarified to avoid confusion for students who are emancipated after the age of 18. Questions 58, 59, and 60 – Please condense into one question. In the notes, the same notes cover all three of these. There are such slight variations to the same concept and the dependency questions are already a lengthy.

From: Monica Alvarado [mailto:moalvarado5@yahoo.com]
Sent: Monday, October 20, 2008 10:40 PM
To: FAFSA Comments
Subject: Draft FAFSA 2009/2010

I don't know if it's possible, but I would love to have the information needed for verification pre-printed on the verification form or format for our students after their FAFSA is processed. I figure that it is possible being that after they process their income tax return a pre-filled form is provided to them with the information needed for the FAFSA. This should also be available for verification. Our students get stuck in this process and is often the gatekeeper. We process the FAFSA, but they don't follow through the verification. a note should be added to the form that if changes are necessary, they must update information on the verification form.

From: Monica Alvarado [mailto:moalvarado5@yahoo.com]
Sent: Monday, October 20, 2008 10:45 PM
To: FAFSA Comments
Subject: Draft FAFSA 2009/2010

I forgot to mention that we should add questions on waivers and it should only be triggered by state when they enter the state on the FAFSA. This could be a checklist to ensure students don't miss out on the aid. At least it should take them to the link like collegefortexans.com.

From: Monica Alvarado [mailto:moalvarado5@yahoo.com]
Sent: Monday, October 20, 2008 10:49 PM
To: FAFSA Comments
Subject: FAFSA

I work and assist students process their FAFSA at the high school level and would like to know how I can receive drafts when they become available.

From: GURROLA, RAYMOND [mailto:rgurrola1@cnm.edu]
Sent: Thursday, October 23, 2008 3:08 PM
To: FAFSA Comments
Subject: 2009-2010 FAFSA

Could the electronic FAFSA be "restructured" to not allow students to continue if they don't answer the bachelor degree question online? Or, if they submit a paper FAFSA that a corresponding ISIR comment be created to "flag" this? We've noticed files without that question answered and no relating comments on the ISIR. We thought that such an important question not answered would have a comment code in the ISIR as to prevent the student from being eligible for Pell but in fact the comments are indicating to the student that they may be eligible for Pell.--?? Thank you.

From: GURROLA, RAYMOND [mailto:rgurrola1@cnm.edu]
Sent: Thursday, October 23, 2008 5:46 PM
To: FAFSA Comments

Cc: ODENWALD, ARLENE
Subject: 2009-2010 FAFSA Comments

1) Why does question 55 have an age limitation of 13? Someone whose parents died when they were 9 would have to answer "No" which doesn't seem right.
2) Question 27 should have an accompanied question (a question 28) that asks if the student will have a bachelor's degree before June 29th to at least create a comment code to enter in the ISIR so that schools can easily catch those students who graduate in... let's say December and then transfer to another school that may not require transcripts such as community college or technical schools. Otherwise how would a school know not to pay a student Pell in this situation? Thanks.

From: Hunter-Williams, Jill [mailto:Jill.Hunter-Williams@mail.house.gov]
Sent: Friday, October 24, 2008 3:38 PM
To: FAFSA Comments; Tisher, Stephan; Radocchia, Julie; Brunner, Ilana; Green, Rashage; Sajery, Algene; DeHart, Bridgette; Alexander, LaVerne; Rose, Markus; Hunter-Williams, Jill
Subject: Comments on FAFSA from Members of the House of Representatives

To Whom It May Concern: Attached please find the comments of 53 Members of the House of Representatives related to the draft 2009-2010 Free Application for Federal Student Aid (FAFSA) in response to the Notice of Proposed Information Collection Requests printed in the *Federal Register* (Volume 73, Number 168) on Thursday, August 28, 2008. A hard copy was mailed to the Department today as well. Please contact me with any questions. Thank you,

[Comments provided in PDF – Response drafted for Secretary's approval]

From: Gonzalez, Michelle [mailto:GON03001@byui.edu]
Sent: Friday, October 24, 2008 9:20 PM
To: FAFSA Comments
Subject: FAFSA and drafting

To whom it may concern. I had a question that I was hoping someone will answer. I heard that if you want to receive financial aid and you are a male you have to sign something that said you will be drafted or else you cannot receive any financial aid. Is that true? Thank you

From: Eric Tars [mailto:etars@nlchp.org]
Sent: Monday, October 27, 2008 8:05 AM
To: FAFSA Comments
Cc: pjulianelle@naehcy.org; Barbara Duffield; Laurel Weir
Subject: FAFSA Comments from NAEHCY and NLCHP

Comments Submitted on Behalf of the National Association for the Education of Homeless Children and Youth and the National Law Center on Homelessness & Poverty. The National Association for the Education of Homeless Children and Youth⁴ (NAEHCY) and the National Law Center on Homelessness & Poverty⁵ (NLCHP) are pleased to submit these comments on the 2009-2010 Free Application for Federal Student Aid (FAFSA) in response to the notice of invitation for public comment issued in the Federal Register on Thursday, August 28, 2008. Each

⁴ NAEHCY is a national grassroots membership association serving as the voice and the social conscience for the education of children and youth in homeless situations. NAEHCY connects educators, parents, advocates, researchers and service providers to ensure school enrollment and attendance, and overall success for children and youth whose lives have been disrupted by the lack of safe, permanent and adequate housing.

⁵ NLCHP strives to prevent and end homelessness by serving as the legal arm of the nationwide movement to end homelessness. To achieve its mission, the organization pursues three main strategies: impact litigation, policy advocacy, and public education. NLCHP strives to place homelessness in the larger context of poverty.

year, between 1.6 and 1.7 million youth run away from home or are forced to leave their home by parents.⁶ Generally, youth leave home due to severe dysfunction in their families, including circumstances that put their safety and well-being at grave risk. Unfortunately, physical and sexual abuse in the home is common; studies of unaccompanied youth have found that 20 to 50% were sexually abused in their homes, while 40 to 60% were physically abused.ⁱ Parental drug use or alcoholism and conflicts with stepparents or partners also provoke youth to run away from home.ⁱⁱ In a survey of unaccompanied youth in California, over half felt that being homeless was as safe as or safer than being at home.ⁱⁱⁱ These youth live in a variety of temporary situations, including shelters, the homes of others, cars, campgrounds, public parks, abandoned buildings, motels, and bus or train stations. Due to their severe poverty, homeless unaccompanied youth are extremely unlikely to be able to access postsecondary education without federal student aid. The FAFSA requires most students to provide financial information from their parents or guardians in order to determine student eligibility for aid; the application also requires a parental/guardian signature. While these requirements are logical for most applicants, they can create insurmountable barriers for unaccompanied homeless youth. These youth do not receive financial support from their parents and do not have access to parental information. Thus, despite their great need for financial assistance, unaccompanied homeless youth cannot supply the information required by the FAFSA and thus face almost insurmountable barriers to higher education. The College Cost Reduction and Access Act of 2007 (P.L. 110-84) addresses this barrier by allowing youth to be considered independent students if they are verified as unaccompanied and homeless during the school year in which the application is submitted, or as unaccompanied, at risk of homelessness, and self-supporting. This provision will help remove barriers for unaccompanied youth, provided that the FAFSA reflects the language and intent of the statute. To this end, we offer the following recommendations on the draft FAFSA.

1. Definition of "Youth" in Notes, Page 3 of the Draft FAFSA

NAEHCY and NLCHP are concerned that, as drafted, the current FAFSA would exclude many unaccompanied youth who are intended beneficiaries of the FAFSA changes. Page three of the draft form defines key terms for unaccompanied homeless youth. "Youth" is defined as an individual who is 21 years of age or younger, or currently enrolled in high school. However, youth must be 24 years old in order to be considered an independent student. Thus, according to this form, unaccompanied homeless youth who are 22 or 23 years old will not be able to be considered independent students. Therefore, because these youth do not have access to parental signatures or income information, they will not be able to apply for federal financial aid and will be extremely unlikely to afford college. The statutory language of the College Cost Reduction and Access Act does not support such a limitation. In fact, the Act does not include any age limits for this population, nor do the other statutory definitions of "homelessness" or "unaccompanied youth" that are referenced in the Act. In order to fulfill the statutory language and ensure that all unaccompanied youth benefit from the new independent student definition and are therefore able to pursue postsecondary education, we recommend either deleting this definition from the FAFSA, or aligning it with recommendations made in the February 2008 GAO report, "DISCONNECTED YOUTH- Federal Action Could Address Some of the Challenges Faced by Local Programs That Reconnect Youth to Education and Employment." The authors of this report state: "There is not a commonly accepted definition of disconnected youth. For the purposes of this study, we define disconnected youth as youth aged 14 to 24 who are not in school and not working, or who lack family or other support networks." We recommend that the following language be added to the notes section of the FAFSA pertaining to unaccompanied homeless youth: "For the purposes of this question, 'Youth' means you are 23 years of age or younger as of the day you sign this application."

2. "At-Risk of Homelessness," Questions 58 and 59, of the Draft FAFSA

NAEHCY and NLCHP are concerned that, as written, questions 58 and 59 do not include the phrase "or self-supporting and at risk of being homeless." The language of the statute clearly requires the addition of students in these situations to the provisions for homeless youth, including verifications made by school district homeless liaisons and directors or designees of

⁶ Toro, P., Dworsky, A. and Fowler, P. (2007). "Homeless Youth in the United States: Recent Research Findings and Intervention Approaches" from the *2007 National Symposium on Homelessness Research*.

programs funded under Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act. In order to simplify and clarify this part of the FAFSA, we recommend replacing questions 58, 59, and 60 with the following one question: *“At any time on or after July 1, 2008, did you receive a determination that you were an unaccompanied youth who was homeless, or that you were an unaccompanied youth who was self-supporting and at risk of being homeless?”* The new question would be accompanied by a reference to the Notes section, and the first paragraph of the Notes would read: *“Answer ‘Yes’ if you received a determination that you were an unaccompanied youth who was homeless, or self-supporting and at risk of homelessness, from any of the following sources at any time on or after July 1, 2008:*

- Your school district homeless liaison*
- The director, or designated staff, of an emergency shelter program funded by the U.S. Department of Housing and Urban Development*
- The director, or designated staff, of a runaway or homeless youth center or transitional living program.*
- A financial aid administrator at the school you attend/plan to attend.*

In addition, we recommend adding “Self-supporting” to the end of the bulleted list of definitions that follow the first paragraph, as follows:

“‘Self-supporting’ means you are providing for your own living expenses.” “

Thank you for considering our comments. Should you have any questions, please do not hesitate to contact Barbara Duffield, NAEHCY Policy Director, at 202.364.7392 or bduffield@naehcy.org; or Eric Tars, NLCHP Children and Youth Staff Attorney, at 202-638-2535 or etars@nlchp.org.

From: Kowalski, Laura [mailto:laura.kowalski@tgslc.org]

Sent: Monday, October 27, 2008 1:58 PM

To: FAFSA Comments

Subject: 2009-2010 FAFSA

On behalf of Texas Guaranteed (TG), I am pleased to provide a response to the August 28, 2008, request for comments regarding the Free Application for Federal Student Aid (FAFSA) that the Secretary proposes to use for the 2009-2010 award year. TG appreciates the opportunity to comment on this draft application. Please contact me directly if you have any questions regarding the attached comments.

To Whom It May Concern. On behalf of Texas Guaranteed (TG), I am pleased to provide a response to the August 28, 2008, request for comments regarding the Free Application for Federal Student Aid (FAFSA) that the Secretary proposes to use for the 2009-2010 award year.

TG supports and participated in creating the response from the National Counsel of Higher Education Loan Programs (NCHELP) that was submitted to this 60-day information collection request. In addition, we offer the following detailed comments which focus on making the form easier to understand and use:

1. On page 2, top left, “Notes for questions 14 & 15:” the paragraph ends with a statement for non-citizens who are ineligible for federal student aid: “...However you may be eligible for state aid.” It would be helpful if the instructions did not end abruptly. To assist applicants, we suggest adding “Please see your school’s financial aid office to determine if any state aid options are available.”

ⁱ Robertson, M. & Toro, P. (1999). “Homeless Youth: Research, Intervention, and Policy.” *Practical Lessons: The 1998 National Symposium on Homelessness Research*. Washington DC: U.S. Dept. of Housing and Urban Development. Retrieved July 18, 2007 from <http://aspe.os.dhhs.gov/progsys/homeless/symposium/3-Youth.htm>. See also MacLean, M.G., Embry, L.E. & Cauce, A.M. (1999). “Homeless Adolescents’ Paths to Separation from Family: Comparison of Family Characteristics, Psychological Adjustment, and Victimization.” *Journal of Community Psychology*, 27(2), 179-187.

ⁱⁱ Robertson & Toro, *supra*, note 10.

ⁱⁱⁱ Bernstein, N., *supra* note 1.

2. On page 2, "Notes for question 32:" We suggest providing applicants a link to specific information about the teach grant [<http://www.teachgrant.ed.gov/>], rather than a link to the general student aid web site [<http://www.studentaid.ed.gov/>].
3. On page 3, "Notes for question 55" on page 3: We suggest revising this to read: "at any time when you were age 13 or older, even if...". This is consistent with the language used for "Notes for questions 58-60" on the same page.
4. On page 8, "Notes for questions 85" and page 10, "Notes for question 103:" We suggest revising these to read:
In general, a person is considered a dislocated worker if they he or she meets one of the following conditions:
 - ~~They have~~ He or she has lost ~~their his or her~~ job.
 - ~~They have~~ He or she has been laid off or received a lay-off notice from ~~their his or her~~ job.
 - ~~They are~~ He or she is receiving unemployment benefits due to being laid off or losing a job and are is unlikely to return to a previous occupation.
 - ~~They are~~ He or she is self-employed but are unemployed due to economic conditions or natural disaster.
 - ~~They are~~ He or she is a displaced homemaker. A displaced homemaker is generally a person who previously provided unpaid services to the family (e.g., a stay-at-home mom or dad), is no longer supported by the husband or wife, is unemployed or underemployed, and is having trouble finding or upgrading employment.

If a person quits work, generally ~~they are~~ he or she is not considered a dislocated worker even if, for example, the person is receiving unemployment benefits. TG appreciates the opportunity to comment on the draft 2009-2010 FAFSA. Please contact me directly if you have any questions regarding the above comments.

From: Karen McCarthy [<mailto:mccarthyk@nasfaa.org>]
Sent: Monday, October 27, 2008 4:37 PM
To: FAFSA Comments
Subject: 2009-10 Draft FAFSA

Attached are comments from NASFAA. Thank you!

To Whom it May Concern. On behalf of the nearly 3,000 member institutions of the National Association of Student Financial Aid Administrators (NASFAA), I am writing to offer our comments on the draft 2009-10 Free Application for Federal Student Aid (FAFSA). We appreciate the Department's continued efforts to clarify and improve the FAFSA structure and language. In particular, we are pleased to see that the former Worksheets B and C have been eliminated and those questions incorporated into the application. We also support the inclusion of the answer choices for Questions 28-31 into the application rather than the separate Notes section. We commend the Department's efforts to incorporate the changes required to satisfy the intent of Congress in implementing the College Cost Reduction and Access Act (CCRAA). We have some general comments on these changes, specifically the changes to the dependency status questions. The draft FAFSA contains 13 questions that determine dependency status. We would encourage the Department to explore ways that would permit students to skip some of the dependency status questions if they answer yes to one of the questions with a low error rate. For example, applicants who answer the first dependency status question as "Yes" ("Were you born before January 1, 1986?") might be directed to skip the remaining 12 dependency status questions. This would allow paper FAFSA filers to move through the form more quickly. Regarding homeless determinations, the changes to the law as a result of the CCRAA seem to allow all listed authorities (i.e., high school or school district homeless liaison, director of an emergency shelter program fund, director of a runaway or homeless youth basic center or transitional living program) to make the various homeless determinations. Why is there a separate question for each party? Can the separate questions be combined? Combining these questions wherever possible would make them less visually intimidating. We have concerns

about the Department’s definition of “youth,” as it relates to homelessness. The Notes section states that “youth means you are 21 years of age or younger or you are still enrolled in high school as of the day you sign this application.” This means that a student could “age out” of automatic independent status. That is, once a homeless student turns 22, he or she would not automatically be considered independent. We don’t believe this was Congress’ intent. We have comments and concerns about some additional items. Those comments are attached and are listed in page number order. We appreciate the opportunity to offer these comments and we look forward to working with you on these important application issues.

NASFAA Comments on Draft 2009-10 FAFSA

Page	Item	Suggested Change (additions are shown in bold, deletions are in strikeout)	Comments
1	Using Your Tax Return	If you have not yet filed your tax return, you can still submit your FAFSA, but you must provide income and tax information submit your FAFSA with estimated income and tax information.	The suggested wording clarifies how applicants who have not yet filed a tax return should proceed.
1	Filling out the FAFSA	If you or your family has unusual circumstances that have caused significant changes to your financial situation (such as loss of employment), complete this form to the extent you can, then submit it as instructed and consult with the financial aid office at the college you plan to attend.	The suggested wording clarifies when an applicant should consult with the financial aid office.
2	Notes for questions 14 and 15	If you are neither a citizen nor an eligible noncitizen, you are not eligible for federal student aid. However, you should still complete this application, because you may be eligible for state or college aid.	If the CPS provides EFC information of ineligible noncitizens to schools and states for purposes of institutional and state aid, then the added text clarifies how ineligible noncitizens should proceed.
2	Notes for question 45	Note that the financial aid administrator will need you to provide information about the amount of education benefits you received will receive.	The questions regarding veterans education benefits consistently ask about benefits that will be received between 7/1/09 and 6/30/10. The verb tense should be consistent throughout to avoid confusion.

Page	Item	Suggested Change (additions are shown in bold, deletions are in strikeout)	Comments
3	Notes for question 52	<p>Answer “Yes” (you are a veteran) if you (1) have engaged in active duty in the U.S. Armed Forces (Army, Navy, Air Force, Marines or Coast Guard) or are a National Guard or Reserves enlistee who was called to active duty for purposes other than state or training purposes.</p> <p>...</p> <p>Answer “No” (you are not a veteran) if you (1) have never engaged in active duty in the U.S. Armed Forces, (2) are currently an ROTC student or a cadet or midshipman at a service academy or (3) are a National Guard or Reserves enlistee activated only for state or training purposes.</p>	<p>Page AVG-24 of the 2008-09 <i>FSA Handbook</i> states: “Members of the National Guard or Reserves are only considered veterans if they were called up to active federal duty by presidential order for a purpose other than training. “</p> <p>The suggested wording addresses active duty for state purposes and matches the wording in the Notes for question 51 about active duty.</p>
3	Notes for question 52	<p>Also answer “No” if you are currently serving in the U.S. Armed Forces and will continue to serve through June 30, 2010, or you have engaged in active duty in the U.S. Armed Forces and were released dishonorably.</p>	<p>Under the current wording, it is not clear how someone who was dishonorably discharged should answer this question.</p>
5	14	<p>c. No, I am not a citizen or eligible noncitizen. Skip to question 16.</p>	<p>The current wording provides this wording for option a. It should also be provided for option c.</p>
5	19 and 20 (same concept applies to 73 and 74)	<p>19. Did you become a legal resident of this state before January 1, 2004?</p> <p>20. If the answer to question 19 is “No,” give month and year you became a legal resident. What month and year did you become a legal resident of this state?</p>	<p>Questions 19 and 20 (for students) and 73 and 74 (for parents) could be combined into one question that asks the month and year when legal residency began. Combining these questions for both students and parents would eliminate two redundant questions from the FAFSA.</p>
6	Instructions for Q39	<p>This information may be on the W-2 forms, or on IRS Form 1040—lines 7 + 12 + 18 + Box 14 of IRS Schedule K-1 (Form 1065); or 1040A—line 7; or 1040EZ—line 1. If IRS Form 1040 lines 12 or 18 are negative, treat them as zero.</p>	<p>Page AVG-12 of the 2008-09 <i>FSA Handbook</i> contains the following text: “The FAFSA instructs the applicant to sum lines 7, 12, and 18 of the 1040 form and box 14 of Schedule K-1 (Form 1065) as an option for determining the income earned from work. But</p>

Page	Item	Suggested Change (additions are shown in bold, deletions are in strikeout)	Comments
			<p>when the values of lines 12 or 18 are negative, this will reduce the total and can wrongly affect the Social Security allowance. If values from lines 12 or 18 are negative, treat them as zero when determining the income earned from work.”</p> <p>Currently, the applicant isn't given these instructions about negative amounts on lines 12 or 18, so the only way this would get corrected would be if the school reviews the tax return. This results in inequitable treatment between those applicants whose files are verified and those who are not.</p>
7	47i	Other untaxed income not reported in items 47a through 47h , such as....	Additional wording is needed for clarification.
7	47i	Don't include....combat pay (if you are not a tax filer),...	Under CCRAA, combat pay is excludable income. A tax filer who has received untaxed combat pay must also be instructed on the FAFSA not to include it as other untaxed income.
7	55	Are both your parents deceased, or at any time when you were age 13 or older, were both your parents deceased , were you in foster care or were you a dependent/ward of the court?	Although the current wording follows the wording in statute, several of our members find it confusing. The applicant's age at the time of the parents' death is irrelevant; in all cases, the applicant is an orphan and would answer this question “Yes.” “At any time” is added for clarification and to match statutory wording.
7	58-60	At any time on or after July 1, 2008, did you receive a determination that you were an unaccompanied youth who was homeless or were self-supporting and at risk of being homeless?	Questions 58-60 are very wordy. Unless the Department needs separate questions for tracking purposes, we would suggest collapsing these questions

Page	Item	Suggested Change (additions are shown in bold, deletions are in strikeout)	Comments
		See Notes page 3.	into one question. The parties who are permitted to make such determinations can be included in the Notes on page 3. These suggestions would allow the vast majority of applicants to proceed through this section of the FAFSA much more quickly.
7	Notes for questions 58-60	<ul style="list-style-type: none"> • “Self-supporting” means _____ 	The Notes for questions 58-60 do not include a definition of “self-supporting”.
8	Instructions for 77-81 (also instructions for 98-102 on page 10)	TANF may have a different name in your state. To find out the name of your state’s program, see www.xxxx.gov or call 1-800-4FED-AID.	TANF programs go by different names in different states. Applicants may know the name of their state’s program, and not realize that it is a TANF program. The linked web site should be a list of state TANF programs. If space doesn’t allow this suggested text to be with the question itself, it could be added to the Notes section. It is critical that TANF recipients answer this question correctly, since receipt of TANF is one of the eligibility criteria for the simplified needs test and automatic zero EFC.
8	80 (also 101 on page 10)	Temporary Assistance for Needy Families (TANF)	Using only the acronym for these government programs assumes a level of knowledge that applicants may not have.
8	81 (also 102 on page 10)	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	
9	94d	Student grant and scholarship aid reported to the IRS in your parents’ adjusted gross income.	Throughout the application, “your” refers to the student. This section is for the parents’ additional financial information, so “your” must be changed to “your parents’.”

Page	Item	Suggested Change (additions are shown in bold, deletions are in strikeout)	Comments
9	94e	Only enter the amount that was taxable and included in your parents' adjusted gross income.	Throughout the application, "your" refers to the student. This section is for the parents' additional financial information, so "your" must be changed to "your parents'."

From: Vicki Shipley [mailto:vshipley@nchelp.org]
Sent: Monday, October 27, 2008 7:01 PM
To: 'fafsacomments@ed.gov (fafsacomments@ed.gov)'
Cc: 'blief@nchelp.org'
Subject:

Good evening. On behalf of NCHELP, thank you for the opportunity to provide the attached comments on the draft 2009/10 FAFSA. To Whom It May Concern. Thank you for providing the financial aid community with the opportunity to review and comment on the draft of the 2009-2010 Free Application for Federal Student Aid (FAFSA). On behalf of the National Council of Higher Education Loan Programs (NCHELP), we offer the following comments in response to Federal Register Notice dated August 28, 2008. NCHELP is an organization representing federal student loan guarantors, secondary markets, lenders, loan servicers, collection agencies, as well as some institutions of higher education. In addition to participating in the Federal Family Education Loan (FFEL) Program, many of our guarantor members administer state grant and scholarship programs and state savings programs, both of which extend their interest in commenting on the FAFSA. NCHELP appreciates the summary of changes that was provided by the U.S. Department of Education. This reference gave those reviewing the document a quick synopsis of proposed modifications. We also applaud the Department's continued efforts to streamline the FAFSA. However, while we commend this effort that will enable students (and parents) to more easily complete the Title IV aid application process, we ask that the Department not lose sight of the State aid programs that also rely on key FAFSA data. If those questions used by the various State agencies and programs are eliminated from the FAFSA, students will be required to complete separate State aid applications. This would create disruption in the State aid award process and cause undue hardship to those students who most need the additional State dollars. We urge the Department to also allow States to link to FAFSA on the Web data. It is also clear from the extensive Congressional discussions conducted in the development of the Higher Education Opportunity Act of 2008 that Congress intends state aid should remain a key part of each student's overall aid package. We believe it is important for the Department to ensure that a single Title IV aid application accommodates state aid. We therefore encourage the Department to consider the full impact of the changes it proposes to the FAFSA content. We have attached a matrix listing comments on the draft FAFSA. Specifically we would offer the general recommendations listed below:

Recommendations:

- Step Three – Allow the student applicant to skip the questions in this section that follow any "yes" response. Skip logic should also be used in the FAFSA on the Web (FOTW). An affirmative response to any question in this section means the student is 'independent'; therefore once the applicant answers "yes", he or she should not be required to answer the remaining questions in this section.
- Notes for question 32 – We would recommend the link <http://www.teachgrant.ed.gov> be used in place of <http://www.studentaid.ed.gov> in this section. The recommended link will take the student directly to the site containing information on the TEACH program.

NCHELP appreciates this opportunity to provide recommendations on the FAFSA. If you have any questions regarding these comments, please contact me at (202) 822-2106.

[Comments forwarded from OGC]

From: Jay Christian (EUIP [mailto:EUIP@myfriendsplace.org])
Sent: Friday, October 10, 2008 6:39 PM
To: OGC Comments
Cc: bduffield@naehcy.org
Subject: FAFSA changes

Dear U.S. Department of Education. Comments on new FAFSA changes. I am an employee of a drop in shelter for homeless youth in Los Angeles CA. Some concerns I have for the recent changes are as follows:

1. The limit placed on the age of "Youth" in the notes category for questions 58-60
 - a. We interact with youth that are homeless between the ages of 12-24
 - b. In the description currently given "Youth" "means you are 21 years of age or younger or you are still enrolled in high school as of the day you sign this application" this description should be expanded to include homeless youth ages 22 and 23.
 - c. These homeless youth should not be excluded from the benefits of these changes simply because they are too old.
2. Will homeless organizations that do not receive government funding qualify as a "basic center or transitional living program" as specified in question 60?

Thank you for your time and consideration of our comments,
Jay Christian, Transformative Education, 5850 Hollywood Blvd. Los Angeles, CA 90028
www.myfriendsplace.org

From: Leslye Orloff [mailto:lorloff@legalmomentum.org]
Sent: Monday, October 27, 2008 5:03 PM
To: OGC Comments
Subject: Legal Momentum FAFSA Comments

U.S. Department of Education. Re: Comments on Free Application for Federal Student Aid (FAFSA) for the 2009-2010 award year. To Whom It May Concern. Legal Momentum is submitting these comments in response to the notice published in the Federal Register on August 28, 2008 (73 Fed. Reg. 50785), soliciting input on the Free Application for Federal Student Aid (FAFSA) for the 2009-2010 award year. Our comments focus on the questions and instructions regarding eligible non-citizens, and the submission of Social Security Numbers by non-citizen applicants.

Organizational Background

Legal Momentum, established in 1970, is the nation's oldest legal advocacy organization dedicated solely to advancing the rights of women and girls. The Immigrant Women Program ("IWP") has been an integral part of Legal Momentum since 1999 and is the lead agency nationally advocating for legislation and federal and state policies that improve the lives of immigrant women and their children. Legal Momentum has substantial knowledge and insight into issues of domestic violence, sexual assault, trafficking, immigration, public benefits, health care and family law for immigrant victims and their children. Legal Momentum co-founded and co-directs the National Network to End Violence Against Immigrant Women, which has over 3,000 member organizations who work in communities across the country helping immigrant victims and their children heal and attain protection from abuse. Our Immigrant Women Program crafted and stewarded passage of all Violence Against Women Act ("VAWA") protections for immigrant victims of violence against women (1994, 2000, 2005), the Trafficking Victim's Protection Act of 2000 ("TVPA"), International

Marriage Broker Regulation Act (2005) as well as access to benefits (1996) and legal services (1997, 2005) for immigrant victims and their children.

Comments on FAFSA Form and Instructions

Below please find commentary on questions 8, 14, and 15 of the FAFSA form. We found that these areas of the FAFSA form and their accompanying Instructions can be improved to more clearly identify non-citizens eligible for postsecondary educational financial aid. Our goal in these comments is to suggest improvements that will help assure that the FAFSA form instructions provide direction that will assist both applicants and institutions in identifying each of the groups of non-citizens eligible to receive postsecondary educational grants and loans.⁷ Please refer to the discussion of each question below and proposed language. We have tried to be as thorough as possible. However, if the Department of Education would like us to clarify or amplify any information we provide in these comments we would be happy to answer questions and provide any further information that would be of assistance to the Department. Our contact information is listed at the bottom of these comments.

Question 8 - Social Security Number

This question requires eligible non-citizens to provide a Social Security Number. This may be problematic because some eligible non-citizens may lack a regular Social Security number (SSN). There are categories of persons who are eligible to receive public benefits who are not eligible for work authorization. Qualified battered immigrants who are married to or children of U.S. citizen or lawful permanent resident abusers are one example. Under VAWA spouses and children of lawful permanent resident abusers can file a self-petition to attain lawful permanent residency without the abuser's knowledge or assistance. Once DHS determines that a valid case has been filed, DHS issues a prima facie determination notice permitting the qualified battered immigrants to access public benefits, including postsecondary educational grants and loans. However, this group must wait generally almost a year and a half to have their case approved and to file for and receive work authorization. These battered immigrants can only receive a social security number after they are granted work authorization. During this wait their access to public benefits is crucial.⁸ Similarly there will be qualified battered immigrants whose non-abusive lawful permanent resident spouse filed an I-130 family based visa petition for them and the immigrant spouse is abused by a family member of the abuser (who resides in the same household). These immigrant victims may have significant up to 7 year waits before they can receive a social security number connect to their receipt of work authorization. These examples demonstrate why it is important to help immigrant public benefits applicants obtain and use non-work social security numbers. To address some federal agency requirements that all applicants have social security numbers in order to apply for benefits (e.g. TANF and Educational benefits) the Social Security Administration will issue non-work social security numbers.⁹ In order to obtain a non-work social security number, applicants must demonstrate that they need a non-work authorized social security number in order to apply for federal or state public benefits. Non-citizen applicants for public benefits meet this requirement by providing to the Social Security Administration with a letter from the federal or state agency stating that a social security number is required for processing of the non-citizens benefits application.¹⁰

Proposed Revision

⁷ For example, the current form fails to list qualified battered immigrants.

⁸ See Department of Justice, Verification of Eligibility for Public Benefits, INS No. 1902-98; AG Order No. 2170-98] RIN 1115-AE99, 63 (No. 149) Federal Register 41662, 41678 and 41682 (August 4, 1998) (Recognizes that some immigrants eligible for public benefits will not have social security numbers. Using terms like "if applicable" and "to the extent authorized by law," respectively).

⁹ See Social Security Administration operating procedures, Program Operations Manual Systems POMS # RM 00203.510 (copy attached).

¹⁰ See e.g., California's All-County Information Notice ACIN I-54-01 (July 10, 2001) (procedures used by State agencies in assisting non-citizens in obtaining non-work SSN)

http://www.cdss.ca.gov/foodstamps/entres/getinfo/acin01/pdf/I-54_01.pdf and

Washington State's sample letter requesting non-work SSNs

<http://www.dshs.wa.gov/pdf/esa/manual/DSHSLetterRequestingNonWorkSSN.pdf>.

The Department of Education should develop as part of this rule making a form requesting that the Social Security Administration provide the non-citizen applicant for postsecondary educational grants and/or loans a non-work social security number. This form should be placed on the DOE website so that it can be easily downloaded, filled in and provided to the non-citizen applicant. The instructions to financial aid officers accompanying the FAFSA form should provide the URL link to this DOE form and should direct financial aid officers to assist non-citizen applicants in obtaining non-work social security numbers, including providing them a copy of this letter and other the institution should take in assisting applicants in obtaining a non-work SSN.

Question 14 – Are you a U.S. citizen?

This section of the FAFSA provides two options. The first option is for U.S. citizens and the second option is for eligible non-citizens. We are not suggesting changes to the form, but would like to suggest some revisions to the instructions that accompany this question, to ensure that the eligible non-citizen category is described accurately and to provide instructions to potentially eligible students. First, the description of the eligible non-citizen category in the instructions should be revised. The more accurate term “lawful permanent resident” should replace “permanent U.S. resident.” Second, conditional permanent residents¹¹ should be explicitly listed as a category separate from lawful permanent residents so as to eliminate confusion between the two forms of status that could lead to confusion that could result in precluding conditional residents from benefits they are legally entitled to receive. Finally, the instructions should also include a more comprehensive list of eligible non-citizens to ensure that these students and their financial aid officers understand that they may apply for assistance.

In making a determination of who is an eligible non-citizens for purposes of post-secondary financial aid the statute 20 U.S.C. Section 1091¹² states that:

“In order to receive any grant, loan, or work assistance under this subchapter, a student must, “be a citizen or national of the United States, a permanent resident of the United States, able to provide evidence from the Immigration and Naturalization Service that he or she is in the United States **for other than a temporary purpose with the intention of becoming a citizen or permanent resident.**”¹³ (Emphasis added)

Under this Act, it is clear that certain non-citizens are eligible for post-secondary financial aid as long as they are not in the United States on a temporary basis, but rather with the intention of staying permanently. There are three groups of immigrants who qualify under this definition. First, any group of non-citizen who are “qualified aliens” as defined in 8 U.S.C. 1641. We will provide a full list of the categories qualified immigrants below. Second, trafficking victims who qualify for, have applied for or have received continued presence or a T-visa (and the certain family members of such applicants¹⁴). In addition to the two groups discussed above there is a third group of non-citizens eligible for DOE administered benefits. These are immigrants who can demonstrate that they are in the United States for other than a temporary purpose and who have an intention of becoming a citizen or lawful permanent resident. Non-citizens who have or are in the process of applying for any form of legal immigration status that could lead to legal permanent residency or citizenship would qualify for educational benefits under this provision. To be eligible applicants will have to demonstrate that they have a pending or approved application for immigration benefits filed with the Department of Homeland Security. Applicants under this category of eligibility (as opposed to qualified immigrants and trafficking victims) would also need to demonstrate to the financial aid officer their intent to obtain permanent residency or citizenship. An example includes but is not limited to U-visa (crime victim visa applicants and U-visa recipients). The U-visa offers immigration relief and after three years the ability to apply for legal permanent residence to crime victims who are cooperating with law enforcement in the investigation or prosecution of criminal activity. U-visa victims (and their children included in their

¹¹ Conditional permanent residents have received lawful permanent residence and have been granted resident alien cards (“green cards”). Conditional residents have the same access to public benefits as all other lawful permanent residents. See, 8 U.S.C. 1641.

¹² The Higher Education Act of 1965 (Pub. L. No. 89-329), Title IV (1965); See also generally, Amendments to the Higher education Act of 1965 (Pub. L. 105-244) (1998).

¹³ Id.

¹⁴ Derivative beneficiaries.

U-visa application) would prove eligibility for educational benefits by submitting a copy of their U-visa application receipt notice, interim relief or U-visa approval. This and a copy of the statute that allows U-visa recipients to apply for lawful permanent residency should be sufficient for eligibility. Similarly, other applicants for immigration relief that leads to options for citizenship or lawful permanent residency would prove DOE benefits eligibility by submitting copies of the documents they received from DHS and a copy of the code section through which they plan to apply for lawful permanent residency or citizenship. The instructions accompanying the FAFSA form should be edited to list each of the following eligible non-citizens:

Qualified Immigrants¹⁵

- Lawfully admitted for permanent residence;
 - Lawful permanent residents¹⁶
 - Conditional residents¹⁷
- Granted asylum under section 208 of the INA;
- Refugee admitted to the U.S. under section 207 of the INA;
- Paroled into the U.S. under section 212(d)(5) of the INA for at least one year;
- Granted withholding of deportation or removal
 - under section 243(h) of the INA as in effect prior to April 1, 1997, or
 - whose removal is being withheld under section 241(b)(3) of the INA;
- Granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980;
- Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980;
- Battered immigrants are immigrants who (or whose child or parent) have been battered or subjected to extreme cruelty.¹⁸
 - Battered immigrants (and their children) filing for self-petitions;¹⁹
 - Battered immigrants filing for VAWA cancellation of removal or suspension of deportation;²⁰
 - Battered immigrants beneficiaries of family based visa petitions I-130 filed by U.S. citizen or lawful permanent resident spouses or parents (note the abuser in these cases may or may not be the spouse or parent who filed the visa application).²¹

Trafficking Victims²²

- Have certification or eligibility letter issued by the U.S. Office of Refugee Resettlement;²³

¹⁵ See 8 U.S.C. 1641; See also Interim Guidance, 62 Federal Register, 61344, 61345, 61348 (November 17, 1997).

¹⁶ Id.

¹⁷ Id.

¹⁸ See 8 USC 1641(c) for the definition of a Qualified battered immigrant. Generally the perpetrator of the battering or extreme cruelty a U.S. citizen or lawful permanent resident spouse or parent, however public benefits eligibility also extends to immigrant victims abused by family members residing in the same household under certain circumstances.

¹⁹ See Letter sent by Pearl S. Chang of the policy staff at the Department of Homeland Security, Citizenship and Immigration Services responsible for implementing VAWA to Patricia S. Arnaudo Office of Public Housing – Management & Occupancy Division, U.S. Department of Housing and Urban Development on May 5th 2005.

²⁰ Children of VAWA cancellation of removal recipients will qualify for benefits as qualified immigrant parolees.

²¹ A lawful permanent resident spouse may have filed the application and the immigrant wife may be a victim of sexual assault perpetrated by the spouse's father or brother with whom they share a residence.

²² Trafficking Victims Protection Act, Section 107 (b) (T-visa applicants and trafficking victims who have been granted continued presence).

²³ Victims and family member derivative beneficiaries with certification or eligibility letters do not need to separately provide any other documentation of immigration status eligibility.

- T-visa applicants (and certain family members of these immigrants)
- Persons applying for or granted continued presence (and certain family members of these immigrants)

Non-Citizens in the U.S. For Other Than a Temporary Purpose With Intention of Becoming Citizens or Lawful Permanent Residents

- U-visa applicants (and their children)
- U-visa and U-visa interim relief recipients (and their children)
- Other immigrants who meet the definition under 20 U.S.C. Section 1091.

Proposed Revision

“You are an eligible non-citizen if you: are a lawful permanent resident, a conditional permanent residence, are a refugee, an asylee, were paroled into the U.S. for at least one year; were granted withholding of deportation or removal, were granted conditional entry, are a Cuban or Haitian entrant; are (or are the child of) a “qualified” battered immigrant; trafficking victims (or their an eligible family member – derivatives beneficiaries); a recipient of continued presence; a U-visa applicant (or an eligible family member) or other immigrant who can establish that they are in the United States for other than a temporary purpose with the intention of becoming a citizen or lawful permanent resident.”

Documentation of Non-Citizen Eligibility

Persons who are eligible immigrants to obtain postsecondary educational grants or loans must be able to demonstrate that eligibility by providing documentation of their immigration status. There are however a range of documents that immigrants might provide to prove they are a non-citizen eligible for DOE benefits. The I-551 card, for example, is only one of the documents that lawful permanent residents may use to prove lawful permanent residency (LPR). Other documentary evidence of LPR status include stamp in their passport, or a DHS order granting LPR status (e.g. under the Nicaraguan Adjustment and Central American Relief Act of 1997, “NACARA”), or other documents that prove lawful permanent resident status. Students who have been granted asylum may not have an I-94 document, but may instead have a decision from a court, granting asylum. Eligible trafficking victims may not have a T visa, but instead may have a certification or eligibility letter provided by the U.S. Office of Refugee Resettlement. We want to ensure that eligible students are not mistakenly denied benefits because they are being required to provide specific documents. This is particularly true in cases of immigrant victims who have filed for VAWA related immigration benefits (VAWA, T or U-visa). There are special evidentiary rules that federal government agencies apply in cases of immigrant victims of violence against women. Since 1997 the U.S. Department of Justice and other federal government agencies have allowed immigrant victims of violence against women (battered women, battered immigrants, trafficking victims and U-visa victims) to provide *any credible evidence* to support their applications for immigrant benefits and public benefits.²⁴ The Department of Justice Interim Guidance states that: “The benefit provider should consider any credible evidence proffered by the applicant.”²⁵ The following is a list of many of the types of documentation that eligible non-citizen applicants for postsecondary educational benefits should be able to provide to financial aid officers and to the

²⁴ E.g. U.S. Department of Justice, “Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” 62 Fed. Reg. 61344, 61344-61346 (Nov. 17, 1997); *See also Self-Petitioning Regulations 61 Fed Reg 13061 (March 26, 1996 and Family Violence Option regulations HHS.*

²⁵ U.S. Department of Justice, “Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” 62 Fed. Reg. 61344, 61369 (Nov. 17, 1997).

Department of Education.²⁶ Documentation that may be provided includes but is not limited to the following:

Immigrant Lawfully Admitted for Permanent Residence

- DHS Form I-551 (Alien Registration Receipt Card);
- Unexpired Temporary I-551 stamp in foreign passport;
- DHS Form I-94.

Asylee

- DHS Form I-94 annotated with stamp showing grant of asylum under section 208 of the INA;
- DHS Form I-688B (Employment Authorization Card) annotated "274a.12 (a) (5)";
- DHS Form I-766 (Employment Authorization Document) annotated "A5";
- Grant letter from the Asylum Office of DHS;
- Order of an immigration judge granting asylum.

Refugee

- DHS Form I-94 annotated with stamp showing admission under § 207 of the INA;
- DHS Form I-688B (Employment Authorization Card) annotated "274a.12 (a) (3)";
- DHS Form I-766 (Employment Authorization Document) annotated "A3"; or
- DHS Form I-571 (Refugee Travel Document).

Alien Paroled Into the U.S. for a Least One Year

- DHS Form I-94 with stamp showing admission for at least one year under section 212(d)(5) of the INA. (Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement.)

Alien Whose Deportation or Removal Was Withheld

- DHS Form I-688B (Employment Authorization Card) annotated "274a.12 (a) (10)";
- DHS Form I-766 (Employment Authorization Document) annotated "A10"; or
- Order from an immigration judge showing deportation withheld under
 - o § 243(h) of the INA as in effect prior to April 1, 1997, or
 - o Removal withheld under § 241(b) (3) of the INA.

Alien Granted Conditional Entry

- DHS Form I-94 with stamp showing admission under § 203(a) (7) of the INA;
- DHS Form I-688B (Employment Authorization Card) annotated "274a.12 (a) (3)"; or
- DHS Form I-766 (Employment Authorization Document) annotated "A3."

Cuban/Haitian Entrant

- DHS Form I-551 (Alien Registration Receipt Card, commonly known as a "green card") with the code CU6, CU7, or CH6;
- Unexpired temporary I-551 stamp in foreign passport;
- DHS Form I-94 with the code CU6 or CU7;
- DHS Form I-94 with stamp showing parole as "Cuba/Haitian Entrant" under Section 212(d) (5) of the INA.

Battered Immigrant Qualified Aliens

- DHS Form I-360 (Petition for Amerasian, Widow or Special Immigrant);²⁷
- DHS Form I-130 (Petition for Immigrant Status) filed on the immigrant's behalf by the immigrant's spouse or parent;²⁸

²⁶ See generally, U.S. Department of Justice, "Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 62 Fed. Reg. 61344-613416 (Nov. 17, 1997); see also the Washington State's Department of Social and Health Services, EAZ Manual (providing link to non-comprehensive list of typical documents, from the National Immigration Law Center's "Guide to Immigrant Eligibility for Federal Programs") at http://www.dshs.wa.gov/manuals/eaz/sections/CitizenAppendix_II.shtml; see also U.S. Department of Education, "Eligibility for Title IV Program Assistance for Victims of Human Trafficking," <http://www.ifap.ed.gov/dpceletters/attachments/GEN0609.pdf>.

²⁷ This can be a receipt notice, a prima facie determination, or an approval of an I-360 self-petition listing the self-petitioner and any children included in the application.

²⁸ This can be a receipt notice, a prima facie determination, or an approval of an I-130 filed on behalf of the immigrant applicant for benefits and may also include children of the applicant.

- DHS Form I-797 approval notice, prima facie determination or receipt notice;
- DHS Form I-551 (Resident Alien Card or Alien Registration Card, commonly known as green card).
- DHS Stamp I-551
 - in foreign passport; or
 - on DHS Form I-94
- A final order of an Immigration Judge or the Board of Immigration Appeals indicating that the applicant has established a prima facie case for or has been granted one of the following:
 - VAWA Suspension of Deportation under INA Section 244(a)(3) as in effect on March 31, 1997.
 - VAWA cancellation of removal under INA Section 240A(b)(2).
- Fax Back to Verification Form²⁹

This list of the types of documents that non-citizens could provide as evidence of eligibility to receive postsecondary educational grants and loans is longer than what would fit on the FAFSA form or the instructions accompanying the form. Our recommendation is that the Department of Education issues a guidance document in addition to the FAFSA form and instructions that can contain more detailed information to assist financial aid officers and non-citizen applicants. The instructions accompanying the FAFSA form should provide a link to this guidance document which will provide more complete information on eligibility categories, documents that may be presented, assisting non-citizens applying for non-work social security numbers and verification of battered immigrant, U-visa, and T-visa cases through the VAWA confidentiality protected fax back verification system. We would be interested in working with the Department of Education to develop this longer guidance document. The document list for proof of status contained in these comments could be included in such a guidance document.³⁰

Question 15 – Alien Registration Number

This section requires eligible non-citizens to provide an “A” number.

Some non-citizens are eligible to apply for and receive public benefits before their cases at DHS have been assigned “A” numbers. The requirement that all eligible non-citizens provide an “A” number may be problematic because some eligible non-citizens may not yet have an “A” number assigned to them. For instance, some eligible non-citizens, such as certain trafficking victims who are minors, and certain “qualified” battered immigrants with approved I-130 family based visa petitions (as defined in 8 USC 1641(c)) may not yet have been assigned an Alien Registration Number.³¹ The instructions should provide an alternative for these immigrants. The instructions

²⁹ See samples at: Vol. 62 No 221 Federal Register 61380 (Executive Office of Immigration Review – EOIR Fax Back) and Vol. 62 No 221 Federal Register 61381-61383 (Vermont Service Center DHS Fax Back). These samples should be retyped on financial aid office or DOE stationary and submitted to DHS for verification. Special rules for verification apply in cases of qualified battered immigrants, T-visa and U-visa holders in order to comply with the requirements of VAWA Confidentiality. These cases will not appear in the SAVE verification system; see also Department of Justice, Verification of Eligibility for Public Benefits, INS No. 1902–98; AG Order No. 2170–98] RIN 1115–AE99, Vol. 63 No. 149 Federal Register 41662, 41671, 41672 August 4, 1998.

²¹ For a list of documents used by state benefits agencies to establish qualified battered immigrant status, See e.g., California Department of Social Services All-County Letter 00-07 (January 5, 2000) describing qualified battered immigrant category and some of the documents used to establish this status: <http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl00/pdf/00-07.PDF>; California’s All-County Information Notice I-89-00 (September 11, 2000)(clarifying that there is no need for qualified battered immigrants to have current deferred action status) http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acin00/pdf/I-89_00.pdf.

³⁰

³¹ Department of Justice, Verification of Eligibility for Public Benefits, 63 (No. 149) Federal Register 41662, 41671, and 41672 (August 4, 1998) **INS No. 1902–98; AG Order No. 2170–98] RIN 1115–AE99**, recognizes that, “an alien registration number is to be included if applicable.”

might, for example, direct applicants to enter "0's" and submit the DHS US Citizenship and Immigration Services (USCIS) 13-digit receipt number. Alternatively, if the field can be expanded to accommodate a longer number (up to 13 digits), eligible non-citizens can be directed to enter their 8 or 9 digit Alien Registration number or their 13-digit USCIS receipt number.

Proposed Revision

Suggested language for this question is, "If you are an eligible non-citizen, write in your eight or nine digit Alien Registration number (A number). If you do not yet have an A number assigned, enter your 13-digit DHS receipt number." Thank you for your consideration of these comments. Please do not hesitate to contact any of us with questions or for further information. We can be reached at: Soraya Fata, at 202-326-0045, and Leslye Orloff, at 202-326-0041. Respectfully Submitted. Soraya Fata Staff Attorney, Immigrant Women Program, Leslye Orloff, Vice President and Director, Immigrant Women Program

From: Sheila Neville [mailto:SNEville@lafla.org]

Sent: Monday, October 27, 2008 5:18 PM

To: OGC Comments

Cc: broder@nilc.org

Subject: FAFSA comments

To Whom It May Concern. The National Immigration Law Center (NILC) and the Legal Aid Foundation of Los Angeles (LAFLA) are submitting these comments in response to the notice published in the Federal Register on August 28, 2008 (73 Fed. Reg. 50785), soliciting input on the Free Application for Federal Student Aid (FAFSA) for the 2009-2010 award year. Our comments focus on the questions and instructions regarding eligible non-citizens, and the submission of Social Security Numbers by these applicants. NILC is a nonpartisan national legal advocacy organization that works to protect and promote the rights of low-income immigrants and their family members. Since its inception in 1979, NILC has earned a national reputation as a leading expert on immigration law and the employment and public benefit rights of low-income immigrants. NILC conducts policy analysis, advocacy, and impact litigation, provides training, publications, and offers technical assistance to a broad range of groups throughout the United States. NILC's extensive knowledge of the complex interplay between immigrants' status and their rights under federal public benefit laws is an important resource for immigrant rights and community groups, as well as national advocacy groups, policymakers, social service providers, educational institutions, attorneys, legal aid organizations, government agencies, and the media. The Legal Aid Foundation of Los Angeles (LAFLA) is the frontline law firm for low-income people in Los Angeles. LAFLA promotes access to justice and effects systemic change through representation, advocacy, and community education. LAFLA's Immigration Unit assists immigrant victims of domestic violence, human trafficking, torture and other serious crimes to apply for immigration relief and government benefits.

Comments on FAFSA Form and Instructions

Question 14 – Are you a U.S. citizen?

This question and the check boxes provided on the new form look fine. We would like to suggest some revisions to the instructions that accompany this question, to ensure that the eligible non-citizen category is described accurately and to provide instructions to potentially eligible students. (See below)

Question 15 – Alien Registration Number

Some eligible non-citizens may not yet have an "A" number assigned to them. Please see suggestions for instructions below.

Notes to Questions 14 and 15

Alien Registration Numbers:

(63 Federal Register 41678) and states that an alien number, "if any" should be included in the application for benefits. (63 Federal Register 41683).

Some eligible non-citizens, such as certain trafficking victims who are minors, and certain “qualified” battered immigrants with approved I-130 visa petitions (as defined in 8 USC 1641(c)) may not yet have an Alien Registration Number assigned to them. The instructions should provide an alternative for these immigrants. They might, for example, enter “0’s” and submit the US Citizenship and Immigration Services (USCIS) 13-digit receipt number, or if the field can be expanded to accommodate a longer number, they could enter the USCIS receipt number.

List of Eligible Non-Citizens

The description of the eligible non-citizen category in the instructions should be revised. The more accurate term “lawful permanent resident” should replace “permanent U.S. resident.” Conditional permanent residents should be listed as a subset of lawful permanent residents (see proposed revision below). The instructions should include a more comprehensive list of eligible non-citizens to ensure that these students and their financial aid officers understand that they may apply for assistance.

Qualified battered immigrants. The Department of Education staff has agreed, for example, that “qualified” battered immigrants, defined at 8 USC 1641(c), are eligible non-citizens. This group should be added to the list in the instructions.

Other eligible non-citizens. The instructions should make clear that the list of eligible non-citizens is not comprehensive. We would be interested in working with the Department in developing a more complete list of eligible non-citizens, perhaps for inclusion in a longer guidance document for financial aid officers. The instructions accompanying the FAFSA form should provide a link to that guidance document, for students who need more information about the eligibility categories and the documents that they may present as proof of status.

Immigration Documents. The references to specific immigration documents should be deleted from this list, because eligible students could conclude mistakenly that they do not qualify unless they have one of the specified documents. The I-551 card, for example, is only one of the documents that lawful permanent residents (LPRs) may have. They may instead have a stamp in their passport, or a USCIS order granting lawful permanent resident (LPR) status (e.g. through the Nicaraguan Adjustment and Central American Relief Act of 1997, “NACARA”), or other documents that prove lawful permanent resident status. Students who have been granted asylum may not have an I-94 document, but may instead have a decision from a court, granting asylum. Eligible trafficking victims may not have a T visa, but instead may have a certification or eligibility letter provided by the U.S. Office of Refugee Resettlement.

Guidance for financial aid officers could include more details on the types of documents that eligible non-citizens may show to establish eligibility. These instructions could offer a link to more information on each eligible category and the documents that they may present. We would be happy to work with the agency on developing these lists.³² It will be particularly important for this guidance to include more information on the “qualified” battered immigrant category. We would be available to work with you on developing these instructions, e.g. by providing materials already used by state benefits agencies.³³ The instructions for students could also link to that section of the guidance.

Proposed Revision.

³²See generally, U.S. Department of Justice, “Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” 62 Fed. Reg. 61344-613416 (Nov. 17, 1997); Washington State's Department of Social and Health Services, EAZ Manual (providing link to non-comprehensive list of typical documents, from the National Immigration Law Center's "Guide to Immigrant Eligibility for Federal Programs") at http://www.dshs.wa.gov/manuals/eaz/sections/CitizenAppendix_II.shtml; U.S. Department of Education, “Eligibility for Title IV Program Assistance for Victims of Human Trafficking,” <http://www.ifap.ed.gov/dpccletters/attachments/GEN0609.pdf>

³³ See, e.g. California Department of Social Services All-County Letter 00-07 (January 5, 2000) describing qualified battered immigrant category and some of the documents used to establish this status: <http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl00/pdf/00-07.PDF>; California's All-County Information Notice I-89-00 (September 11, 2000)(clarifying that there is no need for qualified battered immigrants to have current deferred action status) http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acin00/pdf/I-89_00.pdf.

The instructions for questions 14 and 15 could be revised as follows:

“Generally you are an eligible non-citizen if you: are a lawful permanent resident (LPR), including persons with conditional permanent residence; were granted refugee status, asylum; were paroled into the U.S. for at least one year; are a Cuban or Haitian entrant, a “qualified” battered immigrant, or a victim of human trafficking. Other non-citizens may also be eligible. For more information on the eligible non-citizen categories and a list of documents that you may show as evidence of your status, go to [link to longer guidance document].” If you are an eligible non-citizen, write in your eight or nine digit Alien Registration number (A number). If you do not yet have an A number assigned, enter your 13-digit US CIS receipt number.”

Social Security Number (Question 8)

Some eligible non-citizens may lack a regular Social Security number (SSN). The instructions to financial aid officers should indicate the steps that they should take to assist applicants in obtaining a non-work SSN. We can provide guidance to the Department on the procedures used by state agencies.³⁴ Thank you for your consideration of these comments. Please do not hesitate to contact Tanya Broder at 510-663-8282, ext. 307, Sheila Neville at 213-640-3929 or sneville@lafla.org if you have any questions or need additional information. Respectfully, Tanya Broder. Public Benefits Policy Director, National Immigration Law Center.

³⁴ See, e.g., California's All-County Information Notice ACIN I-54-01 (July 10, 2001)(assisting non-citizens in obtaining non-work SSN) http://www.cdss.ca.gov/foodstamps/entres/getinfo/acin01/pdf/I-54_01.pdf and Washington State's sample letter requesting Non-work SSN <http://www.dshs.wa.gov/pdf/esa/manual/DSHSLetterRequestingNonWorkSSN.pdf>.