

Comment #	Commenter	Comment	FSA Response
ED-2022-SCC-0082-0004	Daphne Reichard	The questions on gender/race/ethnicity considered for the "FAFSA Simplification Act" are not simplifying the FAFSA, they are adding more complication to it. Maybe those questions should not be in the FAFSA at all. They are not needed for determining need-based aid.	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. Responses are being collected for research purposes only and will not be used to determine aid eligibility.</p>
ED-2022-SCC-0082-0005	Charlene Bedillion	In regards to ED-2022-SCC-0082, I am NOT an advocate of adding the gender and race questions as a mandatory field on the FAFSA. For one, there is already too much talk in the higher education arena about discriminatory recruiting practices. This is just an avenue for institutions to continue to inequitably award institutional financial aid. The pursuit of a college degree, and financial aid awarding practices, should be an equal opportunity process for all students. There should not be judgment of a student's race or gender coming into play when awarding financial aid. The FAFSA application should be a neutral application.	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies.</p>

<p>ED-2022-SCC-0082-0006</p>	<p>Desiree Fritz</p>	<p>According to LBGTfunders.org collecting sexual orientation and gender identity data helps in identifying key "disparities in economic status, health, and other outcomes". So, it is my opinion that if collecting this data will assist in identifying these red flags, and is used to eliminate certain FA practices (ie income verification) it will be useful. It is my professional opinion that most students selected for V1 (at my institution) often are students who are living below the poverty lines and are more often than not brown/ and or black.</p> <p>I also believe that gathering pronouns for students and their families can help decrease bias by challenging institutions to address students by their chosen gender identities and hopefully someday in the future their chosen names. At first glance, this legislation seems intrusive but I can see how it can help decrease bias and increase inclusion.</p> <p>I also want to note that I believe that students should have the option to select "I prefer not to answer" just to keep their privacy intact.</p> <p>Ref: https://lgbtfunders.org/resources/best-practices-for-foundations-on-collecting-data-on-sexual-orientation-and-gender-identity/</p>	<p>Thank you for your comment.</p> <p>Responses are being collected for research purposes only and will not be used to determine aid eligibility. Each question includes an option to "Decline to answer". We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
<p>ED-2022-SCC-0082-0007</p>	<p>Beck Gusler</p>	<p>Strongly suggest allowing schools to receive the new gender, ethnicity, and race information as we already request much of this information from students and the feds are asking for this information on other surveys like IPEDS. This would be a boon to schools to better assist student populations by being able to report internally on information.</p>	<p>Thank you for your comment.</p> <p>Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies. We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>

<p>ED-2022-SCC-0082-0008</p>	<p>Anonymous</p>	<p>I suggest including an "other" category where people can enter the race and/or ethnicity if theirs is not listed. Though ED has not indicated precisely what they wish to do with the information, I'm not sure I understand the benefit of not allowing someone to enter their own.</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. As required, the Department of Education developed categories in consultation with the Bureau of the Census and the Director of the Institute of Education Sciences that, to the greatest extent practicable, separately capture the racial groups specified in the American Community Survey of the Bureau of the Census. Participants may select all categories that apply or select "Decline to answer". We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
<p>ED-2022-SCC-0082-0009</p>	<p>Anonymous</p>	<p>Is there some reason the listed answers aren't alphabetical? I would suggest this change.</p>	<p>Thank you for comment.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
<p>ED-2022-SCC-0082-0010</p>	<p>Jennifer Byrd</p>	<p>Although the data person in me loves the idea of having this type of demographic data available on the FAFSA, the Financial Aid professional side worries about this. I have worked in financial aid for over 25 years and have frequently had to reassure students that their federal eligibility is not impacted by their race or ethnicity, as it has previously not even been on the FAFSA. My concern with adding this data is that then students may assume their are being penalized or impacted by their race or ethnicity.</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies.</p>

ED-2022-SCC-0082-0011	David Ritterband	<p>Anecdotally, based on Student questions I've been asked, there is a perception (especially among White Student population) that Federal Student Aid (FSA), and financial aid generally, is at least partially based on Race, and in their minds may be an impediment to applying for aid. I think adding demographic questions to the FAFSA may contribute to this misperception. However, I understand the importance of gathering this data from a demography and policy-making perspective. I would suggest that if these questions are added to the FAFSA, it is made VERY CLEAR to applicants that providing this information is for research purposes only and that it WILL NOT have any affect on their Needs Analysis and financial aid eligibility. Or perhaps a voluntary demographic questionnaire (survey) electronically sent to all FAFSA applicants that is SEPARATE from the FAFSA itself may be a better solution.</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies.</p>
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<p>ED-2022-SCC-0082-0012</p>	<p>Alyssa Dalton</p>	<p>If applicants will be advised that their answers to these questions will not affect their eligibility for federal student aid, and schools will not receive this information, then why ask? I feel as though students as well as parents are going to be confused as to why it matters. Some students/parents might not be comfortable sharing that. If these questions are required, then there should at least be a drop down option of "I'd rather not say" or "Prefer not to answer". If a student is filling out FAFSA with their parents, and haven't told them their sexuality or gender, their answers might not be accurate. For example, let's say a student uses they/them pronouns and identifies as non-binary, but they haven't told their parents this decision. If that student is filling out FAFSA with a parent, they aren't going to choose the correct answer, making the data incorrect. I believe that it should be left out of FAFSA altogether, or at least give them the option of choosing not to answer, so it doesn't feel forced. If their eligibility won't be affected, then why does it matter? I guess I'm having a difficult time viewing the other side of this..</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies. Each question includes an option to “Decline to answer”.</p>
<p>ED-2022-SCC-0082-0013</p>	<p>Susan Richman</p>	<p>Including a questionnaire inviting responses about one’s gender identity is an invasive and discriminatory action. It would only serve to segregate persons based upon sexual orientation and could potentially create disparities in preference or favor of heterosexual vs homosexuality/transgenderism. The data obtained from the voluntary questions could be used inappropriately to suggest disparity among sexual preferences by the student. The sexual preference of the student is the private decision of the student and should not be a proviso of Federal student aid authorization. All requests for student aid should be processed regardless of racial, heredity and sexual orientation.</p>	<p>Thank you for your comments.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies. Each question includes an option to “Decline to answer”.</p>

ED-2022-SCC-0082-0014	Mark Kantrowitz	<p>The demographic survey includes questions about gender, transgender, Hispanic/Latino ethnicity and race.</p> <p>The organization of the ethnicity and race questions may be confusing for some applicants, since Hispanic/Ethnicity does not appear among the list of possible races. The detailed breakouts for specific Asian subgroups may also be confusing.</p> <p>Instead, I suggest including Hispanic/Latino and Asian in the Race question, which will be shown first. If the applicant selects Hispanic/Latino, the form should dynamically add the four options for Hispanic/Latino. Likewise, if the applicant selects Asian, the form should dynamically add a question about the Asian subgroups.</p> <p>If it is not possible to have the additional survey questions appear dynamically, then include them with text like "If you selected Hispanic/Latino, please answer this question" or something similar.</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. As required, the Department of Education developed categories in consultation with the Bureau of the Census and the Director of the Institute of Education Sciences that, to the greatest extent practicable, separately capture the racial groups specified in the American Community Survey of the Bureau of the Census. Participants may select all categories that apply or select "Decline to answer".</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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<p>ED-2022-SCC-0082-0015</p>	<p>Wesley Armstrong</p>	<p>While these may not seem like a heavy burden. The FAFSA is already overwhelming to many low-income and first generation students. Adding any questions only lengths the time required to complete the FAFSA. I know from experience that the longer the form takes the more likely a student is to get up and walk away because "this is overwhelming and I don't have any more time for this". Some students we can get to sit down to finish however students that are by themselves we cannot help. If numerous other questions are removed then this is not that big of a deal. However, don't we already have this information from other sources like SSA.</p> <p>My campus does not need this information from the FAFSA, and I'm not sure how it would impact the awarding of federal aid since race and gender do not play a role in eligibility. Some families have expressed concern that we give preference based on race. The race question could add to the suspicions that we plan on using that for the awarding of all aid. My institution does not use race for deciding our awarding packages.</p> <p>Lastly, "sex" is a very sensitive topic with our student population. We will most likely receive questions about is this "sex at birth" or "how I identify". We will also receive questions about "I do not feel comfortable telling anyone how I identify", many 18 year-olds are still figuring out life and what they want to share. As I mentioned these do not seem like a heavy burden but I do think these simple questions carry a lot of weight.</p>	<p>Thank you for your comments.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies. Each question includes an option to "Decline to answer".</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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ED-2022-SCC-0082-0016	Cindy Barr	<p>My institution already collects this information at the time of admission. It is redundant for the students to provide it more than once. The longer a form is the less likely they are to complete it. I believe the FAFSA should focus on collecting information that institutions do not already have access to especially given that we have enough information to match records. I do not believe having race and "sex" information would provide any benefit in the awarding of federal aid since race and gender do not play a role in eligibility. Given that some families already have concerns that preference for aid may be based on race, adding the race question could add to the suspicions that we plan on using that for the awarding of all aid. My institution does not use race when developing student aid packages.</p> <p>Asking students for their "sex" is complicated with our student population. I anticipate questions from students and families asking whether we are asking about "sex at birth" or "gender identity." I would be very concerned if we are only asking about a gender binary. We also have some students who prefer not to disclose that information especially if they do not see their gender identity reflected in the options provided. We know that gender is fluid and many young people may identify in one way in October and another by the time they enroll the following August. While these questions are not necessarily a heavy administrative burden, they do not provide intuitions with any added benefit.</p> <p>Asking about race and "sex" on the FAFSA could create suspicion and undermine confidence in the award process.</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Responses are being collected for research purposes only and will not be used to determine aid eligibility. Each question includes an option to "Decline to answer".</p>
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<p>ED-2022-SCC-0082-0017</p>	<p>Anonymous</p>	<p>I am offering feedback based on my many years of experience in the college access field, as well as my Masters in Social Work education. I have several deep concerns about this demographic survey.</p> <ol style="list-style-type: none"> 1. I question the need for this survey outright. Are these questions necessary to assess financial need? If not, they should not be on the FAFSA in order to eliminate as many barriers as possible. 2. I see the blue box at the top indicates that answers will not affect eligibility. However, there is no explanation of why they are being asked in the first place. I recommend being transparent about the purpose and use of these answers. 3.As for Question 1, I recommend it read “What is your gender identity?” Second, there should be an “Other” option. 4. For question 2, it is highly triggering and for many students, unsafe, to directly ask if they are transgender. I see absolutely no need for this question, particularly in this form, for the FAFSA. If anything, it should read, “Do you identify as transgender?” with an "Other" option. 5. For questions 3 and 4, why are some races and ethnicities listed out while others are not? Please avoid a situation in which some students' identities "merit" their own answer choice, while others are group unceremoniously into a blanket "Some other" option. 6. For all questions, change "Decline to answer" to "Prefer not to answer" as it allows students to make a positive choice about their participation, rather than taking on the negative connotations of "declining," which could make them feel like they are doing something wrong. 7. Please note that many students do not complete this form on their own. It is vulnerable enough to have to share financial information, which can be very private, in front of others who are supporting this process (counselors, etc.). To 	<p>Thank you for your comments.</p> <ol style="list-style-type: none"> 1. The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. 2. We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles. 3. We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles. 4. We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles. 5. As required, the Department of Education developed categories in consultation with the Bureau of the Census and the Director of the Institute of Education Sciences that, to the greatest extent practicable, separately capture the racial groups specified in the American Community Survey of the Bureau of the Census. Participants may select all categories that apply or select “Decline to answer”. 6. We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles. 7. The FAFSA Simplification Act requires collection of this information. Applicants do have the option to select “Decline to Answer” for all questions.
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	<p>also ask these highly personal questions in what students think is a financial aid form comes out of nowhere. For some students, this could put them in an unsafe situation. Even if they are lone, for students who are not comfortable answering these for whatever reason, they might close the form as part of a flight response to uncomfotability or trauma. This form then poses a major barrier to FAFSA completion, particularly for students who are marginalized and/or do not have strong supports around them.</p> <p>Filling out a FAFSA is already a difficult process and a tremendous barrier to college access, especially for underrepresented students. Please consider this feedback and the suggestions of others to help eliminate barriers are create a more equitable FAFSA for all students.</p>	
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ED-2022-SCC-0082-0018	Sarah Bidgood	<p>For the question on the 6062 Design prototype "what is your gender" to be more accurate and inclusive, it should look something like:</p> <p>Gender: How do you identify?</p> <ul style="list-style-type: none">- Man- Non-binary- Women- Self describe below <p>If you do not have the option to allow people to self describe consider just adding an "other" option or if there is the space you can add a few more options in addition to "other" such as gender-fluid, agender, and genderqueer.</p> <p>When you give the options of Male and Female you are actually referring to a person's sex not gender.</p> <p>Sex: A person's sex is typically based on certain biological factors, such as their reproductive organs, genes, and hormones.</p> <p>Like gender, sex is not binary. A person may have the genes that people may associate with being male or female, but their reproductive organs, genitals, or both may look different.</p> <p>This is called differences in sex development. People may also refer to differences in sex development as intersex.</p> <p>People typically use the terms "male," "female," or "intersex" to refer to a person's sex.</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Feedback from this initial pilot survey will inform the development of questions for future application cycles. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies. Each question includes an option to "Decline to answer".</p>
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<p>ED-2022-SCC-0082-0019</p>	<p>Anonymous</p>	<p>I have concern about questions asked on the FAFSA that are not in any way to determine aid eligibility. While the blue box states that the answers are not used to determine eligibility, it does not explain why the questions are being asked, or how the answers will be used. As the law may require these questions to be used in 24-25, an explanation of how the data will be used should be included.</p> <p>The questions pertaining to gender are confusing. The first question seems to be asking about sex, not gender. If the desired outcome is information regarding a student’s chosen gender identity, the questions could be combined into one question which asks about gender identity (male, female, nonbinary, other). Again, I question why these questions are even being asked. For an application that is already considered highly invasive by asking personal financial questions, asking a student to divulge this type of personal information (often in front of a parent or counselor) could be devastating. Please do not put unnecessary obstacles in place for students who need financial assistance.</p> <p>For questions 3 and 4, the options of “some other race” or “some other ethnicity” make those races and ethnicities sound less important. Why are some called out specifically while others are lumped into “some other”?</p> <p>If these questions must be asked, the option of “I prefer not to answer” should be an option in all cases.</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies. Each question includes an option to “Decline to answer”.</p>
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ED-2022-SCC-0082-0020	Jessica Lake	<p>In my opinion, FAFSA should not ask demographic questions. I think it would be most people concern of how the information will be used and if it would determine their award amount. I believe asking demographic information would allow FAFSA the ability to sort and separate applicants according to their answer. Asking demographic information could potentially open the door to discrimination. If this information is needed, FAFSA should assure that the reported information will not be used against you. FAFSA should inform applicants how the information will be used and how it will not affect applicant's award amounts. It should be optional to provide information such as an applicant's gender, race, sexual orientation and living area. All of these identifications may allow separation of applicants based on their response. In my opinion, FAFSA should remain the same without asking personal questions.</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Responses are being collected for research purposes only and will not be used to determine aid eligibility.</p>
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<p>ED-2022-SCC-0082-0021 (Intro)</p>	<p>National College Attainment Network</p>	<p>On behalf of the National College Attainment Network, we would like to provide the following comment on the Demographic Survey to be included in the 2023-24 FAFSA and to inform its full implementation for the 2024-2025 FAFSA.</p> <p>The National College Attainment Network (NCAN) is a membership organization of 540 college access organizations across the country. Our members work directly with two million students each year to support them on their journey to and through college. Over NCAN’s 27-year history, we have helped many millions of students through the federal financial aid process. We have seen how the complexity of the FAFSA can dissuade students from completing it, and we have advocated for policies, strategies, and practices that simplify the process and increase the FAFSA completion rate, a leading indicator of college enrollment.</p> <p>We appreciate the opportunity to comment on the Demographic Survey proposed by Federal Student Aid (FSA). This instrument will collect important information that will help policymakers, researchers, and advocates to better understand trends and disparities in federal funding for postsecondary education. But in order to gather the most accurate and complete data possible, it is critical that the questions be worded neutrally and sensitively, informed by the politicized context surrounding issues of race and gender today.</p> <p>In order to respond to this request for comment we surveyed our members and consulted with our partners who work with students to complete the FAFSA. Their feedback was consistent. Many expressed concern that applicants would not answer the questions out of fear that their answers would adversely impact them. As a result, we respectfully request that FSA make the following changes,</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Feedback from this initial pilot survey will inform the development of questions for future application cycles. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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		<p>which are aimed at maximizing the likelihood of students completing the form, and FSA gathering the most comprehensive data picture possible.</p>	
<p>ED-2022-SCC-0082-0021 (1)</p>	<p>National College Attainment Network</p>	<p>1. Remove the transgender question. Universally, our members expressed serious concern about the question: “Are you transgender?” This question garnered the most feedback from our members and partners, and universally, they expressed serious reservations about asking the question at all. They predict students who are transgender will feel singled out since the survey does not ask about any other LGBTQ+ identities. Some said students will fear that there will be repercussions for answering yes due to anti-transgender bills that have been championed in states around the country. Many of our members and partners said asking the question will make students feel “threatened or discriminated against.” Others said students will worry that they won’t be admitted to college or receive financial aid if they respond in the affirmative. While the survey says that the data will not affect financial aid determinations, our members and partners did not think students would accept that on face value. We would further note that The FAFSA Simplification Act (FSA; Title VII, Division FF of P.L. 116-260) does not list “transgender” as a data point to be collected on the FAFSA. It adds only race, sex, and ethnicity. As a result,</p> <p><i>We recommend that the transgender question be dropped from the survey entirely.</i></p>	<p>See comment above.</p>

<p>ED-2022-SCC-0082-0021 (2)</p>	<p>National College Attainment Network</p>	<p>2. Explain that the demographic data will be used for research purposes only. Throughout the survey, it says that the answers to the survey questions will not affect eligibility for aid. It does not, however, say how the data will be used. Our members anticipate that students would want to know why the questions are being asked and who will have access to the answers. They expect that students will assume that institutions will have access to this information when making decisions about financial aid and college admittance. They also believe that students will be skeptical of the disclaimer and disinclined to answer the questions without a clearer explanation of who will receive the information and how it will be used. Our members also anticipate that students will be concerned that the information will not remain private.</p> <p><i>We recommend adding language to the box at the top of the survey that states clearly that the information collected will be used for research purposes only and will not affect admission decisions, whether a student receives financial aid or how much financial aid a student receives.</i></p> <p><i>We also recommend that the Department update the Federal Student Aid Data Center to disaggregate the data currently posted there by the categories of race and gender contained in this survey. For research and transparency purposes, this data will be valuable to the general public.</i></p>	<p>See comment above.</p>
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ED-2022-SCC-0082-0021 (3)	National College Attainment Network	<p>3. Align the race and ethnicity options with other federal surveys, such as the U.S. Census. Many of our members were confused by the race and ethnicity questions. They did not understand the distinction between some of the race and ethnicity categories and wondered why some categories were included and others were left out. One respondent said simply, “there must be better models for capturing race and ethnicity.” We understand that it is challenging to strike a balance between offering applicants' sufficient options that they see their identity reflected in the answers and keeping the options simple and straightforward enough to not add considerably to the length of the survey. As a result, we recommend modeling the questions after other federal surveys, such as the <u>2020 U.S. Census</u>.</p> <ul style="list-style-type: none">• <i>With respect to ethnicity, this approach offers the following two options: No, not of Hispanic, Latino, or Spanish origin and Yes, Hispanic, Latino, or Spanish Origin. Those who select Yes are invited to select from the following options:</i><ul style="list-style-type: none">○ <i>Spanish descent, Mexican, Mexican American, or Chicano descent</i>○ <i>Cuban descent</i>○ <i>Puerto Rican descent</i>○ <i>Central American descent</i>○ <i>South American descent</i>○ <i>Other Hispanic, Latino, or Spanish origin</i>• <i>With respect to race, this approach offers the following categories: White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian/Other Pacific Islander, or Other. Those who select Asian are invited to</i>	<p>The Department of Education developed categories in consultation with the Bureau of the Census and the Director of the Institute of Education Sciences that, to the greatest extent practicable, separately capture the racial groups specified in the American Community Survey of the Bureau of the Census. Participants may select all categories that apply or select “Decline to answer”.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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		<p><i>chose from the following options:</i></p> <ul style="list-style-type: none"> ○ <i>Chinese</i> ○ <i>Vietnamese</i> ○ <i>Filipino</i> ○ <i>Korean</i> ○ <i>Asian Indian</i> ○ <i>Japanese</i> ○ <i>Other Asian</i> <p><i>Those who select Native Hawaiian/Other Pacific Islander are invited to select from the following categories:</i></p> <ul style="list-style-type: none"> ○ <i>Native Hawaiian</i> ○ <i>Guamanian or Chamorro</i> ○ <i>Samoan</i> ○ <i>Other Pacific Islander.</i> 	
ED-2022-SCC-0082-0021 (4)	National College Attainment Network	<p>4. Change the response option “Decline to answer” to “Prefer not to answer” throughout the survey. Several of our members suggested that “Prefer not to answer” or “Do not wish to specify” would be a more neutral, respectful, and inviting way to phrase the option than “Decline to answer.”</p>	<p>Thank you for your comment.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
ED-2022-SCC-0082-0021 (Conc)	National College Attainment Network	<p>On behalf of our members across the country and the students they serve, we hope you will implement these recommendations. Thank you for the opportunity to provide input into this important issue.</p>	<p>Concluding remarks. No response necessary.</p>

<p>ED-2022-SCC-0082-0022 (Intro)</p>	<p>National Women’s Law Center</p>	<p>The National Women’s Law Center and the undersigned education and civil rights organizations appreciate the opportunity to comment on the Department of Education’s (“the Department”) FAFSA Form Demographic Survey (“the Survey”). The Survey will collect sex and race/ethnicity demographic data, as required by the Consolidated Appropriations Act of 2021, which will help researchers identify critical information about sex and race/ethnicity disparities in higher education.</p> <p>This letter outlines the importance of inclusive collection of demographic data in identifying financial barriers to education. These financial barriers not only disproportionately impact women and girls, but LGBTQI+ people as well, who are more likely to have federal student loans than non-LGBTQ+ adults, with over half of transgender adults, almost half of LGB cisgender women, and over a quarter of LGB cisgender men having federal student loans. As such, we applaud the Department for furthering the goal of identifying economic barriers to education by construing the sex demographic measure to include collecting data on the number of transgender and nonbinary students applying for federal financial aid.</p> <p>At the same time, we recognize that there are still steps that must be taken to improve the utility of the Survey and ensure it is inclusive of all LGBTQI+ applicants by including measures of sexual orientation and intersex status. Accordingly, we offer current best practices on how to ask these questions. Finally, we urge the Department to take every possible precaution to protect the privacy of LGBTQI+ students completing the Survey, especially at a time when their rights are under attack across the country. Thus, we make the following recommendations to the Department:</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Feedback from this initial pilot survey will inform the development of questions for future application cycles. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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ED-2022-SCC-0082-0022 (1)	National Women’s Law Center	<p>The Department should, after continued testing, implement and make permanent the proposed two-step approach to asking about gender and transgender status.</p> <p>We commend the Department for developing a question that measures transgender and nonbinary status, which is essential to capture the financial obstacles to education these communities experience. We also support the Department’s two-step approach to the gender identity question, which will produce a more accurate count of the number of transgender applicants by allowing them to indicate both their gender and transgender status.</p> <p>This particular two-step approach also allows nonbinary people to indicate whether they describe themselves as transgender. “Nonbinary” is an umbrella term to describe those whose gender identity is not exclusively female or male; “transgender” is used to describe someone whose gender is different from what was presumed at birth. Many nonbinary people identify with the term transgender and thus also describe themselves as such. However, there are also many nonbinary people who do not. The two-step approach avoids automatically counting nonbinary people as transgender and avoids forcing them to choose between transgender and nonbinary as mutually exclusive options in describing themselves— yielding a more accurate measure of transgender and nonbinary applicants. We urge the Department, after continued testing, to implement and make permanent this two-step approach.</p>	See comment above.
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<p>ED-2022-SCC-0082-0022 (2)</p>	<p>National Women’s Law Center</p>	<p>The Department should test the gender and transgender status questions with definitions to avoid applicants misidentifying themselves.</p> <p>We urge the Department to define the terms transgender and nonbinary on the FAFSA form. Including these definitions will ensure that applicants have agency in the response option they select. It will also improve the utility of the Survey by preventing applicants who are not nonbinary and/or transgender from erroneously selecting those options—which could drastically skew the data.</p> <p>Specifically, we urge the Department to continue testing the two-step gender question accompanied by the following definitions clarifying the terms transgender and nonbinary:</p> <ul style="list-style-type: none">• What is your gender?<ul style="list-style-type: none">○ Male○ Female○ Nonbinary (Meaning your gender is neither male nor female)○ Decline to answer• Are you transgender? (Meaning your gender is different from the sex assigned to you at birth)<ul style="list-style-type: none">○ Yes○ No○ Decline to answer	<p>Thank you for comment.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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ED-2022-SCC-0082-0022 (3)	National Women’s Law Center	<p>The Department should test a question that separately measures intersex status.</p> <p>We urge the Department to advance development and testing of a standalone question to identify people with innate variations in their physical sex characteristics—also known as intersex people. There is little demographic data on intersex people, creating a gap in identifying the educational barriers they face. The data that does exist suggests socioeconomic disparities that pose obstacles to educational attainment: in one study, nearly half of intersex respondents reported often worrying about meeting expenses, and over one-quarter had an annual household income of less than \$20,000; another survey found that, compared to non-intersex LGBTQ+ respondents, LGBTQ+ respondents who were also intersex reported more frequently that discrimination impacted their ability to keep their jobs and their overall financial wellbeing. While intersex people experience discrimination that overlaps with the experiences of others in the LGBTQ+ community, these experiences and their impacts cannot be assumed to be equivalent, as this data shows. Thus, it is essential to collect demographic information about the number of intersex people applying for federal financial aid to understand the nature and extent of the economic barriers they face to accessing higher education.</p> <p>Although anti-intersex discrimination is often rooted in the same biases as transphobia, being intersex is not the same as being transgender or nonbinary, as it is not a gender identity. Some intersex people are also transgender or nonbinary; some are cisgender women or men. Because intersex status refers to having innate variations in sex characteristics, questions that measure gender or transgender status are not appropriate mechanisms to capture intersex respondents. And, since not all people</p>	<p>Thank you for comment.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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		<p>with intersex traits will identify with the term “intersex,” or even be familiar with it, it is considered best practice to ask whether people have intersex traits, include synonymous phrases like “variations in sex characteristics,” and offer a descriptive definition. Accordingly, the National Academies of Sciences, Engineering, and Medicine (NAEM) recommends using a standalone question to measure intersex status with careful wording to reflect this reality. Thus, we urge the Department to test an intersex question with the following wording:</p> <ul style="list-style-type: none">• Were you born with variations in your sex characteristics (also known as “intersex” traits), or did you develop such traits later in life? (Meaning you were born with or naturally developed genitals, chromosomes, hormone function, and/or internal organs that may be perceived as not fitting binary definitions of male or female)<ul style="list-style-type: none">○ Yes○ No○ Decline to answer	
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<p>ED-2022-SCC-0082-0022 (4)</p>	<p>National Women’s Law Center</p>	<p>The Department should test a question that measures sexual orientation.</p> <p>While we applaud the Department for including a question that measures transgender and nonbinary applicants, we urge the Department to develop and test a question that measures applicants’ sexual orientation. As stated above, not only do transgender, nonbinary, and intersex individuals face significant financial barriers to education, but so do LGBTQ students. Moreover, because the term “sex” in federal civil rights statutes has been interpreted to bar discrimination on the basis of both gender identity and sexual orientation, it seems self-evident that the Department should construe the sex demographic question to necessitate collecting data from both transgender, nonbinary, and intersex applicants <i>and</i> LGBTQ applicants to help identify the economic obstacles to higher education faced by the entire LGBTQI+ community.</p> <p>Sexual orientation measures have long been included on surveys and administrative forms and have undergone extensive cognitive interview and testing. For example, these questions have been included in the CDC’s National Health Interview Survey since 2013. As such, we recommend the Department adopt a separate question to capture demographic data about the number of LGBTQ students applying for financial aid to help identify and dismantle the financial barriers to education they face.</p> <p>We ask the Department to test this question in the following formulation:</p> <ul style="list-style-type: none">• Your sexuality or sexual orientation describes who you are attracted to. Which of the following best represents how you think of yourself?<ul style="list-style-type: none">○ Lesbian or gay○ Straight, that is, not gay or lesbian	<p>Thank you for comment.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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60D Comment Response Table

		<ul style="list-style-type: none"><input type="radio"/> Bisexual<input type="radio"/> Pansexual<input type="radio"/> Queer<input type="radio"/> Asexual<input type="radio"/> Other<input type="radio"/> Decline to answer	
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ED-2022-SCC-0082-0022 (5)	National Women’s Law Center	<p>The Department should clarify how to protect LGBTQI+ applicants’ privacy.</p> <p>Finally, in addition to ensuring the Survey accurately measures LGBTQI+ applicants, we urge the Department to issue informal guidance or technical assistance that outlines how to safeguard their privacy. While we acknowledge that there is a “decline to answer” response that LGBTQI+ applicants may select, we still urge the Department to consider implementing additional privacy protections to both improve the utility of the Survey and incentivize applicants to complete it accurately and safely.</p> <p>Finally, in crafting this guidance, we urge the Department to take into account the vastly different safety concerns LGBTQI+ applicants (many of whom are minors) must contend with based on the school they attend or the state they live in—especially if they live in a state with laws requiring faculty to out LGBTQI+ students to their parents. To that end, the Department should ensure that any privacy measures it implements are appropriate for any student, in any jurisdiction. Our recommendations are as follows:</p> <p>Consider safety measures and website security settings to protect LGBTQI+ applicants’ privacy.</p> <p>To protect LGBTQI+ applicants who might share computers with family members, the Department should consider providing informal guidance or technical assistance that instructs high schools to provide students with school time to complete their FAFSA applications individually in a private location, like a guidance counselor’s office.</p> <p>Also, because many schools may not be safe spaces to complete the Survey in, we urge the Department to ensure the FAFSA application website has the following security settings: a setting that prevents keystrokes from being</p>	<p>Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies.</p>
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captured; a setting that prevents a subsequent user from reloading the previous page to see a prior user’s application; and a fast exit button that directs the user to a neutral website, such as a search engine.

Finally, even with these privacy measures, many applicants will have to show their FAFSA applications to their parents in order to fulfill the parental signature requirement and to input their parents’ financial information. We urge the Department to consider how these requirements will endanger LGBTQI+ youth living with family members who may be unsafe to disclose their LGBTQI+ status to. As such, we recommend the Department equip the FAFSA application website with a setting that prevents parents from viewing demographic information when signing the form or filling out their income information.

This setting should hide *all* demographic information to avoid raising parental suspicion as to why the only answers hidden are the ones selected in response to the gender identity, sexual orientation, and intersex demographic questions.

Limit the extent to which LGBTQI+ demographic data is shared

When sharing demographic data for research purposes, we urge the Department to consider limiting the extent to which it is shared. Federal Student Aid’s Privacy Policy explains that one of the ways the Department routinely uses an applicant’s data may include sending their “information to other federal agencies through computer matching programs to...minimize and prevent waste, fraud, and abuse in the federal student aid programs.” The Department’s Supporting Statement for the FAFSA Form’s Demographic Survey explains that these agencies include “law enforcement agencies, the Office of Management and Budget, the Department of Justice, the Government

		<p>Accountability Office, Congress, and other entities.” We urge the Department to consider limiting the way this statement applies to an applicants’ demographic data. We believe that no demographic data should be shared with law enforcement agencies, as the sharing of this data is unnecessary to prevent fraud or abuse in the Federal Student Aid program.</p> <p>In addition, transparency of the uses and non-uses of demographic data could be enhanced by expanding the information box appearing on the Survey (which states that an applicant’s answers will not be used for aid calculations) to also stipulate why this data is being collected. That is, the Department should explain that it is collecting demographic data to ascertain the nature and extent of sex and race/ethnicity disparities in higher education, as well as the financial barriers to education experienced by these populations.</p> <p>Finally, to enhance the quality and utility of the demographic data collected, we urge the Department to open another comment period after the 2023-2024 pilot of the Survey to obtain feedback about the effectiveness of these privacy measures before the Survey is fully implemented for the 2024-2025 award year.</p>	
<p>ED-2022-SCC-0082-0022 (Conc)</p>	<p>National Women’s Law Center</p>	<p>Inclusive data collection is the first step towards identifying and breaking down the economic obstacles LGBTQI+ people face to accessing education. Thank you for considering our recommendations to make the Survey reflective of the experiences of LGBTQI+ applicants. If you have questions about this comment, please contact Sarah Javaid (sjavaid@nwlc.org) or Hunter F. Iannucci (hiannucci@nwlc.org).</p>	<p>Concluding remarks. No response necessary.</p>

ED-2022-SCC-0082-0023 (Intro)	National Association of Student Financial Aid Administrators	<p>On behalf of the National Association of Student Financial Aid Administrators (NASFAA) and our 3,000 member institutions, we respectfully submit to the U.S. Department of Education (ED) our comments on the 2023-2024 FAFSA Form Demographic Survey, Docket No.: ED-2022-SCC-0082.</p> <p>NASFAA represents nearly 20,000 financial aid professionals who serve 16 million students each year at colleges and universities in all sectors throughout the country. NASFAA member institutions serve nine out of every ten undergraduates in the U.S.</p> <p>We appreciate ED’s stated intention to use these survey questions to inform the creation of the two new statutorily required questions on race and sex for the 2024-25 application cycle. Race, ethnicity, sex, and gender are highly sensitive topics that get to the heart of persistent discrimination and equity issues in this country. While these data points are essential to the research necessary for creating a fair and equitable federal student aid system, applicants may rightly fear answering such questions out of concern that their responses could be used against them in the future. Asking these questions correctly and letting applicants know exactly how their data will be used is critical to ensuring that ED has the demographic information it needs to assess FAFSA filing trends and address inequities in the federal student aid system while reassuring applicants that this data will be used appropriately and only as specified in federal law.</p> <p>We continue to disagree with ED’s decision not to include a sex or gender question on the 2023-24 application, as we noted in our FAFSA comments on April 25, 2022. The presence of the “Are you male or female?” question on previous years’ FAFSAs, despite its intended use for Selective Service registration confirmation purposes, served as proxy for a question on the applicant’s sex. Leaving that</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Feedback from this initial pilot survey will inform the development of questions for future application cycles. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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		<p>or a replacement question out of the 2023-24 FAFSA leaves a one-year gap in data and forces many institutions to alter existing practices if they use that question as a student identifier in order to match ISIRs to student records in their financial aid management systems.</p> <p>Given ED’s decision to use a survey to ask the race and sex questions on the 2023-24 FAFSA, we offer the following comments.</p>	
<p>ED-2022-SCC-0082-0023 (1)</p>	<p>National Association of Student Financial Aid Administrators</p>	<p>The survey includes a prominent box with informational text that advises applicants that the four survey questions will not affect their aid eligibility. While this is useful information, we recommend that ED add to the information box that the institutions where they send their FAFSA will not have access to their answers to these questions. Without such assurances, applicants may fear that this information could be used as a factor in their admission to certain colleges, or used as a criteria for institutional financial aid. Similarly, applicants should be made aware that state agencies will also not have access to this information.</p>	<p>See comment above.</p>

ED-2022-SCC-0082-0023 (2)	National Association of Student Financial Aid Administrators	Related, NASFAA institutions are split on whether they would like to receive gender, race, and ethnicity data. Some feel strongly that institutions share ED’s goals to examine and remove the structural inequities that are reinforced by our current systems, and that this data would help them do so. Others are concerned that having access to this data, even if not used at all in the admissions process or financial aid awarding process, could still be perceived as having influenced those decisions and, as such, do not want this data. Understanding that the decision is likely already finalized at this point in the 2023-24 FAFSA cycle, we urge ED to consider seriously the implications of sharing or not sharing gender, ethnicity, and race data with institutions and/or states in the 2024-25 FAFSA cycle when these questions become a part of the FAFSA. NASFAA would be happy to convene additional schools as ED weighs the benefits and risks of such a decision.	Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies.
ED-2022-SCC-0082-0023 (3)	National Association of Student Financial Aid Administrators	We also recommend that ED add text explaining how they will use the data collected from this survey. Knowing that this data will not affect eligibility is helpful, but applicants should know more about why they are being asked these questions.	See comment above.
ED-2022-SCC-0082-0023 (4)	National Association of Student Financial Aid Administrators	The Department indicated in its supporting statements that ED does not plan to publish the results of this data collection. We believe these data would be useful to the public and recommend that ED update the FSA data center to disaggregate currently published data by applicants’ responses to these new questions.	See comment above.

<p>ED-2022-SCC-0082-0023 (5)</p>	<p>National Association of Student Financial Aid Administrators</p>	<p>We urge ED to change the language in the two questions about the student’s gender from “What is your gender?” and “Are you transgender?” to “With which gender do you identify?” and “Do you identify as transgender?” Because the FAFSA is an official government form with penalties for providing false information, students in the process of transitioning or who have transitioned but live in states that limit or ban changes to gender markers on birth certificates may be confused about whether they must provide their legal gender or the gender with which they identify. Clarifying that they should provide the gender with which they identify will confirm to applicants that answering with their true gender won’t put them at risk for penalties for providing false information, and will give ED more accurate information.</p>	<p>Thank you for comment. We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
<p>ED-2022-SCC-0082-0023 (6)</p>	<p>National Association of Student Financial Aid Administrators</p>	<p>For the gender questions as well as the questions on ethnicity and race, we commend ED for including the option for each of these four questions for applicants to provide a response of “Decline to answer.” While Congress required the addition of these questions, it does not require them to be answered by applicants. This information is not necessary to apply for or determine eligibility for federal student aid. As such, applicants should have control over whether and how they share their demographic information.</p>	<p>No response necessary.</p>

ED-2022-SCC-0082-0023 (7)	National Association of Student Financial Aid Administrators	We are interested in how ED arrived at the categories of responses for these questions. It is essential that the FAFSA gender, race, and ethnicity questions include sufficient options such that no applicant is forced to choose a category that is merely a close match to their gender, ethnicity, or race. We recognize as well that consistency of gender, race, and ethnicity categories allows for the simplest data comparison across federal and state agencies, even if that limits the number of categories offered. We would like to know if ED worked within any federal guidelines in developing the gender, race, and ethnicity categories, as well as whether ED consulted with states or other entities to ensure consistency among the categories offered to ensure accurate data comparisons.	The Department of Education developed categories in consultation with the Bureau of the Census and the Director of the Institute of Education Sciences that, to the greatest extent practicable, separately capture the racial groups specified in the American Community Survey of the Bureau of the Census. Participants may select all categories that apply or select “Decline to answer”.
ED-2022-SCC-0082-0023 (8)	National Association of Student Financial Aid Administrators	Finally, given that these questions are not technically part of the FAFSA, we would like to know whether students will have the opportunity to correct their answers to these questions through the FAFSA correction process.	For the 2023-2024 application cycle, the demographic questions are presented as a post-application survey. Since they are not a part of the FAFSA form, applicants will not be presented with the option to correct or update their answers during the FAFSA correction process in 2023-24.
ED-2022-SCC-0082-0023 (Conc)	National Association of Student Financial Aid Administrators	We appreciate the opportunity to comment on this proposed data collection. If you have any questions regarding these comments, please contact us or NASFAA Senior Policy Analyst Jill Desjean at desjeanj@nasfaa.org .	Concluding remarks. No response necessary.

<p>ED-2022-SCC-0082-0024 (Intro)</p>	<p>Postsecondary Data Collaborative</p>	<p>This letter is submitted on behalf of the 11 undersigned members and partners of the Postsecondary Data Collaborative (PostsecData) in response to a call for comments on the Demographic Survey portion of the Free Application for Federal Student Aid (FAFSA). PostsecData is a nonpartisan coalition of organizations committed to the use of high-quality postsecondary data to improve student success and advance educational equity. This letter offers several recommendations for how ED can best capture race/ethnicity and gender information using the Demographic Survey in the upcoming 2023-24 aid year, in order to pilot test question wording for use on the main form in future years.</p> <p>Along with suggestions on how FAFSA can best structure questions pertaining to applicants’ race/ethnicity and gender, this letter also includes recommendations for revisions to the main form regarding students’ caregiver status and previous postsecondary experience. Carefully implementing these changes is critical to maintaining a streamlined and inclusive aid application for students and to identifying and addressing inequities in access to and affordability of higher education.</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Feedback from this initial pilot survey will inform the development of questions for future application cycles. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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<p>ED-2022-SCC-0082-0024 (1)</p>	<p>Postsecondary Data Collaborative</p>	<p>The Demographic Survey Should Include the following Categories for Race/Ethnicity and Revise the Proposed Gender Categories</p> <p><i>Race/Ethnicity</i></p> <p>While the FAFSA does not currently include a question on race/ethnicity, new requirements in the Consolidated Appropriations Act of 2021 require the inclusion of these questions, starting in aid year 2024-25. For the 2023-24 aid year, ED proposed the use of an optional demographic survey to pilot test question wording and gain preliminary data on applicants’ race/ethnicity and gender. To maintain cohesion between data sources and disaggregate to a level sufficient to examine variations and inequities within larger subgroups (e.g., within the larger Asian American Pacific Islander group), PostsecData suggests aligning both the proposed demographic survey and any long-term changes to the FAFSA form with the data standards used by the U.S. Census Bureau in administering the American Community Survey. PostsecData commends ED for the currently proposed options for the race and ethnicity portion of the survey. Also, we encourage the addition of several ethnicity categories including Guamanian or Chamorro, Samoan, Central American, and South American, which is in line with the U.S. Department of Health and Human Services recommended standards.</p> <p>Further, in pursuit of a streamlined application, we suggest using skip logic to allow some users to skip portions of questions that are not applicable. This model allows applicants to first select the overarching categories and then, depending on what is selected, they may be prompted with a follow up for a deeper disaggregation.</p> <p>PostsecData recommends that ED adopt the following structure in assessing FAFSA-filers' race and ethnicity:</p>	<p>The Department of Education developed categories in consultation with the Bureau of the Census and the Director of the Institute of Education Sciences that, to the greatest extent practicable, separately capture the racial groups specified in the American Community Survey of the Bureau of the Census. Participants may select all categories that apply or select “Decline to answer”.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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What is the applicant's race? Select all that apply.

- White
- Black or African American
- American Indian or Alaska Native
- Asian (*if selected the applicant would be diverted to a new page with the following choices*)
 - Chinese
 - Vietnamese
 - Filipino
 - Korean
 - Asian Indian
 - Japanese
 - Asian, not specified above
- Native Hawaiian/ Pacific Islander (*if selected the applicant would be diverted to a new page with the following choices*)
 - Native Hawaiian
 - Guamanian or Chamorro
 - Samoan
 - Pacific Islander, not specified above
- Another race

<p>ED-2022-SCC-0082-0024 (2)</p>	<p>Postsecondary Data Collaborative</p>	<p>PostsecData also recommends that the FAFSA ask about ethnicity as a separate question, aligning with the Census ACS standard, government data sources, and best practices.</p> <p><i>Is the applicant of Hispanic, Latino, or Spanish origin?</i></p> <ul style="list-style-type: none"> • No, not of Hispanic, Latino, or Spanish origin • Yes, Hispanic, Latino, or Spanish Origin (<i>if selected the applicant would be diverted to a new page with the following choices</i>) <ul style="list-style-type: none"> ○ Spanish descent ○ Mexican, Mexican American, or Chicano descent ○ Cuban descent ○ Puerto Rican descent ○ Central American descent ○ South American descent ○ Another Hispanic, Latino, or Spanish origin ethnicity 	<p>See comment above.</p>
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ED-2022-SCC-0082-0024 (3)	Postsecondary Data Collaborative	<i>Gender</i> With the removal of the question on selective service, ED also removed the question about the sex or gender of applicants. As stated in a previous letter, we strongly suggested restoring the question that asks about legal sex to the main portion of the FAFSA form, rather than including this in the optional demographic survey, to ensure continuity of this information. However, we support ED’s proposed wording of the gender question on this survey, and we appreciate the inclusion of “nonbinary” categories to reflect students’ gender more accurately. We suggest deleting the option to opt out of answering this question and instead include “Another Gender” as a possible answer. If many students decline to answer, the resulting data quality could be limited, while adding the option to select “Another Gender” will help to assess how best to address this measurement challenge in future years.	Thank you for comment. We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.
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ED-2022-SCC-0082-0024 (4)	Postsecondary Data Collaborative	Add Questions to the FAFSA Form on Student Caregivers and Transfer Pathways <i>Caregiving Status</i> Currently, the FAFSA form queries applicants about whether they have children and/or other dependents. To fully understand the caregiving/parental status of students, we suggest a sub-question that gathers information on the number of dependents and whether those dependents are 17 years old or younger. During the COVID-19 pandemic, more of the population had to take over caregiving duties, increasing the caregiving burden. There has also been an increase in the number of dependents per household. In many cases, caregiving duties now include adult children, elderly parents, or other non-traditional circumstances. Adding this sub-question will help to fully capture the economic situation of FAFSA applicants and ensure that financial aid is awarded effectively and equitably based on the entirety of a students' circumstances.	Thank you for your comment. This is beyond the scope of this comment request.
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ED-2022-SCC-0082-0024 (5)	Postsecondary Data Collaborative	<p><i>Educational History</i></p> <p>At present, the FAFSA includes a question on prior bachelor's degrees and general educational history. We suggest enhancing the collection of data on educational history by including options for previous occupational and professional certificates and associate degrees. These additional options—which do not require an additional question—would help to identify students with different educational pathways and prior experiences. This information, for example, could be useful in identifying transfer students and understanding complex patterns of enrollment and credential receipt.</p> <p>Further, the form should include a question about the intention to matriculate from a two-year college into a four-year college. This data will help to identify student educational pathways, as many students do not follow a linear postsecondary path. Data about intention to transfer would help contextualize transfer rates among those who intend to transfer versus all students who enroll, allowing the results to better reflect institutional outcomes.</p>	Thank you for your comment. This is beyond the scope of this comment request.
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ED-2022-SCC-0082-0024 (Conc)	Postsecondary Data Collaborative	<p>The undersigned thank ED for efforts to improve the utility of FAFSA data while reducing the burden it places on students and their families. We urge ED to continue the path to better, more complete data that would allow institutions and policymakers to implement data-driven strategies to address inequities in access to and affordability of higher education.</p> <p>If you have any questions, please contact Mamie Voight, President at the Institute for Higher Education Policy (mvoight@ihep.org).</p> <p>Sincerely,</p> <ul style="list-style-type: none">• AccuRounds• Achieving the Dream• Corporation for a Skilled Workforce• Georgetown University Center on Education and the Workforce• Guild Education• Higher Learning Advocates• Institute for Higher Education Policy• NCHEMS• Nexus Research and Policy center• The Education Trust• The Institute for College Access & Success (TICAS)	Concluding remarks. No additional response needed.
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<p>ED-2022-SCC-0082-0025 (Intro/1)</p>	<p>National LGBTQ Task Force</p>	<p>Thank you for this opportunity. At the request of the Department of Education (ED) and Federal Student Aid (FSA), the National LGBTQ Task Force respectfully submits this comment on the FAFSA Form Demographic Survey; Docket No. ED-2022-SCC-0082.</p> <p>We applaud and commend ED and FSA for using a two-step question that is inclusive and validating of transgender and nonbinary people and ensures an accurate count. We request that the ED and FSA take privacy concerns into account when releasing information to state governments about transgender and nonbinary students. We also ask that ED and FSA make the race and ethnicity demographic questions equally as inclusive and validating as the gender and gender identity questions by listening to requests from people living in the U.S. with Middle Eastern and North African, Southeast Asian, and South Asian heritage, using clear and concise language, and making sure all language is as inclusive and welcoming as possible.</p> <p>1. Task Force History</p> <p>The National LGBTQ Task Force advances freedom, justice and equality for LGBTQ people. We are building a future where everyone can be free to be their entire selves in every aspect of their lives. Today, despite all the progress we have made to end discrimination, millions of LGBTQ people face barriers in every aspect of their lives: in education, housing, employment, healthcare, retirement, and basic human rights. We commend ED on collecting gender identity data and including transgender and nonbinary options and offer our recommendations to ensure that this data collection is as inclusive and accurate as possible.</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Feedback from this initial pilot survey will inform the development of questions for future application cycles. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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<p>ED-2022-SCC-0082-0025 (2)</p>	<p>National LGBTQ Task Force</p>	<p>2. Appreciation of Proposed Gender Identity Question Structure and Options</p> <p>Over 19 million people fill out the Free Application for Federal Student Aid (FAFSA) form each year, and with the new requirement to collect demographic data it is important that people see themselves represented in the answer choices to these questions. According to Pew Research Center, 2% of US adults under age 30 identify as a transgender man or transgender woman and 3% identify as nonbinary. Additionally, 1.6% of those ages 30-49 and 0.3% of those age 49+ identify as transgender or nonbinary. The proposed FAFSA questions to assess gender identity would help ensure that the data collected on this sizable and growing population is accurate and inclusive. Both GLSEN (formerly the Gay, Lesbian & Straight Education Network) and the National Academies of Sciences, Engineering, and Medicine (NASEM) report recommend further study on the use of nonbinary and the use of two step gender identity questions in getting an accurate count of the transgender and gender. At the Task Force, we value inclusivity and recognize the importance of accurately counting all members of the diverse LGBTQ community. Therefore, we are in support of the FAFSA’s gender and gender identity measures and subsequent review of those measures after a trial year. We applaud ED and FSA on the structure of these questions and the inclusion of transgender and nonbinary options. We also ask that ED and FSA continue to research and examine how to best collect accurate and inclusive data in this area in their future work.</p>	<p>No response necessary.</p>
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ED-2022-SCC-0082-0025 (3)	National LGBTQ Task Force	<p>3. Privacy Concerns for Transgender and Nonbinary Students</p> <p>The inclusion of gender identity questions has many positive impacts on the LGBTQ and national communities. At the same time, we do have privacy concerns because of the current political climate and the sensitivity of this data. Due to the rising amount of scrutiny and discriminatory actions that right-wing extremists are forcing schools to place on LGBTQ schoolchildren, particularly on transgender and nonbinary youth, we are deeply concerned about the sharing of identifiable data with state governments. We all are familiar with the alarming rise in state legislation and policies targeting transgender and nonbinary youth and their educational institutions in states such as Florida, Alabama, and Texas. For this reason, we recommend that no federally-gathered data that could be used to identify transgender and nonbinary youth or their educational institutions be shared with the states.</p>	Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies.
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ED-2022-SCC-0082-0025 (4)	National LGBTQ Task Force	<p>4. Task Force Recommendations to Promote Inclusion</p> <p>We recommend adding race and ethnicity options and language beyond that listed in the current proposal. Specifically, we recommend adding a Middle Eastern and North African (MENA) option. We also support the disaggregation of the gathering of Asian and Pacific Islander data and recommend that ED continue to find ways to improve these measures. Some suggestions include adding in an option for South Asians (other than just "Asian Indians") to identify, including more options for Southeast Asian people to identify with, and removing the "some other Asian" option as it is duplicating the "Asian" option. We also recommend that instead of putting "some other (ethnicity/race)" the ED should put "other (ethnicity/race) not mentioned above in the interest of accuracy and inclusivity.</p>	<p>Thank you for comment.</p> <p>The Department of Education developed categories in consultation with the Bureau of the Census and the Director of the Institute of Education Sciences that, to the greatest extent practicable, separately capture the racial groups specified in the American Community Survey of the Bureau of the Census. Participants may select all categories that apply or select "Decline to answer".</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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<p>ED-2022-SCC-0082-0025 (4a)</p>	<p>National LGBTQ Task Force</p>	<p>a. Our Request: Include a Middle Eastern and North African Option</p> <p>There has been a long-term push for adding in a Middle Eastern and North African (MENA) option by the MENA community. Community organizations such as the Arab American Institute, Public Affairs Alliance of Iranian Americans, and the Arab-American Anti-Discrimination Committee have pushed to be counted in the decennial Census under the MENA category and to normalize the addition of this category in data collection. MENA-identifying people have been told to check white on government forms, despite not being seen as white in their day-to-day lives.</p> <p>Even when MENA is included as an option, data-gathering documents and reporting often fold MENA in under the white category. This has the negative effect of erasing distinct identity as well as the opportunity for people in this community to fully express what their own racial and ethnic identity. It is vital to recognize the lived experiences of MENA community members and listen to their needs. The collection of accurate and disaggregated demographic data will enable government to address needs in making programmatic and funding make decisions. To reiterate, we recommend that the ED and FSA include a Middle Eastern and North African category that does not fold into the white category in order to accurately collect data on this population.</p>	<p>See comment above.</p>
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ED-2022-SCC-0082-0025 (4b)	National LGBTQ Task Force	<p>b. Our Request: Include South Asian and Southeast Asian Identity Options</p> <p>We commend the ED and FSA for having disaggregated data on the Asian American community. Several leading organizations including Southeast Asian Freedom Network, Southeast Asia Resource Action Center, ARISE, and Asian Americans Advancing Justice have pushed for disaggregated data collection for years in order to accurately capture the differences and potential disparities between different ethnic groups within the Asian community. More can and should be done to increase accuracy and inclusivity with this disaggregated data. Building data collection categories to address known socioeconomic disparities within subpopulations within the South Asian and Southeast Asian communities in the US will make a difference. By including distinct countries, people’s experiences could be taken into account when governmental decisions are made based on this data collection. Specifically, we request that Southeast Asian countries are included in the disaggregated data collection besides just Vietnam and the Philippines or that a new joint category is created for Southeast populations that includes the countries of Brunei, East Timor, Indonesia, Singapore, and Thailand but that Burmese, Hmong, Cambodian, and Laotian categories are disaggregated due to the known educational and economic disparities within these groups. We also ask that other South Asian countries are included and not just “Asian Indian”. We recommend that either disaggregated data is collected or that a new joint category is created for U.S. South Asian populations so that people may identify as Pakistani, Bangladeshi, Sri Lankan, Nepali, Bhutanese, Iranian, Maldivian, and Afghani. By having such specific categories but failing to include any South Asian countries other than India and only including the Southeast Asian countries of Vietnam and the Philippines, all other South Asian and Southeast populations</p>	See comment above.
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		<p>are excluded and just lumped in the “other” category. This ignores the known educational and economic disparities within these communities, which should be taken into account when making decisions based upon this data. For those reasons, we recommend an option through either data disaggregation or joint categories that ensures that these communities are accurately represented.</p>	
<p>ED-2022-SCC-0082-0025 (4c)</p>	<p>National LGBTQ Task Force</p>	<p>c. Our Request: Remove Redundant Options</p> <p>Respectfully, we recommend that the “some other Asian” option be removed as there is also an “Asian” option. From our perspective, these phrases may be seen as repetitive and could lead to skewed data that has the potential to over or under count the Asian population. It is important to get an accurate count in each category, especially if this data is to be used for funding decisions or any additional research. Therefore, we recommend that the categories are as concise as possible and any redundant options, such as “Asian” and “some other Asian”, are consolidated into one option.</p>	<p>See comment above.</p>
<p>ED-2022-SCC-0082-0025 (4d)</p>	<p>National LGBTQ Task Force</p>	<p>d. Our Request: Use More Welcoming and Inclusive Language</p> <p>Additionally, instead of using “some other” to describe a category of race or ethnicity that is not listed, we recommend the use of “other (insert race/ethnicity)” or “(race/ethnicity) not listed above” or the name of the umbrella term. FAFSA also could use drop down menus, where students could click on an umbrella term and select additional items that applied to them below. The term “some other” may be perceived as dismissive in tone, which we know is not intentional, and the other options we suggest could be seen potentially as more inclusive. We understand there may be logistical reasons that this terminology is used and if there is we respectfully ask that it is shared with us so that we are aware.</p>	<p>See comment above.</p>

<p>ED-2022-SCC-0082-0025 (5/Conc)</p>	<p>National LGBTQ Task Force</p>	<p>5. Summary of Our Request</p> <p>In summary, the National LGBTQ Task Force has a long history of advocating for the full liberation of the LGBTQ community and for racial equity, including for inclusive and accurate data collection on sexual orientation, gender identity, intersex status, race, and ethnicity. As part of our continuing advocacy and in support of the Biden-Harris Administration’s commitments around data collection, we seek to support positive data collection efforts, such as the collection of gender identity data by ED an FSA. We appreciate the work that ED and FSA have put into formatting these questions, and suggest specific improvements that we hope you will find helpful. We ask that ED and FSA take privacy concerns into account when releasing information to state governments about transgender and nonbinary students. We also ask that ED and FSA make the race and ethnicity demographic questions equally as inclusive and validating as the gender and gender identity questions by adding in a Middle Eastern and North African option, adding in additional options for Southeast and South Asian groups, removing the redundant term “some other Asian”, and instead of putting “some other (ethnicity/race)” putting “other (ethnicity/race) not mentioned above”. These measures will ensure that this data collection will accurately and inclusively reflect the experiences and identities of the communities responding, so that government may do its best work.</p> <p>We appreciate the opportunity to submit our recommendations. Thank you for the opportunity to comment and your consideration of our request. For more information, please contact Clermon Acklin, Federal Regulatory Counsel, at ceacklin@thetaskforce.org or 202-604-9830.</p>	<p>Concluding remarks. No additional response needed.</p>
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ED-2022-SCC-0082-0026 (Intro)	The Williams Institute	<p>We are grateful for the opportunity to provide comments to the Department of Education (the “Department”) on its above-captioned information collection request, which seeks permission to gather demographic information in conjunction with the Department’s Free Application for Federal Student Aid (“FAFSA”) form through the proposed FAFSA Form Demographic Survey (the “proposed survey”). See 87 Fed. Reg. 35,745 (June 12, 2022).</p> <p>The undersigned are scholars affiliated with the Williams Institute at the UCLA School of Law. The Williams Institute is dedicated to conducting rigorous and independent research on sexual orientation and gender identity, including on the demographics of lesbian, gay, bisexual, and transgender (“LGBT”) people. The Williams Institute collects and analyzes original data, as well as analyzes governmental and private data, and has long worked with federal agencies to improve data collection on the U.S. population. These efforts include producing widely-cited best practices for the collection of sexual orientation and gender identity information on population-based surveys.</p> <p>We write in response to the Department’s request for comments on the proposed survey, specifically to affirm that this collection is “necessary to the proper functions of the Department,” on the possible use and utility of the information to be collected, and on the Department’s calculation of the burden associated with this information collection request. In support of our comments, below we provide a brief review of relevant research on LGBT people, including on their demographics and observed financial needs and disparities when compared to non-LGBT people, in light of the gender identity measures included in the proposed survey. We also discuss research on methods for measuring gender identity via surveys and other formats, including a brief review of existing practices of other federal</p>	<p>Thank you for your comment.</p> <p>The FAFSA Simplification Act passed as part of the Consolidated Appropriations Act, 2021 (Public Law 116-260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. They are included as a voluntary post-application survey for the 2023-2024 application cycle. Feedback from this initial pilot survey will inform the development of questions for future application cycles. Responses are being collected for research purposes only and will not be used to determine aid eligibility. For 2023-2024, responses will not be shared with institutions or other agencies.</p> <p>We will share your suggestion with the appropriate office for consideration in future FAFSA application cycles.</p>
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60D Comment Response Table

		agencies already collecting such information, such as the U.S. Census Bureau through its Household Pulse Survey.	
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<p>ED-2022-SCC-0082-0026 (1)</p>	<p>The Williams Institute</p>	<p>1. Relevant Research on LGBT People</p> <p>As discussed in greater detail below, the proposed survey includes measures allowing for the identification of nonbinary and transgender applicants. Below, we offer a review of our relevant research on these populations, largely based on studies of LGBTQ people.</p> <p>LGBT-identified people comprise approximately 4.5% of the U.S. adult population. We estimate that approximately 11 million adults in the U.S. identify as LGBT, including approximately 1.3 million adults who are transgender.⁵ In the U.S., younger populations are more likely to identify as LGBT. We estimate that at least 9.5% of the U.S. youth population (ages 13–17), or nearly 2 million youth, identifies as LGBT. We estimate that among youth ages 13–17 in the U.S., 1.4% (about 300,000 youth) identify as transgender. The number of youth identifying or perceived by their peers as gender nonconforming is likely much higher; for example, a Williams Institute study found that 27% of California youth—approximately 796,000 students—identify or are perceived as gender nonconforming.</p> <p>Similar to the country as a whole, the population of LGBT adults in the U.S. is demographically diverse. For example, drawing from Gallup Daily Tracking data collected between 2015 and 2017, we’ve previously estimated that 58% of LGBT adults are female. Similarly, we estimate that 21% of LGBT adults identify as Latino/a or Hispanic, 12% as Black, and 5% as more than one race. And, in a recent study, we documented evidence consistent with other population-based samples that Latinx people, American Indian or Alaska Native people, and biracial/multiracial groups appear more likely than White people to identify as transgender.</p> <p>The Williams Institute has previously conducted two large LGBTQ-specific population-based national surveys through</p>	<p>See comment above.</p>
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the NIH-funded Generations (HD078526) and TransPop (HD090468) studies on sexual and gender minority people, respectively. Using data collected through these surveys, we estimate that 11.1% of LGBTQ adults (ages 18–60) identify as nonbinary. While nonbinary-identified people are found among both cisgender and transgender LGBTQ populations—and some individuals who identify as nonbinary do not identify as LGBTQ—we find that they comprise a larger proportion of the transgender population (32.1%) than of the cisgender LGBTQ adult population (7.5%).

Our research includes analyses of data on individuals’ experiences attending institutions of higher education. Analyzing data collected through the Access to Higher Education Survey (“AHES”)—which asked a nationally representative sample of U.S. adults ages 18–40 to report on their lifetime experiences in schools—we found that nearly three in five (58.3%) LGBTQ people ages 18–40 reported that they had attended four-year college at some point in their lives, compared to half (49.0%) of non-LGBTQ people. Likewise, we found that nearly a third (32.7%) of LGBTQ people ages 18–40 attended community college at some point in their lives. Using government-collected data, we estimate that approximately 218,000 students ages 18–40 in the U.S. are transgender.

Many LGBTQ students rely on financial aid to support their education. Among respondents to the AHES, 60.3% of LGBTQ respondents reported having their educational expenses for four-year college covered by aid which must be repaid, compared to 51.3% of non-LGBTQ respondents. Similarly, 34.0% of LGBTQ and 32.3% of non-LGBTQ respondents who attended community colleges reported accessing aid which must be repaid. Collected data on the specific sources of students’ debt indicate that transgender people are more likely (51.0%) than their cisgender LGBTQ (33.1%) and non-LGBTQ counterparts (23.2%) to report

having federal student loans specifically. Among an estimated 2.9 million LGBTQ federal student loan holders, we found that about a third (32.0%) owe less than \$10,000, about half (51.7%) owe between \$10,000 to under \$50,000, and the remainder (16.3%) owe \$50,000 or more in federal student loans.

Likewise, our research on the impact of the COVID-19 pandemic on U.S. adults suggests that LGBT adults, particularly LGBT people of color and gender minority people, have been disproportionately experiencing its negative economic effects— which may in turn influence current and incoming students’ borrowing needs. For example, in one study, we found that LGBT respondents were more likely than their non-LGBT counterparts to be laid off (12.4% vs. 7.8%) or furloughed (14.1% vs. 9.7%) from their jobs; to report problems affording basic household goods (23.5% vs. 16.8%); and to report problems paying their rent or mortgage (19.9% vs. 11.7%). LGBT people of color were more than twice as likely to report that their ability to pay for household goods got worse (28.7% vs. 14.2%) and were over three times as likely to report that their ability to pay their rent or mortgage (26.3% vs. 8.8%) got worse as compared to non-LGBT White people. More than half (63.1%) of LGBT people of color reported being very concerned about their ability to pay their bills, as compared to 42.4% of LGBT White and 33.2% of non-LGBT White people. Similarly, analyzing data collected by the U.S. Census Bureau through its Household Pulse Survey between June and October 2021, we found that transgender people were three times more likely than cisgender people to report facing food insufficiency during the pandemic. Indeed, we found that, “[a]cross several indicators of socioeconomic status, larger proportions of transgender adults were disadvantaged as compared to their cisgender counterparts,” including in reported rates of employment,

		<p>poverty, and difficulty in paying for usual household expenses—including but not limited to student loans.</p> <p>Our research suggests that accurately identifying sexual and gender minority people is critical, as doing so allows for the study and addressing of disparate needs and outcomes among those populations when compared to their non-LGBT counterparts. Specifically, the body of research outlined here suggests that data on the disparate financial aid needs of nonbinary and transgender applicants should be collected by the Department to ensure it, Congress, and other stakeholders can enable students’ meaningful access to federal student aid consistent with the purposes of the FAFSA form. It is our opinion that the value of the information to be collected would therefore outweigh any burden associated with the proposed survey.</p>	
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ED-2022-SCC-0082-0026 (2)	The Williams Institute	<p>2. Research on Measuring Sex and Gender Identity</p> <p>As noted by the Department in its proposal, the FAFSA Simplification Act recently amended existing law to require that students applying for financial aid through the FAFSA form provide information on their sex and race or ethnicity, though the law leaves the term “sex” undefined and provides no options or other details to inform the Department’s collection of required data. In its proposal, the Department indicates it has opted to collect data on sex through two measures: first, by asking students about their “gender,” and second, by asking if students identify as transgender.</p> <p>Researchers have found that while sex and gender are interrelated concepts, they are ultimately conceptually distinct and may differ from each other. Nonetheless, surveys—including those administered by the federal government—often conflate the two concepts as “most people do not recognize a conceptual distinction between sex terminology and gender terminology.” Gender, like sex, is a multidimensional concept, meaning single measures are unlikely to capture the complexity through which respondents can conceptualize their gender, including along lines of gender identity, expression, and social status and norms. While Western cultures often conceptualize gender along a binary of male and female, many individuals, including within those cultures, identify outside of this binary, such as by being nonbinary and/or transgender.</p> <p>One’s gender identity is not defined by one’s sex traits, and like gender expression it can be temporally and contextually fluid. Standard binary measures of sex are therefore often seen as an “inadequate proxy” for the primary measurement of gender and sex traits, especially among sexual and gender minority populations. In light of this context, a federally-funded, ad hoc panel formed by the</p>	See comment above.
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	<p>National Academies of Sciences, Engineering, and Medicine (the “NASEM Panel”) on methodological issues related to the measurement of sex, sexual orientation, and gender identity recently recommended a two-step approach centering the collection of information on gender identity in its recent consensus study report. The NASEM Panel recommended limiting the collection of information on sex as a biological variable to instances where information about physiological sex traits is relevant, and highlighted the relevance of information on gender, “particularly for the purposes of assessing inclusion”</p> <p>It is our opinion that the Department’s proposal to collect required data on “sex” specifically through the measurement of gender identity via a “pilot, voluntary survey format” is therefore reasonable, given years of research and investment in the measurement of gender identity on surveys. While distinct, we note that questions measuring sexual orientation have been included on federal surveys for over two decades, including in large-scale, population-based surveys administered by the U.S. Census Bureau and by other agencies. Questions used to identify transgender respondents have been included on state and investigator-led surveys for some time, with more common use of both sexual orientation and gender identity questions, including in federal surveys, over the last decade. Research on these federal implementations of these measures suggests that respondents are unlikely to consider such information to be particularly sensitive, and would therefore provide such information if asked.</p> <p>The federal government has long engaged in its own review of best practices for the measurement of sexual orientation and gender identity, including through its Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys organized through the Federal Committee on Statistical</p>	
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		<p>Methodology. The federal government has also supported others’ research on this topic, including by funding the research of the NASEM Panel. The NASEM Panel’s recent consensus study report offers guidance and best practices for collecting these data in population-based surveys, as well as clinical and administrative settings. The NASEM Panel’s report also provides guiding principles for such data collection, specifically inclusiveness, precision, respecting autonomy, collecting only necessary data, and a dedication to confidentiality.</p> <p>As scholars with experience in measurement development and testing, we would recommend that the Department assess the performance of its proposed survey and demographic items, and that it make revisions as needed. We recommend this include consideration of longstanding research on gender identity measurement as described here, alongside the Department’s current proposal to use collected feedback on the proposed survey to “inform the development of the questions for full implementation within the FAFSA form for the 2024–2025 award year.” Likewise, we note our concern with potential harm to respondents due to breach of confidentiality and request that the Department ensure that all data are collected and reported using all appropriate privacy standards. All entities responsible for the proposed data collection ought to ensure the confidentiality of applicants’ information.</p>	
<p>ED-2022-SCC-0082-0026 (Conc)</p>	<p>The Williams Institute</p>	<p>3. Conclusion</p> <p>Thank you for your consideration. Please direct any correspondence, including questions, to vasquezl@law.ucla.edu.</p>	<p>Concluding remarks. No additional response needed.</p>