

## DEPARTMENT OF EDUCATION - JUSTIFICATION LETTER FOR EMERGENCY APPROVAL

June 4, 2024

TO: Office of Information and Regulatory Affairs  
Office of Management and Budget

THROUGH: Strategic Collections and Clearance  
Governance and Strategy Division  
Office of Chief Data Officer  
Office of Planning, Evaluation and Policy Development  
U.S. Department of Education

FROM: Cindy Marten  
Deputy Secretary  
U.S. Department of Education

SUBJECT: Request for emergency clearance no later than June 7, 2024 for State FAFSA Capabilities and Needs Questionnaire for SEAs and HEAs

The Department is requesting emergency clearance to conduct a survey of state agencies because we currently face a major nationwide risk that millions fewer lower income students will attend college this Fall. We have a mere 3 months to avert this possible outcome. To do so, we must rally to increase FAFSA completion across the country.

### **1. Information is Essential to the Mission of the Agency**

The US Department of Education oversees both K12 and higher education nationwide. A key challenge in higher education in the U.S. is affordability, and FAFSA is one of our primary tools to address this challenge. We currently face an unprecedented year for FAFSA—with submission numbers far behind schedule due to a delayed release of a new platform.

The Department is working to rapidly close the FAFSA submission gap for millions of students, while also preparing for a stronger upcoming FAFSA cycle starting this Fall. Key to rallying and achieving a successful response in this moment is for the Department to increase engagement and information flow with the state education agency (SEA) and/or state higher education agency (HEA) representative(s) responsible for FAFSA implementation. These representatives are spread across 58 entities (the 50 States, DC, the 5 US territories, Bureau of Indian Affairs, and DODEA).

We currently lack the critical and nuanced information about the status of state-level efforts to respond to lower FAFSA completion rates, and we urgently need that detailed information to guide our technical and financial assistance decisions. If we understand in detail what impediments states are facing with use of student-level completion portals, ability to package aid, and technical/financial resource gaps, we can provide more targeted, more effective, and more timely support.

To begin that inquiry and engagement, the Department launched a weekly series of optional office hour calls on May 30, 2024. Our first call had 40 states attending. During our first office hours call on May 30, 2024, we did not ask any detailed questions of states, though we did answer many questions that the states posed to the Department.

Our next move after initiating that office hours series is to deepen the Department's insight into the detail of challenges at the state-level through a survey. To achieve that, the Department is seeking emergency clearance to expedite approval of that survey. The survey will be sent to approximately **58 staff representatives** of state agencies with the goal of understanding states' current impediments to FAFSA completion and current capabilities for FAFSA.

## **2. The Information is Needed Prior to the Expiration of Time Periods Established Under PRA**

Routine PRA approvals can take several months. The remaining time we have to shape FAFSA response and support additional student submissions is prior to the start of the next school year—less than 3 months away, generally in the 2<sup>nd</sup> half of August. The next 3 summer months of 2024 are our remaining window to act on this issue before the next school year begins. Routine PRA approval would not allow enough time to collect and analyze the data to strategize and develop supports for states.

## **3. Public Harm is Reasonably Likely to Result if Normal Clearance Procedures are Followed**

Across the U.S. we are nearly 1.5M FAFSA applications behind schedule for our routine pace year-over-year, and still hoping for another 7M+ FAFSA applications across all sources for this coming school year. In order to close that gap, we need to ask for and receive all of this information in this survey quickly. This will ensure our interventions are more strategic and targeted, and ensure opportunities to apply for aid for lower income students who wish to attend college than otherwise would in the coming year.

In particular, obtaining this information promptly will enable the Department to target and deploy specific resources and information for specific states and territories. This will ensure that state and local governments have resources suited to their needs at their disposal to further close their FAFSA submission gaps for their populations.

## **4. An Unanticipated Event Has Occurred**

Due to delays in launching the FAFSA form this year and subsequent technical bugs, high schools across the country had a very late start in supporting students to complete the FAFSA this year. This was far later than any normal year, and we are still trying to catch up. We are still seeking to support FAFSA outreach and completion for those graduating high school students who have not yet submitted, and for those who have started applications but not submitted.

Relatedly, with challenges to backend processing of student aid this year, colleges are currently still attempting to process and send aid offers to students as quickly as possible, with many extending their deadlines beyond the usual July 1<sup>st</sup> mark. Colleges face numerous blockers to this task, and we want to respond with adequate resources while time still remains.

To respond to either of these pressing needs, we need more information. We currently lack detailed information about the status quo in each state, and therefore cannot make fully informed strategic

choices about how to differentiate support to states based on their technical gaps, their preferences, and their existing plans.

If the Department can gain this survey response now, the information can still be used to aid students, colleges, and states in closing gaps in a strategic, organized manner.

#### **5. Conclusion.**

Following normal clearance procedures for approval of this information collection will delay the Department's ability to expeditiously make strategic choices about the deployment of technical and financial resources to close FAFSA gaps around the country. It is critical that all students regardless of financial background have the opportunity to pursue higher education, and FAFSA is one of the major tools we have to ensure that outcome. This year that outcome is at risk, and we believe there is still time to avert it provided we are building strategy on accurate and detailed information.

Thank you for your consideration.