

2024-2025 Federal Student Aid Application Comments Tracking Summary

(30 Day final)

Package/docket ID number ICR 1845-0001

#	Comment	Formal Response
1	<p>Instructions for Question 5 in the "Personal Circumstances" section explaining veteran status, indicate that the student should indicate that they are a veteran if they "are not a veteran now but will be one by June 30, 2024." This appears to be a typo.</p> <p>In previous years, the student would answer "yes" if they would be a veteran by the end of the award year designated on the FAFSA. Following the logic of previous years' instructions, the student could be considered a veteran for the 2024-25 award year if they would be a veteran by June 30, 2025. However, 2024-25 instructions as they are currently written would mean that the student needs to be a veteran before the start of the award year. Further instructions indicate that a student should indicate "no" if they will "continue to serve through June 30, 2025" which would seem to indicate that if they will not serve through the end of the award year (i.e., will become a veteran), they should indicate "yes" to the question.</p>	This change will be made.
2	The housing question should be added back to the FAFSA to help schools determine the most accurate Cost of Attendance to use for students.	Thank you for your comment. The Department of Education is permitted only to ask questions that are required either (a) to aid in determining eligibility, (b) by the FAFSA Simplification Act, or (c) by the FUTURE Act.
3	The Minnesota deadline continues to be listed incorrectly in each iteration of the DRAFT 24-25 FAFSA. Legislation in Minnesota from May, 2023 changed our deadline from the 30th day of the term to the last day of the fiscal year. So for 2024-2025, the deadline should be June 30, 2025. I submitted this info in May, August and now again in September via NASSGAP.	This change will be made.
4.a	<p>The 2024-2025 FAFSA is the first FAFSA to roll out under the FAFSA Simplification Act which created the intention to make the FAFSA more accessible and easier for students and their families to complete. I have comments regarding unnecessary questions that remain on the FAFSA that either no longer serve purposes or never did serve purposes in determining Federal Student Aid eligibility.</p> <p>In section 11 the student's gender is still a question that is asked but I have trouble understanding why this is the case. With Selective Service registration no longer impacting eligibility for Federal Student Aid a student's gender no longer has any value in determining eligibility for Federal Student Aid.</p>	Thank you for your comment. This question is required in accordance with the statutory or regulatory requirements defined by the FAFSA Simplification Act Section 483(a)(2)(B)(ii).
4.b	Section 12 requests students to verify information about their race and ethnicity, again, why?	Thank you for your comment. This question is

	Colleges cannot utilize race and ethnicity information for admissions information, a student's race and ethnicity also have no bearing in Federal Student Aid eligibility so why is this a question asked upon the FAFSA? I don't see a logical reason for why this question is being asked besides for demographic purposes which is unduly creating additional steps to completing the FAFSA.	required in accordance with the statutory or regulatory requirements defined by the FAFSA Simplification Act Section 483(a)(2)(B)(ii).
4.c	In section 15 why is the student's parents' grade level of completion asked? What importance does this play in determining Federal Student Aid eligibility? Simply put the answers to my questions is that none of these questions are necessary for FAFSA completion nor for determining Federal Student Aid eligibility for students. Truly simplify the FAFSA and eliminate unnecessary questions from the FAFSA as the Simplification Act intended to happen. Demographic and data gathering is not the purpose of the FAFSA, these questions can be obtained via other methods if the Department of Education wishes to document these questions for students and their families.	Thank you for your comment. This question is required in accordance with the statutory or regulatory requirements defined by the FAFSA Simplification Act Section 483(a)(2)(B)(ii)(XIII).
5.a	The treatment of 529 college savings plans in the Notes on Page 22 under "Assets" needs further clarification.	This change will be made.
5.b	Comment #60.a to the first FAFSA draft says: "1. Clarification: In the Note on page 21 of the FAFSA Form regarding "Investments do not include..." please add "Health Savings Accounts" and "education savings accounts owned by anyone other than the student or the student's parent (such as a grandparent or other relative) regardless of whether the student is the beneficiary" for clarity." The Formal Response says: 60.a) "Thank you for your comment. This change will be made" However, this change was not made in the most recent draft on page 22 "Assets"	Further revisions were made to the instructions for clarity.
5.c	Furthermore, the instructions in this latest draft appear to contradict themselves. First it says, "Parents of dependent students should not report the value of educational savings accounts for other children." But further on it says, "For a student who must report parental information, the accounts are reported as parental investments in question 40, including all accounts owned by the student and all accounts owned by the parents for any member of the household." If accounts for other children are excluded as stated earlier, it seems that you perhaps mean "all accounts owned by the parent for any member of the household *who is not their child*"	Further revisions were made to the instructions for clarity.
5.d	Then it says "Investments do not include" ... 529 college savings plans if the student is the beneficiary". I suspect that you mean "if the student is the beneficiary *and the account is not owned by the student or parents (such as grandparents)*"	Further revisions were made to the instructions for clarity.
6.a	FAFSA states that corrections or additional information can be provided , unclear of that occurs in the review stage of online FAFSA or post-submission.	As in prior cycles, information provided on the online FAFSA form can be changed prior to submission, as well as after processing. It cannot be changed while the transaction is being processed.

6.b	"Pell can only be received at one college for same period of enrollment"; period of enrollment may be unclear as to whether or not Pell can be moved between schools.	No change. The Department of Education believes the instructions are clear.
6.c	Question 9,18 on paper FAFSA unclear that it can be skipped if student is independent. Is stated on page 4 what questions can be skipped, but independent status may be hard for applicants to determine on paper FAFSA.	The "Can I Skip any questions?" notes on page 4 will be revised.
6.d	Will student spouse, parent spouse also be required to create FSA ID?	If the student spouse or parent spouse is identified as a required contributor on the student's FAFSA form, they must create an FSA ID to access and complete their section of the FAFSA form online.
6.e	Unclear on what circumstances student should provide parent spouse information. Example: parent was unmarried/single at time of filing 2022 tax return and has since married, but parent spouse did not contribute financially in any way until marriage from 2022 onward. If spouse had nothing to do with student before then, how would that affect providing information?	Additional notes will be added to FAFSA question 38.
7	Coming from a small school with not a lot of funding, I am asking that the housing question be added back to the FAFSA. This is our way packaging a student's financial aid. We use this as the student self-identifying that they will be living on, off or with their parents. The COA is also automatically calculated by this question on the FAFSA. Please add this question back to the 2024-2025 FAFSA.	Thank you for your comment. The Department of Education is permitted only to ask questions that are required either (a) to aid in determining eligibility, (b) by the FAFSA Simplification Act, or (c) by the FUTURE Act.
8	The 2024-25 (FY 2025) Texas State Financial Aid Priority deadline has been moved from January 15, 2024, to March 15, 2024.	This change will be made.
9	Question 11, 12: Why ask this? This is a financial aid application, not a demographics survey! The U.S. government conducts a census for this sort of data; including it on a financial aid application that does NOT consider the answers in eligibility calculations is just data collection for collection's sake. Let researchers conduct their OWN surveys. If the Department is bound & determined to collect needless data, child support PAID (not just received) might be a great place to start, but any question on the FAFSA that has an answer of "Prefer not to answer" should be in its own, separate section which is clearly labelled OPTIONAL QUESTIONS.	Thank you for your comment. These questions are required in accordance with the statutory or regulatory requirements defined by the FAFSA Simplification Act Section 483(a)(2)(B) (ii).
10	When Congress passed the FAFSA Simplification Act in 2020 they specifically authorized that small business and family farm value would be collected on the FAFSA and used to calculate the SAI. The draft 2024-25 FAFSA in questions 22 and 40 only asks for investment farm value. I believe this is contrary to Congressional intent. Additionally, it will be unfair to those who do provide family farm value vs. those that do not. Therefore, I encourage the word investment be removed from questions 22 and 40.	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
11	Please reconsider the term "CONTRIBUTOR," referring to the people who provide information to the FAFSA. It could be intimidating to low-income parents who will be limited to	Thank you for your comment.

	<p>providing the information requested by their children and might not read instructions thoroughly.</p> <p>What about a term in the line of INFORMATION-PROVIDER?</p>	
12	<p>The Notes on p. 22 provide an explanation of what should be reported as Investments in questions 22 & 40. The 3rd paragraph of the Assets section (which begins "Investments also include qualified education benefits or educational savings accounts...") appears to include contradictory language. It states that "Investments include...529 college savings plans" if the student is not the beneficiary, but then goes on to state that "parents of dependent students should not report the value of educational savings accounts for other children." Later in the paragraph, it states that "[f]or a student who must report parental information, the accounts are reported as parental investments in question 40, including all accounts owned by the student and all accounts owned by the parents for any member of the household." This contradicts the earlier statement that parents "should not report the value of educational savings accounts for other children."</p> <p>This language is confusing - please simplify it and make it very clear when a 529 plan must be reported as an investment.</p>	<p>Further revisions were made to the instructions for clarity.</p>
13	<p>Documented students with undocumented parents could previously complete the FAFSA online without parent ID/SSN and mail in a signature page. The proposed new process requiring that all applicants and contributors have a user ID for the new 2024-25 form will mean that contributors without an SSN will have to do the entire process on paper, further complicating the process for those students, delaying processing of their application and thereby possibly reducing amount of aid. Please allow students with undocumented parents to complete process online and mail in signature page as previously done.</p>	<p>FAFSA contributors without an SSN can obtain their own FSA ID beginning in December 2023 and use that FSA ID to complete their section of the student's online FAFSA form. For this reason, there is no longer a need for a signature page.</p>
14	<p>Perhaps I'm missing something, but it appears on the draft that the Investment Asset questions (#22 and #40) do not mention excluding retirement accounts. That would clearly cause confusion and overstatement of assets without that language clearly on the FAFSA.</p>	<p>This is addressed in the "Assets" section of the notes.</p>
15.a	<p>Question #20 & 28, 38, & 45 –</p> <ul style="list-style-type: none"> The IRA rollover field had previously had a note pointing to Form 5498. This was not clear and now there are no instructions (on paper FAFSA or FAFSA prototype). The student/spouse/parents will need some guidance on where to gather this amount. 	<p>The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.</p>
15.b	<ul style="list-style-type: none"> Could the question about the Earned Income Tax Credit (EITC) refer to EIC instead of EITC since the tax return shows only EIC. Could there be instructions with a tax line number for this? (for example, Line 27 of the tax return, Description on tax return is Earned Income Credit (EIC)) 	<p>This change will be made.</p>
15.c	<ul style="list-style-type: none"> For the grant/scholarship amount, why is the amount of grants/scholarships optional? 	<p>FAFSA Simplification Act language states that this information must be collected if the student (or others as applicable) "elect" to report it. It will remain optional for that reason,</p>

		but we will remove “(Optional)” from questions 20 and 38.
15.d	Why is this amount not on the spouse section?	Both the student and parent are instructed in questions 20 and 38 to include the amount their spouse reported on their tax return if they are married.
15.e	Could the “reported as income to the IRS” be in bold letters as was done in 23-24?	This change will be made.
15.f	• Each field from the tax return should refer to the 2022 tax year.	No change. The FAFSA questions reference the 2022 tax return.
16	Question #22 & 40 – Could the instructions for the investments state to NOT include retirement accounts?	This is addressed in the “Assets” section of the notes.
17	Question #42 – This section applies to the “parent spouse or partner” – will this be misinterpreted as “girlfriend or boyfriend” instead of a married spouse or partner?	The instructions on page 3, which are referenced at the beginning of page 18, explain when to provide information about a parent spouse or partner.
18	The date of student/parent marital status was helpful when determining family situations. Since this was removed, we are without this resource for problem solving. Is this something that can be included?	Thank you for your comment. The Department of Education is permitted only to ask questions that are required either (a) to aid in determining eligibility, (b) by the FAFSA Simplification Act, or (c) by the FUTURE Act.
19.a	<p>The Honorable Miguel Cardona Secretary of Education U.S. Department of Education 400 Maryland Avenue S.W. Washington, D.C. 20202</p> <p style="text-align: center;">October 13, 2023</p> <p>The National College Attainment Network (NCAN) represents more than 650 organizations that provide access and success services to students from low-income communities, first generation college-goers, and students of color. We appreciate the opportunity to provide feedback on the final draft of the 2024-2025 FAFSA, as we have on previous drafts, and we are grateful to you for incorporating many of our comments into this version. In particular, we applaud Federal Student Aid (FSA) for removing the question asking applicants if they are transgender. This question would have created a lot of anxiety about who would be able to view applicants’ answers to the question and what would be done with this information. Here are our final comments on the form: FAFSA State Financial Aid Deadlines – We strongly encourage FSA to reach out to state</p>	Thank you for your comment.


	agencies one last time to update state filing deadlines before the form is finalized. The current form has the wrong dates for California and Texas, two large states with thousands of FAFSA filers. The California deadline has been moved to April 2, 2024 and Texas's has been moved to March 15, 2024. It's critical that students have the best information available.	
19.b	1. ITIN Field – The final question of section 1 currently reads “Enter the student’s ITIN if they don’t have an SSN.” This phrasing assumes that every student who does not have an SSN has an ITIN. We recommend changing it to “Enter the student’s ITIN if they have one and do not have an SSN.”	The notes associated with ITIN will be updated.
19.c	2. Assets – In sections 22 and 40 about student and parent assets, the question about businesses and farms uses two different terms to describe a farm. “Investment farms” is in the title of the item and “for-profit agricultural operations” is in the description.	No change. “For-profit agricultural operations” is clarifying text intended to help users answer the question. It is not meant to replace the wording in the associated questions.
19.d	We recommend selecting a consistent term and adding a note that applicants should not include the family home value when determining the net value of the farm.	Further revisions were made to the instructions for clarity.
19.e	Asset Instructions – In the instructions for the asset section, there are several pieces of conflicting information about how to report 529 plans. It is our understanding that, starting with the 2024-2025 FAFSA, for dependent students, the value of the 529 plan for the student whose FAFSA is being filed should be reported in the parent section (if they are required to report assets). It is our further understanding that the value of a 529 plan for any other siblings in the household should not be reported. If our assumptions are correct, there needs to be a major revision to the instructions to clarify who reports that asset and that the student’s plan is the only amount reported. If the student is independent, it needs to be made clear that the 529 plan is reported for the student only in the student section if they are required to report assets.	Further revisions were made to the instructions for clarity.
19.f	3. Release of Paper FAFSA – We encourage FSA to make sure that the paper FAFSA pdf is posted online on the same day that the online interactive version becomes available. We thank you for your time and attention to these changes and look forward to seeing the final version of the form soon.	Thank you for your comment.
20.a	Draft 2024-2025 FAFSA Comments Comments Due: October 16, 2023 Title of the Collection: 2024-2025 Free Application for Federal Student Aid OMB Control Number: 1845-0001 FR Citation: 88 FR 63558	Thank you for your comment. This information is necessary to allow for matching of the parent contributor to the student’s FAFSA form. Without the ability to match their identifiers with those entered by the student,

	<p>ICR Reference No: 202303-1845-006 These comments are submitted by Mark Kantrowitz and David Levy. Online FAFSA The new online FAFSA asks the student to invite their parents or spouse to complete the FAFSA. Part of this invitation section of the FAFSA asks for the parent's or spouse's date of birth and Social Security Number. These questions are stumbling blocks for some students, who don't have this information readily available about their parents. Some parents don't have a Social Security number. Some parents may be resistant to sharing this information with their children. You may wish to make these questions optional, or omit them entirely.</p>	<p>the parent would be unable to enter their information (including their consent and approval) in the student's FAFSA form and the student would be ineligible for federal student aid.</p>
20.b	<p>But, if you do continue to ask for the parent's date of birth, you might want to add some simplistic edit checks, such as whether the parent is age 13 or under and therefore subject to COPPA. This scenario can happen when there is a digit transposition in the parent's year of birth or the student's parents are divorced and the biological/adoptive parent remarried someone who is younger than the student.</p>	<p>Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®) form.</p>
20.c	<p>529 Plans as Investments The language of the draft paper/PDF FAFSA concerning investments was revised to reflect a change in section 480(f)(3)(B) of the Higher Education Act of 1965, due to the FAFSA Simplification Act. The definition of a qualified education benefit in the Higher Education Act was changed from "the parent if the student is a dependent student, regardless of whether the owner of the account is the student or the parent." to "the parent if the student is a dependent student and the account is designated for the student, regardless of whether the owner of the account is the student or the parent." The intention is to exclude 529 plans owned by a dependent student's parents where the beneficiary is a sibling or parent, as opposed to the student. However, the FAFSA instructions appear to have an error that partially inverted this definition. Investments include real estate (do not include the home in which you live), rental property (includes a unit within a family home that has its own entrance, kitchen, and bath rented to someone other than a family member), trust funds, UGMA and UTMA accounts, money market funds, mutual funds, certificates of deposit, stocks, stock options, bonds, other securities, installment and land sale contracts (including mortgages held), commodities, etc. Investments also include qualified educational benefits or education savings accounts (e.g., Coverdell savings accounts and, if the student is not the beneficiary, 529 college savings plans and the refund value of 529 prepaid tuition plans). Parents of dependent students should not report the value of</p>	<p>Further revisions were made to the instructions for clarity.</p>

	<p>educational savings accounts for other children. For a student who does not report parental information, the accounts owned by the student (and/or the student's spouse) are reported as student investments in question 22. For a student who must report parental information, the accounts are reported as parental investments in question 40, including all accounts owned by the student and all accounts owned by the parents for any member of the household.</p> <p>Investments do not include the home you live in, the value of life insurance, ABLE accounts, 529 college savings plans if the student is the beneficiary, retirement plans (401[k] plans, pension funds, annuities, non-education IRAs, Keogh plans, etc.), or cash, savings, and checking accounts reported in the previous question.</p> <p>Investments also do not include UGMA and UTMA accounts for which you are the custodian, but not the owner</p> <p>As written above, the "Investments also include" paragraph excludes 529 plans where the student is the beneficiary and includes 529 plans where the parent is the beneficiary. The "Investments do not include" paragraph excludes 529 plans where the student is the beneficiary. The new language also does not address 529 plans of independent students (regardless of whether the independent student is the account owner or beneficiary).</p>	
20.d	<p>Postage Most printer paper is 20 pounds per ream (500 sheets) of 17 x 22 sheet. Each 17 x 22 sheet contains four 8-1/2 x 11 pages, so the weight of a single 8-1/2 x 11 sheet is 20 pounds / (500 x 4) = 0.01 pounds. There are 16 ounces per pound, so the weight of a single sheet is 0.16 ounces. That means you can get 6.25 sheets per ounce. A standard #10 envelope weighs 0.2 ounces. Thus, five sheets and an envelope weighs one ounce. If you omit the instructions from the printed PDF FAFSA, and print the 14 pages double-sided, that will involve 7 sheets of paper, weighing 1.32 ounces with the envelope. If the applicant mails the full application and instructions, a total of 21 pages, that will add four pages if printed double-sided, yielding a total weight of 1.96 ounces with the envelope. If the applicant prints the application single-sided, it will weigh 2.44 ounces with the envelope. If the applicant prints the application and instructions, it will weigh 3.56 ounces, which is above the limit for a first class letter. These weights have been confirmed with actual printer paper. Current prices for first class stamps are \$0.66 for the first ounce and \$0.24 for each additional ounce. So, mailing a paper FAFSA printed double-sided will cost \$0.90 instead of \$0.66. Accordingly, the FAFSA instructions should advise the applicant that they will need additional postage to mail the FAFSA to the federal processor.</p>	Thank you for your comment. The instructions you've requested are on page 1 in the "Mail Your FAFSA Form" section.

20.e	<p>Parent Education Status The updated draft FAFSA distinguishes between a parent who completed a college education and a parent who attended college but did not graduate. The intention is to identify first-generation college students, who are at risk of dropping out of college. Pages 20, 43 and 153-158 of the book, <i>Who Graduates from College? Who Doesn't?</i>, demonstrates that an inflection point for college completion by first-generation college students occurs when the parents did and did not obtain at least a Bachelor's degree. See especially Tables 196 and 200-203. This suggests that the term "college" in question 15 about parent education status should be defined as Bachelor's degree attainment and not just attending college. Note that some states have different definitions of first-generation college student status, and using Bachelor's degree attainment is the most general definition, that will enable the states to inform all students who may be eligible for additional financial aid.</p>	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.
20.f	<p>Need for Release of Draft Guidance We recommend that the U.S. Department of Education release a draft of the Application and Verification Guide (AVG), since the AVG provides insights into how applicants and contributors should complete the FAFSA.</p>	Thank you for your comment. This issue falls outside the scope of the 2024-25 FAFSA form clearance. Only the FAFSA PDF and the FAFSA Submission Summary are eligible for comments.
20.g	<p>Need for Release of FSA ID Screenshots The FSA ID is a key aspect of filing the FAFSA. However, to date the U.S. Department of Education has released screenshots of only the draft online FAFSA, not the online tools for creating and updating an FSA ID.</p>	Current FSA ID resources are accurate, as students and other contributors with an SSN can complete the FSA ID process at any time. Updated resources will become available in advance of FSA ID updates that reflect the added ability for contributors without an SSN to complete the FSA ID process.
20.h	<p>Implement FSA ID prior to FAFSA The U.S. Department of Education intends to release the 2024-25 FAFSA sometime in December 2023. If possible, please release the tools for creating and updating an FSA ID sooner, so that applicants and contributors can get a head start on obtaining an FSA ID for the 2024-25 FAFSA.</p>	Students and other contributors with an SSN can complete the FSA ID process at any time. Additional functionality to allow contributors without an SSN to complete the FSA ID process will be available at the same time as the 2024-25 FAFSA form.
20.i	<p>FAFSA Overview Videos The links in the FAFSA Overview video, such as studentaid.gov/eligibility, are not clickable. Also, the video mentions an October 1 start date, which doesn't apply this year.</p>	The link referenced is to the current FAFSA Overview video. Videos and other resources related to the 2024-25 FAFSA form and process are currently being updated.
21.a	<p>Draft 2024-2025 FAFSA Additional Comments Comments Due: October 16, 2023 Title of the Collection: 2024-2025 Free Application for Federal Student Aid OMB Control Number: 1845-0001</p>	This change will be made.

	<p>FR Citation: 88 FR 63558 ICR Reference No: 202303-1845-006 These comments are submitted by Mark Kantrowitz and David Levy. Parent Responsible for Completing the FAFSA The FAFSA Simplification Act at 20 USC 1087oo(f)(2) addresses a situation in which the student’s parents are divorced or separated. It specifies that the parent responsible for completing the FAFSA is the parent who provides more financial support to the student: (2) DIVORCED OR SEPARATED PARENTS.—Parental income and assets for a student whose parents are divorced or separated, but not remarried, is determined by including only the income and assets of the parent who provides the greater portion of the student’s financial support It does not, however, specify what happens when neither parent provides more support than the other. Page 4 of the 2023-09-01 version of the draft PDF/paper 2024-25 FAFSA reflects the statutory language, but does not address the situation when neither parent provides more support than the other. Which parent should include information? If the parents are divorced or separated, answer the questions about the parent who provides the greater portion of the student’s financial support, even if the student does not live with them. If this parent is remarried as of today, answer the questions about that parent and the stepparent.</p>	
21.b	<p>The 2024-25 FAFSA Prototype, however, provides conflicting and confusing instructions in this scenario. First, it tells the student to refer to the parent with the “greater income <i>or</i> assets.” Did one parent provide more financial support than the other parent over the past 12 months? <i>If both parents provided an exact equal amount of financial support or if they don’t support the student financially, select “No,” and refer to the parent with the greater income or assets in the next question.</i> Then, it tells the student to refer to the parent with the “greater income <i>and</i> assets.” Has the parent you identified in the previous question remarried? <i>Remember, this applies to the parent with the greater income and assets.</i> So, which one is it? Greater income or assets, or greater income and assets?</p>	This change will be made.
21.c	<p>Also, how does the student decide which parent to identify when one parent has greater income and the other parent has greater assets? If you meant “plus” instead of “and” and “or”, that creates a false equivalency of income and assets. For example, the lower income parent could have received the house in the divorce. That doesn’t mean that they have greater financial strength, even if the other (much higher income) parent has no assets because they spend all of their income. (Remember, the FAFSA has not yet defined assets at this point to exclude the principal place of resident and</p>	This change will be made.

	<p>qualified retirement plan accounts, nor has it defined it as the net worth of the assets after subtracting debt secured by the assets from the market value of the assets.) Students are going to get really confused by this. We recommend changing the language from “greater income or assets” and “greater income and assets” to just “greater income.” Alternatively, you could substitute “refer to the parent with greater income. If the parents have the same income, then refer to the parent with greater assets.” Here’s a screen snapshot that shows these conflicting questions.</p> <p>Tell Us About the Student’s Parents</p> <hr/> <p>On the FAFSA® form, the “parent” is the student’s legal (biological or adoptive) parent.</p> <p>Are the parents married to each other?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <hr/> <p>Do the parents live together?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <hr/> <p>Did one parent provide more financial support than the other parent over the past 12 months? <i>If both parents provided an exact equal amount of financial support or if they don’t support the student financially, select “No,” and refer to the parent with the greater income or assets in the next question.</i></p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <hr/> <p>Has the parent you identified in the previous question remarried? <i>Remember, this applies to the parent with the greater income and assets.</i></p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <hr/> <p> Provide Information for This Parent Only Based on your answers in the previous section, you’ll need to provide information about only this parent on the FAFSA® form. You can invite this parent to the form and have them complete their required sections.</p>	
22.a	<p>Comments on the proposed 2024-2025 Free Application for Federal Student Aid (FAFSA®) (Docket ID ED-2023-SCC-0053</p> <ul style="list-style-type: none"> • In the Completing the FAFSA Form section: <ul style="list-style-type: none"> ◦ In the “Which parent should include information?” section, ED instructs applicants, “If the parents are divorced or separated, answer the questions about the parent who provides the greater portion of the student’s financial support, even if the student 	This change will be made.

	<p>does not live with them.” We believe this will lead to questions about a timeframe for when the greater portion of support was provided since that may vary for applicants. ED should be clearer in the instructions on the timeframe applicants should use.</p>	
22.b	<ul style="list-style-type: none"> ○ In the online FAFSA demo in the Parent Wizard, ED instructs applicants whose divorced or separated parents provide an exact equal amount of financial support to the student to use the parent with the greater income or assets as the parent of record. The use of the word “or” is problematic because one parent could have a higher income and the other could have more assets. We recommend ED change the language to the “greater of income plus assets” to avoid confusion. 	This change will be made.
22.c	<ul style="list-style-type: none"> ● The FAFSA Privacy Act Statement includes a new section headed “Opportunity to Contest or Amend Tax Information,” which instructs applicants to contact a financial aid administrator at their postsecondary institution if they have questions about or need to access their federal tax information. We fear applicants will mistakenly report postsecondary institutions to the Ombudsman Office when they are told they cannot contest or amend their FTI via the institution, resulting in confusion and wasted time for applicants, institutions, and the federal Ombudsman. The section should be renamed, “Opportunity to Access Your Federal Tax Information” to more accurately represent what students can expect from postsecondary institutions with respect to their FTI. 	This change will be made.
22.d	<ul style="list-style-type: none"> ● The Federal Tax Information (FTI) Consent and Approval, as well as the Signatures section include new language, “By filling in the circle (accepting)...” This language is confusing because the applicable circles for each contributor do not appear until later in the form. We recommend adding language to read, “By filling the circle in Questions 24, 29, 41, and/or 46,” for clarity. 	This change will be made.
22.e	<ul style="list-style-type: none"> ● Question 8: We recommend ED add clarifying text instructing applicants that “unusual circumstances” are listed in Question 7. We offer the suggested change: “Are the student’s parents unwilling to provide their information, but the student doesn’t have an unusual circumstance such as those listed in Question 7 that prevents them from contacting the parents or obtaining their information?” Unusual circumstances have a precise meaning for purposes of this question, and we believe students would be better able to answer Question 8 accurately if they were referred back to the description of unusual circumstances in Question 7. 	This change will be made.
22.f	<ul style="list-style-type: none"> ● Questions 9 & 34 add a condition to the explanatory text for the student’s/parents’ other children who don’t live with the student/parent(s) stating they should be included in family size “...even if they live apart due to college enrollment. The new language appears to exclude from family size any dependents of the student or parent who do not live with them unless the reason they do not live with the student or parent is because of college enrollment. <ul style="list-style-type: none"> ○ We recommend that if ED retains the language referring to college enrollment, it is described as only one example of an instance where a family member is included in family size despite not living full-time with the family, and provide additional 	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.

	instructions as to whether and how temporary absences of any kind should be factored in.	
22.g	<ul style="list-style-type: none"> ● Question 16 asks applicants if their parent or guardian was killed in the line of duty while (1) serving on active duty as a member of the armed forces on or after September 11, 2001, or (2) performing official duties as a public safety officer. However, the 2024–25 FAFSA® Specifications Guide, Volume 6, ISIR Guide includes separate indicators for Iraq and Afghanistan Service Grant (IASG) and Children of Fallen Heroes (CFH) eligibility. <ul style="list-style-type: none"> ○ With only a single FAFSA question to identify both statuses, it is not clear how the Federal Processing System can determine which indicator to set on the ISIR. <ul style="list-style-type: none"> ■ We recommend ED change the response options from “Yes” or “No” to “1” or “2” to describe which of the special rules for Pell Grant eligibility the student qualifies under and to set the appropriate ISIR indicator based on their response. 	Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®) form.
22.h	<ul style="list-style-type: none"> ● Also in Question 16, we recommend that ED change “armed forces” to “U.S. armed forces” in accordance with the definition of armed forces in 10 U.S.C., §101(a)(4) as “the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.” 	This change will be made.
22.i	<ul style="list-style-type: none"> ● Questions 18 and 36 ask students and parents about means-tested benefits receipt. There are several issues with how the question is asked and how instructions to skip questions are written. <ul style="list-style-type: none"> ○ The FAFSA Simplification Act specifies ED must request on the FAFSA information on means-tested benefits “the applicant receives or has received any of the following means-tested Federal benefits within the last two years.” <ul style="list-style-type: none"> ■ The corresponding FAFSA questions ask if the applicant or parent received means-tested benefits “...at any time during 2022 or 2023.” This does not address situations where the applicant or parent currently receives a means-tested benefit at the time they complete the FAFSA. 	With consideration of the 15-month open cycle of FAFSA applications, the specific timeline of what accounts for within the “last 2 years” is provided to maintain consistency in reporting across FAFSA data elements and FAFSA applicants within the 15-month open cycle. A school maintains the authority to consider a professional judgement to account for means-tested benefits after the year provided in the FAFSA text.
22.j	<ul style="list-style-type: none"> ■ ED should update instructions to permit students who complete the paper FAFSA to skip asset questions if they received means-tested benefits that exempt them from having assets factored into their eligibility. 	This change will be made.
22.k	<ul style="list-style-type: none"> ■ Finally, we urge ED to remove the free and reduced-price school lunch program from the list of means-tested benefits. During the pandemic, nearly all states moved their students into the free and reduced-price lunch program and today, many states are continuing to provide that benefit for their students. Therefore, this is no longer a suitable proxy for low-income status. 	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
22.l	<ul style="list-style-type: none"> ● ED should update IRS form line item references for all tax return questions, as many are inaccurate or missing. 	Further revisions will be made to align with input from the Internal Revenue Service(IRS).
22.m	<ul style="list-style-type: none"> ● Questions 20 and 38 ask for “Amount of college grants, scholarships, or AmeriCorps benefits reported as income to the IRS (Optional).” Making it optional on the paper form seems to add little value and, in fact, could harm students who will skip the question, when completing it could result in additional eligibility for student aid. ED can still treat it as optional 	This change will be made.

	in processing without discouraging students from completing this question.	
22.n	<ul style="list-style-type: none"> • Questions 21 and 39 instruct applicants and their parent to report child support received for the last complete calendar year. Given that applicants may be completing the FAFSA in any one of three different calendar years, the amount of child support for the last complete calendar year may be very different based only on whether the FAFSA was filed on December 31 or January 1. We recommend using the prior-prior year's child support received for consistency. 	Thank you for your comment. This question is worded in accordance with the statutory or regulatory requirements defined by the FAFSA Simplification Act Section 483(a)(2)(B)(ii)(XIV) (aa).
22.o	<ul style="list-style-type: none"> • Question 37 and Question 44 have a new tax filing option: "Either the parent earned income in a foreign country but did not and will not file a foreign tax return or worked for an international organization and was not required to report income on any tax return. International organizations include, for example, the United Nations, World Bank, and International Monetary Fund." but there are no instructions for how to answer Question 38 and Question 45 if that response is selected. We recommended in the 60-day comment period that ED add instructions for how to answer questions 38 and 45 when parents select this option in Questions 37 and 44, and we disagree with ED's response that the current instructions provide adequate guidance. 	This change will be made.
22.p	<ul style="list-style-type: none"> • In the "Notes" section: <ul style="list-style-type: none"> ○ The changes ED made to the asset instructions with respect to when qualified education benefits are considered investments are still confusing despite changes made since the first FAFSA draft was issued, and also contain some inaccuracy. <ul style="list-style-type: none"> ■ We recommend ED change instructions to read, "Investments also include qualified educational benefits or education savings accounts (e.g., Coverdell savings accounts and, if the student is not the beneficiary, 529 college savings plans and the refund value of 529 prepaid tuition plans.) Such accounts should be reported as the asset of the owner of the account, unless the account owner is a dependent student, in which case the value of the account should be reported as a parent asset." 	Further revisions were made to the instructions for clarity.
22.q	<ul style="list-style-type: none"> ■ The language, "Parents of dependent students should not report the value of educational savings accounts for other children" should be removed since that is not correct. 	Further revisions were made to the instructions for clarity.
22.r	<ul style="list-style-type: none"> ■ We also recommend removing the language, "Investments do not include... 529 college savings plans if the student is the beneficiary..." because this is not correct. 	Further revisions were made to the instructions for clarity.
22.s	<ul style="list-style-type: none"> ○ The Business/Farm Instructions are identical to the 2023-24 instructions despite the significant change to include small businesses and family farms. Families need clear instructions on how to separate their residence and non-farm land from their farms. <ul style="list-style-type: none"> ■ There must be a clear way for families to establish whether their property is considered a farm for asset reporting purposes on the FAFSA. We recommend instructing families that if they own property for which they file an IRS Schedule 	Further revisions were made to the instructions for clarity.

	E or F where they report any type of farm income, that the property in question is a farm since those schedules appear to capture all types of income or losses generated from farming.	
22.t	<ul style="list-style-type: none"> ■ ED must also provide clear instructions about how to treat a primary residence that is on family farmland. Families that don't own farms are able to exclude both the dwelling and the land it sits on from assets on the FAFSA under the primary residence exemption. We recommend ED use language such as "the land you/your family lives on that is not used for farming" to describe what can be excluded from asset reporting.enhancement 	Further revisions were made to the instructions for clarity.
23	I recognize that the process of updating the FAFSA to reflect the FUTURE Act and the FAFSA Simplification Act has been long and challenging. I would like to thank the FSA team for doing an outstanding job of recognizing the potential unintended consequences of the changes, particularly as they potentially could impact lower-middle income families with multiple children attending college and/or coming from family farms. Between the guidance provided and the opportunity for impacted families to request professional judgment, I think the FSA team has done a great job of smoothing the pathway to college and to financial aid. Thanks to your diligent efforts, families won't have to choose which child gets to go to college - and rural students, who already face many challenges, including living in educational deserts, will still have access to the Pell grants that enable so many students to invest in their future and reach the middle class and beyond.	Thank you for your comment.
24.a	<p>Kun Mullan PRA Coordinator Strategic Collections and Clearance Governance and Strategy Division Office of Chief Data Officer Office of Planning, Evaluation and Policy Development</p> <p>Dear Ms. Mullan:</p> <p>Thank you for the opportunity to respectfully provide comment on the revised draft of the 2024-25 Free Application for Federal Student Aid (FAFSA®) (Docket ID ED-2023-SCC-0053). Please apply the below comments related to the paper FAFSA to the online form as well, since we do not have the benefit of previewing the online form at this time.</p> <p>1. Page 3 – Where current terminology states "Parent Spouse or Parent Partner", we think this will cause confusion. We can see a parent who lives with a "partner" who is not the biological parent of the student thinking they must list the "partner's" information on the FAFSA.</p>	The instructions on page 3, which are referenced at the beginning of page 18, explain when to provide information about a parent spouse or partner.
24.b	2. Page 4 – In the "Which parent should include information?" section, applicants are instructed "If the parents are divorced or separated, answer the questions about the parent who provides the greater portion of the student's financial support, even if the student does not live with them." We expect this to lead to questions about the timeframe for when the	This change will be made.

	greater portion of support was provided. If ED could be clearer in the instructions on the timeframe applicants should use, that will reduce confusion.	
24.c	3. In the online FAFSA demo in the Parent Wizard, applicants with divorced or separated parents who provide an exact equal amount of financial support to the student are instructed to use the parent with the greater income or assets as the parent of record. The word “or” is a concern here because one parent could have a higher income and the other could have more assets. Changing this to the “greater of income plus assets” would alleviate this concern.	This change will be made.
24.d	4. Page 10 – Under Federal Benefits Received, clarification is needed with the question on receipt of Means tested benefits. If the entire school received free lunch, then the student/parent should know from the question if they can answer yes to this question or if the student/parent have to qualify for the free or reduced lunch based on income. Additional guidance needs to be provided.	Please refer to comment 22.k .
24.e	5. Page 11 and Page 17 – Questions 21 and 39 instruct applicants and their parent to report child support received for the last complete calendar year. Applicants may be completing the 2024-25 FAFSA in three different calendar years, leading to inequity in the timing of required data across applicants. Using the prior-prior year’s child support received would provide consistency among applicants.	Thank you for your comment. This question is worded in accordance with the statutory or regulatory requirements defined by the FAFSA Simplification Act Section 483(a)(2)(B)(ii)(XIV) (aa).
24.f	6. Page 22 – Investment farm is not adequately defined for families, who will have questions as to which business and farm assets must be reported. Many people engage in farming activities but do not consider their property to be a farm, while others receive income from farming but do not engage in farming themselves. Many families reside on their farms and will need clear instructions on how to separate their residence and non-farm land from their farm value. If the intention is for families that own property for which they file an IRS Schedule E or F and report farm income, then that should be indicated in the instructions. Additionally, instructions are needed for treatment of a primary residence that is on family farmland, similar to how families not on farms are able to exclude both the dwelling and the land it sits on from being reported as assets on the FAFSA.	Further revisions were made to the instructions for clarity.
24.g	7. Page 22 – The last sentence of the directions regarding 529 under Investments on page 22 is confusing: “For a student who must report parental information, the accounts are reported as parental investments in question 40, including all accounts owned by the student and all accounts owned by the parents for any member of the household.” This does not match the sentence earlier in that paragraph, which states “Parents of dependent students should not report the value of educational savings accounts for other children.” In closing, PHEAA would like to thank the U.S. Department of Education (ED) for the opportunity to provide feedback on the revised draft 2024-25 FAFSA. PHEAA, as the	Further revisions were made to the instructions for clarity.

	<p>administrator of the nation's fifth largest need-based state grant program, recognizes that this is the optimal application process for low-income students who benefit the most from Pennsylvania State Grant dollars.</p> <p>Please do not hesitate to contact me at elizabeth.mccloud@pheaa.org or at 717-720-1600 if you have any questions regarding these comments.</p> <p>Sincerely, Elizabeth K. McCloud Vice President PA State Grant & Special Programs</p>	
25.a	<p>This Draft FAFSA (as compared to prior years' PDF FAFSAs) has recast all of the questions in the third person rather than the second person, which is difficult to follow and unnecessarily wordy and complicated. In previous PDF FAFSAs, questions were asked of respondents in the second person. For example, on the 2023-2024 PDF FAFSA, question 26 reads "What will your college grade level be when you begin the 2023-2024 school year?" The 2024-2025 draft PDF FAFSA asks the same question in section 4 with less clear wording: "When the student begins the 2024-25 school year, what will their college grade level be?" The rationale for this shift is unclear—the third-person framing is strained, impersonal, bureaucratic, and confusing.</p>	<p>Thank you for your comment. The use of third person is in response to preferences expressed by both students and parents during usability testing.</p>
25.b	<p>The "Student Spouse" wording is also confusing. It suggests that the contributors this section is a spouse who is also a student, rather than the applicant's spouse. It would be clearer to call this section "Student's Spouse" and include this apostrophized term in all subsequent references to the student's spouse. Again, the questions be posed directly to the individual required to complete the section—i.e., with the 2nd person "you" phrasing instead of the unnecessarily stilted 3rd person phrasing. The "Parent Spouse or Partner" has the same word choice issues described above with regard to the student's spouse. "Parent's Spouse or Partner" is clearer and more precise. For both the "Parent" and "Parent's Spouse or Partner" sections, recasting the questions so they are posed directly to the person submitting the information (i.e., in the 2nd person) would improve clarity and simplicity.</p>	<p>Thank you for your comment. The Department of Education considers this suggestion a stylistic preference.</p>
26	<p>The FAFSA form still uses the heading Current Net Worth of Businesses and Investment Farms. It was my understanding that the law changed to require both family farmers and investment farmers to submit their net worth. The term investment farm refers to an agricultural business operation that is purchased and operated for financial gain. The intention of investing in a farm may be to generate a profit or to create a tax deduction for the owner. Investment farms are owned by institutional investors who generally don't live on the farm or take part in any of the day-to-day operations. As such, the investor generally hires farmhands and other employees to do the actual farming. A family farm, on the other hand, is a farm that is owned and operated by a family, especially one that has been handed down from one generation to another. The owners of the farm are completely at risk and do take part in the day-to-day</p>	<p>The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.</p>

	<p>operations. Investment farmers have traditionally had to report their net worth on the FAFSA. If the law change is to be properly clarified, the term 'investment' should be removed from the question. It should be updated to "Current Net Worth of Businesses and Farms" - unless the intention of the law is to only capture the value of investment farms - which would constitute no change to the way this question has been handled in the past.</p>	
27.a	<p>I am most grateful to be permitted an opportunity to provide comments regarding the 2nd draft of the 2024-2025 FAFSA dated September 1, 2023.</p> <p>For more than three decades, I have been the author of The Princeton Review's "Paying for College" annually-updated guidebook. In the past, some of the suggested language I provided to employees of the Department have been implemented. Additionally, for one year's form – at the time when millions of paper copies of the form were printed and mailed to schools and libraries - I detected an error with an IRS line reference in the early part of the print run and before any printed were shipped. The Department was most appreciative to me for pointing out the problem with the form, thereby avoiding a problem with erroneous information on the FAFSA.</p> <p>In my comments that follow, there are a number of items I wish to address:</p> <p>Item 1. Various problems with the ambiguous and confusing language in the Notes on page 22 of the second draft of the 2024-2025 FAFSA regarding the treatment of certain investments i.e. Coverdells, 529 plans, etc. Additionally, the text in the 2nd draft does not follow the law.</p> <p>I realize that in the prior 60 -day comment period for the first draft, the issue was raised about such accounts owned for the benefit of other individual (for example, siblings of the applicant) not being required to be reported as an asset. After the comment period ended, various employees of the Department in response to questions raised in webinars indicated that such accounts need not be reported.</p> <p>But now with this 2nd draft of the 2024-2025, the instructions on page 22 seems to be saying the opposite in some of the text. That is, include the value of such accounts for beneficiaries other than the applicant, but not the applicant. Though there is conflicting text in another sentence mentioning to include the value of accounts for all members of the household (which always includes the applicant.)</p> <p>I believe that both the earlier position of the Department over the summer as well as the wording on the 2nd draft of the FAFSA do not follow the law.</p> <p>The commenter for the 1st draft, the National Association of Financial Aid Administrators ("NASFAA") was correct when citing there being a mention of the treatment of these accounts in Section 480 (f) (3) (B) of the legislation in their submitted comments. However I believe the flaw in NASFAA's interpretation of the law involves the language in Section 480 (f) (1) of the law. In that section of the law, the language states that "The term 'assets' means.....qualified education benefits (except as provided in paragraph (3))....".</p> <p>The key word in that part of the Section (f) (1) is the word "except".</p> <p>NASFAA's interpretation of the law in its comments would indeed have been correct if the</p>	<p>Further revisions were made to the instructions for clarity.</p>

	<p>wording was instead "...as provided in paragraph (3))...". In that case, then Section 480 (f) (3) (B) would be the rule. Comment: Though if that were the wording (which it is not), then it follows there would have been no need for the law to mention qualified education benefits in Section 480 (f) (1) at all.</p> <p>But the word "except" in Section 480 (f) (1) of the FAFSA Simplification legislation means that Section 480 (f) (1) is the general rule and that Section 480 (f) (3) (B) only covers one situation that overrides the general rule.</p> <p>As such due to the word "except" being included in Section 480 (f) (1): All qualified education benefits are to be reported if owned by an individual required to report information on the FAFSA (in which case they are to be considered as an investment of that individual regardless of the beneficiary) except that if a dependent student owns such a qualified education benefit, then such a student-owned qualified educational benefit is to be considered an investment of the parent (and not an investment of the student applying for aid).</p> <p>Therefore, the FAFSA Simplification legislation has not really changed anything in terms of how the value of such Coverdells and 529 plans are to be reported on the FAFSA when compared to the regulations in place for many prior years.</p> <p>The only change with Simplification relating to these qualified education benefits involves distributions in the PPY year from such plans owned by others not required to report financial information on the FAFSA (for example, an account owned by a grandparent) as such distributions will no longer be considered untaxed income of the applicant starting with the 2024-2025 version of the FAFSA.</p> <p>Unfortunately the new language on page 22 of the second draft of the FAFSA regarding what to include and what to exclude is ambiguous and contradictory. And that new language seems to draw distinctions between Coverdells Education Savings Accounts (ESAs), 529 prepaid plans and 529 savings plans in their treatment.</p> <p>This new language in the second draft of the FAFSA is all being promulgated even though the FAFSA Simplification legislation does not mention any of these carve-outs involving accounts to be excluded. For ease of reference: I have attached another PDF file with the relevant parts of page 22 of the FAFSA draft and the relevant part of the legislation involving the key parts of section 480 highlighted on both pages.</p>	
27.b	<p>The FAFSA instructions on page 22 regarding these accounts have other problems as well, that include:</p> <p>* The use of the abbreviation e.g. since e.g. is a Latin abbreviation for the words "exempli gratia" which mean "for example". This abbreviation is used that widens the description of the item. That is, some examples are given but the list is not complete. So an applicant could assume there are other types of accounts covered, when the legislation is very specific when defining those accounts that are qualified tuition benefits. The Latin abbreviation i.e. is an</p>	This text will be revised.

	<p>abbreviation of “id est” which translates to mean “in other words”. I.e. narrows the description to better define only those items that meet the parameters of the term before the i.e. abbreviation. Therefore, i.e. should be used and only the types of the accounts mentioned in the law should be included after the abbreviation.</p>	
27.c	<p>* Mentioning accounts owned by the parents "for any member of the household" is another problem. Such wording means that accounts owned by a parent for someone not a member of the applicant's household are then to be excluded. The law does not provide for any such exclusion of these accounts for non-members of the household.</p>	Further revisions were made to the instructions for clarity
27.d	<p>* The wording about not including 529 plans if the student is the beneficiary makes no sense in the next paragraph covered the various assets not to include , given the text at the end of the prior paragraph on page 22 of the draft. If something is to be written in that paragraph about these accounts it would be to not include qualified education benefits if the student is the beneficiary of an account owned by someone not required to report their financial information on the FAFSA. <u>underlined</u>). And if such language is to be included in that paragraph regarding excluded assets, the text should be changed to refer to <u>qualified education benefits (and not just 529 savings plans)</u>.</p>	Further revisions were made to the instructions for clarity
27.e	<p>* Regarding Coverdell Education Savings Accounts (“ESAs”): the text on page 22 of the 2nd draft of the FAFSA is also problematic. The Coverdell ESAs are different than 529 plans in terms of ownership. That is, with a 529 the owner retains ownership unless an election is made to change the ownership at a later date (or the ownership changes due to the death of the owner). With Coverdells, generally a parent or grandparent is the owner while the beneficiary is a minor. But then things get complicated once the beneficiary reaches the age of majority in their state of residence . Unless an election was made for the initial owner to retain ownership of the Coverdell after the beneficiary reaches the age of majority (with such election needing to be made <i>when the Coverdell was established</i>), the ownership of the Coverdell ESAs will then automatically pass to the student when the student reaches that age of majority defined by their state . The FAFSA instructions to exclude "educational savings accounts for other children" does not follow the law if any other said child is still a minor. For a minor child, the Coverdell would still be the asset of the parent (if the parent is the owner). Perhaps the Department was not aware of this quirk with Coverdell ownership (which is not well known). And one has to also wonder what the words "education savings accounts" mean on page 22. Is it referring only to Coverdell Education Savings Accounts - given non-prepaid 529s are known as "savings plans" (and not "educational savings accounts" even though one's plan bears an account title e.g., Name of Owner FBO Name of Beneficiary. Or does the term "education savings accounts" include something else in addition to Coverdell ESA – though some other type of education savings account would not be a qualified education benefit. Note: The term in the law is “qualified education benefit”, so the word “educational” on page 22 of the draft is not the proper middle word to use.</p>	Further revisions were made to the instructions for clarity

	<p>Because the text on page 22 regarding qualified education benefits is so problematic - and more important, does not follow the law - here is some suggested text that follows the letter of the law for you to consider using instead:</p> <p>Investments also include qualified education benefits [i.e. any Coverdell Education Savings Accounts (ESAs), 529 savings plans, 529 prepaid plans or other prepaid tuition plan offered by a State]. With one exception, the current value of any qualified education benefit owned by an individual required to report information on this application is to be reported as the asset of the current owner, regardless of the beneficiary. Exception: The value of any qualified education benefit owned by a dependent student required to report parent information on this form should be reported as a parental investment in questions 40 (and not reported in a student investment in question 22.</p>	
27.f	<p>Item 2: An additional question to add. In the responses to the comments published by the Department in September 2023 ""60 Day Comment Response Summary", the Department's response to the first comment cites "The Department is permitted to only ask questions that are required either a) aid in determining aid eligibility...."</p> <p>The question is am proposing to be added is therefore permitted under the law because it aids in determining aid eligibility for SEOG, federal Word-study, and a subsidized Direct Loan, and possibly the amount of the Pell Grant if the student will not receive the minimum or maximum Pell Grant.</p> <p>And indeed, the text in the middle of the left column on Page 3 in the section "How much student financial will I receive/" also clearly indicates that this question needs to be added as financial need is defined as the difference between the cost of attendance and one's SAI. Then text in the first sentence alludes to the "information on the FAFSA></p> <p>Given the financial aid administrator needs to know the proper cost of attendance, a question needs to be asked about the housing option. In this way, "information on the FAFSA" can be used by a college's financial aid office to determine the proper Cost of Attendance and therefore the financial need of the student. There is no doubt this would fit the criteria to be permissible to be asked as it would "aid (the financial aid office) in determining aid eligibility" for federal aid programs. Page 3 of the draft also mentions the student's college will be responsible for determining the amount of aid. Therefore, the aid office clearly needs this information on the student's FAFSA.</p> <p>In summary, this question is permitted to be asked under the law and should be added.</p>	Thank you for your comment.
27.g	<p>Item 3: The response oval with the pre-printed minus sign involving the tax return information for the student, the student's spouse, the parent, and the parent's spouse /partner for the identical question involving the "Foreign earned income exclusion". Unlike other questions in the income tax return information sections that have this oval with a minus sign to the left of the response area for one to list the dollar amount in which a response can be a positive or a negative number (and so needs to be designated if it is a negative number by filling in the oval), the foreign earned income exclusion can only be a negative number on the tax return (which is why the IRS has printed parentheses for line 8d on Schedule 1. The oval with the</p>	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.

	minus sign is therefore unnecessary – and its inclusion will only add to confusion. To clarify this item, it would be beneficial to add text such as: “List as a positive number” after the IRS line reference text on the FAFSA.	
27.h	Item 4: Other miscellaneous issues. * The text at the top of Page 1 regarding deadlines for the school having the information does not follow current Department policy in which the only requirement is for the FAFSA to be processed with an EFC appearing on the SAR. The information need not be correct, just true and complete to the best of one’s knowledge and the school need not be listed. The wording should be changed because of this. And the wording is also misleading because it implies one can drop of the completed aid form at the financial aid office of the school by the end of the enrollment period.	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.
27.i	* In that same section, it would be better to add the comment about the online filing at the beginning of that text.	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.
28.a	October 16, 2023 Kun Mullan, PRA Coordinator 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 400 Maryland Ave. SW Washington, DC 20202 Re: 2024-2025 Free Application for Federal Student Aid (FAFSA), OMB Control Number 1845-001, ICR Reference Number 202303-1845-006, Docket ID ED-2023-SCC-0053 Via: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202303-1845-006 Thank you for the opportunity to submit comments on the 2024-2025 FAFSA. SchoolHouse Connection has significant expertise in youth and young adult homelessness. We provide direct assistance to help these young people access financial aid and complete postsecondary education. We also provide training and development for professionals who serve them. We thank the U.S. Department of Education (“Department”) for its work to date to ensure that the homelessness-related provisions of the <i>FAFSA Simplification Act</i> are correctly implemented. However, there are a few remaining concerns that must be addressed in order for the FAFSA to comply with the statute and remove barriers to unaccompanied youth experiencing homelessness and unaccompanied youth who are self-supporting and at risk of homelessness (collectively, “UHY”). Homelessness Screen Text (after Question 6): In the most recent prototype of the 2024-2025 FAFSA, an applicant who answers “yes” to the homeless filtering question (Question 6) but	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.

	<p>then selects “none of these apply” to the subsequent question (indicating that they do not have documentation from one of the individuals who are authorized to make UHY determinations), is shown the following message:</p> <p><i>Provisionally Independent Student</i> <i>Based on your answer, you're a provisionally independent student. This means you don't need to answer questions about your parents to submit your application.</i> <i>To complete your application, you'll need to contact your school's financial aid office and provide documentation to verify your circumstances.</i></p> <p>2 <i>We won't be able to calculate your Student Aid Index (SAI) until you confirm your circumstances with your financial aid office. Until then, we will only provide an estimate of your federal student aid eligibility as an independent student.</i></p> <p>This message conflicts with the Higher Education Act (HEA), as amended by the <i>FAFSA Simplification Act</i>. Under the statute, the question on homelessness on the FAFSA must be distinct from questions related to provisional independence [Sec. 483(2)(B)(v)], and the process of determinations for unaccompanied youth also must be distinct from determinations of provisional independence [Sec. 479D(a)(3)]. As currently constructed on the prototype, the resulting screen from the homelessness question is conflated with provisional independence, despite clear requirements that they be distinct and separate.</p>	
28.b	<p>The message also states that the applicant must provide documentation to verify their circumstances. But under the <i>FAFSA Simplification Act</i>, if a youth cannot provide documentation from one of the authorized individuals specified in the law, the financial aid administrator must determine their status based on either a written statement from, or a documented interview with, the student. The youth is not required to provide any additional documentation; it is clearly the financial aid administrator's responsibility to make the determination and document it. These statutory changes were specifically intended to relieve students of the burdens of filing additional paperwork and being subjected to intrusive questions about their circumstances.</p> <p>We are very concerned about the harmful consequences of this message, which states that UHY applicants are provisionally independent. The message will create anxiety and stress for youth who have already indicated that they are homeless and do not have documentation from a particular authorized individual or entity. As a result of the erroneous instructions conveyed in the message, these youth are likely to seek documentation that is difficult and/or impossible to obtain, and that re-traumatizes them – or, they may simply give up on financial aid and cease their pursuit of higher education.</p> <p>These are the very outcomes the <i>FAFSA Simplification Act</i> was designed to prevent. Counselors, advisors, and other college access professionals who see this message when they try to assist UHY applicants also may be confused and could incorrectly send youth down the path of provisional independence, which is a more complex and uncertain route to financial aid.</p>	<p>The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.</p>

	<p>Although we understand the Department’s position that UHY applicants who complete the FAFSA should still be treated in accordance with the statute by their financial aid office on the back end, we are very concerned that such applicants—having been sent down the provisionally-independent path and told that they must provide additional documentation—may not make it that far: Discouraged by the erroneous message, they may never complete the FAFSA. Thus, it is critical that the language on the FAFSA itself be corrected as well.</p>	
28.c	<p>3</p> <p>We recommend that the resulting screen text for an applicant who indicates that they are an unaccompanied homeless youth (or unaccompanied, self-supporting, and at risk), state as follows:</p> <p>Determination of Homelessness <i>You have indicated that you are unaccompanied and either (1) experiencing homelessness or (2) self-supporting and at risk of experiencing homelessness. Your financial aid administrator is required to make a determination of your status based on a written statement from you, or a documented interview with you, in time for you to be able to receive financial aid. Please contact your school’s financial aid office to complete this process.</i></p> <p>This recommended text aligns with the requirements of the <i>FAFSA Simplification Act</i> and directs the student to follow up in the most effective and expeditious manner.</p> <p>If for this cycle, the Department is not able to have different screens for UHY applicants and applicants who are actually provisionally independent (via question 7), we would, at a minimum, suggest replacing the screen with text that acknowledges the differences between those two processes and avoids creating confusion. For example, the text could read:</p> <p>You Can Proceed Without Parent Information <i>Based on your answers to the previous question, you can now proceed without answering questions about your parent(s). However, to fully complete your financial aid process, you will need to contact your school’s financial aid office.</i></p> <p><i>If you have indicated that you are unaccompanied and either (1) homeless or (2) selfsupporting and at risk of being homeless, your financial aid administrator is required to make a determination of your status based on a written statement from you, or a documented interview with you, in time for you to be able to receive financial aid. Please contact your school’s financial aid office to complete this process.</i></p> <p><i>If the previous paragraph does not apply to you, but you are not in contact with a parent, or contacting a parent would pose a risk to you, you will need to speak with the financial aid office to verify your circumstances. We won’t be able to calculate your Student Aid Index (SAI) until you confirm your financial aid office makes this determination. Until then, we will only provide an estimate of your federal student aid eligibility as an independent student.</i></p>	<p>The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.</p>
28.d	<p>Homelessness Pop-Up Help Text: In the current 2024-2025 FAFSA demonstration, there is no longer any pop-up text to help students answer the question about homelessness. Many students who are experiencing homelessness don’t know that they meet the definitions of</p>	<p>Help text is a limitation stated in the “Functionality Limitations” section of the FAFSA prototype introduction. FAFSA</p>

	<p>4 homelessness. For example, in a recent survey of the basic needs of community college students in California, 1 in 10 students self-identified as experiencing homelessness, but <i>one in four</i> exhibited living conditions that meet the definition of homelessness.¹ We request that the relevant help text be added back to both the filtering question and to the list of determination sources to help students determine whether they meet the statutory definitions.</p>	<p>question 6 will have an associated help topic when the online FAFSA is released.</p>
28.e	<p>Homelessness Filter Question Text (question 6): We urge the Department to modify the period referenced for when the student may have been experiencing homelessness, or at risk of homelessness. Specifically, we ask that the timeline state “during 2022 or 2023,” or “during the previous two years.” This is consistent with prior-prior year (or the previous two years), as used elsewhere throughout the FAFSA. Moreover, it will ensure that more students experiencing homelessness, or at risk of homelessness, can be identified and supported by their states and institutions. There was a sharp decline in unaccompanied homeless youth determinations during the pandemic. For example, between 2019-2020 and 2021-2022, the number of unaccompanied homeless youth determinations decreased by 23%. Over this same period, the requests for homeless determinations for the 2021-2022 application cycle increased by 28%.</p>	<p>The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.</p>
28.f	<p>We urge the Department to take every step to remove barriers to financial aid for these youth and young adults. Homelessness Question Label: The current label of the homelessness question – “Student Other Circumstances” – is too similar to other terms on the FAFSA and is likely to confuse students and the professionals who serve them. We therefore request that the label of this question be made clearer and more specific, such as “Experience with Homelessness” or “Youth and Young Adult Homelessness.” Changing the label of this question will help students, financial aid administrators, and support organizations refer to the correct portions of the FAFSA.</p>	<p>Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®) form.</p>
28.g	<p>Homelessness Flow for Renewal Applicants: If an applicant has indicated yes to the homeless filtering question during their first time filling out the FAFSA but selects “none of these apply” to the determination source and is later determined to be homeless by their financial aid administrator at their institution, it is important that such student have their determination of homelessness pre-selected in a renewal application. For example, “financial aid administrator” would be pre-selected with an accompanying explanatory notation for the student in 2025-26.</p>	<p>Thank you for your comment. This change is marked for a future enhancement.</p>
28.h	<p>5 Unaccompanied Homeless Youth Determinations that states that homeless youth should use a mailing address on the FAFSA® form where they can reliably receive mail, and that this can be the address of a relative, friend, or social service agency that has given the applicant</p>	<p>This change will be made.</p>

	<p>permission to use that address, and that it can be the applicant's institution's address, if they have contacted the institution for permission and instructions are in place to ensure that mail they receive at the institution reaches them. An explanatory note prior to the entry field might read "If you do not have a permanent address, provide an address where you can receive mail," with similar pop-up text in the online FAFSA.</p> <p>We appreciate the opportunity to provide these comments and urge the Department to adopt the suggestions that we have made in order to conform to the requirements of the FAFSA Simplification Act and to facilitate the efforts of unaccompanied youth experiencing homelessness and unaccompanied youth who are self-supporting and at risk of homelessness to access higher educational opportunities.</p> <p>Please contact Barbara Duffield at SchoolHouse Connection, barbara@schoolhouseconnection.org, with any questions related to this comment.</p>	
29.a	<p>To Whom It May Concern,</p> <p>uAspire is a national nonprofit working to improve the economic mobility of underrepresented students by creating financial solutions to diverse postsecondary pathways. We directly advise high school and college students from low-income families on financial aid - supporting thousands of students to complete the FAFSA - and we train guidance counselors and college access staff across the country on the FAFSA. We respectfully submit to the U.S. Department of Education (ED) our comments on the proposed 2024-2025 Free Application for Federal Student Aid (FAFSA).</p> <p>529 Plan Instructions</p> <p>Investments to include and investments to not include have contradictory statements on how 529 plans should be treated. These instructions should align and reflect the new guidance.</p>	Further revisions were made to the instructions for clarity.
29.b	<p>EITC</p> <p>On the 2022 tax forms, the EITC acronym is no longer used. They now refer to it as EIC. Aligning this acronym will help students and parents identify whether they receive the tax credit.</p>	This change will be made.
29.c	<p>Amount of college grants, scholarships or AmeriCorp benefits</p> <p>It would be ideal to identify the two areas where someone may find that scholarships have been reported as taxable income.</p> <p>Schedule 1 line 8r and to the left of line 1a on the 1040 labeled with an SCH.</p> <p>We look forward to continuing to work with FSA on rolling out the forthcoming FAFSA simplification efforts. We appreciate the opportunity to comment. If you have any questions regarding these comments, please contact VP of Policy, Anika Van Eaton at anikav@uaspire.org.</p> <p>Sincerely, Anika Van Eaton</p>	Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®) form.
30.a	<p>October 16, 2023</p>	This change will be made.

Docket No.: ED-2023-

SCC-0053

Kun Mullan
PRA Coordinator
Strategic Collections and Clearance
Governance and Strategy Division
Office of Chief Data Officer,
Office of Planning, Evaluation and Policy Development

To whom it may concern:

On behalf of the National Association of Student Financial Aid Administrators (NASFAA), we respectfully submit to the U.S. Department of Education (ED) our comments on the proposed 2024-2025 Free Application for Federal Student Aid (FAFSA®) (Docket ID ED-2023-SCC-0053.)

NASFAA's membership consists of more than 29,000 financial aid professionals at nearly 3,000 colleges, universities, and career schools across the country. NASFAA member institutions serve nine out of every 10 undergraduates in the United States.

We appreciate the revisions ED has made to the FAFSA in response to feedback received during the 60-day comment period. We are especially grateful for the new Parent Education Status options for students to identify as first-generation college students in Question 15; additional explanatory language in Questions 11 and 12 that explicitly states institutions of higher education will not have access to student responses to the new gender, race, and ethnicity questions; and the new *Completing the FAFSA Form* section that moves instructions about whose information is required on the FAFSA to a more prominent position on the application.

We thank the Department for devoting resources to creating a FAFSA prototype to help financial aid administrators, prospective students, and college access professionals better anticipate the online FAFSA experience. Given the expected December release date of the online FAFSA, students will be under significant pressure to complete their application as quickly as possible to meet state and institutional deadlines. Giving financial aid

	<p>administrators and others the opportunity to explore the online FAFSA experience using the prototype will help them to better help students through this process.</p> <p>Paper Draft FAFSA</p> <p>Since we do not have the benefit of previewing the online form at this time, we ask ED to apply all of our comments related to the paper FAFSA to the online form. And because the Incarcerated Applicant Form is identical to the FAFSA, our comments here apply to that form as well.</p> <p>We offer the following recommendations to improve the form's usability and correct errors: It is our understanding that the state of California has moved its priority deadline from March 2, 2024 to April 2, 2024, but this is not reflected in the 30-day draft. We understand ED may still be confirming deadlines with states and urge the Department to ensure all deadlines are accurate on the final version.</p>	
30.b	<ul style="list-style-type: none"> ● In the <i>Completing the FAFSA Form</i> section: <ul style="list-style-type: none"> ○ In the <i>Which parent should include information?</i> section, ED instructs applicants, "If the parents are divorced or separated, answer the questions about the parent who provides the greater portion of the student's financial support, even if the student does not live with them." We believe this will lead to questions about a timeframe for when the greater portion of support was provided since that may vary for applicants. ED should be clearer in the instructions on the timeframe applicants should use. 	This change will be made.
30.c	<ul style="list-style-type: none"> ○ Explanatory text in this section advises applicants that if they select "Yes" to identify as homeless and "None of these apply" in question 6, that they will be considered provisionally independent. Provisional independent student status is distinct from the homeless determination process in the FAFSA Simplification Act. We recommend that ED remove the reference to provisional independent status and simply instruct the student to skip the <i>Parent</i> and <i>Parent Spouse or Partner</i> sections. 	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.
30.d	<ul style="list-style-type: none"> ○ In the online FAFSA demo in the Parent Wizard, ED instructs applicants whose divorced or separated parents provide an exact equal amount of financial support to the student to use the parent with the greater income or 	This change will be made.

	<p>assets as the parent of record. The use of the word “or” is problematic because one parent could have a higher income and the other could have more assets. We recommend ED change the language to the “greater of income plus assets” to avoid confusion.</p>	
30.e	<ul style="list-style-type: none"> The <i>FAFSA Privacy Act Statement</i> includes a new section headed <i>Opportunity to Contest or Amend Tax Information</i>, which instructs applicants to contact a financial aid administrator at their postsecondary institution if they have questions about or need to access their federal tax information. The heading of this section does not align with the text that follows because there is no mention of contesting or amending tax information in the text. Postsecondary institutions do not have the ability to address disputes about or to amend IRS data. We are especially concerned because the text includes instructions for applicants to notify the Office of Ombudsman if the postsecondary institution does not provide the student access to their federal tax information (FTI). We fear applicants will mistakenly report postsecondary institutions to the Ombudsman Office when they are told they cannot contest or amend their FTI via the institution, resulting in confusion and wasted time for applicants, institutions, and the federal Ombudsman. The section should be renamed, “Opportunity to Access Your Federal Tax Information” to more accurately represent what students can expect from postsecondary institutions with respect to their FTI. 	This change will be made.
30.f	<ul style="list-style-type: none"> The <i>Federal Tax Information (FTI) Consent and Approval</i>, as well as the <i>Signatures</i> section include new language, “By filling in the circle (accepting)...” This language is confusing because the applicable circles for each contributor do not appear until later in the form. We recommend adding language to read, “By filling the circle in Questions 24, 29, 41, and/or 46,” for clarity. 	This change will be made.
30.g	<ul style="list-style-type: none"> We agree with the Department’s decision to add the <i>Completing the FAFSA Form</i> section to a more prominent area of the FAFSA before students begin answering questions. Addressing issues of who should complete the FAFSA, who is considered a legal parent, which parent should provide information, and which questions can be skipped up front should help students more easily navigate the questions as they are presented. 	Thank you for your comment.
30.h	<ul style="list-style-type: none"> Question 6: We request that the header or label of this question be modified to a more easily distinguishable term, such as <i>Experience with Homelessness</i> instead of <i>Student Other Circumstances</i>. There are many confusing, similar, and vague terms on the FAFSA and Federal Student Aid websites used to refer to students’ 	Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing

	<p>circumstances, including “personal,” “special,” “other,” and “unique.” It is exceedingly difficult for students to understand the differences between this terminology and to advocate for themselves accordingly. Changing the header of this question will help students, financial aid administrators, and support organizations refer to the correct portions of the FAFSA. Neither statute nor regulation requires the labels of these questions to match the back-end processes and technical terminology used by financial aid administrators and the Department—they should be adjusted for simplicity.</p>	<p>departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®) form.</p>
30.i	<ul style="list-style-type: none"> Question 8: We recommend ED add clarifying text instructing applicants that “unusual circumstances” are listed in Question 7. We offer the suggested change: “Are the student’s parents unwilling to provide their information, but the student doesn’t have an unusual circumstance such as those listed in Question 7 that prevents them from contacting the parents or obtaining their information?” Unusual circumstances have a precise meaning for purposes of this question and we believe students would be better able to answer Question 8 accurately if they were referred back to the description of unusual circumstances in Question 7. 	<p>This change will be made.</p>
	<ul style="list-style-type: none"> Questions 9 & 34 add a condition to the explanatory text for the student’s/parents’ other children who don’t live with the student/parent(s) stating they should be included in family size “...even if they live apart due to college enrollment.” In prior years, the language instructed students and parents to include other household members, “...even if they don’t live with you.” The new language appears to exclude from family size any dependents of the student or parent who do not live with them unless the reason they do not live with the student or parent is because of college enrollment. We do not believe the FAFSA Simplification Act requires this narrowing of who can be included in family size. Internal Revenue Service rules for claiming dependents include many instances other than college enrollment where an individual may be temporarily absent from the household but still qualify to be claimed as a dependent, such as illness, vacation, and detention in a juvenile facility. <ul style="list-style-type: none"> We recommend that if ED retains the language referring to college enrollment, it is described as only one example of an instance where a family member is included in family size despite not living full-time with the family, and provide additional instructions as to whether and how temporary absences of any kind should be factored in. 	<p>Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.</p>
30.j	<ul style="list-style-type: none"> Question 16 asks applicants if their parent or guardian was killed in the line of duty while (1) serving on active duty as a member of the armed forces on or after 	<p>Thank you for your comment. The Department of Education needs to further assess the</p>

	<p>September 11, 2001, or (2) performing official duties as a public safety officer. However, the <i>2024–25 FAFSA® Specifications Guide, Volume 6, ISIR Guide</i> includes separate indicators for Iraq and Afghanistan Service Grant (IASG) and Children of Fallen Heroes (CFH) eligibility.</p> <ul style="list-style-type: none"> ○ With only a single FAFSA question to identify both statuses and given there is no longer a Department of Defense match to confirm IASG eligibility (and there has never been a match for CFH), it is not clear how the Federal Processing System can determine which indicator to set on the ISIR. <ul style="list-style-type: none"> ■ We recommend ED change the response options from “Yes” or “No” to “1” or “2” to describe which of the special rules for Pell Grant eligibility the student qualifies under, and to set the appropriate ISIR indicator based on their response. This will ensure financial aid administrators can follow up with requests for documentation from students with the appropriate instructions based on the student’s own circumstances. 	<p>impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®) form.</p>
30.k	<ul style="list-style-type: none"> ● Also in Question 16, we recommend that ED change “armed forces” to “U.S. Armed Forces” to match references to military service in Question 5. Understanding that the FAFSA Simplification Act refers only “armed forces” in the special rule for Pell Grant eligibility and uses the clearer “United States Armed Forces” in reference to veteran and active duty status, we believe congressional intent was to restrict Pell Grant eligibility under the special rule to children of members of the U.S. armed forces in accordance with the definition of armed forces in 10 U.S.C., §101(a)(4) as “the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.” 	<p>This change will be made.</p>
30.l	<ul style="list-style-type: none"> ● Questions 18 and 36 ask students and parents about means-tested benefits receipt. There are several issues with how the question is asked and how instructions to skip questions are written. <ul style="list-style-type: none"> ○ The FAFSA Simplification Act specifies ED must request on the FAFSA information on means-tested benefits “the applicant receives or has received any of the following means-tested Federal benefits within the last two years.” <ul style="list-style-type: none"> ■ The corresponding FAFSA questions ask if the applicant or parent received means-tested benefits “...at any time during 2022 or 2023.” This does not address situations where the applicant or parent currently receives a means-tested benefit at the time they complete the FAFSA, which the law appears to require ED to ask in both section 483(a)(2)(B)(ii)(XVII) and in section 479(b)(2)(D) where it 	<p>Please refer to comment 22i.</p>

	describes applicants exempt from asset reporting as those who, “...at any time during the previous 24-month period, received a benefit under a means-tested Federal benefit program...”	
30.m	<ul style="list-style-type: none"> ■ ED also does not instruct applicants who receive income from the supplemental security income program; temporary assistance for needy families; the supplemental nutrition assistance program, the special supplemental nutrition program for women, infants, and children; Medicaid; or the federal housing assistance program to skip asset questions. ED should update instructions to permit students who complete the paper FAFSA to skip asset questions if they received means-tested benefits that exempt them from having assets factored into their eligibility. 	Please refer to comment 22.j .
30.n	<ul style="list-style-type: none"> ■ Finally, we urge ED not to add the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act to the list of means-tested benefits that permit applicants an exemption to having assets factored into their eligibility. Before the COVID-19 pandemic, free and reduced price school lunch programs served as a reasonably accurate proxy for low-income status. During the pandemic, nearly all states moved their students into the free and reduced price lunch program and today, many states are continuing to provide that benefit for their students. While these states should be lauded for their efforts to remove stigmas associated with free and reduced price lunches and for addressing food insecurity in the K-12 system, this is no longer a suitable proxy for low-income status. <ul style="list-style-type: none"> ● Considering that the majority of families that qualify for free or reduced price lunch via the income standards already qualify to skip the FAFSA asset questions because their income is below 185% of the federal poverty guideline, and that many are also recipients of one of the other means-tested benefits programs included here, few students would be excluded by removing the free and reduced price lunch program from the list of benefits qualifying to have assets excluded. 	Please refer to comment 22.k .
30.o	<ul style="list-style-type: none"> ● ED has updated the IRS Form 1040 line items for Questions 20, 28, 38, and 45 	This change will be made.

	<p>related to <i>Income earned from work</i> to refer to line 1z of IRS Form 1040 or line 1a of IRS Form 1040-NR. However, these fields do not align with one another (for instance, 1040-NR line 1a only includes wages while 1040 line 1z includes Medicaid waiver payments, adoption payments, and other non-earned income figures). ED should update this instruction to specify exactly which income tax return fields must be included in the response to this question.</p> <ul style="list-style-type: none"> ○ Broadly, ED should update IRS form line item references for all tax return questions, as many are inaccurate or missing. 	
30.p	<ul style="list-style-type: none"> ● Questions 20 and 38 ask for “Amount of college grants, scholarships, or AmeriCorps benefits reported as income to the IRS (<i>Optional</i>).” Understanding this is optional in that it won’t hold up completion/processing of the FAFSA, making it optional on the paper form seems to add little value and, in fact, could harm students who will skip the question, when completing it could result in additional eligibility for student aid. We recommend removing the “optional” designation from the form. ED can still treat it as optional in processing without discouraging students from completing this question. 	This change will be made.
30.q	<ul style="list-style-type: none"> ● Questions 21 and 39 instruct applicants and their parent to report child support received for the last complete calendar year. Given that applicants may be completing the FAFSA in any one of three different calendar years, the amount of child support for the last complete calendar year may be very different based only on whether the FAFSA was filed on December 31 or January 1. This will add complexity and burden to the verification process since financial aid administrators would have to tailor their documentation requirements for each student based on when they completed the FAFSA and when they submitted their verification documentation. The law requires only that applicants report an annual child support amount. We recommend using the prior-prior year’s child support received for consistency. 	Thank you for your comment. This question is worded in accordance with the statutory or regulatory requirements defined by the FAFSA Simplification Act Section 483(a)(2)(B)(ii)(XIV) (aa).
30.r	<ul style="list-style-type: none"> ● Questions 22 and 40 ask for current total of cash, savings, and checking accounts, but the FAFSA Simplification Act definition of assets no longer includes cash. ED should remove reference to cash in these questions and clarify in the instructions that cash does not need to be reported as an asset. 	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
30.s	<ul style="list-style-type: none"> ● Question 37 and Question 44 have a new tax filing option: “Either the parent earned income in a foreign country but did not and will not file a foreign tax return or worked for an international organization and was not required to report income on any tax return. <i>International organizations include, for example, the United Nations, World Bank, and International Monetary Fund.</i>” but there are no instructions for how to 	This change will be made.



	answer Question 38 and Question 45 if that response is selected. We recommended in the 60-day comment period that ED add instructions for how to answer questions 38 and 45 when parents select this option in Questions 37 and 44, and we disagree with ED’s response that the current instructions provide adequate guidance.	
30.t	<ul style="list-style-type: none"> We recommend ED change the title of the <i>Student Spouse</i> and the <i>Parent Spouse or Partner</i> sections to <i>Student’s Spouse</i> and <i>Parent’s Spouse or Partner</i> for grammatical correctness and better clarity. 	Thank you for your comment. The Department of Education considers this suggestion a stylistic preference.
30.u	<ul style="list-style-type: none"> In the “Notes” section: <ul style="list-style-type: none"> The changes ED made to the asset instructions with respect to when qualified education benefits are considered investments are still confusing despite changes made since the first FAFSA draft was issued, and also contain some inaccuracy. <ul style="list-style-type: none"> We recommend ED change instructions to read, “Investments also include qualified educational benefits or education savings accounts (e.g., Coverdell savings accounts and, if the student is not the beneficiary, 529 college savings plans and the refund value of 529 prepaid tuition plans.) Such accounts should be reported as the asset of the owner of the account, unless the account owner is a dependent student, in which case the value of the account should be reported as a parent asset.” 	Further revisions were made to the instructions for clarity.
30.v	<ul style="list-style-type: none"> The language, “Parents of dependent students should not report the value of educational savings accounts for other children” should be removed since that is not correct. 	Further revisions were made to the instructions for clarity.
30.w	<ul style="list-style-type: none"> We also recommend removing the language, “Investments do not include... 529 college savings plans if the student is the beneficiary...” because this is not correct. 	Further revisions were made to the instructions for clarity.
30.x	<ul style="list-style-type: none"> The instructions on how to answer questions about businesses and farms are identical to the 2023-24 instructions despite the significant change to include small businesses and family farms. Families will have many questions about exactly which business and farm assets must be reported. Many people engage in farming activities but do not consider their property to be a farm, while others receive income from farming but do not engage in farming themselves. Further, many farm families reside on their farms and, because primary residences are exempt from reporting on the FAFSA, they need clear instructions on how to separate their residence and non-farm land 	Further revisions were made to the instructions for clarity.

	from their farms.	
30.y	<ul style="list-style-type: none"> ■ There must be a clear way for families to establish whether their property is considered a farm for asset reporting purposes on the FAFSA. We recommend instructing families that if they own property for which they file an IRS Schedule E or F where they report any type of farm income, that the property in question is a farm since those schedules appear to capture all types of income or losses generated from farming. 	Further revisions were made to the instructions for clarity.
30.z	<ul style="list-style-type: none"> ■ ED must also provide clear instructions about how to treat a primary residence that is on family farmland. Families that don't own farms are able to exclude both the dwelling and the land it sits on from assets on the FAFSA under the primary residence exemption. We recommend ED use language such as "the land you/your family lives on that is not used for farming" to describe what can be excluded from asset reporting. 	Further revisions were made to the instructions for clarity.
30.aa	<p>Incarcerated Applicant Form (IAF)</p> <p>The restoration of Pell Grant eligibility for incarcerated students presents a new opportunity for this population that has been largely excluded from postsecondary education for nearly three decades. But it also presents significant challenges to ensuring that they are able to take advantage of their Pell Grant eligibility. Many of those challenges relate to the application itself, which was not designed with this population in mind. Simply giving the existing form a new name is inadequate. We suggest the following changes to tailor the Incarcerated Applicant Form to this population and their specific needs.</p> <ul style="list-style-type: none"> ● Remove application deadlines for states that do not provide funding for incarcerated students. ● Remove language instructing students to check with their high school counselor about other sources of aid and deadlines since high school counselors are likely not available to this student population. ● Remove references throughout the IAF that refer to living expenses and room and board since those costs are not part of the cost of attendance for incarcerated students. ● Remove language indicating that aid in excess of tuition, fees, housing, and food will be paid to the student for their other educational expenses since 1.) these students will not be paying for institutionally owned housing or on-campus food and 2.) 	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.

	remaining aid will not be refunded to incarcerated students.	
30.ab	<p>FAFSA Submission Summary (FSS)</p> <p>We commend ED on the redesign of the FAFSA Submission Summary, previously known as the Student Aid Report (SAR). It is not only more visually appealing, but the name change better characterizes the purpose of the document. The new language in the FAFSA Submission Summary section at the top of Page 1 clearly explains what the form is, and should help applicants understand its uses.</p> <p>Under the <i>Application Status</i> heading, the verification selection message appears twice. We ask that ED ensure the coding that populates these messages is accurate. Similarly, under the <i>Federal Student Aid Eligibility</i> section, there are two separate messages with different wording referring to estimated Pell Grant eligibility. Again, ED should ensure only one of these messages appears. We wish to note that we agree with the change from the first draft of the FSS to remove the language indicating Pell Grant eligibility is based on the student's SAI since, in most cases, Pell Grant eligibility will be determined independently of the SAI. Finally, comment code messages are again repeated in the <i>Comments</i> section and need to be corrected so each comment code message appears only once.</p>	This data is for demonstration purposes only.
30.ac	Comment code 023 instructs applicants that important personal information is missing from their FAFSA and to select "Make a Correction" to update their information, which can include a number of fields left blank on the FAFSA including the applicant's gender or transgender status. ED should amend this comment code to remove reference to transgender status to match changes made to the FAFSA removing that question. The instructions should also be edited to clarify to students that they should look for items with the "Edit" icon next to them to learn which fields need to be populated, since financial aid administrators will not be able to see the student's response to the gender question and, as such, cannot communicate to students whether it has been left blank.	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
30.ad	The Comment Text for comment codes 251 through 265, relating to issues with data at the National Student Loan Data System (NSLDS), does not match the Reason for Comment. For instance, Comment Code 252 refers the applicant having exceed aggregate loan limits, but the Reason for Comment refers to an NSLDS Active Bankruptcy Flag of "Y", appearing to correspond to the previous Comment Code. Financial aid administrators may request the wrong documentation from applicants to resolve their C Flags because of these errors. ED must revisit the 2024–25 FAFSA® <i>Specifications Guide</i> , Volume 7 – Comment Codes, to	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.

	ensure all FAFSA comment code text and reasons for comment match.	
30.af	In the <i>Federal Student Aid Eligibility</i> section, the last sentence reads, “Your SAI is subject to change if you update or correct your FAFSA.” We recommend adding that the SAI can change as a result of verification. ED could use this language only on FAFSA Submission Summaries of students selected for verification. Adding that language will help prepare applicants for the possibility that their eligibility for student aid could change upon verification since this is a common area of confusion financial aid administrators have to resolve for students.	This change will be made.
30.ae	In the <i>Special or Unusual Circumstances</i> section, ED states in the first line, “If you or your family have experienced special or unusual circumstances that impact your ability to pay for school, you may be eligible for an adjustment on your FAFSA form.” We recommend adding language that an adjustment to the FAFSA could result in additional student aid eligibility. As written, students are unlikely to understand the potential benefits of adjusting information on the FAFSA and may not be inclined to report changes to their school.	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.
30.af	The new <i>Changes Made to Your FAFSA Submission</i> section may be confusing for students who applied to more than one institution because it does not indicate which institution made the changes, so they will be unsure which institution to contact if they have questions. If ED cannot change this section to indicate the school that changed the information, we recommend removing this section.	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
30.ag	In the <i>Federal Student Loan Summary</i> , in the second paragraph, ED states, “If there is an amount listed for Federal Family Education Loan (FFEL) Program ‘Unallocated Consolidation Loans,’ it is because we could not determine whether those balances were subsidized or unsubsidized,” but there does not appear to be a distinction between Direct Loans and FFEL in the “Total Amount of Loans Outstanding.” If this is the case, the reference to FFEL should be removed, or the sentence should be reworded to: “If there is an amount listed as ‘Unallocated Consolidation Loans’ it is because we could not determine whether loans you borrowed under the Federal Family Education Loan (FFEL) Program were subsidized or unsubsidized.”	Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®) form.
30.ah	Also in the <i>Federal Student Loan Summary</i> , we suggest ED remove the 2024-25 Award Year Amount for Perkins loans since authority to make new loans under the Perkins loan program has expired.	Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for

30.ai	As noted earlier with respect to the paper FAFSA, the <i>Federal Tax Information (FTI) Consent and Approval</i> , as well as the <i>Signatures</i> section on the FAFSA Submission Summary include new language, “By filling in the circle (accepting)...” This language is confusing because the applicable circles for each contributor do not appear until later in the form. We recommend adding language to read, “By filling the circle in Questions 24, 29, 41, and/or 46” for clarity.	Federal Student Aid (FAFSA®) form. Please refer to comment 22.d .
30.ij	<p>Student Aid Index Tables</p> <p>In the <i>Draft Student Aid Index (SAI) and Pell Grant Eligibility Guide</i>, ED has not revised the income protection allowance, employment expense allowance, and asset protection allowance tables, or the assessment schedules outlined in Section 478(h) of the FAFSA Simplification Act. ED has noted in presentations that one significant aspect of the FAFSA Simplification Act is the increase to the income protection allowance, which will result in many students having lower calculated SAIs, but this will only be the case if ED updates these tables in 2024-25 as the law requires.</p> <p>It is our understanding from ED’s response to a question during a recent webinar that ED does not plan to update these tables for the 2024-25 award year. It is critical the Department comply with the law, especially given the significant inflation that has taken place since the legislation was passed. If ED does not comply with the law on this matter, we seek assurances that it will account for the rate of inflation across all the years it declined to update the tables and not just between the 2024-25 and 2025-26 award years since otherwise the allowances will never reflect Congressional intent to significantly increase the income protection allowance.</p> <p>Conclusion</p> <p>We recognize the 2024-25 draft FAFSA is the product of significant time and effort by the Department to interpret and implement historic changes to how students apply for federal student aid. Smooth implementation is critical to achieving the goal of the FAFSA simplification legislation, especially considering the delayed launch date. We look forward to continuing to work with FSA toward a successful rollout of forthcoming FAFSA simplification efforts.</p> <p>We appreciate the opportunity to comment on this information collection. If you have any questions regarding these comments, please contact me or NASFAA Senior Policy Analyst Jill Desjean at desjeanj@nasfaa.org.</p>	Thank you for your comment. This issue falls outside the scope of the FAFSA form but has been shared with the relevant offices for consideration.

	<p>Regards,</p>  <p>Justin Draeger, President & CEO</p>  <p>Jill Desjean, Senior Policy Analyst</p>	
31.a	<p>October 16, 2023 Dr. Miguel Cardona Secretary U.S. Department of Education 400 Maryland Avenue SW Washington, DC 20202 RE: Docket ID ED-2023-SCC-0053, Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; 2024-2025 Free Application for Federal Student Aid (FAFSA) Dear Secretary Cardona: As Chair of the Congressional Equality Caucus and Co-Chairs of the Transgender Equality Task Force, we urge the Department of Education to carry out additional revisions to the FAFSA Form Demographic Survey to gather accurate and inclusive data on LGBTQI+ students applying for federal financial aid while safeguarding their privacy. Surveys show that LGBTQI+ people face inequities in educational attainment and economic security compared to their non-LGBTQI+ counterparts. More accurate data on sexual orientation, gender identity, and sex characteristics (SOGISC) are necessary to better inform policies to address these inequities. However, the current proposed FAFSA form lacks questions relating to sexual orientation and sex characteristics. In addition, the current question relating to gender does not adequately collect information relating to transgender status.</p>	<p>Thank you for your comment. The Department of Education is permitted only to ask questions that are required either (a) to aid in determining eligibility, (b) by the FAFSA Simplification Act, or (c) by the FUTURE Act.</p>
31.b	<p>We encourage the Department to shift demographic data—including questions about gender identity—to a voluntary, supplemental survey that will more adequately protect students' privacy. Asking gender identity questions in a voluntary supplement, like the one that the Department piloted in 2022, will allow the Department to employ a two-step approach that more accurately captures an applicant's transgender identity while mitigating the risk of inadequate privacy safeguards. Particularly, as parents often play a significant role in filling</p>	<p>Thank you for your comment. These questions are required by the FAFSA Simplification Act and are for research purposes only.</p> <p>Additionally, the responses to these questions will not be shared on the ISIR.</p>

	<p>out the FAFSA Form, students may purposefully misidentify themselves to avoid the negative impacts on health and well-being that are associated with inappropriate disclosure to their family or community. While the Department’s proposed FAFSA Form encourages students to select the gender with which they identify, the potential data-sharing with parents and primary, secondary, and higher education officials may have a chilling effect on accurate completion and may deter transgender students from pursuing federal financial aid. Moving demographic questions, including those regarding gender identity, to a separate voluntary supplement that includes a “decline to answer” option for both gender identity and transgender status would allow for heightened privacy requirements on the supplemental survey and safeguard LGBTQI+ student data, incentivizing accurate completion of the FAFSA Form. This shift would still align with the Department’s obligations to collect sex data from applicants under the FAFSA Simplification Act of 2021 while mitigating the unintended consequences associated with inappropriate disclosure of a student’s gender identity.</p>	<p>The Department of Education gathered a considerable amount of input from many parties and usability studies and used current industry design standards and best practices to implement this change.</p>
32	<p>Additionally, we urge the Department to take steps to collect demographic data about all LGBTQI+ individuals applying for federal aid. The Department should take the necessary steps to test and add questions about students’ sexual orientation and variations in sex characteristics to the supplemental voluntary survey. In alignment with the privacy concerns, these should also include a “decline to answer” option.</p> <p>As members of Congress, we are committed to ensuring we have comprehensive data about LGBTQI+ students to better inform our work to address the economic and educational obstacles that LGBTQI+ students face. We urge the Department to maximize the utility and inclusivity of the FAFSA’s data collection measures by expanding questions to include transgender status, sexual orientation, and sex characteristics in a voluntary, supplemental survey that will ensure the privacy and confidentiality of applicants’ demographic data.</p> <p>Sincerely,</p> <p>_____ Mark Pocan Sara Jacobs Pramila Jayapal Chair Co-Chair Co-Chair Congressional Equality Caucus Trans Equality Task Force Trans Equality Task Force</p>	<p>Thank you for your comment. The Department of Education is permitted only to ask questions that are required either (a) to aid in determining eligibility, (b) by the FAFSA Simplification Act, or (c) by the FUTURE Act.</p>
33	<p>Response to Request for Comments on Docket ED-2023-SCC-0053</p> <p><u>Comments Due:</u> October 16, 2023</p> <p><u>Comments Submitted by:</u> Illinois Student Assistance Commission (ISAC)</p> <p><u>Title of the Collection:</u> Agency Information Collection Activities; Comment Request; 2024-2025 Free Application for Federal Student Aid (FAFSA®)</p> <p><u>Federal Register Citation:</u> 88 FR 63558</p> <p><u>ED Docket ID #:</u> ED-2023-SCC-0053</p> <p><u>OMB Control Number:</u> 1845-0001</p> <p><u>Federal Register Number:</u> 2023-20000</p>	<p>Thank you for your comment.</p>

Student Section, page 6

Q4 Student College or Career School Plans: When the student begins the 2024–25 school year, what will their college grade level be?

Comment: Maintain grade level choices for this question similar to the format in use on the 2023-24 FAFSA (current class level option choices of 0 – 7), and include a separate option choice for recent high school graduates:

- Recent high school graduate – (0)
- Attended college before and 1st year undergraduate – (1)
- 2nd year undergraduate/sophomore – (2)
- 3rd year undergraduate/junior – (3)
- 4th or 5th year undergraduate/senior – (4)
- 1st year college graduate/professional (MBA, MD, PhD, etc.) – (5)
- Continuing graduate/professional or beyond (MBA, MD, PhD, etc.) – (6)

Rationale: This is one area where ISAC provided comment during the 60-day comment period earlier this year, and after consideration, has identified additional concerns about this change. In our earlier comment, we stated that the new format of this question limits the ability to separate students who will be first-time freshmen from returning students that are still in a freshman status. We initially focused on our concerns about how the change would affect Illinois’s efforts to encourage and support all high school students in completing the FAFSA: Beginning with the 2020-21 school year, Illinois implemented a FAFSA mandate requiring all high school seniors to complete a FASFA as a prerequisite to receiving a high school diploma. At least 12 states now have a high school senior FAFSA mandate in some form or another while at least another dozen have introduced the policy but not yet passed it. Having first-time freshmen separated from other students in a freshman status will enable the State to better track the impact of its FAFSA mandate. Also, maintaining the current format of this question will help with FASFA matching that helps schools to better target their support.

ISAC appreciates the Department’s consideration of our earlier comment, and the subsequent changes to the format of the grade level options that were outlined in the Summary of Enhancements document published along with this Federal Register Notice (“First year undergraduate”, “Second year undergraduate”, “Other undergraduate (junior year and beyond)”, and “Master’s or doctorate program (MA, MBA, MD, JD, PhD, EdD, etc.)”). While we understand the Department’s rationale that the grade level question is used to set federal direct loan limits, as a State agency with one of the country’s largest need-based grant programs – the Monetary Award Program (MAP) Grant – the revised language still does not provide us the flexibility needed to project claims for current and future academic years. ISAC uses past-year MAP claim rates by school and class level for these projections,

	<p>and without having the individual class levels listed on the FASFA, this methodology will be less precise and could result in low-income students not receiving the full award for which they are entitled. The combination of the Pell Grant and MAP Grant is critical to helping low-income Illinois students gain access to college and succeed.</p> <p>Not having a more specific list of grade level options could also affect other state agencies, and possibly schools, that use FAFSA data to run their state and campus-based programs.</p>	
34.a	<p>Kun Mullan PRA Coordinator 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 400 Maryland Avenue, SW Washington, D.C. 20202 October 16, 2023 Re: Docket No.: ED-2023-SCC-0053 To Whom It May Concern:</p> <p>This letter is submitted on behalf of the 10 undersigned members and partners of the Postsecondary Data Collaborative (PostsecData) in response to a call for comments on the Department of Education (ED)'s proposed 2024-25 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. The undersigned members strongly support the inclusion of questions about applicants' race, ethnicity, and gender in the revised form. While the FAFSA has not historically included questions on race and ethnicity, the FAFSA Simplification Act now requires the inclusion of these questions. In addition, the proposed form now correctly provides students with a nonbinary option for gender. 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. Further, we encourage ED to reconsider the use of a separate FAFSA form for incarcerated applicants that is not streamlined to those individuals' needs.</p>	<p>The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.</p>
34.b	<p>Race and Ethnicity PostsecData strongly supports the proposed options for the race and ethnicity questions included in the draft FAFSA and encourages ED to maintain the level of detail this question structure would provide. We appreciate the thoughtful implementation of proposed race and ethnicity questions for the 2024-25 aid year, which align with previous recommendations from PostsecData. In addition to asking applicants to indicate whether they identify as White, Black or African American, Asian, American Indian or Alaska Native, and/or Native Hawaiian or Pacific Islander, the proposed FAFSA form allows applicants to identify racial subcategories, such as Chinese, Filipino, Nigerian, and Samoan. In the proposed form,</p>	<p>Thank you for your comment.</p>

	<p>applicants who identify as American Indian or Alaska Native can indicate their enrolled or principal tribe(s). PostsecData also supports the proposed use of a separate question about student ethnicity, 2 .</p> <p>which aligns with existing best practices and standards used in data collection across other federal agencies.</p> <p>The inclusion of these race and ethnicity questions on the FAFSA is invaluable for research on how different groups of students access, cover costs for, and receive value from postsecondary education. Note that applicants' reported race and ethnicity data will not be used to determine financial aid eligibility or be shared with the schools to which they apply. For research purposes, the detailed question structure in the proposed FAFSA enables disaggregation at a level sufficient to examine variations and inequities within larger subgroups (e.g., disparities within the larger Asian American and Pacific Islander group).</p>	
34.c	<p>Gender</p> <p>In addition, PostsecData supports ED's proposed wording of the question collecting information about student gender. The inclusion of a "nonbinary" category, in addition to "male" and "female", allows for a more accurate and inclusive reflection of students' gender.</p>	Thank you for your comment.
35	<p>Incarcerated Student Form</p> <p>Finally, ED's proposed materials for the 2024-25 FAFSA include a separate form for incarcerated students, which is identical to the standard form. As in our previous recommendations, PostsecData urges ED to provide a separate FAFSA form for incarcerated students only if it is tailored to their experiences and needs. The use of a separate but identical form can contribute to the stigma that many justice-impacted students already face. If it is not possible to provide a separate, tailored form for the 2024-25 FAFSA, incarcerated applicants should be directed to complete the standard form and ED should develop a streamlined version for incarcerated applicants in the future.</p> <p>The undersigned thank ED for efforts to improve the FAFSA, while reducing the burden it places on students and their families. We urge ED to continue to collect 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 Diane Cheng, Vice President of Research and</p>	Thank you for your comment.

	<p>Policy at the Institute for Higher Education Policy (dcheng@ihep.org).</p> <p>Sincerely,</p> <p>Institute for Higher Education Policy Aspen Institute for College Excellence Association for Career and Technical Education Georgetown University Center on Education and the Workforce Higher Learning Advocates Institute for Higher Education Policy (IHEP) NCHEMS The Education Trust The Institute for College Access & Success (TICAS) uAspire</p>	
36.a	<p>October 16, 2023 <i>Submitted via regulations.gov</i> Dr. Miguel Cardona Kun Mullan Secretary PRA Coordinator U.S. Department of Education Office of Planning, Evaluation, and Policy Development 400 Maryland Avenue SW 400 Maryland Avenue SW Washington, DC 20202 Washington, DC 20202 RE: Docket ID ED–2023–SCC–0053, Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; 2024-2025 Free Application for Federal Student Aid (FAFSA) Dear Secretary Cardona and Coordinator Mullan: GLSEN and the National Women’s Law Center, along with the undersigned LGBTQI+ rights organizations, appreciate this additional opportunity to comment on the U.S. Department of Education’s (“the Department”) FAFSA Form Demographic Survey (“the Form”).¹ We urge the Department to implement further revisions that meet the dual goals of safeguarding the privacy of LGBTQI+ students while working to obtain accurate and inclusive data on LGBTQI+ students applying for federal financial aid. More accurate data on sexual orientation, gender identity, and sex characteristics (SOGI-SC) can inform effective policy interventions that address disparities in educational outcomes and long-term economic security for LGBTQI+ people and their families. Clearer data and more inclusive survey instruments would provide further context for the lower rates of enrollment by LGBTQI+ youth in post-secondary education² and higher rates of student loan debt assumed by LGBTQI+ students.³ As we cautioned in our August 2022 letter,⁴ however, the</p>	Please refer to comment 31.b .

	<p>Department must carefully balance the research benefits of more accurate data with the safety concerns faced by LGBTQI+ students, many of whom are minors and some of whom may be harmed by the disclosure of their LGBTQI+ identity to a parent or caregiver or who may intentionally misidentify themselves to avoid harm.</p>	
36.b	<p>The safety concerns for LGBTQI+ students are even more salient today, as students are facing evolving state and local policies that undermine the confidentiality of their student records and even forcibly out students to their parents and classmates.⁵ We urgently underscore the seriousness of these safety concerns: inappropriate disclosure to a student's family or community could result in adverse outcomes that impact a student's mental health and well-being, including parental rejection, harassment, abuse, homelessness, depression, and suicidal ideation. Especially as parents may play a "large role" in filling out the FAFSA Form,⁶ the Department must go beyond its proposed form to, as the FAFSA Simplification Act of 2021 requires, "mitigate unintended consequences"⁷ associated with SOGI-SC data collection and adequately safeguard demographic data.</p>	Please refer to comment 31.b .
36.c	<p>To meet the dual goals of collecting SOGI-SC data while protecting the privacy of LGBTQI+ students, the Department should survey applicants with separate questions measuring their gender identity and transgender status as part of a voluntary, supplemental survey instrument. In its current form, the Department's proposed Form does not meet these goals. Instead, it includes a single gender identity question as part of an administrative form that can be accessed by parents,⁸ higher education officials,⁹ and—upon execution of a data-sharing agreement—even officials (such as school counselors) at the student's K-12 school.¹⁰ Transgender students, in particular, are encouraged to select the gender with which they identify, without any proximate notification that such information could be shared with parents or others. The Department's approach is inconsistent with reasoning presented by the White House's Federal Evidence Agenda on LGBTQI+ Equity, which cautioned that administrative forms may lack sufficient data protection policies and practices but noted that surveys will generally receive responses to SOGI questions at similar rates to other demographic questions.¹¹</p> <p>The current proposal to incorporate the Form as part of the FAFSA application fails to achieve the Department's goal to capture more accurate and inclusive data. Parental access to the administrative Form will chill accurate completion and could deter concerned students, particularly transgender students, from</p> <p>¹¹ National Science and Technology Council, Federal Evidence Agenda on LGBTQI+ Equity, 15 (January 2023), https://www.whitehouse.gov/wp-content/uploads/2023/01/Federal-Evidence-Agenda-on-LGBTQI-Equity.pdf.</p> <p>¹⁰ Bill DeBaun & Caroline Doglio, <i>As States Expand FAFSA Data Sharing, More Should</i></p>	Please refer to comment 31.b .

	<p><i>Consider What's Being Shared and How</i>, National College Attainment Network (Mar. 7, 2023), https://www.ncan.org/news/634019/As-States-Expand-FAFSA-Data-Sharing-More-Should-Consider-Whats-Being-Shared-and-How.htm.</p> <p>9 U.S. Department of Education, Federal Student Aid, Who is My “Parent” When I Fill Out the FAFSA Form? (January 2022), https://studentaid.gov/sites/default/files/fafsa-parent.pdf.</p> <p>8 U.S. Department of Education, Federal Student Aid, Log-in Options, https://studentaid.gov/help/log-in-options (last accessed Oct. 5, 2023).</p> <p>7 20 U.S.C. § 1090(a)(4)(A)(ii).</p> <p>6 U.S. Department of Education, Federal Student Aid, Understanding the 2023-24 FAFSA Process for Parents, https://studentaid.gov/articles/parents-understanding-fafsa/ (last accessed Oct. 5, 2023).</p> <p>5 See Movement Advancement Project, LGBTQ Youth: Forced Outing of Transgender Students, https://www.lgbtmap.org/img/maps/citations-forced-outing.pdf (last updated Aug. 16, 2023). (Aug. 12, 2022), https://nwlc.org/wp-content/uploads/2022/08/NWLC-Comment_FAFSA-Form-Demographic-Survey.pdf.</p> <p>even pursuing financial aid. Shifting demographic questions—including questions beyond gender identity¹²—to a voluntary, supplemental survey will “mitigate unintended consequences”¹³ for LGBTQI+ applicants and provide further opportunities to secure relevant data, provide proximate notification of disclosures, and uncouple demographic data from personally identifiable information. Our recommendation that demographic information shift to a voluntary, supplemental survey to protect LGBTQI+ applicants’ privacy aligns with the Department’s obligation to collect sex data from applicants under the FAFSA Simplification Act of 2021.</p>	
36.d	<p>It also aligns with providing applicants the option to opt out of providing any demographic information, which the Department has already deemed permissible given its inclusion of a “prefer not to answer” option on the proposed administrative Form.¹⁴ A voluntary, supplemental demographic survey similarly fulfills the Department’s legal obligations under the Act, while providing applicants significantly greater privacy protections against unwanted parental disclosure. Further, shifting demographic questions to a voluntary supplement to the FAFSA application gives the Department additional opportunities to “mitigate unintended consequences”¹⁵ associated with collecting SOGI-SC data by limiting parental access to demographic data. For example, the Department can equip the voluntary, supplemental survey with privacy settings including: a setting that prevents keystrokes from</p>	Please refer to comment 31.b .

	<p>being captured; a setting that prevents a subsequent user from reloading the previous page to see a prior user's application; a setting that prevents parents from viewing demographic information when filling out their income information and signing the FAFSA application; and a fast exit button that directs the user to a neutral website, such as a search engine. Shifting demographic questions to a voluntary, supplemental survey—like the one that the Department piloted in 2022¹⁶—will also remedy the Department's concerns about our previously recommended approach to asking about transgender status, which is critical for capturing accurate gender identity information, especially for transgender students. In our August 2022 comment, we urged the Department to include one question to ask about self-reported gender and a separate question to ask about transgender status.¹⁷ This approach to collecting sex/gender demographic information will yield the most accurate data by allowing applicants to identify themselves as transgender while ensuring that they are not forced to choose between identifying their transgender status and their gender identity. For example, if a transgender woman is presented with a single gender question that only permits her to choose either "female" or "transgender," and she selects the "female" option, she will not be counted as transgender.</p> <p>¹⁷ See Comment, <i>supra</i> n. 4, at 2–3.</p> <p>¹⁶ Agency Information Collection Activities; Comment Request; FAFSA Form Demographic Survey, 87 Fed. Reg. 35745 (June 13, 2022), https://www.federalregister.gov/documents/2022/06/13/2022-12674/agency-information-collection-activities-comment-request-fafsa-form-demographic-survey</p> <p>¹⁵ 20 U.S.C. § 1090(a)(4)(A)(ii).</p> <p>¹⁴ Office of Management and Budget, ICR Documents, Supporting Statement A, 9 (Sept. 12, 2023), https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202303-1845-006 ("As required in Section 483(a)(2)(ii) of the HEA, the FAFSA form asks students to provide their sex, race, and ethnicity... Students are provided an opportunity to decline to answer any of the sex, race, or ethnicity questions.").</p> <p>¹³ 20 U.S.C. § 1090(a)(4)(A)(ii).</p> <p>¹² The Department may wish to consider moving all demographic data measures, including race and ethnicity, to a voluntary supplement to the FAFSA application. We encourage the Department to consult with experts on race and ethnicity data collection, advocates, and community members about the utility of similarly</p>	
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	<p>moving race and ethnicity data to the voluntary supplement, as well as the policy reasons for doing so. resulting in an undercount of transgender applicants; but, if she chooses “transgender,” then she will not be represented in the count of women applicants, similarly skewing the count of women applicants.¹⁸ If the demographic survey is offered as a separate, voluntary supplement to the FAFSA application along with the additional privacy measures we recommend above, the Department can effectively and safely measure both applicants’ gender identity and transgender status while minimizing the risk of unwanted disclosure of applicants’ transgender status. Given the sensitive nature of this demographic information, the Department should consider the scale of data that would be useful for its stated research purposes. The Department’s research purposes may be satisfied by state-level aggregate data, without soliciting personally identifiable information through questions in an administrative form. In addition to considering a voluntary, supplemental survey accompanying the FAFSA form, the Department should incorporate questions that measure self-reported gender and transgender status into other existing survey instruments to obtain more robust data about LGBTQI+ high school students. The National Center for Education Statistics (NCES) is well positioned to incorporate SOGI-SC identity measures into national surveys of students, teachers, administrators, and other school staff.¹⁹ The 1st follow-up study of the High School & Beyond (HS&B) survey, which asks respondents if they have applied for financial aid (including specifically by completing the FAFSA), provides high-quality data that illuminates obstacles students face in accessing postsecondary education through a nationally representative sample of 12th-grade students, a population that substantially overlaps with FAFSA applicants. Including a two-step measure of gender identity on this survey, would shed light on disparities impacting transgender and nonbinary youth’s access to federal financial aid.²⁰ Finally, we urge the Department to take steps to collect demographic data about all LGBTQI+ individuals applying for federal financial aid, including refining measures for variations in sex characteristics and sexual orientation, consistent with the recommendations in our August 2022 comment. The Department may also wish to consider other strategies, such as including a measure of sexual orientation on the first follow-up survey of the HS&B,²¹ and collaborating with the Centers for Disease Control and Prevention Division of Adolescent and School Health, the Census Bureau, and other agencies on the testing and development of a measure of variations in sex characteristics for use with youth populations.²² Including</p> <p>²² GLSEN, LGBTQ+ Data Inclusion: Advancing Intersectional Equity in K-12 Education Systems, at 8 (2022), https://www.glsen.org/sites/default/files/2022-05/GLSEN_LGBTQ_Data_Inclusion_Policy_Brief.pdf.</p> <p>²¹ Sexual orientation measures have long been included in surveys of high school students</p>	
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through the Youth Risk Behavior Survey and the National Crime Victimization Survey (eligible respondents may complete the School Crime Supplement) and have also been added to the National Postsecondary Student Aid Study, Baccalaureate and Beyond Longitudinal Study, Beginning Postsecondary Students Longitudinal Study.

20 We thank the Department for including a measure of gender identity on the National Postsecondary Student Aid Study, Baccalaureate and Beyond Longitudinal Study, and Beginning Postsecondary Students Longitudinal Study. However, such surveys will exclude transgender and nonbinary twelfth grade students who do not pursue postsecondary education and do not shed light on the barriers these students may face around accessing federal student aid.

19 GLSEN, LGBTQ+ Data Inclusion: Advancing Intersectional Equity in K-12 Education Systems 8–9 (2022), https://www.glsen.org/sites/default/files/2022-05/GLSEN_LGBTQ_Data_Inclusion_Policy_Brief.pdf.

18 GLSEN has similarly noted that a single-question approach for sex/gender demographic data collection impedes the accuracy of the data collected. See GLSEN, Considerations for Measuring Sexual Orientation and Gender Identity in Surveys of Secondary School Students 4 (2022), https://www.glsen.org/sites/default/files/2022-05/GLSEN_LGBTQ_Data_Inclusion_Research_Brief.pdf.

these measures is essential to assessing the financial barriers the entire LGBTQI+ community may face to accessing higher education. Inclusive data collection is the first step towards identifying and breaking down the economic obstacles LGBTQI+ people face to accessing higher education and achieving economic security in adulthood. Thank you for considering our recommendations to maximize the utility and inclusivity of the FAFSA's data collection measures and protect against the inappropriate disclosure of applicants' demographic data.

If you have questions about this comment, please contact Brian Dittmeier (brian@glsen.org) or Hunter F. Iannucci (hiannucci@nwlc.org).

Sincerely,
GLSEN and the National Women's Law Center, *joined by*

	InterACT: Advocates for Intersex Youth The Movement Advancement Project Whitman-Walker Institute	
37	Question 5 under Personal Circumstances provides separate options for being a “ward of the court” or “in foster care.” As these terms are often considered interchangeable, we recommend that “ward of the court” and “in foster care” be merged into a single question. If these remain as separate questions, there should be help text available that distinguishes under which circumstances a student would select one vs. the other. We are concerned that a youth who meets this criteria will be confused and unclear which option to select, posing a barrier to them completing the FAFSA.	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.
38.a	<p>October 16, 2023</p> <p>Kun Mullan, PRA Coordinator 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 400 Maryland Ave. SW Washington, DC 20202</p> <p>Re: 2024-2025 Free Application for Federal Student Aid (FAFSA), OMB Control Number 1845-001, ICR Reference Number 202303-1845-006, Docket ID ED-2023-SCC-0053 Via: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202303-1845-006</p> <p>Dear Office of Information and Regulatory Affairs:</p> <p>The Hope Center at Temple University is pleased to provide additional comments on the design of the 2024-25 Free Application for Federal Student Aid (FAFSA). We sincerely thank the Biden-Harris Administration, especially the staff of the U.S. Department of Education (“Department”) and the White House Domestic Policy Council, for their time and dedication to this once-in-a-generation overhaul of federal financial aid.</p> <p>We also appreciate the Administration reviewing and implementing some public comments from the previous 60-day FAFSA comment period earlier this year. This cycle’s FAFSA changes occur at a time of enormous pressure for the federal government and when the resources of Federal Student Aid are stretched incredibly thin. Still, the work remains critical to creating a better future for our students. Thank you for your attention to these suggestions.</p> <p>Roles-based Process</p>	<p>Thank you for your comment. The Department of Education gathered a considerable amount of input from many parties and usability studies and used current industry design standards and best practices to implement this change.</p> <p>Updated resources will be provided in advance of the FSA ID updates to aid customers in the creation, obtainment, and management of their FSA IDs.</p>

	We recognize that the new roles-based process is designed to meet the identity verification requirements of the FUTURE Act. However, we remain very concerned that these procedures will become a significant barrier for many applicants and do not yet provide any essential alternatives.	
38.b	Creating FSA ID: Many students who are first-generation, have undocumented parent(s), have non-English speaking parent(s), live apart from their parent(s), do not have reliable internet connectivity or technology for all members of their family, and others will struggle to obtain separate FSA IDs for each of the required contributors. Many such individuals are also understandably fearful of sharing their personal information, including their Social Security Number (SSN), even on government forms. The Department must provide substantial technical support and outreach to help contributors create their FSA ID. If a contributor does not create their account soon after a dependent student begins a new FAFSA, the Department should follow up repeatedly to provide additional information, support, and questions and answers.	Refer to 38.a
38.c	We appreciate the Department's clarification that parents of undocumented students can register for an FSA ID. However, many such parents will be understandably reluctant to do so. The Department should take additional steps to make this process easier for applicants and to reassure them about their data privacy, just as it has done for other questions that contain sensitive information. Undocumented parent(s) will be asked to provide sensitive personal information that they would be hesitant to share with government sources. It is also important for the Department to repeat frequently that filling out the FAFSA using a pseudo-SSN does not constitute any disclosure of immigration status and that information from the FAFSA will not be used for immigration enforcement purposes.	Refer to 38.a
38.d	Identifying contributors: We are also very concerned about the Department's current design which asks a student applicant to provide the full name, date of birth, email address, and SSN of their parent(s). While we understand that it is important to correctly identify contributors, many dependent student applicants will not have this information on hand without asking their parent(s). Often, the student will not be filling out the FAFSA with their parent(s) concurrently and may be unable to ask them for this information until much later in the process, risking FAFSA abandonment. Some parents will be reluctant to provide their personal information without accessible, plain-language explanations of how the information will be used. We suggest adding links to resources for the applicant on how to find their contributors' information if they do not have it and why it is needed. For future FAFSA cycles, we strongly recommend the Department explore the option to invite contributors using only an email address or phone number, allowing the parent(s) to reply and input their own date of birth and SSN—similar to modern two-factor authentication technology.	Thank you for your comment. Guidance will be provided via help and related training materials.
38.e	Federal Benefits Received (questions 18 and 36) This question on the FAFSA helps to connect applicants with benefits that support their basic needs. A subset of the benefits also exempts applicants from asset reporting, simplifying the financial aid process.	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.

	<p>Explanatory text: We request explanatory text be added to the beginning of the question to inform applicants that their answers could make it easier for them to complete the FAFSA (by bypassing asset information for those who qualify) and could also help the applicant obtain additional sources of financial support. Some applicants may otherwise misunderstand the intent of this question, thinking that receiving other types of benefits would reduce their financial aid eligibility or otherwise harm them; unfortunately, similar fears linger among many immigrant families due to the prior Administration’s “public charge” regulation.* When applicants know they stand to benefit from this question, they will be more likely to answer it and with greater accuracy. The Department should add explanatory or informational text just prior to the question, such as <i>“This information may shorten the time it takes to complete the FAFSA and help connect you with relevant resources. Select all that apply.”</i></p>	
<p>*Immigration Impact. (2023, August). <i>The Ghost of Public Charge Keeps Scaring Immigrant Families Away From Public Benefits.</i></p>		
38.f	<p>Question text: The Department should revise the question text to align with the <i>FAFSA Simplification Act</i>, which requires the form to ask if the applicant (or their parent(s) or spouse) received the benefits <i>“within the last two years.”</i> The current draft instead asks whether the applicant received the benefit “at any time during 2022 or 2023,” which will not capture situations where the applicant receives a means-tested benefit at the time they complete the FAFSA (e.g. in early 2024) but did not receive it in 2022 or 2023. Additionally, more recent information about benefits uptake better reflects an applicant’s financial circumstances at the time of filing. Therefore, the text of this question should change to <i>“At any time in the last two years, did the student or anyone in their family receive benefits from any of the following federal programs? Select all that apply.”</i> for the student, and similar text for the parent(s).</p>	Please refer to comment 22i .
38.g	<p>Additionally, under Section 483 (a)(2)(B)(ii)(XVII) of the <i>Higher Education Act</i> (HEA), the Secretary is authorized to add <i>“any other means-tested program determined by the Secretary to be appropriate”</i> to this list. Therefore, we continue to strongly urge the Department to add other federal benefits that could significantly improve the financial security and wellbeing of students and their families. We request the following list of benefits to be added to the list that can be checked by either the student or parent applicant(s), as applicable:</p> <ul style="list-style-type: none"> • Affordable Connectivity Program (ACP) • Low Income Home Energy Assistance Program (LIHEAP) • Unemployment Insurance (UI) • Child Tax Credit (CTC) • American Opportunity Tax Credit (AOTC) and/or Lifetime Learning Credit (LLC) 	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
38.h	<p>We also ask the Department to revise the field <i>“Refundable credit for coverage under a qualified health plan (QHP)”</i> to <i>“health insurance subsidy under the Affordable Care Act.”</i> The alternative language is more straightforward and will be better understood by applicants.</p>	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.

38.i	Pop-up help text: Finally, since questions 18 and 36 refer to “anyone in their family,” the pop-up help text should tell applicants to base their answer on any family members they included in calculating the family size in question 9 for clarity.	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.
38.j	<p>Student Other Circumstances – Experiencing Homelessness (question 6)</p> <p>We thank the Department for its support of students experiencing homelessness. However, we remain concerned about several design aspects of this question.</p> <p>Question text: We again ask the Department to modify the period referenced for when the student may have been experiencing homelessness, or at risk of homelessness, to support these youth better. The timeline should be prior-prior year (or the previous two years) as used elsewhere throughout the FAFSA, instead of “on or after July 1, 2023” – a narrow window not proscribed by the HEA. Shifting this timeline to “during 2022 or 2023” or “during the previous two years” will ensure that more students experiencing homelessness, or at risk of homelessness, can be identified and supported by their states and institutions. Recent data released by the National Center for Education Statistics found that 1.5 million students in higher education are experiencing homelessness.* However, financial aid is serving only a tiny fraction of these students. Just under 32,000 students received a determination of homelessness in 2021-22, and less than half of those who indicated they were experiencing homelessness, or at risk of homelessness, on the FAFSA were able to receive a determination and get the financial aid they need.** We request the Department’s support in addressing this severe disparity.</p>	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
*McKibben, B., Wu, J., and Abelson, S. (2023, August). New Federal Data Confirm that College Students Face Significant—and Unacceptable—Basic Needs Insecurity . The Hope Center at Temple University.		
**National Center for Homeless Education. (2023). FAFSA Data on Unaccompanied Homeless Youth: 2019-2020, 2020-2021, and 2021-2022 Application Cycles		
38.k	Question label: We request that the header or label of this question be modified to a more easily distinguishable term, such as “ <i>Experience with Homelessness</i> ” instead of “Student Other Circumstances.” There are many confusing, similar, and vague terms on the FAFSA and Federal Student Aid websites used to refer to students’ circumstances, including “personal,” “special,” “other,” and “unique.” It is exceedingly difficult for students to understand the differences between this terminology and to advocate for themselves accordingly. Changing the header of this question will help students, financial aid administrators, and support organizations refer to the correct portions of the FAFSA. Neither statute nor regulation requires the labels of these questions to match the back-end processes and technical terminology used by financial aid administrators and the Department—they should be adjusted for simplicity.	Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®) form.
38.l	Pop-up help text: Help text that was previously on the FAFSA in prior award years does not appear on the draft FAFSA or prototype. We ask that the relevant help text be added back to both the filtering question and list of determination sources to help students determine	Online FAFSA help text and topics will be part of completing the FAFSA online.

	whether they meet the statutory definitions.	
38.m	Provisional independent screen: If an applicant has indicated yes to the homeless filtering question but selects “none of these apply” to the determination source, the FAFSA demo shows that they are then presented with the “provisional independent” screen. This terminology is misleading, as students who are unaccompanied homeless youth (or unaccompanied, at risk of homelessness, and self-supporting) are not the same as students who are provisionally independent because of their answer to question 7 (unusual circumstances).	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
38.n	HEA Section 479D(a)(3) requires the homeless determination process to be distinct from provisional independence, and Sec. 483(2)(B)(v) requires the questions for those processes to be separate. Therefore, to fulfill Congressional intent, the Department should modify the text on this screen to provide the appropriate instructions to students who selected yes to the homeless filtering question and allow them to proceed normally as independent applicants. It is then the responsibility of the financial aid administrator to follow up with the student to obtain a written statement from, or a documented interview with, the student that confirms that the student is an unaccompanied homeless youth, or unaccompanied, at risk of homelessness, and self-supporting.	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
38.o	Flow: If an applicant has indicated yes to the homeless filtering question during their first time filling out the FAFSA but selects “none of these apply” to the determination source and is later determined to be homeless by their financial aid administrator at their institution, it is important that such student have their determination of homelessness pre-selected in a renewal application. For example, “financial aid administrator” would be pre-selected with an accompanying explanatory notation for the student in 2025-26.	Please refer to comment 28.g.
38.p	Contact Information (questions 2, 26, 31, 43) Question text: We request the Department add help text near the term “permanent mailing address” to address situations in which an applicant is experiencing homelessness, which is defined as not having access to or lacking fixed, regular, and adequate housing. An applicant in such a situation would otherwise not know how to complete the form appropriately. For example, we recommend adding an explanatory note prior to the entry fields: “ <i>If you do not have a permanent address, provide an address where you can receive mail.</i> ” Alternatively, we request pop-up help text for this question in the online FAFSA.	This change will be made.
38.q	Assets (questions 22 and 40) Question text: In both the student and parent asset questions, applicants are asked to provide the “ <i>current total of cash, savings, and checking accounts.</i> ” However, the definition of assets under HEA Sec. 480(f)(1), as amended by the <i>FAFSA Simplification Act</i> , no longer includes cash. Accordingly, we ask that the reference to cash be removed.	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
38.r	Note that, on the online FAFSA, this will also require removing a reference to “cash” on screen 2 of 4, Contributors to the FAFSA Form, under “Information or Documents You May Need.”	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to

		review recommendations.
38.s	Pop-up help text: Given that dependent students will now be filling out the FAFSA separately from their parents with a separate FSA ID, we suggest adding additional help text for the student indicating who should be reporting assets in which section. For example, it is important that the student be directed to report assets that are only their own – and not their parents – to avoid double counting checking or savings accounts. A student may otherwise think they need to list their parents’ checking and savings information in this question. The paper FAFSA contains some help text that may be useful here.	Thank you for your comment. The Department of Education is in the process of updating this item or function to better assist customers and improve the accuracy of information collected and submitted on the Free Application for Federal Student Aid (FAFSA®).
38.t	Flow: We are concerned that many applicants will not benefit from the statutory intent to exempt additional individuals from asset reporting. As constructed, most applicants will still see the asset questions even if they are non-filers, have received applicable federal means-tested benefits, or have a negative SAI. Many such applicants won’t know they aren’t required to answer these asset questions and will be unnecessarily disrupted from completing the FAFSA.	This change will be made.
38.u	While we recognize there are issues associated with the timing of the requirement for contributors, the current flow limits the potential benefit of simplification. We ask the Department to identify categories of individuals who, based on the status of all contributors in their application, could automatically skip asset questions if all applicable individuals qualify for the exemption. For example, if a dependent student’s parent(s) already meet the requirements to be exempt from asset reporting, and then the student completes the form and is also exempt, the form should skip the asset questions—and vice versa.	Thank you for your comment. Since a dependent student’s eligibility to skip asset reporting is based on parent information, the order in which contributors complete their sections determines whether skip logic applies. When a parent completes their section before the student completes their finances, the student asset questions will not display.
38.v	Note on Special Circumstances (first page of paper form) We commend the Department for placing the content of this note—about changing financial circumstances—on the first page of the paper FAFSA. Many applicants do experience these changes in their financial status and wellbeing, and filing the FAFSA can be a stressful experience. We suggest the Department ensure this text also appears prominently on the online FAFSA and request some modifications to ensure applicants easily understand it and can benefit from the professional judgment process.	Thank you for your comment. The Department of Education is in the process of updating this item or function to better assist customers and improve the accuracy of information collected and submitted on the Free Application for Federal Student Aid (FAFSA®).
38.w	Just as with the suggestion above regarding the title of the questions associated with homelessness, the title of this question should be changed to avoid vague and subjective terms like “special” regarding the circumstances. Instead, this question and content should lead with accessible, plain language such as <i>“What if my financial circumstances have recently changed?”</i>	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
38.x	We also suggest adding language that clearly indicates why an applicant would choose to notify their financial aid office in such circumstances, e.g. <i>“you may be eligible for additional</i>	Thank you for your comment. The Department of Education believes the current instructions

	<p><i>aid.</i>” Otherwise, applicants may not understand that taking this extra step can benefit them. Finally, we ask that the examples of expenses be simplified and include a reference to child care expenses, given that 1 in 5 of those enrolled in higher education are parenting students. The Government Accountability Office has previously found widespread under-utilization of the dependent care allowance.* In sum, we recommend revising this header and text to:</p> <p><i>What if my financial circumstances have recently changed?</i> <i>If you or your family recently experienced significant changes to your financial situation (such as loss of employment or reduced income) or other circumstances that have limited your ability to afford higher education (such as high medical or child care expenses), you may be eligible for additional aid. Once you submit the FAFSA, contact the financial aid office at the college(s) you plan to attend and request that they review your circumstances.</i></p>	provide adequate guidance.
*Government Accountability Office. (2019, August). Higher Education: More Information Could Help Student Parents Access Additional Federal Student Aid.		
38.y	<p>Unusual Circumstances – Contact with Parent or Other Circumstance (question 7) Explanatory text: We recommend replacing the plural “parents” throughout this question with the singular parenthetical “parent(s),” as student applicants may only have one parent filling out the FAFSA. This change also aligns with the <i>FAFSA Simplification Act</i>; in HEA Sec. 480(d)(9), the definition of provisional independence refers to when a student is “unable to contact a parent” – singular – to account for the cases in which a student may have only one parent with legal custody who would otherwise be a required contributor on the form. Using the plural “parents” is likely to confuse provisionally independent applicants and could prevent them from completing the form.</p>	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.
38.z	<p>Additionally, we ask that the Department remove the additional limitations that have been add for applicants who are incarcerated or have a parent(s) who is incarcerated. The HEA states that “student or parental incarceration” qualifies a student for provisional independence—without regard to whether contact in such instance poses a risk to the student. When an applicant is incarcerated, or the applicant’s parent(s) are incarcerated, this creates significant logistical barriers to creating an FSA ID and completing the required contributor functions of the FAFSA. For example, most prisons do not have internet access, and completing a paper FAFSA would require in-person visitation time.</p>	This change will be made.
38.aa	<p>Parental incarceration is a major equity issue; according to The Sentencing Project, 2.7 million children have a parent serving time in a prison or jail on any given day, and the rates of parental incarceration vary significantly by race, with Native, Black, and Latine dependents experiencing much higher rates of parental incarceration than White dependents.*</p>	Thank you for your comment.
*Ghandnoosh, N, Stammen, E., and Muhitch, K. (2021, November 17). Parents in Prison. The Sentencing Project.		
38.ab	<p>Unfortunately, the bullet in the explanatory text prevents a student from obtaining provisional independence when their parent(s) is incarcerated unless contact would <i>also</i> pose a risk to that student. This limitation does not reflect the lived experiences of most students with a parent who is incarcerated. Therefore, immediately following the mention of incarceration, the</p>	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.

	Department should delete the phrase “ <i>and contact with the parents would pose a risk to the student</i> ” – as this caveat arbitrarily limits provisional independence.	
38.ac	If the incarcerated form is maintained as a separate application, it should also delete question 7 entirely in that form, as all applicants using such a separate form will be incarcerated and, therefore, can qualify as provisionally independent if they are not already independent.	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
38.ad	<p>Question label: Finally, as with the other sections, the text of this question should be changed to avoid the vague and subjective term “unusual.” It is easily confused with “personal,” “special,” “other,” and “unique.” Instead, this question and content should lead with accessible, plain-English terminology like “<i>Student Contact with Parent(s)</i>” or similar language.</p> <p>In total, we ask this question to appear like the following:</p> <p>Contact with Parent(s) or Other Circumstances <i>Do unusual circumstances prevent the student from contacting a parent, or would contacting such parent(s) pose a risk to the student? (Y/N)</i></p> <p><i>This information will help us evaluate the student’s ability to pay for school. A student may answer “yes” to this question if they:</i></p> <ul style="list-style-type: none"> • <i>Left home due to an abusive or threatening environment;</i> • <i>Are abandoned by, or estranged from, their parent(s);</i> • <i>Have refugee or asylee status and are separated from their parent(s), or their parent(s) are displaced in a foreign country;</i> • <i>Are a victim of human trafficking</i> • <i>Are incarcerated, or their parent(s) are incarcerated; or</i> • <i>Are otherwise unable to contact or locate their parent(s).</i> <p><i>If the student’s circumstances resulted in their not having a safe and stable place to live, they may be experiencing homelessness and should review their answer to question 6.</i></p> <p><i>Students who are in contact with at least one parent to contribute to their FAFSA should answer “no” to this question.</i></p>	Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®) form.
38.ae	Guidance: The Department should also specify in guidance that a student’s request for a determination of provisional independence will be honored unless (A) the student informs the institution that circumstances have changed or (B) the institution has specific conflicting information about the student’s independence and has informed the student of this information, just like the standard for students who must obtain a determination of independence if they are unaccompanied and experiencing homelessness or at risk of	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.

	homelessness.	
38.af	Flow: We seek to clarify that if a student has previously selected “yes” to this question in a prior year’s application, their response to this question will be auto-populated in any renewal FAFSA, to avoid requiring students to answer repeated questions about these circumstances.	Refer to comment response 28.g
38.ag	<u>Apply for a Direct Unsubsidized Loan Only (question 8)</u> This question is not authorized by the HEA, will be used by a few applicants, and should be eliminated. As amended by the <i>FAFSA Simplification Act</i> , the HEA only authorizes a student to pursue a Direct Unsubsidized Loan as an alternative to the professional judgment process or in the case of the failure to be declared provisionally independent (dependency override).	Thank you for your comment. This question allows the student to identify as someone who needs to submit the form without parent information and doesn’t meet the criteria to be independent or provisionally independent. This question will be modified to provide additional guidance to the applicant.
38.ah	Therefore, allowing a student to bypass those required steps—which could unlock more favorable types of financial aid—is contrary to the statutory intent. The question is also likely to induce further confusion relative to the new pathway for students who are eligible to claim “unusual circumstances” for having contact with a parent. Students would be better served with a simpler FAFSA process with this question removed. If the Department is not able to remove this question for the current cycle, we ask that it include clarifying text that refers students back to the circumstances listed in question 7 that could prevent them from contacting a parent. Students should have every opportunity to pursue a professional judgment or provisional independence.	This change will be made.
38.ai	<u>Student Demographic Information (question 11)</u> We strongly support the non-binary identification option. We recommend the Department move up questions related to sex/gender and race/ethnicity earlier in the form, alongside other demographic questions, where they are a better fit thematically.	Thank you for your comment. The layout of the form was designed with the intent of asking the pertinent questions needed to determine student identity and contact information, dependency status, and whether any other contributors need to be a party to the form. Questions not used for those purposes appear later in the form flow.
38.aj	We also note that the screen that appears before the student applicant sees the demographic question is incorrect for independent or provisionally independent students. It currently says “We’ll ask questions about you <i>and your parent(s)</i> .” If the student has already been determined to not need parental information, this would be confusing. If there cannot be a separate flow for independent students in this cycle, we suggest that the reference to	Thank you for your comment. There is a difference between a parent not providing information within a FAFSA form and a student answering questions about their parent(s) to the best of their ability.

	parents be deleted.	
38.ak	<p align="center">Student Race and Ethnicity (Question 12)</p> <p>We support the questions about racial subcategories and ethnicity. We recommend the Department add a “Middle Eastern or North African” (MENA) category, as supported earlier this year by the Federal Interagency Technical Working Group on Race and Ethnicity Standards for the Census.* As that working group aptly notes, <i>“many in the MENA community do not share the same lived experience as White people with European ancestry, do not identify as White, and are not perceived as White by others.”</i> The categories from the recent Census have not been updated since 1997, and approximately 3.7 million Americans trace their roots to an Arab country, according to the Arab American Institute.** In creating a separate MENA category, ED should then remove the note that associates Lebanese, Egyptian, and Iranian backgrounds as White.</p>	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
*Federal Register. (2023, January 27). Initial Proposals For Updating OMB's Race and Ethnicity Statistical Standards.		
**Arab American Institute. (2023). About: Where do Arab Americans Live?		
38.al	<p>Parent Education Status (Question 15)</p> <p>We appreciate the clarifications made to this question. However, we believe asking a student applicant who is independent, or provisionally independent (not in contact with their parent) may be confused by this question, since it will be the only other question asking about their parents. We suggest adding an explanatory note or pop-up help text similar to the one provided for student race and ethnicity, such as <i>“The answers will not affect the student’s eligibility for federal student aid. This question is presented even if a student is not required to provide other parent information.”</i></p>	Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®) form.
38.am	<p>Family size (questions 9 and 34)</p> <p>Explanatory text: Determining who an applicant considers “family” can be a difficult and often fraught process for those applying to government programs. Even the Federal Student Aid website lists this question as one of the ten most common FAFSA mistakes and that <i>“many students incorrectly report this number, especially when the student doesn’t physically live with their parent.”*</i> It is also easy for the FTI information to differ from the student’s current family size. Since family size can substantially impact a student’s eligibility for financial aid, it is critical that these instructions are clear, concise, and consistent. Contrary to the Department’s assertion the current “guidance” is adequate, this question remains awkwardly worded, difficult to answer, and does not yet have attached help text. We also note that the explanatory text on the paper FAFSA differs from the explanatory text on the online FAFSA, with the online FAFSA appearing more confusing.</p> <p>For example, when a dependent student is asked how many people are in their family (question 9), the explanatory text <i>does not</i> refer to their parent(s). But the same prompt in question 34 for the parent contributor <i>does</i> mention the student as part of the family. Different definitions will inevitably lead to common differences in how the student and parent identify their family size and induce confusion. If the Department intends for the student and parent</p>	Thank you for your comment. The Department of Education is in the process of updating this item or function to better assist customers and improve the accuracy of information collected and submitted on the Free Application for Federal Student Aid (FAFSA®).

	answers to differ, it should inform the applicant in the explanatory or introductory text.	
Federal Student Aid. 10 Common FAFSA Mistakes to Avoid .		
38.an	Additionally, we request the Department modify the question text to provide more guidance and flexibility to applicants who have a child before the beginning of the 2024-25 award year. The current text refers only to current circumstances, e.g. “ <i>now</i> live with the student” or “living with the parent <i>now</i> .” However, if a student applying for aid in early 2024 has a child before commencing enrollment in 2024-25, their family size will change, and they could become eligible for additional financial aid. However, most applicants would not know about the potential increase to their eligibility unless they are notified.	Thank you for your comment. The Department of Education is in the process of updating this item or function to better assist customers and improve the accuracy of information collected and submitted on the Free Application for Federal Student Aid (FAFSA®).
38.ao	Pop-up help text: It would be useful for the help text to refer students to examples where family size may have changed, such as divorce, marriage, death, births, or older siblings no longer living at home, and to provide links to help determine family size. The Department should consider adding help text that is like instructions it has provided for income-driven repayment.* Alternatively, the Department should copy over the clear text it has provided for students completing verification to ensure there are no differences between what the FAFSA instructs students to enter and what the verification process requires.**	Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®) form.
*U.S. Department of Education, Federal Student Aid. How is ‘family size’ defined for income-driven repayment (IDR) plans?		
**U.S. Department of Education, Federal Student Aid. (2023). APPENDIX A: 2024-25 Suggested Verification Text .		
38.ap	Question text: We also seek to confirm that the prompt for this question will appropriately differ if the individual is a non-filer – by not referring to a “tax return” in the question text since the applicant would not have filed a tax return. Instead, the question could refer to what the applicant’s family size was during the relevant calendar year (2022) using plain language terminology, accompanied by pop-up help text. For example, the question text could read “ <i>Is your family size different from what it was in 2022?</i> ”	The prompt for this question will appropriately differ if the individual is a non-filer.
38.aq	Process: We also request that the Department establish a procedure for reconciling any differences between the family size indicated by the student, and the parent(s), that can be resolved outside of any formal verification process. For example, the Department could explore email prompts recommending a correction or review.	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
38.ar	FAFSA Submission Summary We appreciate the enhancements to the FAFSA Submission Summary, formerly known as the Student Aid Report, particularly the efforts to make it more visually appealing and easier to navigate. We recommend adding or changing the following sections to the FAFSA Submission Summary and any confirmation pages: Special or unusual circumstances: We recommend this section be modified to include a clearer indication of the potential benefit to the student—additional eligibility for aid.	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.

	<p>Otherwise, applicants may not make the additional effort to report changes to their school that could help them succeed in higher education. Additionally, we recommend avoiding the subjective terms “special or unusual” in the body of the text. For example, the text could read:</p> <p><i>Financial or Other Circumstances</i> <i>If you or your family recently experienced significant changes to your financial situation (such as loss of employment or reduced income) or other circumstances that have limited your ability to afford higher education (such as high medical or child care expenses), you may be eligible for additional aid. Alternatively, you may not be required to provide parental information on your FAFSA if you are not in contact with a parent due to abuse, neglect, or abandonment, or are refugee or asylee. Contact the financial aid office at the college(s) you plan to attend and request that they review your circumstances.</i></p>	
38.as	<p>Public, tax, and veterans’ benefits: A section that helps students obtain additional financial support through public benefits, tax benefits, and aid due to veteran or servicemember status. Creating a new section on these forms of support can also be used in part to fulfill the requirement in HEA Section 483(a)(3), clauses (iv) through (vi), for the Department to follow up with information on:</p> <ul style="list-style-type: none"> • Federal means-tested benefits that the applicant did not indicate they receive, but for which they may be eligible, and relevant links and information on how to apply for such benefits; • Information on education tax benefits; and • If the student identified as a veteran, or as serving (on the date of the application) on active duty in the Armed Forces for other than training purposes, information on benefits administered by the Department of Veteran Affairs or Department of Defense, respectively. 	<p>Thank you for your comment. This information is accessible from the FAFSA Submission Summary.</p>
38.at	<p>While we appreciate the current mention of education tax benefits, we ask the Department to expand on this language to help further clarify the potential benefit to students, for example, by listing the name and potential maximum amount (e.g. “<i>American Opportunity Tax Credit worth up to \$2,500 per year</i>”).</p>	<p>Thank you for your comment. This information is accessible from the FAFSA Submission Summary.</p>
38.au	<p>Voter registration: A link to vote.gov to register to vote or update voter registration information, including accompanying information. The current link to voter registration information at the bottom of studentaid.gov is in small font, easily missed, and passive in nature. In contrast, the Internal Revenue Service included a prominent link to vote.gov in the Tax Year 2022 Instructions for the 1040 Form, and the U.S. Postal Service includes an interactive process for applicants to register to vote or update their registration as a seamless part of the change-of-address process.</p>	<p>Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®).</p>

38.av	We also ask that, after the confirmation page, the Department a proactive prompt that asks applicants if they would like to register to vote, or update their registration, and then redirects applicants to vote.gov . Civic engagement benefits all communities, including financial aid applicants.	Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®).
38.aw	<p>Income Protection Allowance</p> <p>The 2024-25 DRAFT Pell Eligibility and SAI guide contains thresholds for the Income Protection Allowance that are significantly outdated as of the time of this comment.* Tables A2 and C2, and pages 9 and 14 of the PDF, contain the same dollar figures in the <i>FAFSA Simplification Act</i>. However, those tables were intended for 2023-24. Under HEA Sec. 478, the Secretary is required to provide an inflationary adjustment to those tables for subsequent award years, including for the 2024-25 award year. We request the Department update these tables as soon as possible. If the tables are not updated, many students will receive less federal financial aid than they are eligible to receive under the HEA.</p>	Thank you for your comment. This issue either falls outside the scope of the FAFSA form or is too nuanced to be properly addressed in this context. This comment has been referred to the appropriate business unit.
*U.S. Department of Education, Office of Federal Student Aid. (2023, August 25). 2024-25 Draft Student Aid Index (SAI) and Pell Grant Eligibility Guide (Updated Aug. 25, 2023) .		
38.ax	<p>Cost of Attendance</p> <p>Unfortunately, the Department’s recent guidance stipulated that nearly all forms of financial aid, including campus-based, state, and institutional aid (but excluding emergency aid) – should be limited to the total cost of attendance (COA).* Students with a negative Student Aid Index (SAI) will not be eligible for additional aid beyond COA.</p> <p>This interpretation contradicts the HEA, as modified by the <i>FAFSA Simplification Act</i>, which only limits Pell Grants, Direct Loans, and TEACH Grants to COA.** In contrast, the sections of the HEA governing campus-based, state, and institutional aid do not limit such aid to COA. The Department has established this position through informal guidance. Unfortunately, this position could significantly undermine the benefit of the negative SAI. The shift to a negative SAI intended to reflect the substantial expenses that many students and families with low incomes face, including caregiving and work obligations, and to help students avoid basic needs insecurity by providing them with additional financial aid for these expenses.***</p> <p>Many students and families have income levels far below the Income Protection Allowance, but their Expected Family Contribution has historically been truncated at zero. As the National Association of Student Financial Aid Administrators described, “<i>the negative SAI establishes a framework to allow the very neediest students to receive aid in excess of the Cost of</i></p>	Thank you for your comment. This issue either falls outside the scope of the FAFSA form or is too nuanced to be properly addressed in this context. This comment has been referred to the appropriate business unit.

	<p><i>Attendance (COA) established by their school.</i>****</p> <p>The need calculation specified in HEA Section 471 is:</p> $\text{Need} = (\text{COA}) - (\text{SAI}) - (\text{Other Financial Assistance})$ <p>When a student's calculated SAI is negative, subtracting two negative numbers in this formula results in addition, and the mathematical result should be a higher need:</p> $\text{Need} = \text{COA} - (-\text{SAI}) - (\text{Other Financial Assistance})$ <p>→ $\text{Need} = \text{COA} + \text{SAI} - (\text{Other Financial Assistance})$</p> <p>The current guidance constrains states and institutions from supporting students with the greatest financial need. While this issue is not specific to the form itself, it is substantially related and has significant implications for the functionality of the need-based financial aid determined by the FAFSA. We call on the Department to change its policy interpretation and align guidance with the statutory language as soon as possible.</p> <p>Conclusion</p> <p>We again thank the Department once again for their work and attention to the development of this new and streamlined version of the FAFSA.</p> <p>We appreciate the opportunity to provide these comments regarding the 2024-24 FAFSA and look forward to working with you to implement these changes to make it easier for students to obtain the resources they need to pursue higher education.</p> <p>Sincerely,</p> <p>The Hope Center at Temple University</p>	
<p>* U.S. Department of Education, Office of Federal Student Aid. (2023, August 4). GEN-23-11: FAFSA Simplification Act Changes for Implementation in 2024-25; U.S. Department of Education, Office of Postsecondary Education. (2023, August 4). FAFSA Simplification Questions and Answers.</p>		
<p>** See, e.g., HEA Sec. 401(b)(B)(ii)</p>		
<p>*** Conroy, E., Goldrick-Rab, S., Kelchen, R., Welton, C., and Huelsman, M. (2021, April). The Real Price of College: How Using the Negative Expected Family Contribution Can Better Support Students.</p>		
<p>**** National Association of Student Financial Aid Administrators. (2020, December). Q&A on Changes to Federal Student Aid Policy Included in Consolidated Appropriations Act, 2021.</p>		
39.a	1 October 16, 2023 Office of Management and Budget	Thank you for your comment. The Department of Education needs to further

<p>Office of Information and Regulatory Affairs (“OIRA”) Re: OBM Control Number 1845-0001, ICR Reference No. 202303-1845-006; Agency/Subagency OD/FSA Tracking number: ED-2023-SCC-0053</p> <p>Dear OIRA,</p> <p>We write to comment on the proposed 2024-2025 Free Application for Federal Student Aid (“FAFSA”) form and the FAFSA Submission Summary (formerly known as the Student Aid Report).¹ (After applicants submit the FAFSA application to the Department of Education, they receive the FAFSA Submission Summary.)</p> <p>Some of the undersigned organizations submitted a comment in May of 2023 to express our concern and disappointment that information about voter registration is not included in any portion of these materials.² President Biden issued a groundbreaking Executive Order on Promoting Access to Voting (“EO”) more than two years ago.³ In it, President Biden directs federal agencies to “consider ways to expand citizens’ opportunities to register to vote and to obtain information about, and participate in, the electoral process.” As some of our organizations previously highlighted in prior FAFSA comments, and our progress report on the implementation of the EO overall, the federal financial aid process is an ideal place to expand voter registration opportunities pursuant to this EO.⁴ Unfortunately,</p> <p>¹ See U.S. Federal Register, U.S. Department of Education, Draft of the 2024-2025 Federal Student Aid Application Materials, Docket No. ED-2023-SCC-0053-00001, <i>available at</i> https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2023-03-27/notice-draft-2024-25-federal-student-aid-application-materials; <i>see also</i> Forms and Instruments, 1845-0001 2024-2025 Draft FAFSA Submission Summary, <i>available at</i> https://www.regulations.gov/document/ED-2023-SCC-0053-0003.</p> <p>² U.S. Federal Register, U.S. Department of Education, Docket No. ED-2023-SCC-0053-00001; Comment on FR Doc # 2023-06169U, May 23, 2023, <i>available at</i> https://www.regulations.gov/comment/ED-2023-SCC-0053-0197.</p> <p>³ March 7, 2021 Executive Order on Promoting Access to Voting, <i>available at</i> https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promotingaccess-to-voting/.</p> <p>⁴ U.S. Federal Register, U.S. Department of Education, Docket No. ED-2022-SCC-0024, Agency Information Collection Activities; Comment, June 30, 2022, <i>available at</i> https://www.federalregister.gov/documents/2022/02/24/2022-03868/agency-information-collectionactivities-</p>	<p>assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®).</p>
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comment-request-2023-2024-free-application-for-federal; *Strengthening Democracy: A Progress Report on Federal Agency Action to Promote Access to Voting*, March 2, 2023, available at <https://civilrights.org/resource/voting-eo-report/>.

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neither the FAFSA form nor the FAFSA Submission Summary contain any information about voter registration.⁵

Instead, the agency referred in its 60-day comment response only to a small link to Vote.gov that now appears at the bottom of StudentAid.gov. However, this link is in an exceedingly small font size, and as it is not part of the actual application process, it is easily missed. Applicants should receive a much more prominent opportunity to register to vote and update their registration.

We, therefore, write again to urge the Department of Education to implement our recommendations and take advantage of this vital opportunity to expand access to voter registration. Our specific recommendations for how to best accomplish the goals of the EO and incorporate voter registration information into the FAFSA process are provided here again.

1. Add voter registration information to both the electronic and hard copy of the FAFSA Submission Summary.

An easy step the Department of Education can take to provide access to voter registration information in the FAFSA process is to add information about voter registration to the FAFSA Submission Summary (formerly known as the Student Aid Report). This information should be added to both the electronic and the hard copy (paper) Submission Summary provided to applicants.

The following represents some recommended language:

Voter Registration

Do you need to check or update your voter registration? Visit [Vote.gov](https://www.vote.gov) to register to vote and get information from your state election office about voter registration and eligibility. (Optional)

There are several locations in the paper Submission Summary where this simple language on voter registration could be added. This could be added to the Federal Student Aid Eligibility section on page 1 of the paper Submission Summary immediately after the language providing additional information about IRS tax benefits, or at the end of the Comment section on page 2.

This simple language should also be added to an analogous location in the online Submission Summary provided to applicants.

Moreover, the Vote.gov language in the online version of the Submission Summary should hyperlink directly to [vote.gov](https://www.vote.gov). Vote.gov is a resource maintained by the General Services Administration (“GSA”). As part of the voting access EO, GSA is working on some improvements to the [vote.gov](https://www.vote.gov) interface.⁶ Currently, [vote.gov](https://www.vote.gov) provides voter registration

	<p>5 See “60D Comment Response Summary”, <i>available at</i> https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202303-1845-006</p> <p>6 Per the voting access EO, GSA is working on improvements to the interface with voter registration services provided on vote.gov. EO, Section 5. See, e.g., Comment on Federal Register Document #2021-12619 from the ACLU and Demos (Comment ID NIST-2021-0003-0147), <i>available at</i> 3</p> <p>information, links and resources for all states and territories. Pending changes are focused on improving the user experience of vote.gov – the registration information provided will remain the same and will continue to be maintained by GSA. This means with one brief section of text, the Department of Education would be able to provide access to relevant, authoritative voting information to all FAFSA applicants.</p> <p>In response to the EO, other federal agencies have included voter registration information in relevant resources provided to the public. For example, the IRS included similar language in the Tax Year 2022 Instructions for the 1040 Form.⁷</p> <p>The Department of Education must follow the example of the IRS and add voter registration information to the FAFSA Submission Summary in compliance with the EO’s directive to expand citizens’ opportunities to register to vote.⁸</p>	
39.b	<p>2. Incorporate a Voter Registration Question into the FAFSA Online Application Process.</p> <p>To provide the most effective registration opportunity, a voter registration question and registration information must be integrated into the FAFSA online application. We know this is the most impactful option based on extensive experience with state government agencies that provide voter registration opportunities pursuant to the National Voter Registration Act of 1993 (“NVRA”).⁹</p> <p>Although legal restrictions limit the Department’s ability to incorporate voter registration information into the FAFSA online application <i>before</i> the application is submitted, the Department can and must provide voter registration information <i>after</i> the application is submitted. Information about registering to vote should be added to the confirmation page that an applicant sees <i>immediately</i> after they submit their application.</p> <p>https://www.regulations.gov/comment/NIST-2021-0003-0147.</p> <p>⁷ 1040 Instructions, Tax Year 2022, <i>available at</i> https://www.irs.gov/pub/irs-pdf/i1040gi.pdf.</p> <p>⁸ Vote.gov provides links to all state online voter registration systems. But this is not effective for all individuals because not all states have online voter registration systems, and in most states, an individual must have a valid state driver’s license or ID card to use these systems. As an alternative, Vote.gov</p>	<p>Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®).</p>

provides access to the National Mail Voter Registration Form (“NMVRF”). This form can be used to register to vote in all states requiring voter registration. See National Mail Voter Registration Form, U.S. Election Assistance Comm’n, *available at* <https://www.eac.gov/voters/national-mail-voterregistrationform>; see also 52 U.S.C. § 20505(a). However, this form must be printed and many people do not have access to a printer, including many people with disabilities, people with lower incomes, younger and older people, and members of other marginalized communities. These are the same communities that have the lowest existing voter registration rates. Given the limitations of online voter registration and inequitable access to printers, the Department of Education should also offer to mail a copy of the NMVRF to FAFSA applicants who request it in the application process. The NMVRF could be sent with the Submission Summary whenever it is mailed to applicants. Offering an option to request a voter registration form through the mail is the only way to ensure that everyone is given a meaningful opportunity to register to vote. 9 52 U.S.C. § 20501, *et seq.*

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The voter registration information should be presented as a completely voluntary question, explicitly stating that voter registration is not a required part of the FAFSA application and will not affect their eligibility for federal student aid. State agencies and the NVRA provide models for effectively doing this without interrupting the benefits application process. Based on these models, we urge the Department to prominently display the following language immediately after a FAFSA application is submitted:

If you are not registered to vote where you live now, would you like to register to vote? (Optional)

You should be registered to vote where you currently live or at a permanent address. You should submit a voter registration application to update your address if you are not sure if your voter registration is current.

The voter registration application will provide specific details about who is eligible to vote in your state but be aware that in all states and the District of Columbia, you must be a U.S. citizen to register to vote in federal elections.

Applying to register to vote will not affect your federal student aid eligibility.

Yes, I would like to register. *By selecting this option, you will be redirected to Vote.gov where you can access voter registration information specific to your state of residency.*

The penultimate sentence in the recommended language above (“Yes, I would like to register.”) should be hyperlinked directly to Vote.gov. Providing this opportunity while applicants are still online will significantly increase the likelihood that they will register to vote. Also, Vote.gov has limitations for some individuals because of its reliance on online voter registration. Therefore, an option for obtaining a National Mail Voter Registration Form through the mail should be provided in this process. Applicants should be asked if they want

	<p>to receive voter registration form in the mail in addition to being redirected to Vote.gov. Additionally, the National Mail Voter Registration Form could be included with the Submission Summary.</p>	
<p>39.c</p>	<p>3. There is a Significant Need to Provide Additional Opportunities to Register to Vote, Particularly for Young People.</p> <p>The Department of Education has a unique opportunity to reach students and FAFSA users of all ages. Young people, in particular, are much less likely to be registered to vote than older Americans, and students in higher education face substantial barriers to registering to vote, keeping their voter registration information up to date, and exercising their right to vote. Far too often, students face unnecessary barriers to exercising their right to vote. Students often move around and go to college in states that make it more difficult for them to vote. And citizens aged 18-25 have the lowest level of voter registration rates of citizens of all other age ranges.¹⁰</p> <p>10 U.S. Census, <i>Voting and Registration in the Election of November 2020</i>, available at https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html. 5</p> <p>Integrating a voter registration opportunity into the FAFSA provides a unique opportunity to provide an additional voter registration opportunity to younger Americans.¹¹ We know from the incredible success of the NVRA, which celebrates its 30th anniversary this year, that providing voter registration opportunities during the application process for other government benefits is highly impactful. The NVRA expanded access to the ballot and made it easier for millions of Americans to register to vote and update their registration by providing voter registration opportunities through state agencies such as motor vehicle departments and public assistance offices. For example, from 2006 to 2022, 3.5 million additional Americans completed voter registration applications due to effective NVRA-compliant voter registration services provided by state public assistance agencies.¹²</p> <p>In no small part due to low voter registration rates, young people have low election participation rates. For example, although a record number of young people voted in the 2018 mid-term elections, that turnout still represented only 28 percent of young people¹³ and 40 percent of students overall.¹⁴ In the 2014 election, a record-low 13 percent of youth turned out.¹⁵ Citizens who are 18 and 19 are even less likely to participate in elections. Young people with low incomes and young people of color have especially low rates of registration and voting.¹⁶</p> <p>Integrating the recommended voter registration opportunities into the FAFSA process would have long-lasting benefits given what we know about the habit-forming nature of voting. A recent study found that voting in one election increases the probability of voting in a future election by 10 percentage points on average.¹⁷ This makes it all the more important that voting becomes normalized at an early age. Being registered also significantly increases the likelihood that a citizen will go on to vote. In 2008, 84 percent of registered youth cast a 11 In the National Study of Learning, Voting, and Engagement, a landmark study of U.S. college</p>	<p>Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®).</p>

	<p>and university student voting, the median age of students was 21, and 70 percent of the students were under the age of 25.</p> <p>12 Laura Williamson, Pamela Cataldo & Brenda Wright, <i>Toward a More Representative Electorate</i>, Demos, available at https://www.demos.org/research/toward-more-representative-electorate.</p> <p>13 <i>2018 Election Center</i>, Center for Information & Research on Civic Learning and Engagement, Tufts University, available at https://circle.tufts.edu/index.php/2018-election-center.</p> <p>14 <i>Democracy Counts 2018: Increased Student and Institutional Engagement</i>, Institute for Democracy and Higher Education, Tufts University, available at https://idhe.tufts.edu/resources/democracy-counts-2018-national-nslve-data.</p> <p>15 <i>2018 Election Center</i>, Center for Information & Research on Civic Learning and Engagement, Tufts University, available at https://circle.tufts.edu/index.php/2018-election-center.</p> <p>16 <i>Broadening Youth Voting</i>, Disparities in Youth Voting, Center for Information & Research on Civic Learning and Engagement, Tufts University, available at https://circle.tufts.edu/our-research/broadeningyouth-voting#disparities-in-youth-voting.</p> <p>17 Yael Bromberg, <i>Youth Voting Rights and the Unfulfilled Promise of the Twenty-Sixth Amendment</i>, 21 U. Penn J. Const. Law, 1105, 1112 (2019) (citing Thomas Fujiwara, Kyle Meng & Tom Vogle, <i>Habit Formation in Voting: Evidence from Rainy Elections</i>, 8 AM. ECON. J. 160 (2016); see also Alan S. Gerber, Donald P. Green & Ron Shachar, <i>Voting May Be Habit-Forming: Evidence from a Randomized Field Experiment</i>, 47 AM. J. POL. SCI. 540 (2003); Alexander Coppock and Donald P. Green, <i>Is Voting Habit Forming? New Evidence from Experiments and Regression Discontinuities</i>, 60 AM. J. OF POL. SCI. 1044 (2016)).</p> <p>6 ballot.18 Providing students, particularly young students, with a meaningful opportunity to register or update their voter registration increases the likelihood that they will develop a lifelong pattern of civic engagement.</p> <p>The underrepresentation of students in voter registration and turnout rates is not due to apathy. Many students want to engage in the political process but often face numerous</p>	
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systemic barriers. Some students do not know how to register to vote for the first time, and many struggle to keep their voter registration address up to date. One of the most significant barriers to increased student voter participation is the transient nature of student life compared to the general population. The need for students to keep their voter registration up to date in order to fully participate has never been more crucial, especially given the recent proliferation of opportunities to vote by mail and the fact that many jurisdictions will not count provisional ballots cast in the wrong precinct. Therefore, even students who are already registered would benefit from receiving voter registration services as a part of the FAFSA application process. That's why we are calling on you to take action today in support of President Biden's Voting Access EO. One of the most impactful ways the federal government could contribute to improving voter registration rates is by integrating an offer of voter registration into the FAFSA application process, as recommended above. From 2019 to 2020, 17.7 million students filed a FAFSA, which included approximately two-thirds of all undergraduate students.¹⁹ Significant numbers of students of color submit a FAFSA application every year: 83% of Black students, 74% of Hispanic students, 54% of Asian students, and 77% of Native American students complete the FAFSA.²⁰ Moreover, 73% of students with low incomes complete the FAFSA.²¹

Of these, more than half are eligible for Pell grants, which are generally awarded to those with family incomes below \$30,000.²² This data makes clear that the FAFSA process provides a uniquely meaningful opportunity to reach voter-eligible populations with some of the lowest voter registration rates.

We appreciate the opportunity to provide these comments regarding the 2024-2025 FAFSA. We continue to urge the Department to expeditiously implement these recommended changes to make it easier for students to register to vote and update their voter registration.

Sincerely,
 American Civil Liberties Union
 American Federation of Teachers

18 Midterm and Presidential Elections are Different for Youth, Center for Information & Research on Civic Learning and Engagement, Tufts University, *available at* <https://circle.tufts.edu/latestresearch/midterm-and-presidential-elections-are-different-youth-voting>.

¹⁹ FAFSA Application Statistics, *available at* <https://www.savingforcollege.com/article/fafsa-applicationstatistics#:~:text=Almost%2018%20million%20students%20file,the%20impact%20on%20financial%20aid.>

²⁰ *Id.*

²¹ *Id.*

²² Over 60 percent of Pell Grant recipients have family incomes below \$30,000 a year. See President's FY

	<p>2023 Budget Request for the U.S. Department of Education, Congressional Justifications Volume I, Student Financial Assistance, p. 19 (2022), <i>available at</i> https://www2.ed.gov/about/overview/budget/budget23/justifications/o-sfa.pdf.</p> <p>7</p> <p>Campus Vote Project Fair Elections Center The Hope Center for College, Community, and Justice The Leadership Conference on Civil and Human Rights League of Women Voters of the United States Southern Poverty Law Center Action Fund The Workers Circle</p>	
40.a	<p>October 16, 2023</p> <p>Kun Mullan, PRA Coordinator 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 400 Maryland Ave. SW Washington, DC 20202</p> <p>Re: 2024-2025 Free Application for Federal Student Aid (FAFSA), OMB Control Number 1845-001, ICR Reference Number 202303-1845-006, Docket ID ED-2023-SCC-0053</p> <p>Via: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202303-1845-006</p> <p>Dear Office of Information and Regulatory Affairs:</p> <p>The undersigned organizations write to comment on the 2024-25 Free Application for Federal Student Aid (FAFSA) regarding students' access to public and tax benefits. We thank the Administration for their attention to the basic needs and non-tuition expenses facing students despite significant operational constraints by the U.S. Department of Education ("Department").</p> <p>Recently released, nationally representative federal data show that more than 1 in 5 students in higher education are experiencing food insecurity, representing more than four million undergraduate and graduate students combined.* And more than 1.5 million students are experiencing homelessness. Voluntary surveys conducted by hundreds of colleges in recent years have found similar results of severe basic needs insecurity in higher education.** This</p>	Thank you for your comment.

	<p>crisis of student basic needs insecurity is rampant, but public and tax benefits can help reduce these pressures. We appreciate the Department’s prior work in this area, including guidance issued to institutions in January 2022 on several federal programs.*** By addressing urgent student financial needs, the Department can further improve student success and reduce inequitable gaps in college access and success. Public and tax benefits supplement traditional forms of financial aid, alleviate income constraints, and buffer against emergencies that can easily throw students off track from graduation.</p> <p>We ask the Department to modify the FAFSA and related processes to help identify more applicants who might benefit from public and tax benefit programs. At least 11 discrete provisions of the <i>FAFSA Simplification Act</i> refer to means-tested federal benefits, most of which facilitate greater outreach about such benefits and help recipients learn more about their financial aid options. We are pleased to offer these recommendations in the spirit of Congressional intent.</p>	
<p>*McKibben, B., Wu, J., and Abelson, S. (2023, August). New Federal Data Confirm that College Students Face Significant—and Unacceptable—Basic Needs Insecurity. The Hope Center at Temple University.</p>		
<p>**The Hope Center at Temple University. (2021, March). #RealCollege 2021: Basic Needs Insecurity During the Ongoing Pandemic.; Trellis Company. (2022, November). Student Financial Wellness Survey (SFWS), Fall 2021.; CCCSE. (2022). Mission critical: The role of community colleges in meeting students’ basic needs.</p>		
<p>***U.S. Department of Education, Federal Student Aid. (2022, January 20). DCL ID GEN-22-02: Use of FAFSA Data to Administer Federal Programs.</p>		
<p>40.b</p>	<p>Federal benefits received (questions 18 and 36)</p> <p>This question on the FAFSA provides important opportunities to connect students and families with benefits that support their basic needs. A subset of the benefits listed also simplifies the form for applicants who are exempt from asset reporting. We appreciate the inclusion of the following benefits on the draft FAFSA:</p> <ul style="list-style-type: none"> • Earned Income Tax Credit (EITC) • Federal housing assistance • Free or reduced-price school lunch • Medicaid • Refundable credit for coverage under a qualified health plan (QHP) • Supplemental Nutrition Assistance Program (SNAP) • Supplemental Security Income (SSI) • Temporary Assistance for Needy Families (TANF) • Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) <p>Under Section 483 (a)(2)(B)(ii)(XVII) of the <i>Higher Education Act</i> (HEA), the Secretary is authorized to add “<i>any other means-tested program determined by the Secretary to be appropriate</i>” to the above list to help connect applicants with benefits. Therefore, we strongly</p>	<p>The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.</p>

	<p>urge the Department to add other federal benefits to the FAFSA that could improve the financial security of all applicants. We request the Secretary add—at a minimum—the following list of benefits to the list that can be checked by either the student or parent applicant(s), as applicable:</p> <ul style="list-style-type: none"> • Affordable Connectivity Program (ACP) • Low Income Home Energy Assistance Program (LIHEAP) • Unemployment Insurance (UI) • Child Tax Credit (CTC) • American Opportunity Tax Credit (AOTC) and/or Lifetime Learning Credit (LLC) <p>All of these public and tax benefit programs support student success. The Biden-Harris Administration has conducted laudable and extensive national outreach on ACP. The Department has also taken the important step of connecting with the National Verifier to verify the eligibility of Pell recipients for ACP automatically. Given that all students eligible for Pell Grants are also eligible for ACP, it is critical to know which financial aid recipients should be notified about the program. Additionally, given the increasingly severe impacts of climate change from weather-related events, students could benefit substantially from the heating and cooling assistance available through LIHEAP, particularly if they live off-campus.*</p>	
<p>*Contreras, January. (2022, April). LIHEAP and Extreme Heat: How the Low-Income Home Energy Assistance Program is assisting families with staying safe, healthy, and prepared for extreme heat events. Administration on Children and Families, U.S. Department of Health and Human Services.</p>		
40.c	<p>Lastly, adding tax benefits like the CTC and AOTC/LLC would bolster the Department’s efforts to improve the take-up of tax benefits among students and their families, which could be worth thousands of dollars that can be used to support their education. Research has consistently demonstrated that many of the individuals who could benefit from tax benefits fail to claim them and that low-cost outreach about tax benefits can significantly improve take-up.* With a broader range of information on the use of applicable tax benefits, the Department could unlock highly beneficial outreach efforts during tax filing season.</p>	<p>The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.</p>
<p>* Goldin, J., Homonof, T., Javaid, R., and Schafer, B. (2022, February). Tax filing and take-up: Experimental evidence on tax preparation outreach and benefit claiming. Journal of Public Economics, Volume 206, 2022, 104550, ISSN 0047-2727</p>		
40.d	<p>There is also a long history of bipartisan Congressional support for conducting outreach to students and their families on public and tax benefits. For example, S.Rpt. 118-84 for the Fiscal Year 2024 appropriations bill “encourages the Department to work with [Child Care Access Means Parents in School] CCAMPIS grantees to conduct direct outreach to student parents regarding State and Federal public benefits, the Child Tax Credit, and education tax benefits for which the student parent may be eligible.”** Better information from the FAFSA would streamline compliance with these directives.</p>	<p>Thank you for your comment.</p>
<p>** United States Senate. (2023, July 27). S.Rpt.118-84. DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 2024.</p>		

40.e	Additionally, the Department should revise the question text to conform with the <i>FAFSA Simplification Act</i> , which requires the form to ask if the applicant (or their parent(s) or spouse, as applicable) “receives or has received any of the following means-tested Federal benefits within the last two years.” The current text, which asks whether the applicant received the benefit “at any time during 2022 or 2023,” will not capture situations where the applicant currently receives a means-tested benefit at the time they complete the FAFSA but did not receive it in 2022 or 2023. Therefore, the text of this question should begin with “ <i>At any time in the last two years, did the student or anyone in their family receive benefits from any of the following federal programs? Select all that apply.</i> ”	With consideration of the 15-month open cycle of FAFSA applications, the specific timeline of what accounts for within the “last 2 years” is provided in an attempt to maintain consistency in reporting across FAFSA data elements and FAFSA applicants within the 15-month open cycle. A school maintains the authority to consider a professional judgement to account for means-tested benefits after the year provided in the FAFSA text.
40.f	We also ask the Department to revise the text for the “ <i>Refundable credit for coverage under a qualified health plan (QHP)</i> ” to “health insurance subsidy under the Affordable Care Act” or similar accessible language. The terminology about refundable credits currently on the draft form is not likely to be well-understood by applicants, leading to under-reporting. Without accurate responses to this field, it will be more difficult for institutions to follow up with applicants to provide them with relevant information about opportunities for them to obtain health insurance subsidies. Students and their families may remain uninsured and more likely to experience basic needs insecurity or enrollment-disrupting health emergencies.	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
40.g	Additionally, we request “help text” be added to this question that notes that applicants’ answers could make it easier for them to complete the FAFSA (bypassing asset information for those who qualify) and could help the applicant obtain additional financial support if they later apply for these benefits. Some applicants may otherwise misunderstand the intent of this question, thinking that receiving other types of benefits would reduce their financial aid eligibility since they were already receiving other assistance. Some immigrant families may be reluctant to answer the question given lingering fears from a prior “public charge” regulation.* When applicants know that they only stand to benefit from the question, they are more likely to answer it accurately.	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.
* Immigration Impact. (2023, August). The Ghost of Public Charge Keeps Scaring Immigrant Families Away From Public Benefits.		
40.h	Finally, since questions 18 and 36 refer to “anyone in their family,” the help text should tell applicants to base their answer on any family members they included in the calculation of the family size in question 9 for clarity.	Thank you for your comment. The Department of Education needs to further assess the impact of this recommendation in conjunction with pertinent stakeholders and ongoing departmental priorities. This recommendation will be considered as a potential future enhancement to the Free Application for Federal Student Aid (FAFSA®).
40.i	Exemption from asset reporting We are concerned that, as currently constructed, applicants who select any of the qualifying benefits in questions 18 or 36 (which include federal housing assistance, Medicaid, SNAP,	Please refer to comment 22.j .

	SSI, TANF, or WIC) may not be able to skip the asset questions as Congress intended. Many such applicants won't know they are not required to answer these asset questions and could be unnecessarily delayed or disrupted from completing the FAFSA. We recognize this may be a result of the roles-based process that requires all contributors to complete their sections and separately qualify, however, the current flow could limit the potential simplification and present more questions to applicants than are required. We ask the Department to provide help text that better instructs qualifying applicants to skip the asset questions. Additionally, the Department should identify categories of applicants who could automatically skip asset questions based on information already completed by other contributors. In future versions of the FAFSA, limiting question 18 to refer only to benefits received by the student, and question 36 to refer only to benefits received by the parent(s), might help to re-establish the intended skip logic.	
40.j	Further, under Section 479(b)(4)(H)(vii) of the HEA contained in the <i>FAFSA Simplification Act</i> , the Secretary retains authority to designate additional benefit programs to qualify the applicant for exemption from asset reporting. The only limitation is that such programs must be “ <i>approximately consistent with the income eligibility requirements of the means-tested programs</i> ” of federal housing assistance, Medicaid, SNAP, SSI, TANF, or WIC. Given the low income thresholds of LIHEAP, we believe this program should also qualify an applicant to bypass asset reporting. We also ask the Department to begin an official review of the income requirements of the other programs we have listed above to determine whether they have similar income requirements and could qualify applicants for a more streamlined process for completing the FAFSA. Once that review is complete, we ask the Department to implement additional exemptions from asset reporting for the 2025-26 award year and beyond.	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.
40.k	Authorization for applicants to share data Several overlapping statutory authorities reveal clear Congressional intent to expand outreach and assistance to students about public and tax benefits. Sec. 483(a)(2)(D)(ii) of the HEA, contained in the <i>FAFSA Simplification Act</i> , provides authority for the Department to include a method on the FAFSA for applicants to consent to receive follow-up information about public benefits proactively: “(ii) <i>AUTHORIZATION TO DISCLOSE TO BENEFITS PROGRAMS.—An applicant and, if necessary, the parents or spouse of the applicant may provide the Secretary with authorization to disclose to applicable agencies that handle applications for means-tested Federal benefit programs, as defined in section 479(b)(4)(H), all information provided by the applicant on the application described by this subsection as well as such applicant’s student aid index and scheduled Federal Pell Grant award to assist in identification, outreach and application efforts for the application, award, and administration of such means-tested Federal benefits programs, except such information shall not include Federal tax information as specified in section 6103(l)(13)(C) of the Internal Revenue Code of 1986.</i> ”	The Department of Education is researching all available options and has referred this suggestion to the appropriate business unit to review recommendations.

<p>40.I</p>	<p>The statutory text immediately following this provision also requires the Secretary to “as soon as practicable, disclose the information described under such subparagraph, ...in order for the applicant’s eligibility for ... means-tested Federal benefit programs to be estimated or determined.”* Additionally, the <i>Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019</i> (P.L. 115-245) contained the following free-standing (and complimentary) law in Section 312**:</p> <p style="padding-left: 40px;">(a) An institution of higher education may, with explicit written consent of an applicant who has completed a FAFSA under such section 483(a), provide such information collected from the applicant’s FAFSA as is necessary to a scholarship granting organization, including a tribal organization (defined in section 4 of the <i>Indian Self-Determination and Education Assistance Act</i> (25 U.S.C. 5304)), or to an organization assisting the applicant in applying for and receiving Federal, State, local, or tribal assistance, that is designated by the applicant to assist the applicant in applying for and receiving financial assistance for any component of the applicant’s cost of attendance (defined in section 472 of the HEA) at that institution.</p> <p style="padding-left: 40px;">(b) An organization that receives information pursuant to subsection (a) shall not sell or otherwise share such information.</p> <p style="padding-left: 40px;">(c) This section shall be in effect until title IV of the HEA is reauthorized.</p> <p>Accompanying this text was bipartisan bill report language:</p> <p style="padding-left: 40px;">Sharing FAFSA Information.--The Committee recommendation reaffirms language included in the <i>Consolidated Appropriations Act, 2018</i> regarding the need to provide students with a means to share data from the FAFSA in order to assist an applicant in applying for and receiving financial assistance for any components of cost of attendance with the explicit written consent of the applicant. The Committee recommendation also further clarifies that such sharing is also allowed with an organization assisting the applicant in applying for and receiving Federal, State, local, or tribal assistance in order to fund additional components of the applicant’s cost of attendance. Additionally, consistent with the privacy provisions of paragraph (3)(E) of section 483(a) of the <i>Higher Education Act</i>, the Secretary may designate such entities to receive data from the electronic version of the FAFSA. The Committee encourages the Secretary to use such authority to enable the sharing of FAFSA data for the purpose of connecting students to State or Federal means-tested benefit programs for which they may be eligible and for which, if eligible, could reduce the applicant’s need to borrow or work during college.</p> <p>Unfortunately, draft 2024-25 FAFSA does not provide a method for applicants to provide</p>	<p>The Department of Education has referred this comment to the appropriate business unit to review recommendations.</p>
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	<p>consent or authorization—such as a “check box”—to share even their <i>non-FTI</i> data directly with government entities to be connected with public and tax benefits. The draft form only allows applicants to consent to share their federal taxpayer information (FTI) to calculate financial aid. Most students will remain in the dark about the benefits they may be eligible for unless they receive timely information.</p> <p>While <i>institutions of higher education</i> are permitted to use some non-FTI data to send their students information on public benefits, the agencies at the local, state, and federal levels that administer these programs are best equipped to conduct this outreach directly. Using the explicit statutory authority afforded to the Secretary, we ask the Department to add a method for applicants to voluntarily provide authorization (or decline) to receive additional information about, and connections to, public and tax benefits. This authorization could be placed next to the list of benefits in questions 18 or 36.</p>	
<p>*Sec. 483(a)(2)(E)(ii) of the HEA</p>		
<p>**H.R.6157 - Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, P.L. 115-245</p>		
<p>40.m</p>	<p>Outreach and agency data-sharing</p> <p>Two additional provisions of the <i>FAFSA Simplification Act</i> speak to the Secretary’s responsibility for proactively sharing information with FAFSA applicants about the public and tax benefits they might be eligible for. For example, Sec. 483(a)(3)(A)(iv) of the HEA states:</p> <p style="text-align: center;"><i>“(iv) If the student is eligible for a student aid index of less than or equal to zero under section 473, a notification of the Federal means-tested benefits that they have not already indicated they receive, but for which they may be eligible, and relevant links and information on how to apply for such benefits.</i></p> <p>The Department is also given authorization to establish the time and manner in which students are selected for outreach through “data sharing” agreements. Under Sec. 483(a)(c)(3):</p> <p style="text-align: center;"><i>“(3) DATA SHARING.—The Secretary may enter into data sharing agreements with the appropriate Federal or State agencies to conduct outreach regarding, and connect applicants directly with, the means-tested Federal benefit programs described in subsection (a)(2)(B)(ii)(XVII) for which the applicants may be eligible.</i></p> <p>Through these two provisions, the Department is authorized to establish data-sharing and outreach agreements with a wide range of federal agencies, including the Departments of Health and Human Services, Agriculture, Treasury, Housing and Urban Development, and with state agencies that administer many federal benefits, to notify students of the types of support for which they might be eligible. To start, the Secretary should swiftly establish such</p>	<p>The Department of Education has referred this comment to the appropriate business unit to review recommendations.</p>

	<p>agreements with the U.S. Department of the Treasury to conduct outreach on the EITC during tax filing season, and with the U.S. Department of Health and Human Services on Medicaid and health insurance subsidies under the Affordable Care Act during open enrollment. The Department should also pursue agreements to notify students about the public and tax benefits we have requested be added to the FAFSA.</p> <p>Finally, we urge the Department to consult with stakeholders about the best timing and methods to complete the notification requirements of HEA Sec. 483(a)(3)(A)(iv) listed above and conduct consumer testing to ensure that students receive, and can act on, the information.</p>	
40.n	<p>Guidance to states</p> <p>Lastly, we ask the Department to swiftly publish additional guidance to local and state agencies about how they can use FAFSA data to conduct outreach to students or verify eligibility for benefits. We sincerely appreciate the January 2022 guidance to institutions of higher education, but state agencies (including state student grant agencies) were not mentioned in this guidance.</p>	<p>Thank you for your comment. This issue either falls outside the scope of the FAFSA form but has been shared with the relevant offices for consideration. or is too nuanced to be properly addressed in this context.</p>
40.o	<p>The January 2022 guidance also needs to be refreshed to mention additional public and tax benefit programs like the ones mentioned in this comment, and to remove programs that have phased out after the COVID-19 public health emergency period (e.g. Economic Impact Payments). With looming efforts by states to conduct widespread outreach on FAFSA completion, it is essential that states also have guidance that could inform complementary efforts on public and tax benefits.</p> <p>Given the Department's interest in reducing student basic needs insecurity and promoting student success, we hope the above comments are helpful in finalizing a 2024-25 FAFSA that maximizes the benefits for all applicants. Please contact Bryce McKibben at The Hope Center at Temple University at bryce.mckibben@temple.edu with any questions related to this comment.</p> <p>Thank you for the opportunity to provide feedback and for your work to improve the FAFSA.</p> <p>Sincerely,</p> <p>The Hope Center at Temple University Higher Learning Advocates Benefits Data Trust Swipe Out Hunger Young Invincibles SchoolHouse Connection State Higher Education Executive Officers</p>	<p>Thank you for your comment. This issue either falls outside the scope of the FAFSA form but has been shared with the relevant offices for consideration. or is too nuanced to be properly addressed in this context.</p>

	<p>Center for Law and Social Policy (CLASP) The Institute for College Access & Success (TICAS)</p>	
<p>41.a</p>	<p>HUMAN RIGHTS CAMPAIGN 1640 RHODE ISLAND AVE., N.W., WASHINGTON, D.C. 20036 P 202-628-4160 F 202-423-2861 HRC@HRC.ORG October 16, 2023 Kun Mullan PRA Coordinator, 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 <i>Submitted via reginfo.gov</i> RE: Public Comment in Response to Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; 2024-2025 Free Application for Federal Student Aid (FAFSA®) To Whom It May Concern,</p> <p>On behalf of the Human Rights Campaign's more than three million members and supporters nationwide, we write in response to the above-captioned notice seeking comment on revised data collection measures proposed by the U.S. Department of Education (the "Department") for its Free Application for Federal Student Aid (the "FAFSA form").¹</p> <p>The Human Rights Campaign (HRC) is America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender, and queer (LGBTQ+) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBTQ+ citizens and realize a nation that achieves fundamental fairness and equality for all. As an advocate for LGBTQ+ individuals, HRC believes that all students—including LGBTQ+ students—to be counted and have their lived experiences meaningfully considered as part of the federal government's efforts to research and advance equity in higher education. We therefore write with recommendations on how the Department should amend its proposal to ensure essential data on these students can be collected through the FAFSA form should they wish to provide it.</p> <p>Background on the Proposed Revised Collection Federal Student Aid (FSA) has long used the FAFSA form to collect information from individuals seeking aid through one of the government's federal student financial assistance programs. The FAFSA Simplification Act establishes the data elements that the Department is required to collect from these applicants, including their sex and race or ethnicity, but not explicitly their sexual orientation or gender identity.² FSA and the Department previously engaged in a pilot of revised demographic measures conforming with these requirements, and for</p> <p>¹ Agency Information Collection Activities; Submission to the Office of Management and</p>	<p>Please refer to comment 31.b.</p>

Budget for Review and Approval; Comment Request; 2024-2025 Free Application for Federal Student Aid (FAFSA®), 88 Fed. Reg. 63,558 (Sept. 15, 2023).
 2 20 U.S.C. § 1090(a)(2)(B)(ii)(VII).
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 “sex” specifically by asking applicants two questions: one about their “gender” and another on whether they identify as transgender. However, FSA’s proposal here retains only the question on gender, allowing students to identify themselves as male, female, nonbinary, or state that they prefer not to answer, and with a note encouraging transgender applicants to “select the gender with which they identify at the time this form is completed.”
Research on LGBTQ+ People and Their Experiences in Education
 LGBTQ+ people are a growing population in the United States, living in every state and county and reflecting the breadth of diversity and lived experiences of the communities in which they live. Using data collected through the U.S. Census Bureau’s Household Pulse Survey, the Human Rights Campaign Foundation has estimated that at least 20 million adults in the U.S. identify as LGBTQ+.³ Various researchers have also found evidence that younger people are more likely to identify as LGBTQ+.⁴ LGBTQ+ people are a demographically diverse population, with the Williams Institute using Gallup Daily Tracking survey data from 2012–2017 to estimate that 58% of LGBT adults identify as female and that 42% identify among communities of color, including 1% of LGBT adults that identify as American Indian and Alaska Native.⁵ The Williams Institute has also reported on evidence that individuals belonging to certain communities of color appear more likely than their White counterparts to identify as transgender.⁶ And, data from the Behavioral Risk Factor Surveillance System indicate that LGBTQ+ adults, and transgender adults in particular, are significantly more likely than non-LGBTQ+ adults to self-report having at least one disability.⁷
 Cisgender and transgender people can identify as non-binary, including non-LGB people. Available data have allowed for estimates on the population of non-binary LGBTQ adults in the U.S., with the Williams Institute reporting that 11.1% of LGBTQ adults (ages 18–60) identify as non-binary.⁸ Their data show that non-binary people comprise a larger proportion of the transgender adult population (32.1%) than of the cisgender LGBQ adult population (7.5%).⁹
 3 HUMAN RIGHTS CAMPAIGN FOUND., WE ARE HERE: UNDERSTANDING THE SIZE OF THE LGBTQ+ COMMUNITY (2021), <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/We-Are-Here-120821.pdf>.

4 SHOSHANA K. GOLDBERG ET AL., HUMAN RIGHTS CAMPAIGN & BOWLING GREEN STATE UNIV., EQUALITY ELECTORATE: THE PROJECTED GROWTH OF THE LGBTQ+ VOTING BLOC IN COMING YEARS (2022), <https://hrc-prodrequests.s3-us-west-2.amazonaws.com/LGBTQ-VEP-Oct-2022.pdf>. The Williams Institute has previously estimated that at least 2 million youth ages 13–17 identify as LGBT in the U.S., including approximately 300,000 youth who are transgender. JODY L. HERMAN ET AL., WILLIAMS INST., HOW MANY ADULTS AND YOUTH IDENTIFY AS TRANSGENDER IN THE UNITED STATES? (2022), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Pop-Update-Jun-2022.pdf>; KERITH J. CONRON, WILLIAMS INST., LGBT YOUTH POPULATION IN THE UNITED STATES (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Youth-US-Pop-Sep-2020.pdf>.

5 *LGBT Demographic Data Interactive*, WILLIAMS INST. (Jan. 2019), <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT#demographic>.

6 HERMAN ET AL., *supra* note 4, at 6.

7 Human Rights Campaign Found., *Understanding Disability in the LGBTQ+ Community*, HUMAN RIGHTS CAMPAIGN (Aug. 12, 2022), <https://www.hrc.org/resources/understanding-disabled-lgbtq-people>.

8 BIANCA D.M. WILSON & ILAN H. MEYER ET AL., WILLIAMS INST., NONBINARY LGBTQ ADULTS IN THE UNITED STATES 2 (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Nonbinary-LGBTQ-Adults-Jun-2021.pdf>.

9 *Id.*

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 Limited data exist on LGBTQ+ people and their rates of attending and experiences in higher education. However, the Williams Institute has analyzed data from a nationally representative sample of U.S. adults ages 18–40 and found that 58.3% of LGBTQ respondents ages 18–40 reported attending a four-year college at some point in their lives: a rate higher than what was reported by non-LGBTQ respondents (49.0%).¹⁰ Likewise, they also found that 32.7% of LGBTQ people ages 18–40 attended community college at some point in their lives.¹¹

Additionally, research has long shown that LGBTQ+ people are significantly more likely to be living in poverty than their straight and cisgender counterparts,¹² which is in turn likely impacting their ability to access postsecondary education alongside their experiences with discrimination and stigma both in K–12 schools¹³ and institutions of higher education.¹⁴ Among respondents to the Williams Institute’s nationally representative survey, 60.3% of LGBTQ people reported having their four-year-college educational expenses covered by financial aid they needed to repay, compared to only 51.3% of non-LGBTQ people.¹⁵ Likewise, over half of the transgender people (51.0%) in that sample reported being more likely than their cisgender LGBQ (33.1%) and non-LGBQ counterparts (23.2%) to have taken out federal student loans.¹⁶

Research on LGBTQ+-Related Data Collection

In general, we recommend following existing guidance, discussed further below, that encourages the consistent collection of data on sexual orientation and gender identity (SOGI) across all government-administered surveys already collecting other demographic information. While the FAFSA Simplification Act calls for the collection of data on “sex,” we have previously commended the Department for collecting data on students’ gender identity instead and would encourage that it keep doing so moving forward. At a minimum, we would encourage the Department to ensure that the FAFSA form maintains a response option allowing students to identify themselves as nonbinary, which the proposed question here does, in light of the fact that students can legally identify as nonbinary both within federal records and records maintained by their state and local educational agencies.

10 KATHRYN O’NEILL ET AL., WILLIAMS INST., EXPERIENCES OF LGBTQ PEOPLE IN FOUR-YEAR COLLEGES AND GRADUATE PROGRAMS 11 (2022),

<https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQ-College-Grad-School-May-2022.pdf>.

11 KERITH J. CONRON ET AL., WILLIAMS INST., COMMUNITY COLLEGE AND THE EXPERIENCES OF LGBTQ PEOPLE 7

(2022), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQ-Community-College-May-2022.pdf>.

12 M. V. LEE BADGETT ET AL., WILLIAMS INST., LGBT POVERTY IN THE UNITED STATES: A STUDY OF DIFFERENCES

BETWEEN SEXUAL ORIENTATION AND GENDER IDENTITY GROUPS (2019),

<https://williamsinstitute.law.ucla.edu/wpcontent/uploads/National-LGBT-Poverty-Oct-2019.pdf>;

see also BIANCA D.M. WILSON ET AL., WILLIAMS INST.,

LGBT POVERTY IN THE UNITED STATES (2023), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTPoverty-COVID-Feb-2023.pdf>

(using data from the Behavioral Risk Factor Surveillance System and

	<p>the Census Bureau’s Household Pulse Survey to analyze poverty rates during the early days of the COVID-19 pandemic).</p> <p>13 See, e.g., JOSEPH G. KOSCIW ET AL., GLSEN, THE 2021 NATIONAL SCHOOL CLIMATE SURVEY (2022), https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf.</p> <p>14 See, e.g., O’NEILL ET AL., <i>supra</i> note 10.</p> <p>15 <i>Id</i> at 51.</p> <p>16 KERITH J. CONRON ET AL., WILLIAMS INST., EDUCATIONAL EXPERIENCES OF TRANSGENDER PEOPLE 5 (2022), https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Higher-Ed-Apr-2022.pdf.</p> <p>WORKING FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUEER EQUAL RIGHTS 1640 RHODE ISLAND AVE., N.W., WASHINGTON, D.C. 20036 P 202-628-4160 F 202-423-2861 HRC@HRC.ORG</p> <p>4</p> <p>Federal agencies, including the Department, have long been collecting information on LGBTQ+ people.¹⁷ For decades, government and other researchers have researched SOGI and found that it is more than possible to measure these concepts and obtain quality data; and likewise that respondents largely do not find this information to be so sensitive that they would not provide it.¹⁸ In a recent report on the collection of SOGI information in the survey context, the Office of Management and Budget (OMB) highlighted guiding principles that have emerged out of that work to support the ongoing collection of SOGI information, including that collected data should have utility, be in support of an agency’s mission, and be done with emphasis on protecting respondents’ confidentiality.¹⁹ Recent recommendations issued by a panel formed by the National Academies of Sciences, Engineering, and Medicine on SOGI measurement in federal surveys and other instruments (the “NASEM Panel”) include well-tested measures for both sexual orientation and gender identity and echo OMB’s recommendations.²⁰ Consistent with the Department’s aforementioned pilot of questions on students’ gender identity to satisfy the FAFSA Simplification Act’s mandate for data on sex, we note that the NASEM Panel recommends that agencies shift away from collecting information on sex unless information on that construct as a biological variable is necessary.²¹ When that type of collection is indeed necessary, the NASEM Panel recommends that such collection “be accompanied by collection of data on gender,”²² echoing OMB’s recommendation that “respondents should not be asked to provide their sex assigned at birth unless they are also given the opportunity to provide their current gender identity.”²³ These recommendations are consistent with longstanding best practices for identifying transgender and other gender minority respondents on surveys, via what is known as the two-step method.²⁴</p>	
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The two-step method, which the Department previously employed through its pilot FAFSA form questions, ensures that data on transgender people can be disaggregated from that of their cisgender counterparts. While LGBTQ+ people as a population report various disparities and widespread encounters with discrimination and exclusion when compared to non-LGBTQ+ people, research has long shown that the experiences of LGBTQ+ subpopulations can vary greatly based on sexual orientation and gender identity alone. Transgender people often report significant disparities even when only being compared to their cisgender LGBTQ+ counterparts and so should be able to be studied by the Department independent of other populations. However, the questions proposed here would not allow transgender students to be identified

17 See *generally* NAT'L ACADEMIES OF SCIENCES, ENGINEERING, & MED., MEASURING SEX, GENDER IDENTITY, AND SEXUAL ORIENTATION (2022), <https://nap.nationalacademies.org/catalog/26424/measuring-sex-gender-identity-andsexualorientation>.

18 *Id.* at 52–55, 67.

19 OMB, RECOMMENDATIONS ON THE BEST PRACTICES FOR THE COLLECTION OF SEXUAL ORIENTATION AND GENDER IDENTITY DATA ON FEDERAL STATISTICAL SURVEYS 3 (2023), <https://www.whitehouse.gov/wpcontent/uploads/2023/01/SOGI-Best-Practices.pdf>.

20 NAT'L ACADEMIES OF SCIENCES, ENGINEERING, & MED., *supra* note 17.

21 *Id.* at 8.

22 *Id.*

23 OMB, *supra* note 19, at 4.

24 GENDER IDENTITY IN U.S. SURVEILLANCE (GENIUSS) GROUP, WILLIAMS INST., BEST PRACTICES FOR ASKING QUESTIONS TO IDENTIFY TRANSGENDER AND OTHER GENDER MINORITY RESPONDENTS ON POPULATION-BASED SURVEYS (2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Survey-Measures-Trans-GenIUSS-Sep-2014.pdf>.

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within collected data whatsoever, and so we highly recommend that the Department reconsider its proposal to restore the two-step approach and empower students who wish to identify themselves as transgender to do so. We understand that the Department may have

	<p>chosen to move away from this two-step approach in light of concerns that collections of SOGI information are in need of additional privacy and safety controls not currently available for the FAFSA form. However, we would assert that SOGI information is not particularly sensitive and in many ways, SOGI information is not different from other forms of sensitive demographic information already collected by the Department through its data collections, including information on race and ethnicity as is being proposed here.²⁵ SOGI items have performed well across a range of contexts and over time, with researchers reporting response rates for those measures similar to other demographic items. The proposed FAFSA form clearly indicates that respondents are providing information on their gender, as well as their race and ethnicity, for research purposes only, which should encourage some students who might otherwise have felt uncomfortable providing this information out of fear of potential misuse to do so. Likewise, the Department proposing to allow individuals who “prefer not to answer” such questions to indicate that preference and move on with their submission would likely help ameliorate the concerns of students who cannot or may not wish to provide that information, but nonetheless wish to provide as much accurate information on their submission as possible in the hopes of accessing all available federal aid. We recommend that these practices continue through to the finalized FAFSA form issued by the Department, and believe that same could be done through a restored version of the Department’s piloted two-step approach for measuring student’s gender identity and transgender status.</p> <p>Thank you for the opportunity to submit comments in favor of this critical step toward ensuring LGBTQ+ people are consistently and safely included in the government’s data collection efforts.</p> <p>²⁵ See NAT’L ACADEMIES OF SCIENCES, ENGINEERING, & MED., <i>supra</i> note 17, at 10 (“We note that sex assigned at birth, gender identity, and sexual orientation are not the only types of potentially sensitive information that need to be collected respectfully and confidentially and used appropriately . . .”).</p>	
41.b	<p>4 Federal agencies, including the Department, have long been collecting information on LGBTQ+ people.¹⁷ For decades, government and other researchers have researched SOGI and found that it is more than possible to measure these concepts and obtain quality data; and likewise that respondents largely do not find this information to be so sensitive that they would not provide it.¹⁸ In a recent report on the collection of SOGI information in the survey context, the Office of Management and Budget (OMB) highlighted guiding principles that have emerged out of that work to support the ongoing collection of SOGI information, including that collected data should have utility, be in support of an agency’s mission, and be done with emphasis on protecting respondents’ confidentiality.¹⁹ Recent recommendations issued by a panel formed by the</p>	Please refer to comment 31.b .

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The two-step method, which the Department previously employed through its pilot FAFSA form questions, ensures that data on transgender people can be disaggregated from that of their cisgender counterparts. While LGBTQ+ people as a population report various disparities and widespread encounters with discrimination and exclusion when compared to non-LGBTQ+ people, research has long shown that the experiences of LGBTQ+ subpopulations can vary greatly based on sexual orientation and gender identity alone. Transgender people often report significant disparities even when only being compared to their cisgender LGBTQ+ counterparts and so should be able to be studied by the Department independent of other populations. However, the questions proposed here would not allow transgender students to be identified

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20 NAT’L ACADEMIES OF SCIENCES, ENGINEERING, & MED., *supra* note 17.

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BEST PRACTICES FOR ASKING QUESTIONS TO IDENTIFY TRANSGENDER AND OTHER GENDER MINORITY RESPONDENTS ON POPULATION-BASED SURVEYS (2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Survey-Measures-Trans-GenIUSS-Sep-2014.pdf>.

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Thank you for the opportunity to submit comments in favor of this critical step toward ensuring LGBTQ+ people are consistently and safely included in the government’s data collection efforts.

²⁵ See NAT’L ACADEMIES OF SCIENCES, ENGINEERING, & MED., *supra* note 17, at 10 (“We note that sex assigned at

	birth, gender identity, and sexual orientation are not the only types of potentially sensitive information that need to be collected respectfully and confidentially and used appropriately . . .”).	
42.a	I wish to submit the following comments about the 2nd draft of the 2024-2025 FAFSA that was made available for comment in mid-September, 2023. Thank you for considering these. Page 1 comments: Regarding the section: Apply by the Deadlines The notice to apply via fafsa.gov should provide some reason why that makes better sense if close to the deadline – even if it is to state that the processing time is significantly less. And since that entire section is about applying by the deadline, the mention of the online version of the FAFSA should be at the outset instead of being an afterthought.	This change has been made.
42.b	Unless the Department’s policy is changing, it has never been necessary for a college to have the correct, complete information by you last day of enrollment. Per Volume 4, Chapter 2 text regarding late disbursement: The only requirement has been that the applicant’s FAFSA form must have been processed by the Department with an official EFC generated before the student becomes ineligible. As such, the school does not need to have the information by the last day of enrollment. The form just needs to be processed to be eligible for late disbursement consideration. Per past policy regarding late disbursements, it is still acceptable for a school to receive a later transaction of the SAR after the end of the enrollment period provided the SAR for an earlier transaction (that did not list the school) has a processed date and official EFC before the end of the student’s enrollment period. Additionally, past policy has not required that the required official EFC listed on the SAR be the final EFC used to determine aid eligibility as the EFC may change during verification. Therefore, it does not follow why the draft FAFSA states the schools must have your “correct, complete information”. The use of the word “correct” may be intimidating to students and other contributors worrying their information must be 100% perfect before the form can be submitted. This is not the case. After all, if all the information needs to be correct, there would not reason to use the term “Corrections” when revisions are being submitted in a later transaction. It would be better to eliminate the word “correct” and instead always use the language “true and complete to the best of your knowledge” that is used in the right column of the “Signatures” section on page 6 of the draft FAFSA. Note: the “true and correct” text should also be changed at the outside of the aforementioned Signatures section on page 6.	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.
42.c	The second paragraph is also misleading. Given the uncertainty about the exact date of the release of the FAFSA – which is likely to be at the end of the month – the statement about deadlines as early as December 2023 does not make sense. I state the end of December in part due to the fact the processor will not be able to ensure the proper calculation of the SAI for those students who received federal work-study earnings since schools have until December (which could be as late as December 31) to submit such earning information for 2022. It is true that some states and schools may award funds on a funds -available unless	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.

	<p>exhausted basis for some programs – but that is not the same as having a deadline as early as December. Be aware that virtually all high schools are closed the last week of December and many colleges shut down their office for the week between Christmas and New Year’s national holidays. So how can a student check with them if the form comes out after Christmas before January 1.</p> <p>As such, this entire section should probably be re-written to take into account the delayed release of the FAFSA and the other items mentioned above. This is global suggestion that applies to all parts of the FAFSA when applicable: In every instance where there is mention of submitting the form, there should be wording used such as “with all required consents containing an original signature”</p>	
42.d	<p>Regarding the section: Fill Out the FAFSA Form</p> <p>There should be mention made whether the form must be printed single- sided or if the form can be submitted with the completed pages printed back-to- back. There also should be a comment if the form is not to be stapled. There also should be a comment advising the applicant to make sure all the pages are in numerical order and if applicable: to include all pages of the form even if there are no responses on some page. It does state at the bottom of page 1 to send pages 7 through 20, but there should be some mention addressing the issue regarding what needs to be done or not done for pages that have no required responses.</p>	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.
42.e	<p>Regarding the section: Special Circumstances ?</p> <p>It does not seem necessary to list a question mark after the title of this section. Additionally the last sentence should be changed to reflect that the student should contact the college(s) once the FAFSA is processed (instead of once submitted). And a better word should be used instead of discuss, which infers the communication needs to be done verbally in person – when an email message could be acceptable as well. There is also the issue that even if the FAFSA is processed, the college may not have the information unless they were listed in Question 23.</p>	The “?” will be removed.
42.f	<p>Regarding the section: Mail Your FAFSA Form</p> <p>Again, mention should be made that all required signatures need to be provided, given the importance of all the required consents being needed. Perhaps for the second sentence use: Then mail pages 7 through 20 with all the required responses for the applicable Consent, Approval and Signature questions being made with a black or dark-ink pen to:</p>	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.
42.g	<p>Regarding the sentence: Extra Postage will be required. There are going to be problems with insufficient postage being used given the number of pages being sent – especially if 14 pages are sent for a form completed single-sided. This is because even if the 14 pages are folded into a regular business size envelope, the thickness of the envelope will result in the postage rates for a “letter” not being applicable. When I did a test of this, the window clerk advised me that the “large envelope” postal rates will apply. So even with the papers inside</p>	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.

	<p>the sealed business size envelope, the postage would be \$1.83. And so even though the envelope will weigh between two and three ounces, such postage for a three- ounce letter would be insufficient. Additionally, most people when seeing the words “Extra Postage” will assume they need to use postage for up to only two ounces – which is the norm they are used to if the words appear on an envelope that comes with a greeting card. It would be better to use this sentence or something similar: Prior to mailing, be sure there is sufficient postage affixed to your envelope given the number of pages as well as the size/thickness of the sealed envelope will result in the greater “large envelope” instead of the “letter” U.S. Postal Service rates be applicable.</p>	
42.h	<p>Page 2 comments: Regarding the deadlines, these need to be accurate to reflect the proper state deadlines for 2024-2025 due to the delayed FAFSA release. Please check with the states. For example, the deadline for California was already changed in July, yet the traditional March 2 date still appears on the September draft of the FAFSA.</p>	State deadlines will be updated accordingly.
42.i	<p>Page 3 comments: Regarding the section: Completing the FAFSA Form In the paragraph in the right margin (“If all of the statements...for further guidance”) the wording about parent and parent spouse/partner sections is bit confusing. It would be clearer to use: “ ... the student should submit the FAFSA with the Parent section and the Parent Spouse or Partner section left blank...”. That is, add the word “section” after the word “Parent” and change “sections” to “section” after the word “Partner”</p>	Thank you for your comment. The Department of Education considers this suggestion a stylistic preference.
42.j	<p>Page 4 comments: Regarding the section: Completing the FAFSA Form with the question: Which parent should include information In the paragraph regarding parents who are divorced or separated: This should be changed to: “If the parents are divorced or separated and are not living together, answer the questions....”</p>	Thank you for your comment. The Department of Education believes the current instructions provide adequate guidance.