May 23, 2023

U.S. Department of Education
400 Maryland Ave. SW, LBJ, Room 224-84, Washington, DC 20202-4537
Washington, DC 20202-8240.

Re: 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), Docket ID: ED-2023-SCC-0053

Dear Director of the Information Collection Clearance:

The Hope Center at Temple University is pleased to comment on the 2024-25 Free Application for Federal Student Aid (FAFSA). After many decades of work to simplify federal financial aid, we are finally on the cusp of fully implementing the FAFSA Simplification Act. This overhaul will substantially benefit the nearly 18 million students and their families applying for federal financial aid annually. We recognize and appreciate the significant time, attention, and dedication of U.S. Department of Education (“Department”) staff and contractors in executing this once-in-a-generation reform and the redesign of the FAFSA.

There are now 1.1 million fewer students enrolled in higher education today than in the fall of 2019 before the COVID-19 pandemic.1 And the number of students considering stopping out of college has reached all-time highs.2 We must begin to attract new students and their families to college—and retain existing students—by making higher education more affordable and providing streamlined access to grants, loans, and work-study. We urge the U.S. Department of Education (“Department”) to seize this opportunity to streamline financial aid processing by addressing some areas of concern with the draft 2024-25 FAFSA and related items.

**Overall Comments on Timeline, Process, and Consumer Testing**

We know that the Department understands the urgency of releasing the FAFSA form as soon as possible. It is also critically important to have a date certain for when the 2024-25 FAFSA period will open. Colleges, K-12 schools, college access professionals, and families need to plan, prepare, and begin to assist applicants accordingly. Most high school seniors will be on winter break for part of December, and many families will be taking time off from work when some would typically begin the FAFSA process. We request an announcement of the release date by no later than the start of the new award year—July 1, 2023.

We also ask the Department to publish screenshots and a full demonstration site of the online FAFSA as soon as possible. While we greatly appreciate the time and effort that it took to publish the paper FAFSA for this public comment period, it is critically important to understand the full user experience. Concerns over the misalignment between public comment and the

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1 National Student Clearinghouse Research Center. (2023, February). *Current Term Enrollment Estimates.*
FAFSA development period in the past led Congress to require, in the Higher Education Act of 1965 (HEA) Section 483(a)(4)(B), that public comment would provide “adequate time to incorporate feedback prior to development of the application for the succeeding award year.” The preceding paragraph also requires consultation with stakeholders on an annual basis, and The Hope Center stands ready to offer assistance and feedback. We ask the Department to confirm that, for the 2025-26 award year, both the paper FAFSA and online user experience will be available during the public comment period.

Finally, the FAFSA Simplification Act requires extensive consumer testing of the draft FAFSA and related materials and disclosures, including with “prospective first-generation college students, representatives of students (including low-income students, English learners, first-generation college students, adult students, veterans, servicemembers, and prospective students), students’ families (including low-income families, families with English learners, families with first-generation college students, and families with prospective students), institutions of higher education, secondary school and postsecondary counselors, and nonprofit consumer groups.” This consumer testing can reveal “pain points” and areas of confusion that impede applicants’ progression through the form. While we understand the significant operational constraints and lack of adequate funding for the Department, we ask for additional public information on consumer testing moving forward, including the timelines and how consumer testing will benefit the future design of the FAFSA.

**Cost of Attendance**

We understand that the Department has decided that all financial aid – including campus-based, state, and institutional aid (but possibly excluding emergency aid) – should be limited to the total cost of attendance (COA). This interpretation contradicts the HEA, as modified by the FAFSA Simplification Act, which prescribes a limitation to COA only for Pell Grants, Direct Loans, and TEACH Grants. In contrast, campus-based, state, and institutional aid are not limited to COA by the HEA. Unfortunately, the Department’s decision in this matter could significantly undermine the benefit of the negative Student Aid Index (SAI).

The 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. 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 correctly indicated, “the negative SAI establishes a framework to allow the very neediest students to receive aid in excess of the Cost of Attendance (COA) established by their school.”

The formula specified in HEA Section 471 specifies that need is calculated as $(\text{COA}) - (\text{SAI}) - (\text{other financial assistance})$. Under mathematical principles, when a student’s SAI is negative,

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subtracting two negative numbers thereby results in addition, and the formula should show an increase in the student’s need. This calculation was also the intent of Congress. The statute describes areas where a negative SAI is to be treated as zero but does specify this treatment in HEA Section 471 for the need calculation.\(^4\)

By establishing that a negative SAI shall be truncated to zero for the purposes of awarding campus-based, state, and institutional aid beyond COA, the Department has contradicted the HEA and curtailed potential benefits to students in the form of additional assistance. This 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 reverse its policy interpretation and align guidance with the statutory language as soon as possible.

**FSA ID & Multi-Factor Authentication**

With the introduction of a role-based process requiring unique FSA IDs, the FAFSA will have a secure process for obtaining consent from each applicant to share income information. However, we are concerned about the potential for technological difficulties that could make it difficult for students and families to proceed seamlessly through the form. When multiple family members must log in separately, there may be more instances where applicants can be interrupted from completing the form, which could introduce a drop-off for many families. Additionally, Internal Revenue Code § 6103(13)(F), as specified by the *FUTURE Act*, gives the option for just one taxpayer in a joint return – i.e. one member of a married couple – to provide consent for disclosure of the information, meaning the Department does not need to require an FSA ID and role for both parents in the case of a dependent student who has two parents with a joint return. We urge the Department to require only one FSA ID for joint filers, and hope the Department will follow up robustly with users who have not been able to complete the FSA ID process to provide them with assistance.

We also request that the Department publish the process for applicants without a Social Security Number (SSN) to obtain an FSA as quickly as possible and avoid creating any systems that appear unequal in nature for these applicants. The FSA ID registration process must provide clear and supportive instructions for anyone who is in this situation. It is critical that the Department take into account the understandable fear and mistrust that non-citizen parents may experience in filling out any part of the FSA ID or FAFSA process given the xenophobic rhetoric and policy environment across much of the United States.

Finally, we ask ED to provide a wide range of multi-factor authentication (MFA) options that are not limited to cell or email and to ensure these options are both accessible for people with audio or visual impairments and minimize cognitive overload.\(^5\) Many email systems already have MFA

\(^4\) See, e.g., HEA Sec. 401(b)(B)(ii)

and are quite secure, and not all users have ready access to a phone. Students experiencing, or at risk of, homelessness may not have their own cell phone. Providing authentication that can be accessed via the internet, instead of only by phone, is essential. We encourage the Department to also offer third-party authenticator apps, QR codes, or Login.gov to fulfill the MFA requirement.

Questions on the FAFSA

- **Benefits received (questions 18 and 36):** This question not only provides a pathway to simplifying the FAFSA process for applicants but, on the back end, can be used in efforts to connect such applicants with benefits they may be eligible for. Under HEA Section 483 (a)(2)(B)(ii)(XVII), the Secretary is authorized to add “any other means-tested program determined by the Secretary to be appropriate.” We urge the Department to add other federal benefits that could significantly improve the financial security of students and their families—including the Affordable Connectivity Program (ACP), Low-Income Housing Tax Credit, Child Tax Credit, Low Income Home Energy Assistance Program (LIHEAP), and American Opportunity Tax Credit or Lifetime Learning Credit(s). The ACP is linked to Pell Grant eligibility, and providing a more robust list of tax benefits would allow the Department to enhance student tax filing significantly.

We also ask the Department to revise the term “Refundable credit for coverage under a qualified health plan (QHP)” to a more commonly understood description (e.g. “tax credit for health insurance under the Affordable Care Act”) and to add, following the Supplemental Nutrition Assistance Program (SNAP), the term “formerly known as food stamps.”

For the help text for this question, we recommend adding a note that applicants should base their answer on any “family” members they included in the calculation of the family size in question 9. And, we suggest including language that answering this question could make it easier for applicants to complete the FAFSA (by bypassing asset information) and could help the applicant obtain additional financial support, since they may be able to apply for these benefits. When applicants know the potential benefit of the question, they are more likely to answer it with greater accuracy.

- **Student other circumstances (question 6):** We thank the Department for implementing the revisions to the questions related to homelessness and for their significant time and attention to this population of students. However, we remain concerned about the timeline provided for when a student was experiencing homelessness, which the HEA does not specify. We request the Department change “At any time on or after July 1, 2023” to “At any time during 2022 or 2023…” to conform to the same prior-prior year timeline used for income information and in the lead-in to questions 18 and 36. We also seek to clarify that, 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, that such student will still have their determination of homelessness pre-selected in a renewal application.

- **Special circumstances note (first page):** We commend the Department for placing the notification of special circumstances on the first page. We suggest the Department ensure this also appears prominently on the online FAFSA, and add language that indicates why an applicant would choose to notify their financial aid office in such circumstances, e.g. “you may be eligible for additional aid.” Otherwise, applicants may not understand that taking this extra step can benefit them.

- **Unusual circumstances (question 7):** We thank the Department for their collaboration in recent enhancements to the unusual circumstances text and guidance. We ask the Department to make the language used in this question the same as the text used elsewhere for consistency. For example, the Department can remove “and have not been adopted” where it appears twice, as such language does not appear in statute and is more restrictive than the HEA. Students can have similar circumstances with their adoptive parents, and the language could lead students who have been adopted to think they do not qualify for unusual circumstances erroneously.

  In the case of parents who are incarcerated, please remove “contact with the parents would pose a risk to the student” as this limits the applicability of this category when parental incarceration, by itself, would interfere with the ability to access and complete the FAFSA—particularly the FSA ID process. We also ask the Department to replace the plural “parents” with the flexible “parent(s)” in each instance, given that students may only have one parent filling out the FAFSA.

  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 homelessness.

- **Apply for a Direct Unsubsidized Loan Only (question 8):** This question is not required by the HEA, will be used by a few applicants, and should be eliminated. As amended by the *FAFSA Simplification Act*, the HEA authorizes a student to pursue just a Direct Unsubsidized loan, but only as an alternative to the professional judgment process or in the case of the failure to be declared provisionally independent. The question is also likely to induce confusion relative to the new pathway for students who are eligible to claim unusual circumstances. Students would be better served by having a simpler FAFSA process with this question removed.
• **State deadlines (page 2):** We request that the Department review and confirm state financial deadlines and keep these deadlines up to date throughout the award year. As a result of the delay in the 2024-25 FAFSA period, some states are revisiting their deadlines. We also recommend that the FAFSA include informational links to a state agency website, if available, where students can find out more information about financial aid in their state. Finally, we ask the Department to minimize the term “ask your financial aid office,” which appears 25 times on this page, as directing students outside of the FAFSA process can interrupt the completion of the form.

• **Demographic questions (questions 11 & 12):** We strongly support the non-binary and transgender identification options and celebrate this change being fully integrated with the FAFSA. We recommend the Department move up questions related to sex/gender and race/ethnicity earlier in the form, alongside other demographic questions. In doing so, applicants will be less likely to be confused about how answering these questions does not affect a student’s federal financial aid (just like, for example, indicating any age over 24 years old or the state in which they live).

We agree with the Department’s decision not to provide student-level data on sex/gender to states and institutions, given ongoing questions about the legislative environment in many areas, including transphobic attacks. We also suggest the Department add language to question 11 indicating that the information will not be provided to the college or state, to alleviate applicants’ concerns about using their data. However, there remains significant power in the visibility and research opportunities offered by aggregate or summary statistics. We, therefore, encourage the Department to provide aggregate (not student-level) statistics and associated cross-tabs on the total number of applicants by sex/gender and race/ethnicity to each state. Such data are also crucial for ongoing efforts to improve FAFSA completion. States should be able to obtain the total numbers and percentages of Black men or Latine women, for example, who complete the FAFSA in order to understand any potential equity gaps.

• **Contact information (questions 2, 26, 31, 43):** 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 lacking fixed, regular, and adequate housing. An applicant in such a situation would otherwise not know how to complete the form appropriately.

• **Family size (questions 9 and 34):** We request the Department include help text explaining what steps an applicant should take if their family size changes after they submit their FAFSA and due to planned or unplanned circumstances. Under HEA Section 480(k)(3) the Secretary is required to “provide procedures for determining family size in cases in which information for the taxable year used in determining the amount of need of the student for financial assistance under this title has changed or does not accurately reflect the applicant’s current household size...” An applicant who is pregnant or
expecting or who otherwise experiences a change in their family size should be able to adjust this number later, especially if such adjustment would make the student eligible for additional Pell Grant or other aid. 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), such that if different numbers are used, the applicant can solve this discrepancy before the FAFSA is filed and before any consequences of verification.

- **Foreign languages:** The *FAFSA Simplification Act* requires the FAFSA to be available in the 11 most common languages. We understand the Department’s operational constraints at this time, including the inability to come into compliance with this requirement in 2024-25. Still, we request the Department provide help text in 11 (or more) languages on the online FAFSA that direct applicants toward free assistance with language translation and to indicate when additional languages will be made available. We also request that the Department confirm that the 2025-26 FAFSA will be available in the 11 most common languages.

- **Housing question:** We understand there are significant concerns in the financial aid community about the removal of the housing question. However, we think this is an opportunity to improve COA calculations going forward. There have been longstanding concerns about COA accuracy, and we have asked the Department to regulate this topic. As we provided in our comments for the 2023-24 FAFSA, a student’s housing plan can also change significantly between the time they fill out the FAFSA and when they enroll. Financial aid offers often contain little transparency about how students can adjust their costs even if their circumstances change. The U.S. Government Accountability Office found that 55% of colleges do not provide a total cost of attendance that includes key direct and indirect costs in their financial aid offers, and 46% do not provide information on the costs of housing and meals. Colleges should take multiple steps to understand students’ non-tuition costs beyond their choice of housing, including their food, transportation, and child care needs. We ask the Department to consider creating a voluntary template or form that colleges can use to inquire about students’ non-tuition costs and potential public and tax benefits that could assist them with these costs, similar to the Department’s leadership with the College Financing Plan.

**FAFSA Submission Summary and Confirmation Page**

We appreciate renaming the Student Aid Report into the FAFSA Submission Summary, which better reflects the use of the document. We ask the Department to clarify in which circumstances applicants can access the FAFSA Submission Summary and in what format. We also seek clarity on whether the FAFSA Submission Summary replaces both the SAR and the SAR Acknowledgement. And, we request the opportunity to view and comment on the confirmation page that applicants will see after submitting the FAFSA.

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We recommend adding the following sections or language to the FAFSA Submission Summary:

- A section that makes clear that a student could obtain additional aid through professional judgment. Applicants are otherwise unlikely to understand the potential benefits of adjusting information on the FAFSA and may not be inclined to report changes to their school. HEA Section 483(b) requires the Secretary to disclose information on professional judgment. The FAFSA Submission Summary, any confirmation page, and any follow-up emails are the appropriate places for this information to be provided to students.

- A section that helps students obtain additional financial support through public benefits, tax benefits, and aid due to veteran or servicemember status. According to our national survey of nearly 200,000 students at more than 200 colleges conducted in the fall of 2020, three in five students (58 percent) do not have enough to eat or a safe and stable place to live, and 14 percent are experiencing homelessness. With record numbers of students facing basic needs insecurity, it is more important than ever to connect financial aid applicants with additional ways to meet their expenses. 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:
  - 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.

- A “to-do list” that specifies the next steps that students may need to take after submitting the FAFSA. For example, students may need to review and confirm a financial aid offer, respond to requests related to verification, complete a Master Promissory Note, complete supplementary processes related to special or unusual circumstances (if applicable), and respond to other inquiries from their financial aid office. If a student misses one of these steps, they may fail to get the financial aid they need to enroll and succeed in higher education. It is important to advise students upfront of these steps, especially since the FAFSA is likely only the first step in a lengthy financial aid process.

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A link to vote.gov to register to vote or update voter registration information, including accompanying information. The Internal Revenue Service included such language 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 part of the change-of-address process. 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.

Finally, Under the Office of Management and Budget notice, the language indicates, “By answering question 23, and signing the FAFSA form, you give permission to the U.S. Department of Education to provide information from your application to the college(s) listed in that question.” This section should caveat that answers to the Demographic Questions in question 11 will not be provided directly to the college.

Conclusion

We again thank the Department once again for their work and attention to the development of this new and streamlined version of the FAFSA. We appreciate the opportunity to provide these comments regarding the 2024-24 FAFSA and look forward to working with you to implement these changes that will make it easier for students to obtain the resources they need to pursue higher education.

Sincerely,

Bryce McKibben
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The Hope Center at Temple University