

September 23, 2008

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Dear Ms. Brown,

I am writing to comment on the draft 2009-2010 Free Application for Federal Student Aid (FAFSA), in response to the *Federal Register* notice published on August 28, 2008.

An independent, nonprofit organization, the Institute for College Access & Success works to make higher education more available and affordable for people of all backgrounds. By conducting and supporting nonpartisan research, analysis, and advocacy, the Institute aims to improve the processes and public policies that can pave the way to successful educational outcomes for students and for society.

Our goal in commenting on the 2009-2010 FAFSA form is to ensure that it collects the information necessary to calculate students' Expected Family Contributions (EFCs) in a way that is manageable for students and their parents, and does not discourage form completion. The complicated nature of many FAFSA questions can impede access to aid, particularly for students and families with significant financial need. Our comments reflect our desire to make the FAFSA as user-friendly as possible for students and their families while also recognizing the Department's – and students' – interest in effective and efficient administration.

We commend the Department for several of the proposed changes to the 2009-2010 FAFSA, and for the sincere efforts to address the needs and concerns of students and their families looking to finance a college education. Overall, those seeking financial aid to pursue their college dreams will be served well by the draft changes. We are especially pleased with the elimination of Worksheet A, and the integration of questions from Worksheets B and C into the form itself. Also, including the answer choices in the form for questions 28-31, instead of having to refer to the separate Notes section, will help students and their families navigate the form more easily.

However, we have identified several portions of the draft 2009-2010 FAFSA that would benefit from further revision before the form is finalized. **Our comments follow the order of the content in the draft 2009-2010 paper FAFSA** posted on the Information for Financial Aid Professionals website and marked "8/7/08 Draft" (as directed by the *Federal Register* notice). We hope and assume that all suggestions and recommendations made herein with reference to the draft 2009-2010 paper FAFSA will be considered and applied to the online version of the 2009-2010 FAFSA and the accompanying FAFSA on the Web Worksheet, which were not provided for public review. **Unless otherwise specified, we have used italics to indicate suggested modifications to the draft language.** (We focus on the specific changes that we recommend rather than detailing the reasons for each change, except in cases where the rationale is not immediately clear upon referring to the draft form.)

Page 1: Cover Page

Using Your Tax Return

The sentence, “If you have not yet filed your return, you can still submit your FAFSA, but you must provide income and tax information,” is confusing as currently written. We suggest instead:

“If you have not yet filed your return, *submit your FAFSA with estimated income and tax information.*”

Filling Out the FAFSA

We recommend two changes to help applicants understand what kinds of “unusual circumstances” are relevant and how to address them:

1) Reword the phrase that begins with “If you or your family has unusual circumstances...,” to say:

“If you or your family has unusual circumstances *that have caused significant changes to your financial situation since filing your taxes* (such as loss of employment), complete this form to the extent you can, then submit it as instructed and consult with the financial aid office at the *college(s) where you are applying or attend.*”

2) Move the reworded sentence above so that it becomes the second paragraph of the “Using Your Tax Return” section, since it pertains to using your tax return to fill out the FAFSA.

Page 2: Notes

Notes for question 14 (page 5)

The current language makes it unclear whether students who are neither citizens nor eligible noncitizens should complete the FAFSA. We recommend changing the last sentence of this Note to match the language used in the current FAFSA on the Web Worksheet, as follows:

“However, *you should still complete the application, because you may be eligible for state or college aid.*”

Notes for question 32 (page 6)

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

Page 3: Notes

Notes for question 52 (page 7)

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

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

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

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

Notes for question 55 (page 7)

For clarification and simplification, we suggest changing the Note to say:

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

- *You had no living parent (biological or adoptive), even if you are now adopted; or*
- *You were in foster care, even if you are no longer in foster care as of today; or*
- *You were a dependent/ward of the court, even if you are no longer a dependent/ward of the court as of today.”*

Page 4: What is the FAFSA?

We suggest making this the second page in the packet so that students have an opportunity to learn more about the FAFSA before they see the Notes pages, where there is a lot of very specific information that could overwhelm and discourage potential applicants from continuing.

Also, the information in italics at the bottom of the page is too valuable to be treated like a footnote that may be easily overlooked. We suggest making it part of the above section “Where can I get more information on student aid?”

Page 5: FAFSA personal information form

Step One

Question 11: Driver’s License Number

We suggest adding this text to the end: “*(leave blank if you do not have one).*”

Question 13: E-mail Address

We suggest modifying the last sentence as follows:

“If you prefer to be contacted by postal mail, *or do not have an email address*, please leave this field blank.”

Question 14: Citizenship

We suggest this modification: “Mark *only one*.”

We also recommend adding “*Skip to question 16*” after option (c).

Question 19: State Residence

We recommend defining “state of legal residence” in the Notes section.

Question 23: Drug Conviction

This question applies only to students who have received federal financial aid in the past, and therefore it is superfluous for first-time applicants -- the population most likely to be deterred by the FAFSA’s complexity and length. Since all renewals are electronic, and the Department automatically distinguishes between renewal-eligible applicants and first-time applicants online,

this question should appear only on the electronic FAFSA presented to renewal-eligible applicants.¹

For renewal-eligible applicants, we suggest replacing the current sentence that begins with “If you have,…” with the following two sentences:

“Whether you answer “yes” or “no,” complete and submit this application. If you answer “yes,” we will send you a worksheet in the mail so you can determine if your conviction affects your eligibility for aid.”

Page 6: FAFSA personal information form

Step One

Question 29: Degree/certificate

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

Question 31: Work-study/Student loans

We are concerned that the current language (“In addition to grants, are you interested in work-study or student loans?”) gives students the impression that they are agreeing to accept these types of aid if offered to them.

We recommend changing the question to say:

“In addition to grants, are you interested in being considered for work-study or student loans? Note: Your answer will not affect your eligibility for grants, and you do not have to accept these types of aid if offered to you.”

Page 7: FAFSA personal information form

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

Step Three

Question 48: Age

Once individuals have established that they are independent students by answering “yes” to one question in Step Three, it is unnecessary for them to answer the remaining questions in the section. As age is the most common way to qualify as an independent student, we recommend allowing students who answer “yes” to question 48 to skip the other Step Three questions (assuming that questions 51 and 52 are not used to determine eligibility for military educational benefits). For the paper version of the FAFSA, we recommend adding this text to the end of question 48:

“If “yes” skip questions 49-60 and proceed directly to Step Four.”

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

Similar language should be added to the FAFSA on the Web Worksheet, and skip logic should be employed in the online FAFSA to achieve this goal.

Question 55: Foster youth/Ward of the court

For clarification, we recommend the following revision:

“At any time since you turned age 13, were both your parents deceased, were you in foster care or were you a dependent/ward of the court?”

Questions 58-60: Unaccompanied homeless youth

Our proposed changes address a statutory issue in the draft while simultaneously making it easier for students to understand what they are being asked. As detailed below, we recommend that instead of asking three separate questions that attempt to capture the various ways an applicant might qualify as an independent student due to being homeless or at risk of homelessness, the form should ask just one simple question accompanied by a more detailed Notes section.

The College Cost Reduction and Access Act of 2007 (CCRAA) specifies that certain unaccompanied youth are considered independent if they are homeless *or* are self-supporting and at risk of homelessness, *and* if they receive an official determination of their status from one of four sources. However, the draft language for questions 58 and 59 does not currently include those who are determined to be self-supporting and at risk of homelessness, as mandated by the CCRAA in section 604(a)(2). Here is the statutory language, with italics for emphasis:

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

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

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

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

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

We recommend replacing questions 58, 59, and 60 -- which are long, confusing, and still do not cover all of the potential combinations of status and source of determination -- with the following single question:

“At any time on or after July 1, 2008, did you receive a determination that you were an unaccompanied youth who was homeless, or that you were an unaccompanied youth who was self-supporting and at risk of being homeless?”

The new question would be accompanied by a reference to the Notes section, and the first paragraph of the Notes would read:

“Answer ‘Yes’ if you received a determination *that you were an unaccompanied youth who was homeless, or self-supporting and at risk of homelessness, from any of the following sources* at any time on or after July 1, 2008:

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

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

““**Youth**” means you were born on or after January 1, 1986.”

Page 8: FAFSA personal information form

Step Four

Question 74: Parents’ Email Address

We recommend adding this sentence to the end of question 71:

“If your parent(s) do not have an email address, leave this question blank.”

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

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

Questions 80 and 81 (and their corollaries, Questions 101 and 102): Federal Benefits

As currently written, these questions require a level of knowledge about government programs that applicants are unlikely to have. In particular, Question 80, and its companion Question 101, assume that applicants will know what TANF is by the acronym alone, and will know whether they “receive benefits” through TANF. Although TANF is a federal benefit, it is administered at the state level and goes by very different names in different states. For example, it is called CalWorks in California, MFIP (Minnesota Family Investment Program) in Minnesota, and WAGES (Work and Gain Economic Self-Sufficiency) in Florida. There is no reason that recipients in these and many other states would know that their benefit actually comes through TANF.

The very-low-income students and families who receive TANF benefits are those most in need of federal financial aid to attend and succeed in college. It is essential that applicants can easily determine the correct answer to question 80 as well as the other questions related to means-tested benefits, because these questions directly affect eligibility for the Simplified Needs Test and Automatic-Zero EFC.

Questions 80, 81, 101, and 102 should be accompanied by an explanation in the Notes section. The Notes should spell out the full names of both TANF and WIC (similar to the 2008-2009 FAFSA), but also, and much more importantly, include the following explanation:

“TANF is sometimes called “welfare” and may have a different name in your state. To find the name of your state’s program, see [URL] or call 1-800 -4-FED-AID.”

The URL in brackets [] above should link to a list of state TANF program names, ideally on the FAFSA website. There should also be a hyperlink to this list from the question in the online FAFSA (that opens in a new window when clicked, and does not replace the online FAFSA being worked on). For an example of a list of all state TANF programs, see <http://www.ct.gov/dss/cwp/view.asp?a=2352&q=305132>.

The Department must also ensure that all operators on the FAFSA helpline understand what TANF is and have reference materials with state program names easily available. We placed 14 calls to the 1-800-4-FED-AID helpline to ask for help answering Question 80, including whether being enrolled in a state welfare program would qualify an applicant to fill in the “TANF” bubble in question 80 on the draft form. Despite the fact that most of the operators clearly wanted to help and consulted other resources before giving a definitive answer, *half gave incorrect information which would have led applicants who did receive TANF to answer that they did not receive it.*

Question 85: Dislocated worker

For grammatical agreement, we suggest changing the language of question 85 to:

“Is either of your parents a dislocated worker?”

Page 9: FAFSA personal information form

Step Four

Questions 94 and 95

Please increase the font size to make these questions easier to read.

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

As specified in 44 U.S.C. § 3501, the first two purposes of the Paperwork Reduction Act are as follows: “(1) minimize the paperwork burden for individuals, small businesses, educational and

nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government; (2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government[.]”

In addition, the request for public comments on this draft FAFSA published in the *Federal Register* states that the Secretary is interested in comments that address “how might the Department enhance the quality, utility, and clarity of the information to be collected,” and “how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.”

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

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

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

SEC. 485. STUDENT ELIGIBILITY.

(q) Use of Income Data-

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

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

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

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

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

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

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

(B) REDUCTION OF DATA ELEMENTS-

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

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

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

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

.....

(D) how the Internal Revenue Service can provide to the Secretary of Education income and other data needed to compute an expected family contribution for taxpayers and dependents of taxpayers, and when in the application cycle the data can be made available;

(E) whether data provided by the Internal Revenue Service can be used to--

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

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

3) Help connect students to state grant aid. All states that cooperate in simplifying the application process should be allowed to provide a direct link to their state grant program

information through the online FAFSA form. Skip logic could provide the appropriate link for each applicant. In addition, the Department should provide a complete list of these links in a prominent place on the FAFSA website.

4) Use an intuitive URL. We strongly recommend that the Department acquire and begin using “www.fafsa.gov” so that students can find the FAFSA site more easily.

Thank you for the opportunity to comment on the draft 2009-2010 FAFSA. If you have any questions or concerns regarding our comments, please do not hesitate to contact me by phone at (510) 559-9509, or via email at ljasher@ticas.org.

Sincerely,

Lauren J. Asher
Vice President