



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

Dear Coordinator Mullan:

Thank you for the opportunity to submit comments on the 2024-2025 FAFSA. The Youth Law Center is a Legal advocacy organization that works to transform the foster care and juvenile justice systems so that young people have the opportunity to heal and to thrive. Our advocacy focuses on system-involved youth as well as youth who have experienced homelessness—often these populations overlap and face similar challenges. Like the U.S. Department of Education, we work hard to ensure that these young people, like all youth, have a fair shot at accessing financial aid without confronting unnecessary barriers. We join the comments submitted by SchoolHouse Connection related to the questions on homelessness and add additional suggestions related to questions that impact system-involved youth to help ensure fair access to financial aid to youth who have experienced homelessness.

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 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:

Provisionally Independent Student

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.

To complete your application, you’ll need to contact your school’s financial aid office and provide documentation to verify your circumstances.

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.

This message conflicts with the Higher Education Act (HEA), as amended by the *FAFSA Simplification Act*. 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.

The message also states that the applicant must provide documentation to verify their circumstances. But under the *FAFSA Simplification Act*, 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. This is consistent with DOE's existing fact sheet, *FAFSA® Simplification Fact Sheet Students With Unusual Circumstance 2* ("Starting with the 2024-25 Award Year, both first-time and renewal applicants who indicate on their FAFSA form that they have an unusual circumstance will be granted provisional independent status. They will be able to complete the form without providing parental information. They will also receive an estimate of their federal student aid eligibility, which will be subject to a final determination by the institution they attend."), available at <https://financialaidtoolkit.ed.gov/resources/bfbf-students-unusual-circumstances.pdf>

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.

These are the very outcomes the *FAFSA Simplification Act* 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.

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.

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:

Determination of Homelessness

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.

This recommended text aligns with the requirements of the FAFSA Simplification Act and directs the student to follow up in the most effective and expeditious manner.

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:

You Can Proceed Without Parent Information

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.

If you have indicated that you are unaccompanied and either (1) homeless or (2) self supporting 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.

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.

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 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 *one in four* 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.

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%. 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.

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.

Contact Information Help Text (questions 2, 26, 31, 43): We request that 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 typically does not have a “permanent mailing address” and, therefore, would not know how to complete the form appropriately, without additional instructions. We recommend adding an explanatory note that is consistent with the guidance issued by ED in (GEN-23-06).

¹ Community College League of California. (2023, September 2019). [Basic Needs Report Identifies Continued Lack of Food and Housing Security Among California Community College Students.](#)

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 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.

Explanatory text for unusual circumstance question (Student Unusual Circumstances, Q7, page 6): We recommend that the following text be added to clarify the consequences of checking "yes": "students who are experiencing unusual circumstances can complete the FAFSA as a provisional independent student, which means that they won't have to submit parental information on the FAFSA, but will need to contact their FAA to provide supporting documentation."

Help/explanatory text for dependency override (Q7, page 6): We recommend that the help text include more information about and link to the student's rights regarding the dependency override process rather than just "talk to financial aid." This can be an incredibly complicated process for young people, especially when they are in the types of challenging situations where an override is requested. Providing easier access to information on what steps the young person can take would be extremely valuable.

Definition of a ward of the court (Personal circumstances, page 20): We believe that the definition of ward of the court is mis-stated and recommend that it be corrected for clarity. It appears as "For federal student aid purposes, someone who is incarcerated is not considered a ward of the court." Instead, it should appear: "Someone who is a ward of the court for the purposes of incarceration is not considered a ward of the court for federal student aid purposes." In addition, we recommend that there is help text defining this term when it appears as it is a subject of frequent confusion for young people and stakeholders alike.

Definition of incarceration and clarifying that incarcerated individuals can complete the FAFSA (Personal circumstances, page 20): We recommend that incarceration be defined for clarity. A "confined or incarcerated individual" in 34 CFR § 600.2 states that the incarcerated student must be serving a "criminal sentence" in a Federal, State, or local penitentiary, prison, jail, reformatory, work farm, juvenile justice facility, or other similar correctional institution. A youth with a finding of delinquency is not serving a criminal sentence, thus they should complete the regular FAFSA and are not required to enroll in a PEP. We also ask that the following information be provided to ensure that eligible individuals who are incarcerated are provided accurate information about completing the FAFSA: Confined or incarcerated individuals must complete the FAFSA® to determine their eligibility for a Pell Grant. They can do so using the normal online application, or they may mail the Incarcerated Applicant Form to Federal Student Aid for processing.

College Grants, Scholarships, or AmeriCorps Benefits Reported to the IRS (2022 Tax Information, page 21): We recommend that text be added to clarify that the Chafee Education and Training Voucher is not a taxable grant.

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.

Sincerely,

Jenny Pokempner & Jasmine Miller

Youth Law Center