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PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division
U.S. Department of Education
400 Maryland Ave. SW
LBJ, Room 6W208D
Washington, DC 20202-8240

Docket ID ED-2022-SCC-0082

To whom it may concern:

On behalf of the National Association of Student Financial Aid Administrators (NASFAA) and our 3,000 member institutions, we respectfully submit to the U.S. Department of Education (ED) our comments on the 2023-2024 FAFSA Form Demographic Survey, Docket No.: ED-2022-SCC-0082.

NASFAA represents nearly 20,000 financial aid professionals who serve 16 million students each year at colleges and universities in all sectors throughout the country. NASFAA member institutions serve nine out of every ten undergraduates in the U.S.

We appreciate ED's stated intention to use these survey questions to inform the creation of the two new statutorily required questions on race and sex for the 2024-25 application cycle. Race, ethnicity, sex, and gender are highly sensitive topics that get to the heart of persistent discrimination and equity issues in this country. While these data points are essential to the research necessary for creating a fair and equitable federal student aid system, applicants may rightly fear answering such questions out of concern that their responses could be used against them in the future. Asking these questions correctly and letting applicants know exactly how their data will be used is critical to ensuring that ED has the demographic information it needs to assess FAFSA filing trends and address inequities in the federal student aid system while reassuring applicants that this data will be used appropriately and only as specified in federal law.

We continue to disagree with ED's decision not to include a sex or gender question on the 2023-24 application, as we noted in our FAFSA [comments](#) on April 25, 2022. The presence of the "Are you male or female?" question on previous years' FAFSAs, despite its intended use for Selective Service registration confirmation purposes, served as proxy for a question on the applicant's sex. Leaving that or a replacement question out of the 2023-24 FAFSA leaves a one-year gap in data and forces many institutions to alter existing practices if they use that question as a student identifier in order to match ISIRs to student records in their financial aid management systems.

Given ED's decision to use a survey to ask the race and sex questions on the 2023-24 FAFSA, we offer the following comments.

The survey includes a prominent box with informational text that advises applicants that the four survey questions will not affect their aid eligibility. While this is useful information, we recommend that ED add to the information box that the institutions where they send their FAFSA will not have access to their answers to these questions. Without such assurances, applicants may fear that this information could be used as a factor in their admission to certain colleges, or used as a criteria for institutional financial aid. Similarly, applicants should be made aware that state agencies will also not have access to this information.

Related, NASFAA institutions are split on whether they would like to receive gender, race, and ethnicity data. Some feel strongly that institutions share ED's goals to examine and remove the structural inequities that are reinforced by our current systems, and that this data would help them do so. Others are concerned that having access to this data, even if not used at all in the admissions process or financial aid awarding process, could still be perceived as having influenced those decisions and, as such, do not want this data. Understanding that the decision is likely already finalized at this point in the 2023-24 FAFSA cycle, we urge ED to consider seriously the implications of sharing or not sharing gender, ethnicity, and race data with institutions and/or states in the 2024-25 FAFSA cycle when these questions become a part of the FAFSA. NASFAA would be happy to convene additional schools as ED weighs the benefits and risks of such a decision.

We also recommend that ED add text explaining how they will use the data collected from this survey. Knowing that this data will not affect eligibility is helpful, but applicants should know more about why they are being asked these questions.

The Department indicated in its supporting statements that ED does not plan to publish the results of this data collection. We believe these data would be useful to the public and recommend that ED update the FSA data center to disaggregate currently published data by applicants' responses to these new questions.

We urge ED to change the language in the two questions about the student's gender from "What is your gender?" and "Are you transgender?" to "With which gender do you identify?" and "Do you identify as transgender?" Because the FAFSA is an official government form with penalties for providing false information, students in the process of transitioning or who have transitioned but live in states that limit or ban changes to gender markers on birth certificates may be confused about whether they must provide their legal gender or the gender with which they identify. Clarifying that they should provide the gender with which they identify will confirm to applicants that answering with their true gender won't put them at risk for penalties for providing false information, and will give ED more accurate information.

For the gender questions as well as the questions on ethnicity and race, we commend ED for including the option for each of these four questions for applicants to provide a response of "Decline to answer." While

Congress required the addition of these questions, it does not require them to be answered by applicants. This information is not necessary to apply for or determine eligibility for federal student aid. As such, applicants should have control over whether and how they share their demographic information.

We are interested in how ED arrived at the categories of responses for these questions. It is essential that the FAFSA gender, race, and ethnicity questions include sufficient options such that no applicant is forced to choose a category that is merely a close match to their gender, ethnicity, or race. We recognize as well that consistency of gender, race, and ethnicity categories allows for the simplest data comparison across federal and state agencies, even if that limits the number of categories offered. We would like to know if ED worked within any federal guidelines in developing the gender, race, and ethnicity categories, as well as whether ED consulted with states or other entities to ensure consistency among the categories offered to ensure accurate data comparisons.

Finally, given that these questions are not technically part of the FAFSA, we would like to know whether students will have the opportunity to correct their answers to these questions through the FAFSA correction process.

We appreciate the opportunity to comment on this proposed data collection. If you have any questions regarding these comments, please contact us or NASFAA Senior Policy Analyst Jill Desjean at desjeanj@nasfaa.org.

Regards,



Justin Draeger, President & CEO