

NASFAA's "Off the Cuff" Podcast – Episode 309 Transcript

OTC AskRegs Experts: Jay Treaty Updates and Resources for Institutions Impacted by Natural Disasters

Maria Carrasco:

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Hugh Ferguson:

Hey, everyone. Welcome to another episode of "Off the Cuff". I'm Hugh Ferguson with our communications team.

Sarah Austin:

I'm Sarah Austin with the policy team.

Hugh Ferguson:

And welcome back, Sarah. It's been a couple weeks since you've been on, but it hasn't been all that long, I don't think.

Sarah Austin:

No, yeah, just a couple weeks I think.

Hugh Ferguson:

Yeah. So if we're going to hop back into our AskRegs topic and dive into a couple of timely issues that have some updates that we think folks will want to get caught up on. Sarah, when I was first looking at the agenda for our first topic, I was getting flashbacks to some classes in high school about this thing called the John Jay Treaty, which came up in AP US history and stuff, but we're not talking about that thankfully. So those flashbacks can go away. Instead, we're talking about changes for students under the Jay Treaty. So Sarah, to start, could you share some updates for us on what students are experiencing under the Jay Treaty?

Sarah Austin:

Yeah. So we realized that with '24-'25, there was a change to the documentation that may be required for certain students related to the Jay Treaty, and we really wanted to highlight this because we think it maybe kind of flew under the radar for some members. Understandably so. There was no big announcement that I've seen at least. There wasn't really any way that our members were told that this change happened unless you happen to be reading the handbook very carefully, which granted some of our members do, and we do of course. But there was a change in the handbook guidance from the '23-'24 version to the '24-'25 version, and it's related to the documentation requirements for these students. So our friends over on the AskRegs team actually just highlighted updated Q&A related to these Jay Treaty students. And then we highlighted that in Today's News, I think earlier this week. But basically want to just highlight that there is this change related to the documentation.

So to give you a little background, and definitely not like a history lesson like you're talking about, not too deep of a dive, but there are these students who, if they're American Indians born in Canada, which are formally called Jay Treaty students, that's how it's referenced in the handbook, and basically they are students who have at least 50% Native American blood, but were born in Canada. So they have the legal right to live and work indefinitely in the US. So there's kind of this whole other section of students that are going to be considered eligible non-citizens who fall under this Jay Treaty. So they're considered lawfully admitted for permanent residence in the US, and so that's how they're able to apply for Title IV aid. But there is kind of a different process for these students than every other eligible non-citizen subset. So this is related to their Title IV eligibility for being an eligible non-citizen.

Hugh Ferguson:

Got it. And then could you catch us up on what stayed the same?

Sarah Austin:

Yeah. So how you're completing the FAFSA process has stayed the same. Of course, the FAFSA has changed, we all know, from '23-'24 to '24-'25, but how they're going to indicate their citizenship status is really stayed the same between the two years. So if they have an A-number, they will indicate that on the FAFSA. It will go through that DHS match. If they fail the DHS match, it will then require third-step verification with of course the documentation. If they fail the third-step verification, they can still be considered eligible if they can provide the documentation needed. And then also, if they don't have an A-number, that DHS verification won't be generated. So then there would be no third-step verification process that could take place. So instead, they would need to provide documentation. So that stayed the same from '23-'24 to '24-'25. That process is the same. So if they don't have an A-number or if they did provide an A-number, but again failed the DHS match and failed the third-step verification, they are required to provide documentation. That's all the same.

Hugh Ferguson:

Got it. So the thing that I'm sure our members are most interested in is, what is now different?

Sarah Austin:

Yeah. So there's really two differences. One of them is very minor and kind of obvious, I would say, is that we know all the comment code numbering changed from '23-'24 to '24-'25. So the comment code number that would show if they were to not have an A-number because of that renumbering, the comment code previously was 408 in 2023-'24. Now it's 289 for '24-'25 moving forward. I'm sure it's the same for '25-'26 since there was not a renumbering again. But that's a small change. So the bigger change is the documentation, which I've mentioned several times now.

So the '23-'24 handbook guidance had said that if a student had 50% Native American blood and was born in Canada, they would provide one of four documents proving that. It would be either a band card, which is I think probably one of the more common pieces of documentation students would submit in these situations. But it's basically a card that's issued by the Band Council of the Canadian Reserve or by the Department of Indian Affairs, and they could provide that documentation to the school. They also, in the list of optional documentation, there was birth or baptism records, affidavit from a tribal official. There's some other options there. That list of four things is no longer listed in the '24-'25 handbook. So that is what has changed.

Now, if in '23-'24, if the student could provide something from that list, they would provide it to the school, and assuming they're otherwise eligible, the school would just make a note of this in the

student's file, a copy of that documentation, and they could move forward with Title IV aid. Now, like I said, that list doesn't exist in '24-'25. So instead, the '24-'25 FSA Handbook now says that the student must give proof from either the United States Citizenship and Immigration Services, so USCIS, or the Customs and Border Protection, and they have to provide proof that it was determined that the student meets the requirements of the Jay Treaty.

So these students, they give an example of what form they most likely have to prove this, and it's a form I-551, which I was not familiar with but read up on now with this change. But basically, they said they're likely to have this form. They give you an example of what stamps would be on it, what wording would be on it, and the different versions of that so that schools know what they're looking for when students are submitting this documentation. If you are unfamiliar like me with this particular documentation, the handbook does give a link to more information about the process and about that actual documentation. So there is a link in there to the USCIS web page that has more information about this, because I'm sure there's others that were also unfamiliar. So that's a documentation change.

So one thing we did want to point out, and like I said, our AskRegs team updated some Q&A's in the knowledge base related to this and made this note in there as well. But, one thing we did want to kind of highlight is that we have confirmed at NASFAA, we've confirmed with the department, that if a student previously had received aid under the Jay Treaty, they were eligible for Title IV aid, they were eligible non-citizen, and they had provided that documentation that was previously listed in the handbook, received aid in '23-'24 or really any prior year using that documentation, that can kind of carry forward. So they do not have to provide documentation.

Again, the kind of change here is that if a student is a new student or they have not received Title IV aid in the past using that old set of documentation, they now do need to follow the guidance that's in the '24-'25 handbook. So again, just to clarify, if they had received aid in the past, in '23-'24 or prior years, using that old documentation and they were in fact eligible, that can continue to carry forward. The school can just use that previously accepted documentation. They would only need to follow this new guidance with the new documentation if they were receiving aid for the first time in '24-'25 or forward.

So that's the big change. I will say I don't think this is super common for a lot of schools, but I do know that we do have some schools that do have a high number of students that may fall into this category. So I know it's important even if there's some schools that don't have any of these students in this situation. The one thing I did want to highlight is that if you still have questions, because I know this was very brief overview, we just wanted to highlight that we know the handbook guidance changed, we wanted to highlight that AskRegs Q&A. But if you still have more questions about this process or the eligibility for a specific student, any of that, we do suggest contacting the department at the application systems division. It's very simple email address application systems division at ed.gov. So I'm pretty self-explanatory there, but that's who you would contact if you had further questions or needed more information about students' eligibility under the Jay Treaty.

Hugh Ferguson:

That's great. Thanks, Sarah, for all that background information. We'll have all those links in our show notes for folks to follow up with if this is a situation that either directly impacts your institution or is just a situation you want to learn more about. So yeah, thanks again, Sarah, for providing us with those updates.

We wanted to move on to our next topic to highlight some important resources that NASFAA and the Department of Education has regarding institutions who have been impacted by natural disasters in these last couple weeks and months that have been ravaging the Southeast, and wanted to make sure

members are able to access those resources, which will also be provided in the show notes. Sarah, can you walk us through what those resources are?

Sarah Austin:

Yeah. So we do have quite a few to mention today. So like you said, they will be linked in the show notes because there are several important resources here. The first they wanted to highlight is our AskRegs knowledge base. While it's a member tool, we have made some Q&A's related to this topic publicly available just to make sure that all institutions have access to this guidance right now. So we have several Q&A's on different topics that are somehow related to natural disasters, and we have, like I said, made those publicly available. So we'll make sure and link the page that has all of those in the show notes. So you can check out. There's several different Q&A's related to either R2T4 or maybe your academic calendar, things like that. So definitely check out those AskRegs resources that are provided to you.

The other resource I wanted to highlight is actually more for students and borrowers, but because we know our members at schools do get questions about things that students are trying to figure out on their own, we wanted to highlight this, that studentaid.gov does actually have a page that is specifically related to students and borrowers impacted by natural disaster, and it's called Info for Affected Individuals of Natural Disasters, but basically provides them information like what to do if you're having issues making your loan payments while being impacted by this, or who to contact, who to reach out to, that sort of thing. So that was another resource, again, specifically for more the student and borrower side, not so much the schools, but we know it's helpful for you to know that as well.

The big thing is on the FSA Knowledge Center, this is definitely going to be more for the schools. There is a topics page on the Knowledge Center that's titled Natural Disaster Information, and this provides a list of different resources that you may find helpful. But I wanted to highlight the most recent addition to this page is an electronic announcement that came out earlier related to specific guidance for Title IV participants affected by Hurricane Helene. So in this electronic announcement, they talk about some flexibilities or deadlines that they know may be hard to meet.

So I wanted to highlight a few notes from that electronic announcement. First of all, they mention the Annual Security Report and the Annual Fire Safety Report. They are aware that schools impacted by the hurricanes may need to submit those reports late, and they say that Ed will basically be taking that into consideration if a school does submit it late. They'll take into consideration that they were impacted by the hurricanes. They're still asking schools to, of course, submit them as soon as possible, but they know that may have been a little bit of a delay. They specifically state in there that they do still want schools to provide the reports before the resumption of in-person instruction. So if that's already happened, hopefully you've already submitted your report, but if not, if you haven't resumed in-person instruction, they do want those reports submitted before that happens.

They also mentioned this Campus Safety and Security Data Collection and Survey, basically mentioning that it was open at the time of these hurricanes and it was set to close on October 16th, so earlier this week. And they wanted to say that if institutions were in a federally declared disaster area and were unable to submit their responses by that date of October 16th, that they should contact the campus safety help desk. So gave some contact information for that as well.

It also mentions that the FISAP deadline was extended through December 13th for those schools in the impacted areas, and they also make note that that deadline may be even not feasible for some schools, understandably so. So they did mention that if a school was not able to meet that deadline, there would be no penalties imposed if they were in fact impacted by the natural disasters. So they would like them to submit them as soon as possible, but no penalties if it does need to be after that deadline. So that's

that electronic announcement, again, linked from that FSA Knowledge Center topics page on natural disasters.

The last resource that I wanted to mention is probably the most helpful, I would assume. And I know in talking with some members, kind of been pointing them to this resource, it's actually a kind of old Dear Colleague Letter. It's Dear Colleague Letter GEN-17-08. Again, it will be linked in the show notes, but this is kind of the big document that provides very specific information related to institutions that have been impacted by a natural disaster. So the Dear Colleague Letter itself has some information, but really the important piece I want to mention is, there's a ten-page attachment to that Dear Colleague Letter, and this is where it's going to go topic by topic through different areas of Title IV administration that could be impacted by a natural disaster. So for example, there's a section on the length of your academic year if that's impacted because you've temporarily closed, there's a section explaining what to do in that situation, or something like a more physical impact where if the school has lost student records, and how the school will not be held responsible if student records were lost in a natural disaster.

There's also a large section that I think a lot of schools are asking about, and it is related to institutional charges, refunds and R2T4 calculations. This section of the attachment has specifics on what if you're going to miss an R2T4 deadline, or what if a student needs to take a leave of absence because of being impacted by a hurricane. So it goes through each of those individually, kind of gives you either instructions or contact information of who to contact. So this regulatory relief that's really described in this Dear Colleague Letter applies to all recipients of Title IV aid, who at the time of the disaster were residing in, employed in, or attending a school in an area that was federally declared disaster area. If you are wondering which areas those are, those federally declared disaster areas, there is a link to be able to go and look at the actual areas that have been declared disasters. And that link is provided in that Dear Colleague Letter as well.

That's the last resource I wanted to highlight. But I do want to mention, if you are looking at these resources, a lot of times they're going to say, if you're unsure of what to do or if you need help or if you need additional information or there's something specific for your school, what you need to do is really contact your school participation division with Ed. So you'll see that linked multiple times in these resources and we'll also link it in the show notes. But basically, if you have any questions, especially specific to your school, we really encourage you to reach out to your school participation division and work with them on what you need to do and get any additional information you may need.

Hugh Ferguson:

Awesome. Thank you for all that guidance, Sarah. As you mentioned, all of these links will be available in the show notes for folks to check out, and we're continuing to promote the resources that NASFAA has to try and get those out there to folks. I believe we just had a mention in USA Today go out this week, highlighting some of those resources. So we will continue on our end to push those out to folks.

Thanks everyone for joining us on "Off the Cuff" this week. Be sure to leave us your comments and suggestions, and you can send those our way. Be sure to subscribe in your podcast streaming service of choice, and we will see you again real soon.