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March 17, 2017

The Honorable Virginia Foxx  
Chairwoman  
Committee on Education and the Workforce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Robert C. Scott  
Ranking Member  
Committee on Education and the Workforce  
U.S. House of Representatives  
Washington, DC 20515

Re: Free Application for Federal Student Aid

In advance of your hearing next week examining federal student aid, I write on behalf of the American Bar Association to urge you to make certain that the unique educational needs of students in, or formerly in, foster care, and those experiencing homelessness are taken into account as changes to the Free Application for Federal Student Aid (FAFSA) may be contemplated. Specifically, we urge you to retain mechanisms for students to report their status as homeless or in foster care to ensure they are considered “independent” for purposes of financial aid calculations.

The ABA is one of the world’s largest voluntary professional organizations, with over 400,000 members and more than 3,500 entities. Many of these entities are involved in supporting the educational needs of vulnerable students, including those who are or were in foster care and those experiencing homelessness. We witness the barriers to financial aid experienced by foster youth, and we work around the country to advocate for increased access to and success in post-secondary education and training. The ABA seeks your support to protect these highly vulnerable students.

The ABA recognizes that youth in foster care and experiencing homelessness need special support and protections. Our 2012 [“Access to Higher Education for Foster Youth”](#) policy recognizes the challenges and unique needs of students who were or are in foster care related to entering and completing higher education and calls for greater support and protections, including support around obtaining financial aid. Furthermore, our 2009 [“Youth Rights to a High Quality Education”](#) policy details the importance of ensuring the right to a high quality education for all children, in particular vulnerable students such as those in foster care and those experiencing homelessness.

The 2009 changes to the FAFSA, which included foster youth and unaccompanied homeless youth in the definition of an “independent student,” were pivotal in making it easier for students without the support of their birth families to get the help they need to enter and complete postsecondary education. Even with this positive change, barriers to access remain. These include: students failing to understand the questions about foster youth or homeless status; difficulty with securing documentation of former foster youth

or homeless status; and difficulty accessing assistance to complete the FAFSA. A 2016 [report](#) from the Government Accountability Office (GAO) summarizes many of the challenges students in foster care and those who are experiencing homelessness face. Furthermore, newly available data from the U.S. Department of Education indicates that students in foster care and unaccompanied homeless youth, both eligible as “independent students,” are severely under-identified in accessing federal financial aid.

We support the goal of streamlining the FAFSA to make it easier for all students to access needed financial aid. However, because of the unique needs of students in or formerly in foster care, and unaccompanied homeless youth, it is critically important that additional protections are included. There must be a clear way to identify students who have been in foster care and those experiencing homelessness as independent students, or these students will face extreme barriers to access financial aid and access postsecondary education. The ABA urges your Committee to protect students in foster care and those experiencing homelessness to ensure that they are able to successfully enter, and complete, higher education programs.

Thank you for your consideration of these comments. Please feel free to contact me or David Eppstein at [david.eppstein@americanbar.org](mailto:david.eppstein@americanbar.org) should any questions arise.

Sincerely,

A handwritten signature in black ink, reading "Thomas M. Susman" with a long horizontal flourish extending to the right.

Thomas M. Susman

cc: Members of the House Committee on Education and the Workforce