



September 25, 2020

Director 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

To whom it may concern,

NASFAA and the undersigned organizations thank you for this opportunity to comment on the proposed Higher Education Emergency Relief Fund (HEERF) Data Collection Form (Docket ID ED-2020-SCC-0122). NASFAA represents nearly 20,000 financial aid professionals who serve 16 million students each year at approximately 3,000 colleges and universities in all sectors throughout the country. NASFAA member institutions serve nine out of every ten undergraduates in the U.S.

Our comments seek to add clarity to several proposed reporting fields and reduce institutional burden to the fullest extent possible, while still meeting the spirit and letter of the reporting requirements.

We would like to first address the specific questions ED outlined in the Federal Register Notice:

(1) What data in this form will be difficult to collect or report and why? Are there changes that could be made to improve the quality of the data or reduce the burden?

Question 2(a) asks if institutions used a valid ISIR to establish student eligibility for CARES Act funding. ED has never specified that, if institutions choose to use the ISIR to confirm student eligibility, that the ISIR must be valid. There are many reasons an ISIR could be considered invalid while the student may still have passed the database matches confirming that they meet the student eligibility requirements in HEA section 484. For this reason we recommend removing the word "valid".

Question 3 asks a filtering question, "Did you distribute different amounts to eligible students based on different circumstances?", to determine whether institutions then need to answer subsequent questions about use of an application or institutional administrative data to make awards. However, institutions may have used an application or institutional administrative data to make awards and still made the decision to award every recipient the same amount from HEERF. We recommend retaining the questions but removing the skip logic from the first question such that all respondents would answer all questions in item 3.

Question 6, table row 1 asks, “How many students were eligible to receive HEERF emergency grants made available under section 18004 of the CARES Act?”, and includes a footnote referring to ED’s April 21, 2020 Frequently Asked Questions document, where ED announced student eligibility requirements that included meeting the Title IV eligibility criteria under HEA Section 484 and excluding distance education students. However, since ED has, subsequent to the publication of this comment request, provided a methodology for calculating this figure in a footnote to the August 31 revision to its May 6 Electronic Announcement, we suggest that ED remove the reference to the April 21 FAQ and substitute the August 31 methodology in its place. This would provide a consistent methodology for calculating this figure across all data collections, would ease burden on institutions, and would allow for ease of comparison for ED.

Related to the above is the question of how ED will address the possibility that an institution’s answer to the next question, “How many students received emergency financial aid grants provided under Section 18004 of the CARES Act? (unduplicated across all HEERF sections)” might exceed the number of eligible students reported in the previous question, despite the fact that the institution was following the eligibility requirements that were in place when they awarded the funds. The evolving guidance issued over the course of the spring of 2020 may have led institutions to award HEER funds to students who ED later announced were ineligible, especially because ED encouraged institutions to spend funds promptly. We stress the need for ED to recognize and account for the fact that the number of eligible students may not be a consistent figure given that guidance has changed in the past and may change again, given ED’s statement in a recent court filing that they are “actively considering whether to retain or modify the rule in response to the comments it received.”

Question 7, table row 1 automatically populates from Question 6 the dollar amount expended on HEERF direct grants to students. ED includes a footnote to clarify that this field includes direct grants to students that were intended, “To support any element of the cost of attendance (as defined under Section 472 of the Higher Education Act) per the Interim Final Rule published June 17, 2020”. However, the Interim Final Rule only addresses the definition of student, for the purpose of determining student eligibility for the grants, and not the use of funds. Further, the CARES Act specifies that the use of funds detailed in the footnote applies only to sections 18004(a)(2) and (3), while the allowed use of funds for section (a)(1) is for “expenses related to the disruption of campus operations due to coronavirus (including eligible expenses under a student’s cost of attendance, such as food, housing, course materials, technology, health care, and child care).” Neither Congress nor ED limited use of HEERF direct grants to students under (a)(1) to eligible expenses under the COA; those expenses were included only as examples of eligible use of funds. As such, institutions may have used HEERF direct grants from (a)(1) to students to cover non-COA expenses, which will make the footnote to Question 7, table row 1 inaccurate. Since this is an automatically populated answer, the footnote does not appear necessary. We recommend removing the footnote to avoid confusion. If ED chooses to amend this question in some other manner, we wish to note that it could be impossible for institutions to differentiate whether HEERF direct grants to students

from section 18004(a)(1) went toward eligible COA expenses or other expenses not eligible for inclusion in the COA.

The final question in the table in Question 7 asks for “Other uses of funds” and requires institutions to provide documentation. We question why institutions are required to provide documentation when that is not required for other expenses, and also question what type of documentation ED is seeking? Requiring institutions to provide documentation will increase burden, and it is unclear how documentation will aid in a post-analysis evaluation. At the very least, ED should be clear about the type(s) of documentation they will consider acceptable.

Question 8 asks how many students who ever received HEER funds withdrew from the institution during the reporting period. This will require institutions to query older award years for a student’s receipt of HEER funds to compare against past and current student enrollment records to determine whether the student withdrew. Reporting across award years is often more complicated for institutions than querying a single award year and may be especially difficult for lower-resourced institutions with less sophisticated student information systems and/or fewer information technology or institutional research staff. We recommend that ED work with lower-resourced institutions to evaluate the feasibility and associated burden of this reporting and to re-evaluate this item if it would create excessive burden.

With respect to overall burden, we wish to note that all of the questions in this data collection are unlikely to be answered by a single business unit on campus. As such, coordination between offices will be a significant portion of the reporting burden. As such, ED’s estimate of 1.5 hours to complete the data collection appears low. We recommend re-evaluation of this burden estimate.

Also with respect to burden, we remind ED that the annual FISAP deadline is October 1, which will impact institutions’ ability to complete this data collection.

(2) The Department believes the data requested under this collection will be valuable for multiple purposes, such as measuring program performance and informing future program design. The Department is interested in learning the extent to which others, particularly stakeholders at the State and local level, agree that this data is valuable for their own purposes and whether there is additional data that would be valuable for the Department to collect from its grantees?

Question 8 asks how many students who ever received HEER funds withdrew from the institution during the reporting period. ED should be clear about their definition of “withdrawal” for these purposes if ED intends to use this data to evaluate the efficacy of HEER funds to retain students. Financial aid administrations are likely to interpret this question to mean withdrawals during a payment period for which a Return to Title IV funds is required. If ED plans to evaluate retention with respect to HEER funds, it likely would be interested in students who left the institution between terms and not just Title IV withdrawals. ED should be

clear in the instructions exactly what they would consider a withdrawn student for these reporting purposes.

If ED is seeking to draw conclusions about the efficacy of HEER funds with respect to retaining students, it should specify the term in which the withdrawal took place relative to the receipt of HEER funds. The further the withdrawal occurs from the date of the receipt of HEER funds, the less likely the withdrawal could be assumed to result from the circumstances for which the HEER funds were received. For example, a student may have received HEER funds in July of 2020, and have successfully completed that summer term and the subsequent fall term. If they contracted Covid-19 in the spring of 2021 and were forced to withdraw, it should not be considered a failure of the HEER funding to retain the student. We recommend asking separate questions about students who withdrew in the same term or the subsequent term after receiving HEER funds.

Finally, if ED intends to evaluate retention of HEERF recipients, it must consider the institution's average retention rate as well, since those rates vary widely by institution, and the retention rate of HEERF recipients alone would not be sufficient data for that evaluation.

(3) The Department is interested in reducing the burden of data collection and making use of existing data when at all possible. For example, are there alternative methods to collect data or data that is already collected on institutional expenditures related to HEER funding under section 18004a of the CARES Act?

In Question 9a, we recommend that ED pre-populate the institution's March 13 FTE count from the initial reporting to future data collections.

(4) Will the proposed method for collecting the number of FTE positions created or retained as a result of HEER funds awarded to IHEs yield accurate data? Is there an alternative methodology that would improve the accuracy of the data?

We are interested in how ED plans to use data comparing March 13, 2020 FTEs to FTEs as of the end of each reporting period, since institutions were only required to pay all employees and contractors "to the greatest extent practicable". It does not appear that ED could establish whether institutions had followed that requirement simply based on these two data points. Further, institutions are unlikely to include contractors in their count of FTE positions, so ED should specify that schools should add their contractors to their FTE count to ensure accurate data.

Other concerns with the data collection that do not fit into the topic areas covered by ED's questions

It is unclear whether Questions 2-5 are cumulative, or apply only to the reporting period. We recommend adding clear instructions to reduce confusion and ensure accurate reporting across institutions.

If Questions 2-5 are intended to be answered for the reporting period only, ED needs to consider the fact that not every institution will have made awards in every reporting period. In the event that Questions 2-5 should be answered for the reporting period only, we recommend that ED add a filtering question that asks whether the institution made awards during that period, and uses skip logic to bypass these questions.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Draeger', is positioned above the typed name.

Justin Draeger, President & CEO

American Council on Education
Association of American Universities
Association of Catholic Colleges and Universities
Association of Jesuit Colleges and Universities
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