

May 15, 2020

Secretary Betsy DeVos  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Secretary DeVos,

As two organizations focused on the needs of children, youth and families in our foster care system, we are asking for your assistance to provide additional guidance about flexibility related to income documentation for independent students during the pandemic. Verification of Non-filing (VNF) has always presented challenges for foster youth, and the pandemic has dramatically increased these obstacles. Youth in foster care are struggling during the pandemic and, in particular, are unable to complete their financial aid packages because financial aid offices are requiring tax documentation or W-2s that youth are unable to get right now. Additional guidance from the Department is needed as soon as possible so that foster youth can complete their financial aid packages quickly.

When filling out a FAFSA application, foster youth must indicate on the application that they are “independent”. Upon receiving a student’s FAFSA, higher education institutions (in state and out of state) will ask foster youth to submit proof of independence along with a Proof of Non-Filer form. This Proof of Non-Filer form is obtained by the student filling out the T- 4506 form from the IRS. Once the T-4506 form is submitted, the IRS will mail a copy of the Proof of Non-Filer letter to the student’s address.

Before COVID-19, foster youth had the option of submitting the T- 4506 form via fax or in person with an appointment at their local IRS office. The option for online submission however is not feasible for foster youth because the process requires the person making the request for the form to verify their identity and also provide documentation from the following list:

- Credit Card
- Student loan
- Mortgage or Home Equity Loan
- Home Equity Line of Credit
- Auto Loan

The process prior to the COVID-19 pandemic could take up to two months for youth to receive the Non-Filer form. In light of COVID-19, foster youth and their education specialists have shared that the IRS has not been responsive to requests for Proof of Non-Filer letters via submission of the T- 4506 form by mail. This has caused a significant delay for both current and prospective students.

We are aware that the Department of Education issued guidance in January 2019 that could cover flexibility for attestation.<sup>1</sup> The Department's guidance states that an Institution for Higher Education can accept a signed attestation in place of a VNF, "if the individual is unable to obtain VNF from the IRS or other tax authorities and, based upon the institution's determination, it has no reason to question the student's or family's good-faith effort to obtain the required documentation".

We are concerned that institutions are not allowing foster youth to use a signed attestation as an alternative to a VNF because they believe that foster youth have the ability to acquire the VNF and therefore do not meet the requirements for submitting a signed attestation as outlined in the January 2019 guidance. Given the recent documentation requirements placed on foster youth at both public and private institutions, we believe further guidance is necessary so that financial aid administrators across the various Institutions of Higher Education understand that simple attestation is acceptable during this pandemic.

In addition, we believe that the Department needs to provide **new** flexibility or guidance to allow applicants to submit a signed attestation in place of a W-2 (as it has done already with the VNF), as suggested in a recent letter by the National Association of Student Financial Aid Administrators (NASFAA).<sup>2</sup> The NASFAA letter notes that - even in an Institution of Higher Education does accept a signed attestation in place of the VNF - the institution is still required (as per the January 2019 guidance) to provide a copy of all W-2s from the relevant tax year. This means that, for applicants who were working during the prior-prior year (the one that's relevant for the FAFSA) but were not required to file a tax return, they would still need to either have their old W-2s on hand, or they would need to get them from their employers. Given that the Internal Revenue Service and many businesses are largely shuttered and given the struggles that foster youth face with housing and access to resources, these steps present tremendous if not impossible barriers to foster youth to complete their financial aid packages.

Again, these concerns are not theoretical. They reflect on-the-ground experiences of foster youth at public and private schools across the country. In light of the fact that the month of May is National Foster Care Month, timely clarification by the Department that simple attestation is sufficient documentation of independent status during the pandemic will help foster youth and other vulnerable independent students to complete their financial aid packages.

We appreciate your attention to this matter and look forward to your help for this population of students.

Sincerely

Christine James-Brown  
President & CEO  
Child Welfare League of America

Phoebe C. Boyer.  
President & CEO  
Children's Aid

Jasmine Hooper  
Director of Fostering  
Youth Success Alliance  
Children's Aid

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<sup>1</sup> <https://ifap.ed.gov/electronic-announcements/01-09-2019-verification-subject-changes-2018-2019-and-2019-2020>

<sup>2</sup> [https://www.nasfaa.org/uploads/documents/NASFAA\\_ED\\_Letter\\_Verification.pdf](https://www.nasfaa.org/uploads/documents/NASFAA_ED_Letter_Verification.pdf)