



THE INSTITUTE FOR COLLEGE
ACCESS & SUCCESS



August 21, 2023

VIA EMAIL ONLY

James Kvaal
Under Secretary
Office of Federal Student Aid
United States Department of Education
830 First Street, N.E.
Washington, D.C. 20002

Re: Updating Dear Colleague Letter (GEN-22-02) to Include Outreach by State Higher Education Authorizing Agencies, State University Systems and Community College Systems

Dear Mr. Kvaal,

We are writing on behalf of a coalition of organizations advocating to address food insecurity issues that face millions of higher education students across the country. Annually, nearly 2 million of the approximately 3.3 million eligible students do not participate in the Supplemental Nutrition Assistance Program (“SNAP”) program, leaving about \$3 billion in SNAP benefits untapped.¹ As we navigate the impacts of the pandemic and strive to enhance accessibility to vital resources, we must ensure that students are aware of the SNAP benefits available to them.

The Department took a critical step towards reaching eligible students by issuing a January 20, 2022 Dear Colleague Letter titled “Use of FAFSA Data to Administer

¹ Benefits Data Trust, “Benefits Access for Student Success: A Toolkit For Leveraging Data to Find Eligible Students,” (Feb. 15, 2023), *available at*: <https://bdtrust.org/highered-toolkit-1/>. The Government Accountability Office found that 57% of students who are likely food insecure and income-eligible for SNAP do not receive benefits and concluded that complicated program eligibility was largely to blame. *See* U.S. Government Accountability Office, “Food insecurity: Better information could help eligible college students access federal food assistance benefits,” (2019), *available at*: <https://www.gao.gov/products/gao-19-95>; *see also* California Student Aid Commission, “Access to Proper Nutrition Equals College Success: Making CalFresh Work for Students,” 4 (Feb. 2022) (“Among California’s 6.7 million postsecondary students, it is estimated that between 400,000 and 750,000 students are potentially eligible for [SNAP]. Yet only approximately 127,000 students receive this food benefit.”).

James Kvaal
U.S. Department of Education, Federal Student Aid
August 21, 2023
Page 2 of 2

Federal Programs” (“2022 DCL”).² That guidance made clear that institutions of higher education (“IHE’s”) were permitted to use Federal Application for Student Aid (“FAFSA”) data to inform students about several federal benefits programs under the Higher Education Act. With respect to SNAP specifically, the guidance explained:

In order to streamline the SNAP application process for students, IHEs may use FAFSA data to verify that students meet these requirements directly with the State SNAP agency . . . IHEs may also use such information to conduct email outreach to potentially eligible students.³

While the 2022 DCL appears to have been a success, our organizations believe that thousands more students could be reached if the Department simply updated the guidance to make clear that state university systems, community college systems, and state student aid and authorizing agencies may also use this data in outreach to students about benefits eligibility. With additional resources and methods of conducting outreach to students, these entities have the potential to greatly expand the reach of the 2022 DCL.

State agencies and state and community college systems are already equipped to meet their obligations under the requirements of the Family Educational Rights and Privacy Act (“FERPA”) and other applicable privacy laws. We are confident that any collaborative efforts between the U.S. Department of Education and state entities can address any concerns related to data usage while expanding the positive impact of the outreach initiative set forth in the 2022 DCL.

Thank you for your time and consideration. We look forward to your response and to working with you on this matter.

Sincerely,

National Student Legal Defense Network
The Institute for College Access & Success
California Competes
California Student Aid Commission

² See U.S. Dep’t of Educ., Dear College Letter (Gen-22-02), “Use of FAFSA Data to Administer Federal Programs,” (Jan. 20, 2022), available at: <https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2022-01-20/use-fafsa-data-administer-federal-programs>.

³ *Id.*