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ONE HUNDRED THIRTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 3, 2014

The Honorable Arne Duncan  
Secretary of Education  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Mr. Secretary:

I am writing to request your help in ensuring that millions of students across the country who engage in the challenging process of applying for financial aid are treated in accordance with federal law by institutions of higher education.

Over the past several months, the Democratic staff of the House Committee on Oversight and Government Reform has conducted an evaluation of financial aid application information from more than 200 colleges, universities, and other institutions of higher education across the country.

As a result of this review, it appears that 111 schools may be contravening the requirements of the Higher Education Act by explicitly requiring applicants to submit forms other than the Free Application for Federal Student Aid (FAFSA) or by failing to make clear that only the FAFSA is required to be considered for federal student aid.

Instead, these institutions appear to be establishing additional requirements for students to complete costly additional forms, including the fee-based PROFILE form developed by the College Board, to be considered for any financial aid. Congress banned this practice in 1992 because it creates undue hurdles for students seeking federal student aid.

For your information, I am enclosing a list of 111 institutions identified during this investigation, and I am posting these documents on the Democratic Committee website.

I request that we meet to discuss how the Department can address this issue by warning schools that this conduct may violate federal law and by fully enforcing the requirements of the Higher Education Act. The remainder of this letter sets forth additional information about this issue.

### **Background on the Higher Education Act**

In 1992, Congress passed amendments to the Higher Education Act that created a single, free form to be used by students seeking federal financial aid. These statutes prohibit higher education institutions from using any forms other than the FAFSA to determine eligibility for federal financial aid. These requirements state:

***Charges to students and parents for use of forms prohibited.***

The need and eligibility of a student for financial assistance ... may be determined only by using a form developed by the Secretary ... and no parent or student shall be charged a fee ... for the collection, processing, or delivery of financial aid through the use of such forms.<sup>1</sup>

Prior to the 1992 legislation, six different forms could be used to assess student eligibility for federal financial aid, and five carried fees.<sup>2</sup> After reviewing the federal financial aid process at the time, the House Committee on Education and Labor described it as a system of “bewildering complexity.”<sup>3</sup>

Although the 1992 legislation established the FAFSA as the sole form to determine eligibility for federal financial aid, institutions may use other forms to determine eligibility for non-federal aid, including assistance from states, the schools themselves, outside entities, and other sources. Currently, more than 200 institutions use a supplemental, fee-based form called the CSS/Financial Aid PROFILE developed by the College Board.<sup>4</sup> This form asks much more detailed and complicated financial questions than the FAFSA, and students must pay \$25 to submit the PROFILE to one institution and \$16 to submit it to each additional institution. Although these fees may be waived in certain circumstances, the waiver process is not transparent or clear for applicants. A recent study found that 79% of college applicants apply to at least three institutions, and 29% apply to at least seven, meaning that many students could pay more than \$100 to apply for financial aid from schools that require the PROFILE.<sup>5</sup>

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<sup>1</sup> 20 U.S.C. § 1090(a)(6).

<sup>2</sup> *Student Aid Application and Need Analysis*, Congressional Research Service (Mar. 30, 1993).

<sup>3</sup> House Committee on Education and Labor, *Higher Education Amendments of 1992*, 102d Cong. (1992) (H. Rept. 102-447).

<sup>4</sup> College Board, *PROFILE Online 2014-15: Participating Institutions and Programs* (online at <https://profileonline.collegeboard.org/prf/PXRemotePartInstitutionServlet/PXRemotePartInstitutionServlet.srv>) (accessed Jan. 8, 2014).

<sup>5</sup> *The (Needless?) Frenzy*, Inside Higher Education (Nov. 29, 2012) (online at [www.insidehighered.com/news/2012/11/29/study-documents-admissions-trends-over-last-10-years](http://www.insidehighered.com/news/2012/11/29/study-documents-admissions-trends-over-last-10-years)).

### Results of Investigation

Over the past several months, the Democratic staff of the House Committee on Oversight and Government Reform has conducted a review of more than 200 institutions identified by the College Board as using the fee-based PROFILE form. This investigation found that 111 institutions appear to be contravening the requirements of the Higher Education Act by explicitly requiring that applicants submit forms other than the FAFSA to apply for federal student aid or by failing to make clear that students must submit only the FAFSA to apply for federal financial aid.

Of the 111 institutions identified during the investigation, 58 state explicitly in the instructional materials on their websites that applicants must submit the fee-based PROFILE form in order to secure any type of financial aid, including federal student aid. For example:

- Bucknell University: “If you do not file the CSS PROFILE on time, we cannot guarantee that any aid can be awarded to you. ... This form **MUST** be filed if you would like to apply for need-based aid.”<sup>6</sup>
- Sacred Heart University: “You must complete the FAFSA (Free Application for Federal Student Aid) and CSS Profile (Financial Aid Application provided through the College Board) to receive an official financial aid package.”<sup>7</sup>
- University of Miami: “The University of Miami will begin requiring New Freshmen and Transfer applicants to complete the CSS / Financial Aid PROFILE in addition to the Free Application for Federal Student Aid in order to be considered for need based financial assistance.”<sup>8</sup>

Since these institutions require applicants to complete the PROFILE form in order to be considered for any financial aid, they appear to be in violation of the Higher Education Act. Although they may make clear in other materials that the PROFILE form is not required to determine eligibility for federal financial aid, the materials identified during this investigation may be the only information potential applicants see before deciding whether to apply.

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<sup>6</sup> Bucknell University, *Applying for Aid* (online at [www.bucknell.edu/about-bucknell/administrative-offices/office-of-financial-aid/applying-for-aid/prospective-students-\(class-of-2018\)/financial-aid-checklist-and-forms-for-prospective-students-complete-list.html](http://www.bucknell.edu/about-bucknell/administrative-offices/office-of-financial-aid/applying-for-aid/prospective-students-(class-of-2018)/financial-aid-checklist-and-forms-for-prospective-students-complete-list.html)) (emphasis in original) (accessed Jan. 29, 2014).

<sup>7</sup> Sacred Heart University, *New Incoming Students—Application Process* (online at [www.sacredheart.edu/admissions/financialassistance/full-timeundergraduatestudents/newincomingstudents-applicationprocess/](http://www.sacredheart.edu/admissions/financialassistance/full-timeundergraduatestudents/newincomingstudents-applicationprocess/)) (accessed Jan. 29, 2014).

<sup>8</sup> University of Miami, *Office of Financial Assistance* (online at [www.miami.edu/index.php/office\\_of\\_financial\\_assistance/](http://www.miami.edu/index.php/office_of_financial_assistance/)) (accessed Jan. 29, 2014).

In addition to the schools described above, the investigation identified 53 institutions that direct applicants to submit both the FAFSA and the PROFILE to obtain federal financial aid, although they do not clarify what each form is used to assess. For example:

- Harvard College: Requires submission of both the FAFSA and PROFILE for “all applicants” without any explanation of use or purpose.<sup>9</sup>
- Northwestern University: Requires submission of both the FAFSA and PROFILE, stating: “Follow the steps below to apply for financial aid. Once all materials are received, our Financial Aid Committee will review your application to determine your aid eligibility.”<sup>10</sup>

The investigation also identified schools that provide clear and correct guidance to financial aid applicants. For example:

- University of Southern California: Requires the FAFSA to determine “eligibility for the low interest Federal Direct Stafford Loan as well as federal and state grants,” and then explains that the PROFILE, “along with your FAFSA information, will help determine your eligibility for USC student aid funds.”<sup>11</sup>
- Bard College: Requires the FAFSA to determine eligibility for “any type of financial aid” and the PROFILE for “Bard College financial aid.”<sup>12</sup>

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<sup>9</sup> Harvard College, *Financial Aid Application Instructions, 2014-2015 Prospective Students* (online at [https://college.harvard.edu/sites/default/files/EA%20US%2014-15\\_0.pdf/](https://college.harvard.edu/sites/default/files/EA%20US%2014-15_0.pdf/)) (accessed Jan. 29, 2014).

<sup>10</sup> Northwestern University, *Regular Decision Application Instructions* (online at <http://undergradaid.northwestern.edu/apply-for-aid/prospective-students/regular-decision-application-instructions.html>) (accessed Jan 30, 2014).

<sup>11</sup> University of Southern California, *New First-Year Students* (online at [www.usc.edu/admission/fa/applying\\_receiving/undergraduates1/newstudents.html](http://www.usc.edu/admission/fa/applying_receiving/undergraduates1/newstudents.html)) (accessed Jan. 30, 2014).

<sup>12</sup> Bard College, *Financial Aid Forms* (online at [www.bard.edu/financialaid/applying/forms/](http://www.bard.edu/financialaid/applying/forms/)) (accessed Jan. 30, 2014).



### Request for Assistance

During his State of the Union Address, President Obama stated: "Higher education can't be a luxury—it is an economic imperative that every family in America should be able to afford."<sup>13</sup> I know this is a goal that you and I both share. I request a meeting to discuss the most efficient ways to ensure that schools that utilize any forms other than FAFSA, such as the PROFILE, are in full compliance with the Higher Education Act and are not creating improper and unnecessary barriers to the federal assistance that is so critical to enabling students to pursue their academic and professional dreams.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings  
Ranking Member

cc: The Honorable Darrell E. Issa, Chairman

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<sup>13</sup> The White House, *President Barack Obama's State of the Union Address* (Jan. 28, 2014) (online at [www.whitehouse.gov/the-press-office/2014/01/28/president-barack-obamas-state-union-address](http://www.whitehouse.gov/the-press-office/2014/01/28/president-barack-obamas-state-union-address)).

### **Institutions Identified During Investigation**

1. Albany College of Pharmacy
2. American University
3. Amherst College
4. Barnard College
5. Bates College
6. Beloit College
7. Bennington College
8. Bentley University
9. Berklee College of Music
10. Boston College
11. Boston University
12. Brandeis University
13. Brown University
14. Bucknell University
15. California Institute of the Arts
16. California Institute of Technology
17. Carnegie Mellon University
18. Case Western Reserve University
19. Claremont McKenna College
20. Clark University
21. Colby College
22. College of William and Mary
23. Colorado College
24. Columbia University
25. Connecticut College
26. Cornell University
27. Dartmouth College
28. Davidson College
29. DePauw University
30. Dickinson College
31. Duke University
32. Emerson College
33. Emory University
34. Fordham University
35. Furman University
36. Georgia Institute of Technology
37. Georgetown University
38. George Washington University
39. Gettysburg College
40. Goucher College
41. Grinnell College
42. Hamilton College
43. Hampshire College
44. Harvard College
45. Harvey Mudd College
46. Hobart and William Smith College
47. Illinois Wesleyan University
48. Ithaca College
49. Kenyon College
50. Lehigh University
51. Lewis & Clark College
52. Loyola University of Maryland
53. Macalester College
54. Manhattan School of Music
55. Marist College
56. Middlebury College
57. Mount Holyoke College
58. Muhlenberg College
59. Nazareth College
60. New York University
61. Northeastern University
62. Northwestern University
63. Oberlin College
64. Polytechnic Institute of NYU
65. Pomona College
66. Providence College
67. Quinnipiac University
68. Reed College
69. Rhode Island School of Design
70. Rhodes College
71. Rice University
72. Roger Williams University
73. Sacred Heart University
74. San Francisco Conservatory of Music
75. Santa Clara University
76. Sarah Lawrence College
77. Scripps College
78. Skidmore College
79. Smith College
80. Smith College School of Social Work
81. St. Anselm College
82. St. Lawrence University
83. St. Mary's College (IN)
84. St. Olaf College
85. Stanford University
86. Stevens Institute of Technology

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|---|---|
| 87. <u>Susquehanna University</u>                     | 99. <u>University of Pennsylvania</u>       |
| 88. <u>Swarthmore College</u>                         | 100. <u>University of Puget Sound</u>       |
| 89. <u>Syracuse University</u>                        | 101. <u>University of Richmond</u>          |
| 90. <u>Texas Christian University</u>                 | 102. <u>University of Rochester</u>         |
| 91. <u>Trinity College</u>                            | 103. <u>Ursinus College</u>                 |
| 92. <u>Union College</u>                              | 104. <u>Vassar College</u>                  |
| 93. <u>University of California San Francisco</u>     | 105. <u>Wabash College</u>                  |
| 94. <u>University of Chicago</u>                      | 106. <u>Washington &amp; Lee University</u> |
| 95. <u>University of Massachusetts Medical School</u> | 107. <u>Wellesley College</u>               |
| 96. <u>University of Miami</u>                        | 108. <u>Wheaton College (MA)</u>            |
| 97. <u>University of Michigan</u>                     | 109. <u>Williams College</u>                |
| 98. <u>University of Notre Dame</u>                   | 110. <u>Worcester Polytechnic Institute</u> |
|   | 111. <u>Yale University</u>                 |