

| Verification tracking flag | Verification tracking group name   | FAFSA information required to be verified                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| V5 .....                   | Aggregate Verification Group ..... | <i>Tax Filers:</i> <ul style="list-style-type: none"> <li>Adjusted Gross Income.</li> <li>Income Earned from Work.</li> <li>U.S. Income Tax Paid.</li> <li>Untaxed Portions of IRA Distributions.</li> <li>Untaxed Portions of Pensions.</li> <li>IRA Deductions and Payments.</li> <li>Tax Exempt Interest Income.</li> <li>Education Tax Credits.</li> <li>Foreign Income Exempt from Federal Taxation.</li> </ul> <i>Non-Tax Filers:</i> <ul style="list-style-type: none"> <li>Income Earned from Work.</li> </ul> <i>Tax Filers and Non-Tax Filers:</i> <ul style="list-style-type: none"> <li>Family Size.</li> <li>Identity.</li> </ul> |
| V6 .....                   | Reserved .....                     | N/A.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

### Other Sources for Detailed Information

We provide a more detailed discussion on the verification process in the following resources that will be available on the Knowledge Center web page at <https://fsapartners.ed.gov/knowledge-center>:

- 2027–2028 Application and Verification Guide.
- 2027–2028 FAFSA Specifications Guide: Volume 6—ISIR Guide, Volume 7—Comment Codes.
- 2027–2028 COD Technical Reference.
- Program Integrity Information—Questions and Answers on Verification at <https://www.ed.gov/laws-and-policy/higher-education-laws-and-policy/program-integrity-questions-and-answers-verification>.

**Accessible Format:** On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc or other accessible format.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov).

Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Program Authority:** 20 U.S.C. 1070a, 1070b–1070b–4, 1087a–1087j, and 1087–51 through 1087–58.

**David Barker,**

*Assistant Secretary, Office of Postsecondary Education.*

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**BILLING CODE 4000–01–P**

### DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–2608]

#### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Approved State Ability to Benefit Process

**AGENCY:** Federal Student Aid (FSA), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

**DATES:** Interested persons are invited to submit comments on or before November 23, 2026.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public

Comment” checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

**SUPPLEMENTARY INFORMATION:** The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

**Title of Collection:** Approved State Ability to Benefit Process.

**OMB Control Number:** 1845–0176.

**Type of Review:** Extension without change of a currently approved ICR.

**Respondents/Affected Public:** State, Local, and Tribal Governments.

**Total Estimated Number of Annual Responses:** 10.

**Total Estimated Number of Annual Burden Hours:** 3,200.

**Abstract:** Ability to Benefit (ATB) is an alternative for an individual who does not have a high school diploma to become eligible for Title IV aid. The State process is one of the three

alternatives. The State ATB processes described in § 668.156 outlines the requirements for the approval of a State’s processes, monitoring, and reporting requirements under ATB. This is a request for an extension without change of information and burden found in § 668.156, 1845–0176 Approved State Ability to Benefit Process.

**Ross Santy,**  
Chief Data Officer, Office of Planning,  
Evaluation and Policy Development.  
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**BILLING CODE 4000–01–P**

**DEPARTMENT OF JUSTICE**  
**DEPARTMENT OF EDUCATION**  
**Clarification on Department of Justice and Department of Education Guidance Documents Regarding Federal Nondiscrimination Laws**

**AGENCY:** Civil Rights Division, Department of Justice; Office for Civil Rights, Department of Education.  
**ACTION:** Notice; clarification.

**SUMMARY:** The U.S. Department of Justice (DOJ) and U.S. Department of Education (ED) (the Departments) are issuing this document to clarify that seven guidance documents issued jointly by the Departments are not enforceable. In addition, the Departments plan to revisit these guidance documents in light of the Supreme Court’s decision in *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 400 (2024), to assess whether they are consistent with the single best

meaning of the relevant statutory text. The Departments will not rely upon these guidance documents in their enforcement of federal civil rights laws, including Titles IV and VI of the Civil Rights Act of 1964 (Title IV and Title VI), 42 U.S.C. 2000c *et seq.* and 2000d *et seq.*, the Equal Educational Opportunities Act of 1974 (EEOA), 20 U.S.C. 1701–1720, the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101 *et seq.*, and Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. 794.

**FOR FURTHER INFORMATION CONTACT:** John Mertens, Acting Chief, Educational Opportunities Section, Civil Rights Division, 202–514–4092; Maria Litsakis, Acting Director, Program Legal Group, Office for Civil Rights, 800–421–3481.

**SUPPLEMENTARY INFORMATION:** During the years 2015–2023, the Departments issued the following guidance documents regarding Title IV, Title VI, the EEOA, the ADA, and Section 504:

|         | Date issued           | Agencies      | Guidance title                                                                                                                                                                              |
|---------|-----------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 ..... | January 7, 2015 ..... | DOJ, ED ..... | Dear Colleague Letter: English Learner Students and Limited Proficient Parents. <sup>1</sup>                                                                                                |
| 2 ..... | January 7, 2015 ..... | DOJ, ED ..... | Fact Sheet: Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs. <sup>2</sup>                                                                |
| 3 ..... | January 7, 2015 ..... | DOJ, ED ..... | Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them. <sup>3</sup>                                        |
| 4 ..... | May 10, 2021 .....    | DOJ, ED ..... | Confronting COVID–19–Related Harassment in Schools. <sup>4</sup>                                                                                                                            |
| 5 ..... | May 26, 2023 .....    | DOJ, ED ..... | Resource on Confronting Racial Discrimination in Student Discipline. <sup>5</sup>                                                                                                           |
| 6 ..... | August 14, 2023 ..... | DOJ, ED ..... | Dear Colleague Letter: Questions and Answers Regarding the Supreme Court’s Decision in Students for Fair Admissions, Inc. v. Harvard College and University of North Carolina. <sup>6</sup> |
| 7 ..... | August 14, 2023 ..... | DOJ, ED ..... | Questions and Answers Regarding the Supreme Court’s Decision in Students for Fair Admissions, Inc. v. Harvard College and University of North Carolina. <sup>7</sup>                        |

Each of the guidance documents discusses legal standards under federal civil rights laws enforced by the Departments. Some of the guidance documents assert that they do not have the force and effect of law, have no binding effect, and do not impose new legal requirements. The Departments’ guidance documents, including these guidance documents, do not establish

legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent.<sup>8</sup> This is consistent with Supreme Court jurisprudence, which has held that guidance documents “do not have the force and effect of law.” *Perez v. Mortg. Bankers Ass’n*, 575 U.S. 92, 97 (2015) (quoting *Shalala v. Guernsey Mem’l Hosp.*, 514 U.S. 87, 99 (1995)). Regardless, the Departments are concerned about confusion over the non-enforceable nature of the guidance documents and issue this clarification that the guidance documents are not enforceable.

Further, each of the guidance documents was issued prior to the Supreme Court’s decision in *Loper Bright*, which held that agency

interpretations must be consistent with the “single, best meaning” of the statute authorizing them. 603 U.S. at 400. For these reasons, the Departments plan to revisit the guidance documents listed in this notice in light of *Loper Bright* to determine whether they are consistent with the “single, best meaning” of the relevant federal civil rights laws enforced by the Departments. The Departments will not rely upon the guidance documents listed in this notice in their enforcement of Titles IV and Title VI, the EEOA, the ADA, and Section 504.

Dated: October 20, 2026.  
**Harmeet K. Dhillon,**  
Assistant Attorney General, Department of Justice.  
**Kimberly Richey,**  
Assistant Secretary, Office for Civil Rights, Department of Education.  
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<sup>1</sup> <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-el-201501.pdf>.  
<sup>2</sup> <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf>.  
<sup>3</sup> <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.  
<sup>4</sup> <https://www.ed.gov/media/document/confronting-covid-19-related-harassment-schools-112258.pdf>.  
<sup>5</sup> <https://www.justice.gov/archives/opa/press-release/file/1585291/dl?inline>.  
<sup>6</sup> <https://www.ed.gov/media/document/dear-colleague-letter-questions-and-answers-regarding-students-fair-admissions-112306.pdf>.  
<sup>7</sup> <https://www.ed.gov/media/document/colleague-20230814pdf-35094..pdf>.

<sup>8</sup> See U.S. Dep’t of Just., Just. Manual § 1–19.000 (last updated Apr. 2022), <https://perma.cc/E35H-F7FF>.