

BILL ANALYSIS

S.B. 369
By: Kolkhorst
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

H.B. 3, passed in the 86th Regular Session, included a provision requiring students to complete a Free Application for Federal Student Aid or a Texas Application for State Financial Aid in order to graduate from high school. However, some students and parents may be aware that they will not qualify for financial aid or may not intend to attend college. Although declining to complete and submit the application is allowed, current law does not require an opt-out form to be made available to either the student or parent. S.B. 369 seeks to address this issue by requiring the opt-out form adopted by a public school district or open-enrollment charter school to provide the opportunity to decline to complete and submit a financial aid application.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

S.B. 369 amends the Education Code to require the form adopted by a public school district or open-enrollment charter school for purposes of exemption from the financial aid application requirement to provide a student or the student's parent or other person standing in parental relation, as applicable, the opportunity to decline to complete and submit a financial aid application. The bill prohibits a school counselor from indicating that a student has not complied with the financial aid application requirement if the district or charter school fails to provide such a form to the applicable person. The bill specifies that a school counselor of a district or charter school may not indicate the manner in which the student complied with the requirement, except as necessary for compliance with commissioner of education rule.

S.B. 369 requires the commissioner of education to adopt rules, which are included among the other requisite rules adopted regarding the financial aid application requirement, requiring each charter school to report the number of students who completed and submitted a financial aid application and the number of students who received an exception from compliance. The bill applies beginning with the 2021-2022 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.