

BILL ANALYSIS

Senate Research Center
87R2677 MLH-D

S.B. 369
By: Kolkhorst
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3, passed in the 86th Regular Session, included a provision in the Texas Education Code which requires students to complete a Free Application for Federal Student Aid (FAFSA) or a Texas Application for State Financial Aid (TASFA) application in order to graduate from high school. While this section allows for the student's parent to submit an opt-out form declining to complete the application, the section does not specifically require the form, or even knowledge of the ability to opt-out, be made available to either the student or their parent. Many students and their parents are aware in advance they will not qualify for any type of aid. Others who do not intend to attend college may find completing the FAFSA form to be an inefficient use of time and resources.

S.B. 369 requires that the opt-out form adopted by school districts or open-enrollment charter schools provide the student or the student's parent or other person standing in parental relation the opportunity to decline to complete and submit a financial aid application. S.B. 369 also prohibits a school counselor from indicating that a student has not complied with the requirement if the school district or open-enrollment charter school fails to provide the form to the student or the student's parent or other person standing in parental relation to the student.

As proposed, S.B. 369 amends current law relating to the notice required regarding the requirement to submit a financial aid application as a condition of high school graduation for public school students.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 28.0256(a), (c), and (d), Education Code, as follows:

(a) Provides that the requirement for each student, before graduating from high school, to complete and submit a Free Application for Federal Student Aid (FAFSA) or a Texas Application for State Financial Aid (TASFA) applies except as otherwise provided by Subsection (b) (relating to an exemption from the requirement to apply for financial aid).

(c) Requires that the form a school district or open-enrollment charter school is required to adopt to be used for purposes of Subsection (b) provide the 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, as provided by Subsection (b). Makes nonsubstantive changes.

(d) Prohibits a school counselor from indicating that a student has not complied with Section 28.0256 (Financial Aid Application Requirement for High School Graduation) if the school district or open-enrollment charter school fails to provide the form adopted under Subsection (c) to the student or the student's parent or other person standing in parental relation to the student.

SECTION 2. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 3. Effective date: upon passage or September 1, 2021.