S.B. No. 369

AN ACT

relating to the requirement to submit a financial aid application as a condition of high school graduation for public school students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Sections 28.0256(a), (c), (d), and (e), Education Code, are amended to read as follows:

(a)  Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), except as otherwise provided by Subsection (b).

(c)  A school district or open-enrollment charter school shall adopt a form to be used for purposes of Subsection (b). The form must [~~be~~]:

(1)  be approved by the agency; [~~and~~]

(2)  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); and

(3)  be made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program under Subchapter B, Chapter 29, in the district or school.

(d)  If a school counselor notifies a school district or open-enrollment charter school whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Section 28.025, the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied, except as necessary for the district or school to comply with rules adopted under Subsection (e)(2). A school counselor may not indicate that a student has not complied with this section 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.

(e)  The commissioner shall adopt rules as necessary to implement this section, including rules to:

(1)  establish:

(A)  a timeline for:

(i)  the distribution to students of the free application for federal student aid or Texas application for state financial aid and the form adopted under Subsection (c); and

(ii)  the submission of a form under Subsection (b);

(B)  standards regarding the information that a school district or open-enrollment charter school must provide to students regarding:

(i)  in accordance with Section 33.007(b)(5), instructions for filling out the free application for federal student aid or Texas application for state financial aid; and

(ii)  the options available to a student under Subsection (b) if the student wishes to decline to complete and submit a financial aid application; and

(C)  the method by which a student must provide to a school district or open-enrollment charter school proof that the student has completed and submitted the free application for federal student aid or Texas application for state financial aid as required by this section;

(2)  require each school district and open-enrollment charter school to report to the agency:

(A)  the number of students who completed and submitted a financial aid application under Subsection (a); and

(B)  the number of students who received an exception from complying with Subsection (a) under Subsection (b); and

(3)  ensure compliance with federal law regarding confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.

SECTION 2.  This Act applies beginning with the 2021-2022 school year.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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I hereby certify that S.B. No. 369 passed the Senate on April 23, 2021, by the following vote:  Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 369 passed the House on May 26, 2021, by the following vote:  Yeas 143, Nays 4, two present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor