

1-1 By: Kolkhorst S.B. No. 369  
1-2 (In the Senate - Filed January 15, 2021; March 9, 2021, read  
1-3 first time and referred to Committee on Education; April 19, 2021,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 9, Nays 0; April 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

|      | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7  |     |     |        |     |
| 1-8  | X   |     |        |     |
| 1-9  | X   |     |        |     |
| 1-10 | X   |     |        |     |
| 1-11 | X   |     |        |     |
| 1-12 | X   |     |        |     |
| 1-13 | X   |     |        |     |
| 1-14 |     |     | X      |     |
| 1-15 |     |     | X      |     |
| 1-16 | X   |     |        |     |
| 1-17 | X   |     |        |     |
| 1-18 | X   |     |        |     |

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 369 By: Schwertner

1-20 A BILL TO BE ENTITLED  
1-21 AN ACT

1-22 relating to the requirement to submit a financial aid application  
1-23 as a condition of high school graduation for public school  
1-24 students.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Sections 28.0256(a), (c), (d), and (e),  
1-27 Education Code, are amended to read as follows:

1-28 (a) Before graduating from high school, each student must  
1-29 complete and submit a free application for federal student aid  
1-30 (FAFSA) or a Texas application for state financial aid (TASFA),  
1-31 except as otherwise provided by Subsection (b).

1-32 (c) A school district or open-enrollment charter school  
1-33 shall adopt a form to be used for purposes of Subsection (b). The  
1-34 form must ~~be~~:

1-35 (1) be approved by the agency; ~~and~~

1-36 (2) provide the student or the student's parent or  
1-37 other person standing in parental relation, as applicable, the  
1-38 opportunity to decline to complete and submit a financial aid  
1-39 application, as provided by Subsection (b); and

1-40 (3) be made available in English, Spanish, and any  
1-41 other language spoken by a majority of the students enrolled in a  
1-42 bilingual education or special language program under Subchapter B,  
1-43 Chapter 29, in the district or school.

1-44 (d) If a school counselor notifies a school district or  
1-45 open-enrollment charter school whether a student has complied with  
1-46 this section for purposes of determining whether the student meets  
1-47 high school graduation requirements under Section 28.025, the  
1-48 school counselor may only indicate whether the student has complied  
1-49 with this section and may not indicate the manner in which the  
1-50 student complied, except as necessary for the district or school to  
1-51 comply with rules adopted under Subsection (e)(2). A school  
1-52 counselor may not indicate that a student has not complied with this  
1-53 section if the school district or open-enrollment charter school  
1-54 fails to provide the form adopted under Subsection (c) to the  
1-55 student or the student's parent or other person standing in  
1-56 parental relation to the student.

1-57 (e) The commissioner shall adopt rules as necessary to  
1-58 implement this section, including rules to:

1-59 (1) establish:

1-60 (A) a timeline for:

2-1 (i) the distribution to students of the  
2-2 free application for federal student aid or Texas application for  
2-3 state financial aid and the form adopted under Subsection (c); and  
2-4 (ii) the submission of a form under  
2-5 Subsection (b);  
2-6 (B) standards regarding the information that a  
2-7 school district or open-enrollment charter school must provide to  
2-8 students regarding:  
2-9 (i) in accordance with Section  
2-10 33.007(b)(5), instructions for filling out the free application for  
2-11 federal student aid or Texas application for state financial aid;  
2-12 and  
2-13 (ii) the options available to a student  
2-14 under Subsection (b) if the student wishes to decline to complete  
2-15 and submit a financial aid application; and  
2-16 (C) the method by which a student must provide to  
2-17 a school district or open-enrollment charter school proof that the  
2-18 student has completed and submitted the free application for  
2-19 federal student aid or Texas application for state financial aid as  
2-20 required by this section;  
2-21 (2) require each school district and open-enrollment  
2-22 charter school to report to the agency:  
2-23 (A) the number of students who completed and  
2-24 submitted a financial aid application under Subsection (a); and  
2-25 (B) the number of students who received an  
2-26 exception from complying with Subsection (a) under Subsection (b);  
2-27 and  
2-28 (3) ensure compliance with federal law regarding  
2-29 confidentiality of student educational information, including the  
2-30 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
2-31 Section 1232g), and any state law relating to the privacy of student  
2-32 information.  
2-33 SECTION 2. This Act applies beginning with the 2021-2022  
2-34 school year.  
2-35 SECTION 3. This Act takes effect immediately if it receives  
2-36 a vote of two-thirds of all the members elected to each house, as  
2-37 provided by Section 39, Article III, Texas Constitution. If this  
2-38 Act does not receive the vote necessary for immediate effect, this  
2-39 Act takes effect September 1, 2021.

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