

AN ACT

1
2 relating to the requirement to submit a financial aid application
3 as a condition of high school graduation for public school
4 students.

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

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

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

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

15 (1) be approved by the agency; ~~and~~

16 (2) provide the student or the student's parent or
17 other person standing in parental relation, as applicable, the
18 opportunity to decline to complete and submit a financial aid
19 application, as provided by Subsection (b); and

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

24 (d) If a school counselor notifies a school district or

1 open-enrollment charter school whether a student has complied with
2 this section for purposes of determining whether the student meets
3 high school graduation requirements under Section 28.025, the
4 school counselor may only indicate whether the student has complied
5 with this section and may not indicate the manner in which the
6 student complied, except as necessary for the district or school to
7 comply with rules adopted under Subsection (e)(2). A school
8 counselor may not indicate that a student has not complied with this
9 section if the school district or open-enrollment charter school
10 fails to provide the form adopted under Subsection (c) to the
11 student or the student's parent or other person standing in
12 parental relation to the student.

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

15 (1) establish:

16 (A) a timeline for:

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

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

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

25 (i) in accordance with Section
26 33.007(b)(5), instructions for filling out the free application for
27 federal student aid or Texas application for state financial aid;

1 and

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

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

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

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

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

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

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

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

1 Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

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