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AB-469 Pupil instruction: financial aid applications. (2021-2022)

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Assembly Bill No. 469

CHAPTER 560

An act to amend Section 51225.7 of the Education Code, relating to pupil instruction.

[Approved by Governor October 06, 2021. Filed with Secretary of State October 06, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 469, Reyes. Pupil instruction: financial aid applications.

Existing law requires a school district, county office of education, or charter school to ensure that a grade 12 pupil who has not opted out, as specified, completes and submits a Free Application for Federal Student Aid or, if the pupil is exempt from paying nonresident tuition under existing law, completes and submits a form for purposes of the California Dream Act. Existing law requires the Student Aid Commission, on or before July 1, 2022, to adopt regulations that include, but are not limited to, model opt-out forms and acceptable use policies for the purpose of providing guidance on applicable state laws. Existing law requires the school district, county office of education, or charter school to exempt a pupil or the pupil's parent or legal guardian from completing a form if the local educational agency determines the pupil is unable to complete the form, and prohibits a pupil's ability to graduate from being affected by a pupil's failure to fill out a form.

This bill would require, on or before September 1, 2022, and each year thereafter, the commission and the State Department of Education to facilitate the completion of the Free Application for Federal Student Aid and the form established for purposes of the California Dream Act, by requiring the department to share the current school year's roster of pupils with the commission, and requiring the commission to match data on pupil completion of financial aid forms, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) California's student financial aid application process is overly complex and burdensome to students and families.
- (2) Many eligible students do not complete a financial aid form because they believe they are ineligible, have no information on how to apply, think that the forms are too much work, or do not want to share personal information because of deportation fears.
- (3) While the financial aid system is intended to make college "access and affordability a guarantee to every qualified student," California currently ranks 30th in the nation in application rates. As a result, California's students leave, on average, \$550,000,000 in federal and state financial aid on the table.

(b) It is the intent of the Legislature that the legislation enacted by Chapter 144 of the Statutes of 2021 and this act, to be known as the Financial Aid Integration Act, will accomplish all of the following:

(1) Allow California to maximize the number of its students who apply for and receive federal and state financial aid without creating an undue burden that prevents some students from graduating, without impacting student or parent immigration status, and with full protection for student and parent data.

(2) Establish a coordinated completion campaign for all existing statewide efforts to increase financial aid application completion rates, which include, but are not limited to, all of the following: the California Student Opportunity and Access Program (Cal-SOAP), the 2019–20 “Race to Submit,” Assembly Bill 2015 (Chapter 533 of the Statutes of 2018) implementation, the Cash for College Program workshops, automatic grade point average verification for all grade 12 pupils, Assembly Bill 2160 (Chapter 679 of the Statutes of 2014), and outreach to increase enrollment in the California College Promise Innovation Grant Program.

(3) Give local educational agencies direction and discretion on how to coordinate and assist families and students in the completion of financial aid applications.

(4) Require implementation in compliance with the federal Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g) and applicable state laws such as Chapters 493 and 495 of the Statutes of 2017.

(5) Give students the freedom to choose the pathway that is best for them after high school, whether that be postsecondary education or pursuing an occupational or technical program.

(6) Help California close the 2,000,000-degree gap so that California has the skilled workers necessary to be competitive in today's and tomorrow's economy.

SEC. 2. Section 51225.7 of the Education Code is amended to read:

51225.7. (a) For purposes of this section, the following definitions apply:

(1) “Local educational agency” means a school district, county office of education, or charter school.

(2) “Opt-out form” means a form developed by the Student Aid Commission that permits parents, legal guardians, a legally emancipated pupil, a pupil who is 18 years of age or older, or a local educational agency on a pupil's behalf to not fill out a Free Application for Federal Student Aid or California Dream Act Application for any reason.

(3) “Outreach program” means a nonprofit entity that is exempt from taxation pursuant to Section 501(c)(3) of the United States Internal Revenue Code or a public entity with experience in either or both of the following:

(A) Assisting pupils with financial aid application completion.

(B) Serving pupils who are eligible to submit a California Dream Act application.

(4) “Pupil” means a pupil in grade 12 attending a high school maintained by a local educational agency.

(b) Commencing with the 2022–23 school year, except as provided in subdivisions (c) and (d), the governing body of a local educational agency shall confirm that a pupil complies with at least one of the following:

(1) The pupil completes and submits to the United States Department of Education a Free Application for Federal Student Aid.

(2) If the pupil is exempt from paying nonresident tuition pursuant to Section 68130.5, the pupil completes and submits to the Student Aid Commission a form established pursuant to Section 69508.5 for purposes of the California Dream Act.

(c) The parent or legal guardian of the pupil, or the pupil if the pupil is a legally emancipated minor or 18 years of age or older, may opt out of the requirements of this section by filling out and submitting an opt-out form to the local educational agency. The Student Aid Commission shall make the opt-out form available to all local educational agencies pursuant to subdivision (h).

(d) If the local educational agency determines that a pupil is unable to complete a requirement of this section, the local educational agency shall exempt the pupil or, if applicable, the pupil's parent or legal guardian from completing and submitting a Free Application for Federal Student Aid, a form established pursuant to Section 69508.5 for purposes of the California Dream Act, or an opt-out form pursuant to subdivision (c). If the local educational agency exempts the pupil from having to complete the requirements of this section, the local educational agency shall complete and submit an opt-out form on the pupil's behalf.

(e) The governing board or body of the local educational agency shall ensure both of the following:

(1) The local educational agency directs each high school pupil and, if applicable, the pupil's parent or legal guardian to any support and assistance services necessary to comply with the requirement described in subdivision (b) that may be available through outreach programs, including, but not limited to, those programs operated by the Student Aid Commission, postsecondary immigration resource centers, college readiness organizations, community-based organizations, and legal resource organizations.

(2) Information shared by parents, legal guardians, and pupils under this section is handled in compliance with the federal Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g) and applicable state laws, including Chapters 493 and 495 of the Statutes of 2017, regardless of any person's immigration status or other personal information, in order to protect all pupil and parent data to the fullest extent possible so that schools and all personal data remain safe.

(f) On or before September 1, 2022, and each year thereafter, the Student Aid Commission and the department shall facilitate the completion of the Free Application for Federal Student Aid and the form established pursuant to Section 69508.5 for purposes of the California Dream Act in the following manner:

(1) The department shall share the current school year's roster of pupils with the Student Aid Commission.

(2) The Student Aid Commission shall match the data described in paragraph (1) with a pupil's application status based on the data possessed by the Student Aid Commission related to submission of the Free Application for Federal Student Aid and the form established pursuant to Section 69508.5 for purposes of the California Dream Act.

(g) It is the intent of the Legislature that, upon the implementation of the California Cradle-to-Career Data System established in Section 10860, future data matching required by paragraph (2) of subdivision (f) be linked through, and conducted in accordance with the privacy requirements of, the California Cradle-to-Career Data System, to avoid a duplicative data matching requirement and to ensure data privacy.

(h) The Student Aid Commission shall, on or before July 1, 2022, adopt regulations that include, but are not limited to, model opt-out forms and acceptable use policies for the purpose of providing guidance on the requirements relating to state law in paragraph (2) of subdivision (e). The Student Aid Commission shall post and make available any model opt-out forms and policies established pursuant to this subdivision on its internet website.

(i) A pupil who does not fulfill the requirements of this section shall not be penalized or punished and this section shall not affect a pupil's ability to graduate.