

Date of Hearing: April 25, 2018

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 2015 (Reyes) – As Introduced February 5, 2018

SUBJECT: Pupil instruction: economics: completion of applications for student financial aid

SUMMARY: Requires the governing board of a school district or the governing body of a charter school that offers an economics course, which is limited to grade 12 pupils, to include, as part of that course, instruction on how to complete the Free Application for Federal Student Aid (FAFSA) and the California Dream Act Application (CADAA); requires the California Department of Education (CDE) to provide guidance on how to implement these provisions. Specifically, **this bill:**

- 1) Requires, commencing with the 2019-20 school year, the governing board of a school district or the governing body of a charter school that offers an economics course limited to 12th grade students to include instruction, as part of that course, on the completion of student financial aid applications.
- 2) Requires instruction on completing financial aid applications to include an instructional program on how to properly complete and submit the FAFSA and CADAA.
- 3) Requires the CDE, before commencement of the 2019-20 school year, to provide guidance on how to implement these provisions, including, but not limited to, identification of persons who may provide this instruction.
- 4) Authorizes the following individuals to provide instruction on how to complete the FAFSA and CADAA: teachers, counselors, and any other person identified by the CDE as having the appropriate expertise.
- 5) Authorizes the governing board of a school district and the governing body of a charter school to adopt policies to implement the provisions in this bill.
- 6) Encourages the governing board of a school district and the governing body of a charter school to use the most cost-effective means of providing instruction in the completion of student financial aid applications.
- 7) Prohibits a local agency, entity of the state or local government, or other public or private organization that sponsors, authorizes, supports, finances, or supervises the instruction of pupils in the completion of student financial aid applications from being deemed liable for civil damage charges brought by individuals who received this instruction.
- 8) Prohibits a public employee who provides or facilitates the instruction of pupils in the completion of student financial aid applications from being deemed liable for civil damage charges brought by individuals who received this instruction.
- 9) Prohibits the provisions regarding civil liability from being construed to grant immunity from civil damages to any person who provides or facilitates instruction in the completion of

student financial aid applications in a manner that constitutes gross negligence, or willful or wanton misconduct.

EXISTING LAW:

- 1) Prohibits, in federal law, funds from being made available under any applicable program to any educational agency or institution that permits release of a student's education records, or the personally identifiable information contained therein, other than directory information, without the written consent of their parents (20 U.S.C. § 1232(b)).
- 2) States that it is the policy of the State of California to afford all persons in public schools, regardless of their immigration status, equal rights and opportunities in the educational institutions of the state (EC 200).
- 3) Prohibits school officials and employees of a local educational agency from collecting information or documents regarding the citizenship or immigration status of pupils or their family members, except as required by state or federal law, or as required to administer a state or federally-supported educational program (EC 234.7).
- 4) Requires the Attorney General, by April 1, 2018, to publish model policies limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law (EC 234.7).
- 5) Establishes the California DREAM Loan Program and authorizes student eligibility for the program if a student satisfies several requirements, including submission of the CADAA (EC 70031, EC 70033).
- 6) Authorizes the governing board of a school district to provide a comprehensive educational counseling program for all pupils enrolled in the district (EC 49600).
- 7) Requires educational counseling to include academic counseling, in which pupils receive advice on the following (EC 49600):
 - a. Development and implementation, with parental involvement, of the pupil's immediate and long-range educational plans.
 - b. Academic planning for access and success in higher education programs, including advisement on courses needed for admission to public colleges and universities, standardized tests, and financial aid.
 - c. Career and vocational counseling, in which pupils are assisted in, among other things, understanding the variety of four-year colleges and universities and community college vocational and technical preparation programs, as well as admission criteria and enrollment procedures.
- 8) Requires that information of a personal nature disclosed by a pupil who is 12 years of age or older, or by the parent or guardian of a pupil who is 12 years of age or older, to a school counselor during counseling be deemed confidential, except in specified circumstances, and prohibits such information from being included in a pupil's record without the written consent of the person who disclosed the information (EC 49602).

- 9) Requires a school counselor to disclose information deemed confidential to law enforcement agencies when ordered to do so by a court of law, to aid in the investigation of a crime, or when ordered to testify in an administrative or judicial proceeding (EC 49602).
- 10) Requires a school to include, in its School Accountability Report Card, the availability of qualified personnel to provide counseling and other pupil support services, including the ratio of academic counselors per pupil (EC 33126).

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. The author’s office states: “Currently there is no existing law that provides guidance regarding how to properly complete a FAFSA or California Dream Act Application, however, actions at the federal level have created new barriers for students. Supplemental processes such as creation of an FSA ID and use of prior year tax information has made filing for FAFSA increasingly difficult for uninformed students and families. Failure to submit a FAFSA creates low college enrollment rates, as financial need is one of the top reasons students do not continue their education in college. Receiving proper instruction on how to submit a FAFSA is critical for all students to affordably attend college. AB 2015 requires that public schools serving students in grades 9-12 offer instruction on how to properly complete and submit a FAFSA and California Dream Act Application.”

Large numbers of high school graduates do not complete the FAFSA and CADAA. The California Student Aid Commission (CSAC, the state agency that administers free financial aid to students pursuing higher education) estimates that the graduating classes of 2017 and 2018 averaged a 54 percent completion rate for the FAFSA and CADAA.

In 2016, the Campaign for College Opportunity—an advocacy organization that conducts research on higher education and promotes reforms aimed towards increasing the number of students who complete college—issued a report in which it states that \$250 million in Pell Grants went unclaimed in 2014-15. The organization also found that among high schools in which more than 75 percent of students were eligible for the Free and Reduced Meal Program, 24 percent of eligible students did not complete the FAFSA.

CSAC oversees a statewide annual “Race to Submit” campaign, with the aim of increasing the number of high school seniors who complete the FAFSA and CADAA. As part of the campaign, CSAC provides weekly progress updates on several measures, including FAFSA/CADAA completion and submission rates, disaggregated by high school, school district, and county. The campaign is modeled after the 2017-18 FAFSA and CADAA Completion Initiative in Riverside County, which was associated with an increased completion rate from 52 to 70 percent for the class of 2017.

The California Dream Act Application helps non-residents access financial aid. According to CSAC, the CADAA is unaffiliated with the federal Deferred Action for Childhood Arrivals (DACA) program. Through the CADAA, CSAC provides access to state financial aid for non-resident students, including undocumented students, who are attending or want to attend California colleges and universities. In 2018, CSAC’s Executive Director issued a public letter to address fears regarding privacy and deportation that might discourage application submission by students in immigrant communities. The director stated, “If you are an undocumented high

school senior or a college student weighing options for the future, I urge you to consider applying or reapplying to a California college and completing [the CADAA] to access your financial aid opportunities. A college or vocational education in California is still open to you, along with free state financial aid.”

Multiple news outlets—including the *Washington Post*, *KQED*, the *Daily News*, and *San Francisco Chronicle*—report that actions by the current presidential administration have increased fears of deportation among immigrants and discouraged both legal residents and undocumented immigrants from applying for or using federal sources of aid. The *Washington Post* also reported in March 2018 that federal immigration officers have begun arresting non-criminals in raids that have occurred at locations once considered safe, including schools and church shelters.

“Cash for College” workshops help students and parents complete financial aid applications. From October 1st through March 2nd, CSAC funds Cash for College workshops, facilitated by locally-based partner organizations, including high schools, community colleges, universities, and community groups. According to CSAC, the aim of these workshops is to help low-income and first-generation college-goers complete the financial aid application process. CSAC requires that partner organizations ensure parent participation by scheduling workshops primarily between 9 AM and 9 PM during the week, during non-holidays, and between the hours of 9 AM and 5 PM on Saturdays. In addition to funds, CSAC provides workshop facilitators with presentations, outreach materials, and website access to help manage workshops and student follow-up.

The Family Educational Rights and Privacy Act provides specified protections. The Family Educational Rights and Privacy Act (FERPA) is a federal law that applies to educational agencies and institutions that receive funding under any program administered by the U.S. Department of Education (DOE). In general, FERPA prohibits improper disclosure of personally identifiable information derived from a student’s educational records. However, according to DOE, information that an official obtained through personal knowledge or observation, or that was heard orally from others, is not protected under FERPA.

This bill would require schools to allocate class time to helping students fill out financial aid applications; if students bring sensitive documents to class (e.g., immigration, income tax, or personal identification documents) for the purpose of completing financial aid applications, it is unclear if their information would be protected from disclosure under state or federal law. **The Committee may wish to consider** if requiring schools to help students fill out financial aid in a classroom setting raises privacy concerns for students and their families, particularly if they are from immigrant communities.

California lags in providing pupils access to school counselors. According to the CDE, 29 percent of California school districts have no counseling programs at all. When counseling programs exist, counselors are often asked to add administrative duties such as testing, supervising, and class scheduling. The ratio of students per counselor in this state averages 945 to 1, compared to the national average of 477 to 1, ranking California last in the nation. Clearly, California lacks sufficient numbers of trained personnel in our schools to meet the social, emotional, and career development needs of over six million pupils. Because the Education Code (Section 49600) shows that the Legislature intended for school counselors to provide educational counseling—including advice on applying for colleges and financial aid—**the Committee may**

wish to consider if the shortage in school counselors will make it difficult for schools to provide adequate advice to students applying for financial aid.

Opposing arguments. The California Council for the Social Studies states, “Both the timing and compact nature of curricular standards of the single semester Economics course do not lend themselves to the goals of AB 2015. Students desirous to pursue 4-year college following high school graduation must apply for admissions/financial aid well before they are able to take this grade 12 course. Additionally, filling out college forms in a classroom setting will hamper the ability of instructors to adequately cover the nearly two dozen state-mandated core content standards currently required to be taught in this tightly-packed course. We believe the responsibility of assisting students with filling out such college forms falls under the purview and pedagogical training of school counselors and other administrative staff.”

Committee amendments. Staff recommends the following amendments:

1) Remove the following:

- a. Requirement that instruction on completing financial aid applications be included as part of a course.
- b. Requirement that CDE generate implementation guidance.
- c. Sections on civil liability.

2) Redraft the bill to:

- a. Require school districts and charter schools to ensure that pupils receive information on how to properly complete and submit the FAFSA and CADAA at least once in grades 9-11, but provide school districts and charter schools with the flexibility to determine how to provide this information.
- b. Require the following types of information to be included:
 - i. The types of documentation and personal information each application requires.
 - ii. An explanation of definitions used for each application.
 - iii. Eligibility requirements for financial aid that may be applied for using the FAFSA or CADAA.
 - iv. Application timelines and submission deadlines.
 - v. The importance of submitting applications early, especially when financial aid is awarded on a first-come, first-served basis.
- c. Require school districts and charter schools to provide students with a paper copy of the FAFSA and CADAA, if requested by the pupil or his or her parent or guardian.

- d. Require school districts and charter schools to handle information shared by parents, guardians, and students according to state and federal privacy laws.

Related legislation. AB 1744 (McCarty) of this Session authorizes the Department of Health Care Services to consider after school programs in allocating funds generated from an excise tax on the retail sale of cannabis for youth education, prevention and treatment efforts. This bill is pending before this committee.

AB 2471 (Thurmond) of this Session requires the transfer of funds from the *Youth, Education, Prevention, Early Intervention and Treatment Account* established through the passage of the *Control, Regulate and Tax Adult Use of Marijuana Act* to the CDE to establish a grant program which would allow schools to provide in-school support services to pupils. This bill is pending before this committee.

AB 2022 (Chu) of this Session requires all schools, including charter schools, to have at least one mental health professional for each 600 pupils. This bill is pending before this committee.

AB 2498 (Eggman) of this Session establishes the School Social Worker Pilot Program to provide multiyear grants to school districts in specified counties to fund a social worker at each eligible school. This bill is pending before this committee.

Previous legislation. AB 699 (O'Donnell), Chapter 493, Statutes of 2017 prohibits discrimination against pupils based on immigrant status.

SB 1210 (Lara), Chapter 754, Statutes of 2014 established the California DREAM Loan Act to provide financial aid to students attending the California State University and the University of California systems.

REGISTERED SUPPORT / OPPOSITION:

Support

California Student Aid Commission (co-sponsor)
Congregations Organized for Prophetic Engagement (co-sponsor)
California Federation of Teachers
California Immigrant Policy Center
Education Trust-West

Opposition

California Council for the Social Studies

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