STATE OF NEW YORK

8148

IN SENATE

January 9, 2024

Introduced by Sens. GOUNARDES, ADDABBO, CHU, HOYLMAN-SIGAL, JACKSON, KENNEDY, MYRIE, RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to enacting a universal financial aid policy

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 665-b to read as follows:

§ 665-b. Universal financial aid policy. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "FAFSA" shall mean the free application for federal student aid.

(b) "Income" shall mean the adjusted gross income used to determine the amount of federal Pell grant paid by the secretary of education under 20 U.S.C. § 1070a or income used to determine a TAP award pursuant to section six hundred sixty-three of this subpart.

(c) "Level of parental education" shall refer to whether or not a student's parents obtained a doctorate or professional degree, graduate degree, bachelor's degree, associate degree, high school diploma, alternative high school credential, or attended high school but did not receive any kind of diploma or credential, provided that the president shall retain the discretion to include additional categories as deemed appropriate.

(d) "Local educational agency" shall mean a public school district, charter school, or nonpublic school which educates students through the twelfth grade, but shall not include boards of cooperative educational services, special act school districts as defined in section four thousand one of this chapter, approved private residential or non-residential schools for the education of students with disabilities including private schools established under chapter eight hundred fifty-three of the laws of nineteen hundred seventy-six, or state-operated or state-supported schools in accordance with article eighty-five, eighty-seven or eighty-eight of this chapter.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(e) "School" shall mean an individual school within a public school district or a charter school or nonpublic school which educates students through the twelfth grade, but shall not include boards of cooperative educational services, special act school districts as defined in section four thousand one of this chapter, approved private residential or non-residential schools for the education of students with disabilities including private schools established under chapter eight hundred fifty-three of the laws of nineteen hundred seventy-six, or state-operated or state-supported schools in accordance with article eighty-five, eighty-seven or eighty-eight of this chapter.

(f) "Student aid index" shall mean a calculation by a college of how much federal student aid an applicant is eligible to receive if they attend such college.

(g) "TAP" shall refer to the tuition assistance program awards created in section six hundred sixty-seven of this part.

(h) "Unaccompanied youth" shall have the same meaning as set forth in 42 USC §11434a(6).

2. Universal financial aid policy. Each local educational agency in this state shall require each high school senior or each high school senior and such senior's parent or legal guardian, as applicable, to complete the FAFSA, an application for TAP, or a waiver form described in subdivision four of this section before a student's date of graduation, provided, however, that a student shall not be prevented from graduating if such student does not complete one of the forms or applications described herein.

3. Data sharing agreements. (a) In enabling local educational agencies to comply with the provisions of subdivision two of this section, the corporation shall enter into data sharing agreements with such agencies which shall comply with the provisions of this subdivision. Such data shall consist of a list of high school seniors for which the FAFSA or a TAP application has been submitted and/or accepted, as described in paragraph (b) of this subdivision. Such data sharing agreements shall, at a minimum, stipulate that:

(i) All information received or accessed by the local educational agency shall be deemed confidential and proprietary to the corporation. All such information may not be used for any purpose other than to assist such agencies in complying with subdivision two of this section.

(ii) The local educational agency and corporation shall be bound by the provisions of article two of the state technology law, the Family Educational Rights and Privacy Act of 2001 (20 U.S.C. § 1232g); subparagraph (E) of paragraph (3) of subdivision (a) of section 483 of the federal Higher Education Act, 20 USC §1090(a)(3)(E), section two-d of this chapter, and other applicable local, state, and federal statutes which protect the privacy of student data.

(iii) Information received from the corporation shall be stored electronically and encrypted, password-protected, stored on a laptop or computer with a screen-lock, and subject to any other precautions that the corporation feels necessary to stipulate in order to ensure that the information is stored securely.

(iv) The local educational agency shall designate a singular chief authorizing officer who shall be responsible for identifying and authorizing the personnel who will have access to the student data described herein. Such authorization shall be limited to only those personnel who require such access in order to carry out the provisions of this section and such personnel shall have such access revoked upon a determination by the officer that such access is no longer needed.

(v) All records maintained by the local educational agency containing the information described in this paragraph shall be subject to audit and inspection by the corporation and state and federal auditors.

(b) The list of students who have completed a FAFSA or TAP application shall include the following information:

(i) the student's last name;

(ii) the student's first name and middle initial;

(iii) the student's zip code, but not full address;

(iv) the school's identification number for the National Center for Education Statistics as well as any other number that the department uses to identify a school;

(v) if filed, the date that the FAFSA or TAP application was submitted to the corporation; and

(vi) if submitted, the date that the FAFSA or TAP application was accepted.

(c) The president shall publish online in a clear and accessible manner an unfilled version of the data sharing agreement described in this subdivision.

4. Waiver form. (a) The local educational agency shall ensure that each high school senior who does not complete a FAFSA or TAP application submits the waiver form described in this subdivision. Such form shall be signed by both the senior and the senior's parent or legal guardian, or, if the senior is eighteen years of age or older and legally emancipated or an unaccompanied youth, signed solely by the senior, and shall certify that the senior understands what the FAFSA and TAP application is but has chosen not to file. Such senior, or senior's parents as applicable, shall not be required to state the reason for the failure to file such FAFSA or TAP application.

(b) The commissioner shall create a uniform waiver form, available to all local educational agencies covered in this section, and post such form in a prominent and accessible location on the department's website. Such form shall be made available in the twelve most common non-English languages spoken by limited-English proficient individuals in the state, based on the data in the most recent American Community Survey published by the United States Census Bureau. The commissioner may, in their discretion, offer such form in up to four additional languages beyond the twelve most common languages. School districts shall be required to use the waiver form described in this paragraph when complying with the provisions of this section and shall not be permitted to create their own versions of such form.

(c) If the local educational agency determines that a student is unable to complete a requirement of this section, such agency shall complete and submit a waiver form on the student's behalf.

5. Notice to students. (a) Local educational agencies shall give notice of the requirement to complete a FAFSA, TAP application, and/or waiver as provided in subdivision two of this section no less than four times throughout the school year for high school seniors, and no less than two times throughout the school year for high school juniors. Included in such notice shall be an explanation of state-sponsored scholarships and financial aid opportunities.

(b) Local educational agencies shall direct students to support services that may be available to assist students in completing the FAFSA and TAP application as necessary, including but not limited to programs operated by the corporation, postsecondary immigration resource centers, college readiness organizations, community-based organizations, and legal resource organizations.

(c) Local educational agencies shall make every effort to ensure that unaccompanied youth are provided or connected with resources needed to complete a FAFSA or TAP application as appropriate.

6. Data reporting. (a) The corporation shall compile data on FAFSA and TAP application submission and acceptance rates for each local educational agency covered by this section and publish such data on its website for each month of the year. Reported data shall include the number of FAFSA and TAP applications submitted and accepted:

(i) both in total and disaggregated by school, county, and public school district; and

(ii) disaggregated by level of parental education, racial and/or ethnic identity of the student, income, age, gender, and student aid index, as available to the corporation and where possible.

(b) The corporation shall publish the data described in this subdivision in a clear and accessible manner on its website.

(c) The corporation shall create an online dashboard which tracks FAFSA and TAP application submission and acceptance rates for the current year. The corporation shall also publish a table which compares such rates to the rates of prior years beginning in the year following the effective date of this section.

7. No penalty. A student who does not fulfill the requirements of this section shall not be penalized or punished on such basis and this section shall not affect a student's ability to graduate.

§ 2. This act shall take effect on the first of July one year after the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.