

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 750 Session of 2023

INTRODUCED BY MARTIN, ARGALL, AUMENT, BARTOLOTTA, BOSCOLA, BREWSTER, CULVER, FONTANA, MILLER AND SANTARSIERO, JUNE 5, 2023

AS AMENDED ON SECOND CONSIDERATION, JUNE 26, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in high schools, providing for filing <--
6 of Free Application for Federal Student Aid as graduation <--
7 requirement.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding a
12 section to read:

13 ~~Section 1617. Filing of Free Application for Federal Student <--
14 Aid as Graduation Requirement. Beginning with the 2024 2025
15 school year, in addition to any other requirement under law as a
16 prerequisite to receiving a high school diploma from a public
17 high school, the parent or guardian of each student or, if a
18 student is at least 18 years of age or legally emancipated, the
19 student must comply with either of the following:~~

20 ~~(1) File a Free Application for Federal Student Aid with the~~

1 ~~United States Department of Education.~~

2 ~~(2) On a form developed by the Department of Education, in~~
3 ~~consultation with the Pennsylvania Higher Education Assistance~~
4 ~~Agency, sign and file with the student's school district a~~
5 ~~statement that the parent, guardian or student, as applicable,~~
6 ~~understands the purpose of the Free Application for Federal~~
7 ~~Student Aid or has chosen not to file the application.~~

8 SECTION 1617. FREE APPLICATION FOR FEDERAL STUDENT AID.--(A) <--
9 BEGINNING WITH THE 2024-2025 SCHOOL YEAR, PRIOR TO COMPLETING
10 HIGH SCHOOL, A STUDENT WHO ATTENDS A SCHOOL ENTITY IN THIS
11 COMMONWEALTH, UNLESS EXEMPTED UNDER SUBSECTION (E), SHALL FILE A
12 FAFSA WITH THE UNITED STATES DEPARTMENT OF EDUCATION OR SUBMIT
13 AN OPT-OUT FORM IN ACCORDANCE WITH SUBSECTION (B).

14 (B) THE PARENT OR LEGAL GUARDIAN OF A STUDENT OR, IF A
15 STUDENT IS AT LEAST EIGHTEEN YEARS OF AGE OR LEGALLY
16 EMANCIPATED, MAY OPT OUT OF FILING THE FAFSA UNDER SUBSECTION
17 (A) BY COMPLETING AND SUBMITTING TO THE SCHOOL ENTITY AN OPT-OUT
18 FORM DEVELOPED BY THE DEPARTMENT, IN CONSULTATION WITH THE
19 AGENCY. THE OPT-OUT FORM SHALL INCLUDE A STATEMENT THAT THE
20 PARENT, LEGAL GUARDIAN OR STUDENT, AS APPLICABLE, UNDERSTANDS
21 THE PURPOSE OF THE FAFSA AND HAS CHOSEN NOT TO FILE THE
22 APPLICATION.

23 (C) THE DEPARTMENT SHALL MAKE THE OPT-OUT FORM AVAILABLE TO
24 SCHOOL ENTITIES AND POST THE OPT-OUT FORM ON THE DEPARTMENT'S
25 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

26 (D) A SCHOOL ENTITY SHALL PROVIDE A COPY OF THE OPT-OUT FORM
27 TO PARENTS, LEGAL GUARDIANS AND STUDENTS.

28 (E) IF A FAFSA IS NOT FILED OR OPT-OUT FORM IS NOT SUBMITTED
29 ON BEHALF OF A STUDENT, THE SCHOOL ENTITY MAY EXEMPT THE STUDENT
30 FROM THE PROVISIONS OF SUBSECTION (A). PRIOR TO MAKING AN

1 EXEMPTION, THE SCHOOL ENTITY MUST MAKE A REASONABLE EFFORT TO
2 CONTACT THE PARENT OR LEGAL GUARDIAN OF THE STUDENT.

3 (F) THE AGENCY SHALL PROVIDE A SCHOOL ENTITY WITH
4 INFORMATION INDICATING WHETHER A STUDENT OF THE SCHOOL ENTITY
5 HAS COMPLETED THE FAFSA.

6 (G) NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO
7 REQUIRE A PARENT, LEGAL GUARDIAN OR STUDENT TO PROVIDE PERSONAL
8 FINANCIAL INFORMATION TO A SCHOOL ENTITY.

9 (H) PERSONAL FINANCIAL INFORMATION INADVERTENTLY OBTAINED
10 FROM A PARENT, LEGAL GUARDIAN OR STUDENT BY A SCHOOL ENTITY AS A
11 RESULT OF ADMINISTERING THIS SECTION IS NOT A PUBLIC RECORD
12 ACCESSIBLE FOR INSPECTION AND DUPLICATION IN ACCORDANCE WITH THE
13 ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE "RIGHT-TO-
14 KNOW LAW."

15 (I) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
16 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS
17 THE CONTEXT CLEARLY INDICATES OTHERWISE:

18 (1) "AGENCY" SHALL MEAN THE PENNSYLVANIA HIGHER EDUCATION
19 ASSISTANCE AGENCY.

20 (2) "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF EDUCATION OF
21 THE COMMONWEALTH.

22 (3) "FAFSA" SHALL MEAN THE FREE APPLICATION FOR FEDERAL
23 STUDENT AID.

24 (4) "SCHOOL ENTITY" SHALL MEAN AN AREA CAREER AND TECHNICAL
25 SCHOOL, CHARTER SCHOOL, CYBER CHARTER SCHOOL, NONPUBLIC SCHOOL,
26 PRIVATE SCHOOL, REGIONAL CHARTER SCHOOL OR SCHOOL DISTRICT.

27 Section 2. This act shall take effect in 60 days.