

## TEXT OF PROPOSED REGULATIONS

FAFSA and CADAA Completion Requirement Model Acceptable Use Policy and Opt-out Form

Title 5. Education  
Division 4. California Student Aid Commission  
Chapter 1. California Student Aid Commission  
Article 3.1

Adopt new Article 3.1, Section 30035, California Code of Regulations to read as follows:

(Note: The entire text set forth below is new language in “normal type” proposed to be added to the California Code of Regulations.)

### **Section 30035. Purpose and Applicability**

This Article provides:

- (a) a model opt-out form for local educational agencies to document grade 12 pupils who elect not to submit, or are determined to be exempt from submitting, a Free Application for Federal Student Aid, or a California Dream Act Application in accordance with Education Code Section 51225.7(c) and (d), attached as Appendix A.
- (b) a model acceptable use policy for the secure handling of parent, guardian, and pupil personal information gathered by local education agencies pursuant to Education Code Section 51225.7(e)(2), attached as Appendix B.



## Appendix A

# MODEL FAFSA or CADAA Opt-Out Form

The Free Application for Federal Student Aid (FAFSA) or California Dream Act Application (CADAA) determines a pupil's eligibility for financial aid to assist with a pupil's attendance at a college or career school. California Education Code (CEC) § 51225.7 requires a local educational agency to confirm each 12<sup>th</sup> grade pupil's completion and submission of a FAFSA or CADAA unless the pupil is determined to be exempt or an opt-out form is completed by a legally emancipated pupil, a pupil who is 18 years or older, a legal guardian, or parent, or a local educational agency on a pupil's behalf. This opt-out form permits a pupil to **opt out** of the completion of a FAFSA or CADAA form.

If you wish to opt yourself or your pupil out of the Financial Aid Application requirement, please complete this form and return it to your local high school counselor by the date established at your local school district.

**Submitting a *Financial Aid Application Opt-Out Form* does not prohibit a pupil from completing and submitting a financial aid application at any time in the future.**

## PUPIL INFORMATION

<b>Pupil Name (First, Last)</b>	
<b>Date of Birth (Month, Day, Year)</b>	
<b>Statewide Student Identifier (SSID)</b>	

**Option 1 – Pupil Authorization (emancipated or age 18 or older):** By signing this form, I have read the information on the reverse, I understand what the FAFSA and CADAA are, and I choose not to submit a completed financial aid application.

<b>Pupil Signature</b>	<b>Pupil Printed Name</b>	<b>Date</b>
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**Option 2 – Parent or Guardian Authorization:** The pupil named on this form is under the age of 18. I am a legal guardian of the above-named minor, and by signing this form I have read the information on the reverse, I understand what the FAFSA and CADAA are, and I choose for my pupil not to submit a completed financial aid application.

<b>Parent/Guardian Signature</b>	<b>Parent/Guardian Printed Name</b>	<b>Date</b>
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**Option 3 – Counselor Authorization:** My signature below certifies that reasonable efforts to fulfill obligations of the pupil have been made, but I have determined the pupil is unable to complete requirements of Education Code Section 51225.7.

<b>Counselor Signature</b>	<b>Counselor Printed Name</b>	<b>Date</b>
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## Frequently Asked Questions about the Free Application for Federal Student Aid (FAFSA) and the California Dream Act Application (CADAA)

**“What is the FAFSA/CADAA?”** The Free Application for Federal Student Aid (FAFSA) is the online application that allows a pupil to apply simultaneously for federal student aid (including the Pell Grant, work-study opportunities, and federal student loans) and state financial aid such as the Cal Grant program. Many colleges and universities use it for their aid programs, too. The California Dream Act Application (CADAA) is a similar application that provides a path for some pupil who do not qualify for federal aid to apply for state and University-funded assistance. Applying for the FAFSA/CADAA could qualify you for free money through federal, state and university grants and scholarships that help cover the cost of your education.

**“Do I need to have citizenship or DACA to apply for financial aid?”** No, while you must be a citizen to apply for federal financial aid through the FAFSA, the CADAA is available to any California student that meets what is called “AB 540 criteria” that qualifies them for in-state tuition rates at a University of California or California State University campus, as well as state financial aid like the Cal Grant. Before deciding whether to apply, you can check <https://www.csac.ca.gov/undocumented-dreamer-students> to understand if you might be eligible for financial aid.

**“Isn’t the application too long and difficult to complete?”** Most applicants complete the FAFSA or CADAA in about 30 minutes. If you have questions, talk to your school counselor. If you need assistance with your application, sign up for a local “Cash for College Workshop” at: <https://www.cash4college.csac.ca.gov/>

**“If I want to learn a trade, can the FAFSA/CADAA still be of assistance to me?”** The FAFSA/CADAA applications are not just for associate’s or bachelor’s degree programs! FAFSA applicants can receive need-based Pell grants, federal student loans, and other federal student aid for technical, trade, and vocational programs. CADAA applicants also have state financial aid opportunities at community colleges and at other schools and training programs. Pupils can check with the school they want to attend or use the federal government’s online College Navigator tool to find out which institutions participate in the programs: <https://nces.ed.gov/collegenavigator/>

**“Does my family make too much money to benefit from the FAFSA/CADAA?”** Financial aid is left on the table every year by pupils who didn’t apply because they erroneously thought they were ineligible. You really don’t know until you apply! Income and assets are factors in determining your eligibility, but so are things like the number of pupils in the family who are in school and the age of the parent(s). For pupils from families that **do** make too much to qualify for need-based grant aid, the FAFSA/CADAA can still be helpful, since it is used to determine eligibility for other federal and state financial aid such as the Middle Class Scholarship, work-study programs, federal student loans (usually at competitive rates and with more borrower protections than private loans, including options for income-based repayment and forgiveness programs for some careers) DREAM loans for CADAA applicants at UC and CSU campuses, and other types of aid. Your college may offer aid based on your FAFSA/CADAA info too, and your eligibility may be different depending on your school. Additionally, some scholarship programs use information from the FAFSA/CADAA as part of the application process. As most financial aid is awarded in date order based on FAFSA/CADAA filing date, it is a very good idea to complete the application as early as possible. This “place in line” can be used for opportunities that come up later, and also can be used if family financial circumstances suddenly change.

**“What if I don’t want a student loan?”** Filing the application **doesn’t** commit you to anything. You’ll just find out whether you might be eligible for aid!

**“How is the FAFSA/CADAA data protected?”** “I don’t want my information sold, and I don’t want my school to have it.” By law, your personally identifiable Information (PII) in the FAFSA can only be used in furtherance of administering financial aid, including research. Although your high school will know whether you completed the FAFSA, it will not have access to the information that you provide on your FAFSA. The California Student Aid Commission (CSAC) released a joint statement with the California Department of Education stating, “The information provided via the California Dream Act Application is used solely to determine eligibility for state financial aid and isn’t shared with the federal government or used for immigration enforcement purposes. The CSAC will protect this information to the fullest extent of the law.” To read the full statement, visit [https://www.csac.ca.gov/post/joint-message-california-department\[1\]education-and-california-student-aid-commission](https://www.csac.ca.gov/post/joint-message-california-department[1]education-and-california-student-aid-commission)

**“If I choose to file an application, how will I know that my application is complete?”** Once you submit the FAFSA or the CADAA, you will receive a confirmation of receipt at the email address you provided in the application. This will allow you to demonstrate that you’ve met the requirement of filing an application even if there are circumstances that will need to be addressed with the college/university’s financial aid office later.

## Appendix B

### [Local Education Agency] FAFSA/CADAA Completion Requirement Education Code Section 51227.5 MODEL Acceptable Use Policy

#### Introduction and Overview

Education Code Section 51225.7, enacted in 2021, requires that each local educational agency ensure that each 12<sup>th</sup> grade pupil complete specified financial aid applications, opt-out of the requirement, or be determined exempt from the requirement. To assist in complying with Section 51225.7, certain confidential information related to pupils' completion of those applications may be shared with [local educational agency]. The purpose of this policy is to ensure that [local educational agency], its staff and contractors, comply with state laws related to the confidentiality and privacy of information shared by parents, legal guardians, and pupils under Section 51225.7, as well as confidential information that may be shared with [local educational agency] by other government agencies, and to protect against the unauthorized disclosure of Confidential Information provided to [local educational agency].

Failure to ensure the confidentiality of Confidential Information provided to [local educational agency] to ensure compliance with Section 51225.7 could result in a violation of state law and an invasion of parents' and pupils' rights to privacy in their financial and educational records.

#### Policy

Disclosure of Confidential Information shall be limited solely to personnel having the need and authorization to access such information. [Local educational agency]'s employees, contractors, consultants and temporary employees having access to [local educational agency]'s information assets (data and systems) or to the specific Confidential Information provided to the [local educational agency] for purpose of Education Code Section 51225.7, shall acknowledge adherence to this policy and sign an information security and confidentiality agreement provided by [local educational agency].

#### State Law Requirements

[Local Educational Agency] designates [XXXXXXXX], [Position] as the individual responsible for implementing this policy and ensuring compliance with its provisions. [XXXXXX] shall maintain in writing [local educational agency] policies and procedures that support this policy, maintain a list of staff, contractors, and other individuals who have access to confidential information pursuant to this policy, and ensure all such individuals are included in [local educational agency]'s annual information security and privacy awareness training.

[Local educational agency] will ensure that it handles any Confidential Information it collects for purposes of complying with Education Code Section 51225.7 in a manner consistent with the following state laws, where applicable, and with any policies and procedures [local educational agency] has adopted in furtherance of these laws:

- (1) the California Information Practices Act (California Civil Code Sections 1798, et seq.);
- (2) California's Pupil Protections Relating to Immigration and Citizenship Status provisions (Education Code Section 234.7).
- (3) California's Values Act (Government Code Sections 7284, et seq.);
- (4) California Student Online Personal Information Practice Act (Business and Professions Code Sections 22584, et seq.);
- (5) Third Party Contracts for the digital storage, maintenance, and retrieval of student records (Education Code Section 49073.1);

Please visit [insert LEA privacy policy link] for the [insert LEA] privacy statement.

- (6) Pupil Records (Education Code Sections 49060, et seq. and any related regulations); and
- (7) California's Public Records Act (Government Code Sections 6250, et seq.)

In addition to the foregoing, the following conditions apply to [local education agency]'s management of Confidential Information collected or maintained by it in furtherance of the requirements of Education Code Section 51225.7:

- [Local educational agency] will ensure that Confidential information will be maintained on a secure data infrastructure with appropriate levels of security for the data based on the Federal Information Processing Standards Publication 199 protection levels. Confidential Information will not be copied to other computers and will not physically leave [local educational agency]'s data infrastructure. [local educational agency] will apply security patches and upgrades and keep virus software up-to-date on all systems on which data may be used.
- If transfer of Confidential Information to a third party is necessary, [local educational agency] will ensure such transfer is only made for purposes of furthering [local educational agency]'s obligations pursuant to Education Code Section 51225.7 and that such transfers are only made to parties covered by this acceptable use policy, or which are otherwise bound by the same requirements as this policy. In addition, any such transfer will be made in a secure manner, such as secure file transfer protocol, an encrypted cloud-based solution, or an encrypted hard drive.
- The [local educational agency] shall not disclose of any Confidential Information in [local educational agency]'s possession pursuant to fulfilling its obligations under Education Code Section 51225.7 if the disclosure is not authorized by Family Educational Rights and Privacy Act (FERPA) or applicable state laws.
- The [local educational agency] shall not disclose Confidential Information to third parties not covered by this acceptable use policy without the written consent of the pupil, or a parent or guardian when the pupil is a minor. Written consent shall include: (1) the signature and date of the parent, guardian, or eligible pupil providing consent; (2) a description of the records to be disclosed; (3) the reason for release of information; (4) the parties or class of parties receiving the information; and (5) if requested by the parents, guardians or eligible pupil, a copy of the records to be released. The [local educational agency] shall permanently keep the consent notice with the pupil record file.

If a pupil, parent, or guardian chooses not to provide information that could assist [local educational agency] in meeting its obligations pursuant to Education Code Section 51225.7, [local educational agency] shall not use such actions as a basis to discriminate against any pupils or families or bar children from enrolling or attending school or discipline the pupil in any fashion.

### **Definition of Key Terms**

“FAFSA” means the Free Application for Federal Student Aid.

“CADAA” means the California Dream Act Application.

“FAFSA/CADAA Completion Requirements” means the requirements contained in Education Code Section 51225.7 that local educational agencies ensure that each 12<sup>th</sup> grade pupil either (1) complete a FAFSA or CADAA application; (2) opt out of the completion requirement; or (3) is otherwise exempt from the requirement.

“Confidential Information” means any information shared by parents, legal guardians, and pupils to assist [local educational agency] in complying with Education Section 51225.7, as well as information related to a pupil's FAFSA or CADAA status that is provided to [local educational agency] by the California Student Aid Commission, California Department of Education, or other entity; and any similar information created by [local educational agency] related to its compliance with Education Code Section 51225.7