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**Commission on  
State Mandates**

**Gavin Newsom ■ Governor**

915 L Street ■ Sacramento CA ■ 95814-3706 ■ www.dof.ca.gov

October 6, 2023

Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Response to Test Claim 22-TC-05, Free Application for Federal Student Aid (FAFSA) Test Claim

Dear Heather Halsey:

The Department of Finance has reviewed Test Claim 22-TC-05, submitted to the Commission on State Mandates (Commission) by the Fresno Unified School District (Claimant).

The test claim alleges state-mandated, reimbursable costs associated with Chapter 144, Statutes of 2022 (AB 132), which requires local education agencies (LEAs) to confirm that students complete the Free Application for Federal Student Aid (FAFSA), the California Dream Act Application (CADAA), or opt-out of completing a financial aid form altogether, beginning in school year 2022-23.

The fiscal estimates listed by the Claimant raise questions about the need for additional state resources to satisfy the requirements of AB 132. First, the responsibilities established by AB 132 generally fall within the scope of school counselor duties as described in Education Code sections 49600(d) and (e). Second, the state has already provided significant budgetary resources to the California Student Aid Commission (CSAC) to increase financial aid training resources to LEAs, students, and parents.

Additionally, the Claimant does not provide sufficient evidence that existing state resources provided to LEAs, or accessible to LEAs through CSAC operated programs, related to financial aid outreach are inadequate. Further, claimed costs and related activities could be significantly reduced due to the pending release of a streamlined FAFSA form in 2024-25.

On page 11 of the Claimant's Statement of the Claim of the Written Narrative (Statement of the Claim) Claimant states that the cost to Fresno Unified School District to ensure that all students complete the FAFSA, the CADAA, or opt-out is **\$1,145,366.30** for the 2023-24 school year.

The Claimant also states on page 13 of their Statement of the Claim that the estimate of increased costs to LEAs or school districts across the state of California is **\$60 million** for the 2023-24 school year.

As detailed below, Finance is concerned that the required costs are overstated in magnitude because such costs (i) reflect the costs for services that are above those required by Education Code section 51225.7: and/or (ii) are duplicative of existing state funded resources.

Concerns:

1. To the extent that AB 132 establishes new responsibilities for LEAs and school districts across the state of California, Finance notes that the estimated cost of \$60 million is unsubstantiated. The Claimant does not provide a fiscal analysis or rationale behind this estimate and does not explore how costs may vary across different LEAs in the state. Finance is not aware of any other mandate claims filed by other LEAs or school districts related to AB 132 and it is unclear how the Claimant arrived at the \$60 million statewide estimate. Further, Education Code section 51225.7 (b) does not require LEAs to provide the specific training, resources, and parental workshops noted by the Claimant on Pages 10 and 12.
2. Finance does not find that the responsibilities established by AB 132 are significantly different from traditional school counselor duties to warrant a statewide mandate. Education Code section 49600(d)(4) currently states that school counselors shall provide the following:

“Academic planning for access and success in higher education programs, including advisement on courses needed for admission to colleges and universities, standardized admissions tests, and financial aid.”

Further, Education Code Section 49600 (e)(5) indicates that school counselors shall assist in the following:

“Developing pupil knowledge of financial aid planning for postsecondary education by providing pupils with financial aid information, including, but not limited to, information on the Free Application for Federal Student Aid (FAFSA), the California Dream Act application (CADAA), the Cal Grant Program established pursuant to Chapter 1.7 (commencing with Section 69430) of Part 42 of Division 5 of Title 3, local and national scholarship programs, financial aid programs and resources for foster and homeless youth, fee waiver programs, and other financial aid programs and options, and net college cost.”

3. Further, the FAFSA Simplification Act of 2023 represents a significant overhaul of the FAFSA form beginning in the 2024-25 school year. The new, streamlined form was developed to simplify the financial aid application process and may reduce the assistance needed to facilitate its completion. Given this pending change, the passage of a statewide mandate would be premature.

If you have any questions regarding this letter, please contact Jennifer Louie, Principal Program Budget Analyst at (916) 445-0328.

Sincerely,

*Chris Ferguson*

Chris Ferguson  
Program Budget Manager

## DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On October 6, 2023, I served the:

- **Current Mailing List dated September 27, 2023**
- **Finance's Comments on the Test Claim filed October 6, 2023**

*Free Application for Federal Student Aid (FAFSA), 22-TC-05*  
Statutes 2021, Chapter 144, Section 10 (AB 132); Education Code Section 51225.7; Government Code Section 30035, Appendix A, Appendix B, Effective July 27, 2021  
Fresno Unified School District, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 6, 2023 at Sacramento, California.

*David Chavez*

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David Chavez  
Commission on State Mandates  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 9/27/23

**Claim  
Number:** 22-TC-05

**Matter:** Free Application for Federal Student Aid (FAFSA)

**Claimant:** Fresno Unified School District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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