

## Assembly Bill No. 2260

### CHAPTER 235

An act to amend Section 69437.6 of, and to repeal Section 81676.5 of, the Education Code, relating to postsecondary education.

[Approved by Governor August 1, 2008. Filed with  
Secretary of State August 1, 2008.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2260, Committee on Higher Education. Postsecondary education.

(1) Existing law, known as the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Program, establishes, among other programs, the Cal Grant A Entitlement Program, the Cal Grant B Entitlement Program, the California Community College Transfer Cal Grant Entitlement Program, and the Competitive Cal Grant A and B Awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs.

The minimum requirements for the competitive Cal Grant B award includes attaining a high school grade point average of 2.0 or higher, but authorizes a student, in lieu of meeting that grade point average requirement, to reestablish his or her grade point average by completing at least 16 cumulative units of credit for academic coursework at an accredited California community college, as defined by the commission, by regulation, with at least a 2.0 community college grade point average.

This bill would revise the minimum requirements for the competitive Cal Grant B award to additionally authorize a student, in lieu of meeting the grade point average requirements, to demonstrate attainment of a community college or college grade point average of at least 2.0 on a 4.0 scale.

(2) Existing law permits the governing board of a community college district to establish a bookstore on district property. In the event the governing board decides not to operate its own bookstores, existing law permits the governing board to contract out the operation of bookstores. The authority to contract out the operation of bookstores was only to remain in effect until one year from the date the section became effective, or when the California Supreme Court decision on the appellate case of 1st Street Books v. Marin Community College District (1989) 208 Cal.App.3d 1275 was issued, whichever occurred last.

This bill would repeal the above-described statute authorizing a governing board to contract out the operation of bookstores, and would declare that this repeal is declaratory of existing law.

*The people of the State of California do enact as follows:*

SECTION 1. Section 69437.6 of the Education Code is amended to read: 69437.6. (a) An applicant competing for an award under this article shall meet all the requirements of Article 1 (commencing with Section 69430).

(b) To compete for a competitive Cal Grant A award, an applicant shall, at a minimum, meet all of the requirements of Article 2 (commencing with Section 69434), with the exception of paragraphs (1) and (8) of subdivision (b) of Section 69434. However, in lieu of meeting the grade point average requirement set forth in paragraph (3) of subdivision (b) of Section 69434, an applicant may submit a community college or college grade point average of at least 2.4 on a 4.0 scale.

(c) To compete for a competitive Cal Grant B award, an applicant shall, at a minimum, meet all of the requirements of Article 3 (commencing with Section 69435), with the exception of paragraphs (1) and (8) of subdivision (a) of Section 69435.3. However, in lieu of meeting the grade point average requirements of paragraph (3) of subdivision (a) of Section 69435.3, a student may do either of the following:

(1) Demonstrate attainment of a community college or college grade point average of at least 2.0 on a 4.0 scale.

(2) Reestablish his or her grade point average by completing at least 16 cumulative units of credit for academic coursework at an accredited California community college, as defined by the commission, by regulation, with at least a 2.0 community college grade point average.

(d) To compete for a competitive California Community College Transfer Cal Grant Award, an applicant shall, at a minimum, meet the requirements of Article 4 (commencing with Section 69436), with the exception of paragraphs (8) and (9) of subdivision (b) of Section 69436.

(e) All other competitors shall, at a minimum, comply with all of the requirements of subdivision (b) of Section 69432.9.

(f) An individual selected for a Cal Grant A award who enrolls in a California community college may elect to have the award held in reserve for him or her for a period not to exceed two academic years, except that the commission may extend the period in which his or her award may be held in reserve for up to three academic years if, in the commission's judgment, the rate of academic progress has been as rapid as could be expected for the personal and financial conditions that the student has encountered. The commission shall, in this case, hold the award in reserve for the additional year. Upon receipt of a request to transfer the award to a tuition or fee charging qualifying institution, the individual shall be eligible to receive the Cal Grant A award previously held in reserve if, at the time of the request, he or she meets all of the requirements of this article. Upon receipt of the request, the commission shall reassess the financial need of the award recipient. The commission may prescribe the forms and procedures to be utilized for the purposes of this section. A recipient's years of eligibility for payment of benefits shall be based upon his or her grade level at the

time the award is transferred to the tuition or fee charging qualifying institution. Any award so held in reserve shall only be counted once toward the 22,500 awards authorized by this article.

SEC. 2. The Legislature hereby finds and declares all of the following:

(a) Section 81676.5, by its own terms, was to be repealed one year from the date that it became effective, or when the California Supreme Court decision in *1st Street Books v. Marin Community College District* (1989) 208 Cal.App.3d 1275 was issued, whichever occurred last.

(b) Despite the sunset provision in Section 81676.5, it was never repealed.

(c) On August 1, 1996, in *SEIU Local 715 v. Board of Trustees of the West Valley Mission Community College District* (1996) 47 Cal.App.4th 1661, 1667-1670, the California Court of Appeal declared that Section 81676.5, by its own terms, had been repealed.

(d) This bill is therefore declaratory of existing statutory and case law.

SEC. 3. Section 81676.5 of the Education Code is repealed.

SEC. 4. The repeal of Section 81676.5 of the Education Code made by this act does not constitute a change in, but is declaratory of, existing law.