AMENDED IN ASSEMBLY MAY 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1721

Introduced by Assembly Member Medina (Coauthors: Assembly Members Chiu, Low, Rodriguez, Santiago, and Ting)

January 28, 2016

An act to amend Sections 69435, 69436, and 69437 and 69439 of the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

AB 1721, as amended, Medina. Student financial aid: Cal Grant Program.

(1) The Cal Grant Program establishes the Cal Grant A and B Entitlement awards, the California Community College Transfer Entitlement awards, the Competitive Cal Grant A and B awards, the Cal Grant C awards, and the Cal Grant T awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions, as defined.

This bill would express the intent of the Legislature to renew California's commitment to college affordability by increasing the aid available to needy—students students, and, specifically, broadening access to financial aid to students enrolled in California community college career technical education programs leading to industry valued credentials, through expanding the Cal Grant Program.

(2) Under existing law, an award for access costs, as defined, under the Cal Grant B Entitlement Program is limited to no more than \$1,551.

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This bill would raise the amount of the maximum award for access costs under the Cal Grant B program to \$3,000.

(3) Under existing law, to be eligible for an award under the California Community College Transfer Entitlement Program, an applicant may not be 28 years of age or older by December 31 of the award year, and is required to have attended a California community college in the academic year immediately preceding the academic year for which the award will be used, among other requirements.

This bill would instead provide that an applicant for an award under the California Community College Transfer Entitlement Program may not be 31 years of age or older by December 31 of the award year, and is required to have attended a California community college no more than 3 academic years before the academic year for which the award will be used, among other requirements.

(4)

(2) Under existing law, no more than a total of 25,750 Competitive Cal Grant A and B awards may be granted annually.

This-bill bill, commencing with the 2016–17 academic year, would raise that limit to-30,000. 34,000. The bill would, effective with the fall term or semester of the 2017–18 academic year, make students enrolled in occupational or technical training courses leading to industry valued credentials of no less than 4 months in length at a California community college eligible for Cal Grant B awards under an existing allocation reserved for community college students, notwithstanding an existing requirement that limits Cal Grant B awards to for-credit instructional programs that are not less than one academic year in length.

(3) Existing law requires a Cal Grant C award to be utilized only for occupational or technical training in a course of not less than 4 months. Existing law requires that there be the same number of Cal Grant C awards each year as were made in the 2000–01 fiscal year.

This bill instead would require that there be the same number of Cal Grant C awards each year as were paid in the 2015–16 fiscal year.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

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(1) To remain economically competitive, California will need to produce 11,900,000 degrees and credentials by 2025, but the state is only estimated to produce 9,500,000, which would create a degree and credential attainment gap of 2,400,000 by 2025.

(2) California's community colleges have strong transfer preparation and career technical education missions and are well positioned to close this impending gap.

(2)

(3) Overall, only 32 percent of students at California colleges complete credentials on time, and low-income students are much less likely than higher income students to enroll in or complete college.

(3)

(4) A major factor in a student's enrollment and success in college is his or her ability to pay for fees and tuition, textbooks, transportation, housing, food, and other access costs.

(4)

(5) California has made an important investment in need-based financial aid for California's college students through the Cal Grant Program and the BOG Fee Waiver Program of the Board of Governors of the California Community Colleges.

(5)

(6) The Cal Grant Program awards more than-one *two* billion five hundred million dollars-(\$1,500,000,000) (\$2,000,000,000) annually, and it is the largest state grant program in the nation in terms of dollars awarded to students. The BOG Fee Waiver Program is more extensive than any other "free community college" plan in the nation, and it provides almost one-half of all students of the California Community Colleges, and more than 60 percent of full-time students of the California Community Colleges, with free tuition.

(6)

(7) Despite California's strong commitment to financial aid, access grants for qualifying students are insufficient insufficient to cover nontuition college costs, and many low-income students are left out of the program entirely.

37 (7)

(8) Students at California's community colleges are disproportionately more likely to be the first in their family to

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1 attend college, come from an immigrant background, or be 2 financially needy.

(8)

(9) After taking into account the total cost of attendance and all federal, state, and institutional financial aid available for students, on average it is more expensive for a needy student to go to a California community college than to attend the University of California or the California State University.

9 (9)

(10) The affordability challenge faced by California's community college students stems from nontuition costs, and the solution to that challenge is to increase grant aid that covers nontuition costs.

(10)

- (11) The 1960 California Master Plan for Higher Education in California guarantees an affordable, high-quality education to every Californian who can benefit.
- (b) It is the intent of the Legislature to renew California's commitment to college affordability by increasing the aid available to needy-students students, and, specifically, broadening access to financial aid to students enrolled in California community college career technical education programs leading to industry valued credentials, through expanding the Cal Grant Program.
- (c) It is the intent of the Legislature that California community colleges provide outreach and education to students to inform them of the expanded availability of financial aid for students enrolled in career technical education programs and to encourage these students to complete the Free Application for Federal Student Aid by the September 2 deadline.
- SEC. 2. Section 69435 of the Education Code is amended to read:
- 69435. (a) (1) A Cal Grant B award shall be used only for tuition, student fees, and access costs in a for-credit instructional program that is not less than one academic year in length.
- (2) The commission, or a qualifying institution pursuant to Article 8 (commencing with Section 69450), shall award access grants in a student's first academic year. In subsequent years, the award shall include an additional amount to pay tuition or fees, or both, to attend college at a public or private four-year college or university or other qualifying institution for all Cal Grant B awards

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pursuant to paragraph (2) of subdivision (b) of Section 66021.2. In no event shall the total award in any year exceed the applicant's ealculated financial need.

- (3) Not more than 2 percent of new Cal Grant B recipients enrolling for the first time in an institution of postsecondary education shall be eligible for payments for tuition or fees, or both, in their first academic year of attendance. The commission shall adopt regulations specifying the criteria used to determine which applicants, if any, receive both tuition and fees plus the access grant in the first year of enrollment. Priority shall be given to students with the lowest expected family contribution pursuant to Section 69432.7 and the highest level of academic merit.
- (b) An award for access costs under this article shall be in an annual amount not to exceed three thousand dollars (\$3,000). This amount may be adjusted in the annual Budget Act.
- SEC. 3. Section 69436 of the Education Code is amended to read:
- 69436. (a) A student who was not awarded a Cal Grant A or B award pursuant to Article 2 (commencing with Section 69434) or Article 3 (commencing with Section 69435) at the time of his or her high school graduation but, at the time of transfer from a California community college to a qualifying baccalaureate program, meets all of the criteria set forth in subdivision (b), shall be entitled to a Cal Grant A or B award.
- (b) Any California resident transferring from a California community college to a qualifying institution that offers a baccalaureate degree is entitled to receive, and the commission, or a qualifying institution pursuant to Article 8 (commencing with Section 69450), shall award, a Cal Grant A or B award depending on the eligibility determined pursuant to subdivision (c), if all of the following criteria are met:
- (1) A complete official financial aid application has been submitted or postmarked pursuant to Section 69432.9, no later than the March 2 of the year immediately preceding the award year.
- (2) The student demonstrates financial need pursuant to Section
 69433.
 - (3) The student has earned a community college grade point average of at least 2.4 on a 4.0 scale and is eligible to transfer to a qualifying institution that offers a baccalaureate degree.

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1 (4) The student's household has an income and asset level not exceeding the limits set forth in Section 69432.7.

- (5) The student is pursuing a baccalaureate degree that is offered by a qualifying institution.
 - (6) He or she is enrolled at least part time.
- (7) The student meets the general Cal Grant eligibility requirements set forth in Article 1 (commencing with Section 69430).
- (8) The student will not be 31 years of age or older by December 31 of the award year.
- (9) The student graduated from a California high school or its equivalent during or after the 2000–01 academic year.
- (10) The student attended a California community college in an academic year no more than three academic years before the academic year for which the award will be used.
- (c) The amount and type of the award pursuant to this article shall be determined as follows:
- (1) For applicants with income and assets at or under the Cal Grant A limits, the award amount shall be the amount established pursuant to Article 2 (commencing with Section 69434).
- (2) For applicants with income and assets at or under the Cal Grant B limits, the award amount shall be the amount established pursuant to Article 3 (commencing with Section 69435).
- (d) (1) A student meeting the requirements of paragraph (9) of subdivision (b) by means of high school graduation, rather than its equivalent, shall be required to have graduated from a California high school, unless that California resident graduated from a high school outside of California due solely to orders received from a branch of the United States Armed Forces by that student or by that student's parent or guardian that required that student to be outside of California at the time of high school graduation.
- (2) For the purposes of this article, both of the following are exempt from the requirements of subdivision (e) of Section 69433.9 and paragraph (9) of subdivision (b) of this section:
- (A) A student for whom a claim under this article was paid prior to December 1, 2005.
- 37 (B) A student for whom a claim under this article for the 38 2004–05 award year or the 2005–06 award year was or is paid on 39 or after December 1, 2005, but no later than October 15, 2006.

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(3) (A) The commission, or a qualifying institution pursuant to Article 8 (commencing with Section 69450), shall make preliminary awards to all applicants currently eligible for an award under this article. At the time an applicant receives a preliminary award, the commission, or a qualifying institution pursuant to Article 8 (commencing with Section 69450), shall require that applicant to affirm, in writing, under penalty of perjury, that he or she meets the requirements set forth in subdivision (e) of Section 69433.9, paragraph (9) of subdivision (b) of this section, and paragraph (1) of this subdivision. The commission, or a qualifying institution pursuant to Article 8 (commencing with Section 69450), shall notify each person who receives a preliminary award under this paragraph (B).

- (B) The commission shall select, at random, a minimum of 10 percent of the new and renewal awards made under subparagraph (A), and shall require, prior to the disbursement of Cal Grant funds to the affected postsecondary institution, that the institution verify that the recipient meets the requirements of subdivision (e) of Section 69433.9, paragraph (9) of subdivision (b) of this section, and paragraph (1) of this subdivision. An award that is audited under this paragraph and found to be valid shall not be subject to a subsequent audit.
- (C) Pursuant to Section 69517.5, the commission shall seek repayment of any and all funds found to be improperly disbursed under this article.
- (D) On or before November 1 of each year, the commission shall submit a report to the Legislature and the Governor including, but not necessarily limited to, both of the following:
- (i) The number of awards made under this article in the preceding 12 months.
- (ii) The number of new and renewal awards selected, in the preceding 12 months, for verification under subparagraph (B), and the results of that verification with respect to students at the University of California, at the California State University, at independent nonprofit institutions, and at independent for-profit institutions.
- 38 SEC. 4.

39 SEC. 2. Section 69437 of the Education Code is amended to 40 read:

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69437. (a) Commencing with the 2001–02 academic year, and each academic year thereafter, there shall be established the Competitive Cal Grant A and B award program for students who did not receive a Cal Grant A or B entitlement award pursuant to Article 2 (commencing with Section 69434), Article 3 (commencing with Section 69435), or Article 4 (commencing with Section 69436). Awards made under this section are not entitlements. The submission of an application by a student under this section shall not entitle that student to an award. The selection of students under this article shall be determined pursuant to subdivision (c) and other relevant criteria established by the commission.

- (b) Commencing with the 2015–16 2016–17 academic year, a total of up to 30,000 34,000 Cal Grant A and B awards shall be granted annually under this article on a competitive basis for applicants who meet the general eligibility criteria established in Article 1 (commencing with Section 69430) and the priorities established by the commission pursuant to subdivision (c).
- (1) Fifty percent-Fifteen thousand of the awards referenced in this subdivision are available to all students, including California community college students, who meet the financial need and academic requirements established pursuant to this article. A student enrolling at a qualifying baccalaureate degree granting institution shall apply by the March 2 deadline. A California community college student is eligible to apply at the March 2 or the September 2 deadline.
- (2) Fifty percent-Nineteen thousand of the awards referenced in this subdivision are reserved for students who will be enrolled at a California community college. The commission shall establish a second application deadline of September 2 for community college students to apply for these-awards effective with the fall term or semester of the 2001–02 academic year. awards. Notwithstanding paragraph (1) of subdivision (a) of Section 69435, effective with the fall term or semester of the 2017–18 academic year, students enrolled in occupational or technical training courses leading to industry valued credentials of no less than four months in length at a California community college shall be eligible for Cal Grant B awards issued under this paragraph.
- (3) If any awards are not distributed pursuant to paragraphs (1) and (2) upon initial allocation of the awards under this article, the

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1 commission shall make awards to as many eligible students as 2 possible, beginning with the students with the lowest expected 3 family contribution and highest academic merit, consistent with 4 the criteria adopted by the commission pursuant to subdivision 5 (c), as practicable without exceeding an annual cumulative total of 30,000 34,000 awards.

- (c) (1) On or before February 1, 2001, acting pursuant to a public hearing process that is consistent with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), the commission shall establish selection criteria for Cal Grant A and B awards under the competitive program that give special consideration to disadvantaged students, taking into consideration those financial, educational, cultural, language, home, community, environmental, and other conditions that hamper a student's access to, and ability to persist in, postsecondary education programs.
- (2) Additional consideration shall be given to both of the following:
- (A) Students pursuing Cal Grant B awards who reestablish their grade point averages.
- (B) Students who did not receive awards pursuant to Article 2 (commencing with Section 69434), Article 3 (commencing with Section 69435), or Article 4 (commencing with Section 69436).
- (d) All other students who meet the eligibility requirements pursuant to Article 1 (commencing with Section 69430) are eligible to compete for an award pursuant to this article.
- SEC. 3. Section 69439 of the Education Code is amended to read:
- 69439. (a) For the purposes of this section, the following terms have the following meanings:
- (1) "Career pathway" has the same meaning as set forth in Section 88620.
- (2) "Economic security" has the same meaning as set forth in Section 14005 of the Unemployment Insurance Code.
- 36 (3) "Industry cluster" has the same meaning as set forth in Section 88620.
- 38 (4) "Long-term unemployed" means, with respect to an award 39 applicant, a person who has been unemployed for more than 26

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weeks at the time of submission to the commission of his or her
application.
"Occupational or technical training" means that phase of

- (5) "Occupational or technical training" means that phase of education coming after the completion of a secondary school program and leading toward recognized occupational goals approved by the commission.
- (b) A Cal Grant C award shall be utilized only for occupational or technical training in a course of not less than four months. There shall be the same number of Cal Grant C awards each year as were made paid in the 2000–01 2015–16 fiscal year. The maximum award amount and the total amount of funding shall be determined each year in the annual Budget Act.
- (c) The commission may use criteria it deems appropriate in selecting students to receive grants for occupational or technical training and shall give special consideration to the social and economic situations of the students applying for these grants, giving additional weight to disadvantaged applicants, applicants who face economic hardship, and applicants who face particular barriers to employment. Criteria to be considered for these purposes shall include, but are not limited to, all of the following:
 - (1) Family income and household size.
- (2) Student's or the students' parent's household status, including whether the student is a single parent or child of a single parent.
- (3) The employment status of the applicant and whether the applicant is unemployed, giving greater weight to the long-term unemployed.
- (d) The Cal Grant C award recipients shall be eligible for renewal of their grants until they have completed their occupational or technical training in conformance with terms prescribed by the commission. A determination by the commission for a subsequent award year that the program under which a Cal Grant C award was initially awarded is no longer deemed to receive priority shall not affect an award recipient's renewal. In no case shall the grants exceed two calendar years.
- (e) Cal Grant C awards may be used for institutional fees, charges, and other costs, including tuition, plus training-related costs, such as special clothing, local transportation, required tools, equipment, supplies, books, and living expenses. In determining the individual award amounts, the commission shall take into

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account the financial means available to the student to fund his or her course of study and costs of attendance as well as other state and federal programs available to the applicant.

- (f) (1) To ensure alignment with the state's dynamic economic needs, the commission, in consultation with appropriate state and federal agencies, including the Economic and Workforce Development Division of the Office of the Chancellor of the California Community Colleges and the California Workforce Investment Board, shall identify areas of occupational and technical training for which students may utilize Cal Grant C awards. The commission, to the extent feasible, shall also consult with representatives of the state's leading competitive and emerging industry clusters, workforce professionals, and career technical educators, to determine which occupational training programs and industry clusters should be prioritized.
- (2) (A) Except as provided in subparagraph (B), the areas of occupational and technical training developed pursuant to paragraph (1) shall be regularly reviewed and updated at least every five years, beginning in 2012.
- (B) By January 1, 2016, the commission shall update the priority areas of occupational and technical training.
- (3) (A) The commission shall give priority in granting Cal Grant C awards to students pursuing occupational or technical training in areas that meet two of the following criteria pertaining to job quality:
- (i) High employer need or demand for the specific skills offered in the program.
- (ii) High employment growth in the occupational field or industry cluster for which the student is being trained.
- (iii) High employment salary and wage projections for workers employed in the occupations for which they are being trained.
- (iv) The occupation or training program is part of a well-articulated career pathway to a job providing economic security.
- (B) To receive priority pursuant to subparagraph (A), at least one of the criteria met shall be specified in clause (iii) or (iv) of that subparagraph.
- (g) The commission shall determine areas of occupational or technical training that meet the criteria described in paragraph (3) of subdivision (f) in consultation with the Employment

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Development Department, the Economic and Workforce 1

- 2 Development Division of the Office of the Chancellor of the
- 3 California Community Colleges, and the California Workforce
- 4 Investment Board using projections available through the Labor
- 5 Market Information Data Library. The commission may supplement
- the analyses of the Employment Development Department's Labor 6 7 Market Information Data Library with the labor market analyses
- 8
- developed by the Economic and Workforce Development Division
- of the Office of the Chancellor of the California Community
- Colleges and the California Workforce Investment Board, as well 10
- 11 as the projections of occupational shortages and skills gap
- 12 developed by industry leaders. The commission shall publish, and
- 13 retain, on its Internet Web site a current list of the areas of 14 occupational or technical training that meet the criteria described
- 15 in paragraph (3) of subdivision (f), and update this list as necessary.
 - (h) Using the best available data, the commission shall examine the graduation rates and job placement data, or salary data, of eligible programs. Commencing with the 2014–15 academic year, the commission shall give priority to Cal Grant C award applicants seeking to enroll in programs that rate high in graduation rates and job placement data, or salary data.
 - (i) (1) The commission shall consult with the Employment Development Department, the Office of the Chancellor of the California Community Colleges, the California Workforce Investment Board, and the local workforce investment boards to develop a plan to publicize the existence of the grant award program to California's long-term unemployed to be used by those consulting agencies when they come in contact with members of the population who are likely to be experiencing long-term unemployment. The outreach plan shall use existing administrative and service delivery processes making use of existing points of contact with the long-term unemployed. The local workforce investment boards are required to participate only to the extent that the outreach efforts are a part of their existing responsibilities under the federal Workforce Investment Act of 1998 (Public Law 105-220).
 - (2) The commission shall consult with the Workforce Services Branch of the Employment Development Department, the Office of the Chancellor of the California Community Colleges, the California Workforce Investment Board, and the local workforce

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investment boards to develop a plan to make students receiving awards aware of job search and placement services available through the Employment Development Department and the local workforce investment boards. Outreach shall use existing administrative and service delivery processes making use of existing points of contact with the students. The local workforce investment boards are required to participate only to the extent that the outreach efforts are a part of their existing responsibilities under the federal Workforce Investment Act of 1998 (Public Law 105-220).

(j) (1) Notwithstanding Section 10231.5 of the Government Code, the Legislative Analyst's Office shall submit a report to the Legislature on the outcomes of the Cal Grant C program on or before April 1, 2015, and on or before April 1 of each odd-numbered year thereafter. This report shall include, but not necessarily be limited to, information on all of the following:

- (A) The age, gender, and segment of attendance for recipients in two prior award years.
- (B) The occupational and technical training program categories prioritized.
- (C) The number and percentage of students who received selection priority as defined in paragraph (3) of subdivision (f).
- (D) The extent to which recipients in these award years were successfully placed in jobs that meet local, regional, or state workforce needs.
- (2) For the report due on or before April 1, 2015, the Legislative Analyst's Office shall include data for two additional prior award years and shall compare the mix of occupational and technical training programs and institutions in which Cal Grant C award recipients enrolled before and after implementation of subdivision (f).
- (3) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.