

AMENDED IN ASSEMBLY MAY 2, 2016  
AMENDED IN ASSEMBLY MARCH 29, 2016  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1888**

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**Introduced by Assembly Member Low**  
**(Coauthors: Assembly Members Atkins and Eggman)**  
**(Coauthor: Senator Leno)**

February 11, 2016

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An act to add Section 69433.3 to the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

AB 1888, as amended, Low. Cal Grants: nondiscrimination.

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.

This bill would require, commencing with the 2017–18 academic year, each Cal Grant participating institution, as a condition for its voluntary participation in the Cal Grant Program, to certify to the commission in the institution's participation agreement for the Cal Grant Program that the institution shall not subject ~~a student~~ *an applicant, student*, or employee of the institution to discrimination on the basis of, among other things, sex, sexual orientation, gender identity, or gender expression, and that the institution shall not *have*, apply for, ~~or receive~~,

*or receive a waiver by the United States Department of Education from nondiscrimination requirements for the receipt of federal funds; funds, except as provided. The bill would provide that an institution that is ineligible for participation in the Cal Grant Program under these provisions is still eligible for renewal Cal Grant awards for recipients who were enrolled in the ineligible institution during the academic year immediately preceding the academic year for which the institution is ineligible and who choose to renew their Cal Grant awards to attend the ineligible institution, to the same extent as if the recipients attended an eligible institution.*

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

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

1     SECTION 1. Section 69433.3 is added to the Education Code,  
2     to read:  
3     69433.3. (a) As a condition for its voluntary participation in  
4     the Cal Grant Program, each Cal Grant participating institution  
5     shall, commencing with the 2017–18 academic year, certify to the  
6     commission in the institution’s participation agreement for the Cal  
7     Grant Program both of the following:  
8     ~~(a) The~~  
9     (1) (A) *Except as provided in subparagraph (B) or (C), the*  
10    *institution shall not subject a student an applicant, student, or*  
11    *employee of the institution to discrimination on any basis listed*  
12    *in Section 66270, including sex, sexual orientation, gender identity,*  
13    ~~*or gender expression. the basis of disability, gender, gender*~~  
14    ~~*identity, gender expression, nationality, race or ethnicity, religion,*~~  
15    ~~*sexual orientation, or any characteristic listed or defined in Section*~~  
16    ~~*11135 of the Government Code or any other characteristic that is*~~  
17    ~~*contained in the prohibition of hate crimes set forth in subdivision*~~  
18    ~~*(a) of Section 422.6 of the Penal Code.*~~  
19    (B) *For purposes of subparagraph (A), a religious educational*  
20    *institution may hire and employ, or admit and enroll, persons of*  
21    *a particular religion if that educational institution is controlled*  
22    *by a religious institution and the educational institution is directed*  
23    *toward the propagation of that particular religion.*  
24    (C) *For purposes of subparagraph (A), an institution that*  
25    *traditionally and continually from its establishment has had a*

1 *policy of admitting only students of one sex may continue that*  
2 *practice.*

3 ~~(b)~~

4 (2) (A) The institution shall not *have*, apply for, or ~~receive~~,  
5 *receive* a waiver by the United States Department of Education  
6 from federal nondiscrimination requirements for the receipt of  
7 funds under Title IX of the Education Amendments of 1972 (20  
8 U.S.C. Sec. 1681, et seq.).

9 (B) *Subparagraph (A) does not apply to an institution that*  
10 *applied for and received a waiver as described in subparagraph*  
11 *(A) and that has provided evidence to the commission that it*  
12 *relinquished that waiver before the commencement of the 2017–18*  
13 *academic year.*

14 (b) *An institution that is ineligible for participation in the Cal*  
15 *Grant Program under subdivision (a) shall be eligible for renewal*  
16 *Cal Grant awards for recipients who were enrolled at the ineligible*  
17 *institution during the academic year immediately preceding the*  
18 *academic year for which the institution is ineligible and who*  
19 *choose to renew their Cal Grant awards to attend the ineligible*  
20 *institution, to the same extent as if the recipients attended an*  
21 *eligible institution. This renewal option shall be available only for*  
22 *a recipient who continues to attend the ineligible institution and*  
23 *shall cease as soon as the recipient is no longer enrolled in that*  
24 *institution.*