
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 2416 **Hearing Date:** July 29, 2020
Author: Gabriel
Version: May 18, 2020
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Postsecondary education: student financial aid: satisfactory academic progress.

SUMMARY

This bill requires institutions of higher education to allow students to appeal their loss of certain student financial aid if they fail to meet "satisfactory academic progress" (SAP) due to homelessness.

BACKGROUND

Existing law:

Federal regulations require that an institution of higher education establish a reasonable SAP policy, with specified criteria, for determining whether otherwise eligible students are making SAP in their educational program and may receive federal student financial aid programs. (Title 34 Code of Federal Regulations (CFR) § 668.34, et seq.).

State law:

- 1) Establishes the Donahoe Higher Education Act, setting forth the mission of the University of California, the California State University, and the California Community Colleges (CCC); and, defines "independent institutions of higher education" as nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in California and are accredited by an agency recognized by the United States Department of Education (Education Code § 66010, et seq.).
- 2) Defines SAP as those criteria required by applicable federal standards published in Title 34 CFR. Authorizes the California Student Aid Commission (CSAC) to adopt regulations defining SAP in a manner that is consistent with those in federal standards (EC § 69432.7(m)). (34 CFR § 668.34)
- 3) Establishes the CSAC for administering specified student financial aid programs (EC § 69510, et seq.).
- 4) Establishes the Community Colleges Student Success Completion Grant, which supplements the Cal Grant B access award by up to \$1,298 annually for students enrolled in 12, 13, or 14 units per semester, and up to \$4,000 annually for students taking 15 or more units per semester (EC § 88930).

- 5) Establishes the federal John H. Chafee Foster Care Independence Program to provide, among other benefits, education and training vouchers to qualifying current and former foster youth. (United States Code, Title 42, § 677)
- 4) Requires the CSAC, through an interagency agreement with the Department of Social Services, to operate a federally-funded scholarship program that provides grant aid to California's current and former foster youth. Existing law requires funds to be used to assist students who are current and former foster youth, for career and technical training or traditional college courses. (EC § 69519)

ANALYSIS

This bill requires that determinations of SAP by the institutions of higher education participating in specified student financial aid programs, including Cal Grant and Chafee, consider "homelessness" as defined as a homeless individual or youth within the meaning of the federal McKinney-Vento Homeless Assistance Act, as an extenuating circumstance for students who are otherwise unable to meet the requirements deemed to constitute SAP at the institutions, and that extenuating circumstance may be considered by the institutions to alter or excuse compliance with those progress requirements.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "When a student experiences homelessness, the instability of this experience frequently causes grades to drop, however homelessness is not universally defined by colleges as an "special circumstance" that would warrant a student being given the opportunity to maintain financial aid in order to remain enrolled and regain academic standing. Campuses that do not currently take the experience of homelessness into consideration when evaluating financial aid appeals are doing a disservice to these students and increasing the likelihood that the most vulnerable students are unable to succeed in their academic careers.

"This lack of consistency across campuses is also an equity issue. While 19% of students in community colleges overall have experienced homelessness, the likelihood is even greater among specific student subpopulations, already at greater risk of not succeeding college. African Americans and Native Americans attending both community colleges and CSUs are significantly more likely to experience homelessness than other ethnic groups. Students who identify as gay/lesbian are 50% more likely to experience homelessness than those who identify as heterosexual. A full 43% of foster youth experience homelessness, more than double the rate of other students."

The author further states that, "With 148 public colleges and universities in the State of California, each defining its own policy regarding SAP appeals, there is a tremendous lack of consistency in these policies. Simultaneously, the issue of homelessness among college students has reached crisis proportions. While resources to address homelessness remain scarce, continued access to financial aid is an important tool to allow these students to remain enrolled and get back

on track academically. State action is necessary to ensure that all students who experience homelessness are treated equitably across the state and that for these students, an episode of homelessness does not mean that they lose their opportunity to pursue their post-secondary goals.”

2) **Satisfactory Academic Progress (SAP).** SAP is a standard that students must meet to receive state and federal financial aid. Federal aid regulations require that all institutions receiving federal aid have a SAP policy that specifies what is required of students to maintain financial aid eligibility. The policy must include the following three elements:

- Grade point average (GPA) requirement: Students must maintain a minimum GPA per the policy of the individual institution, to be set at no lower than 2.0.
- Progress requirement: Students must make progress towards their degree by completing a minimum percentage of attempted course units. The minimum percentage of units attempted must be successfully completed both cumulatively and by the end of each academic year. It is commonly set to 67 percent.
- Maximum number of attempted units: Students must complete their degree within a maximum specified amount of attempted course units. It is commonly set at 150 percent of the total unit requirements for the program in which the student is enrolled.

Federal regulations offer a great deal of flexibility to higher education institutions regarding what factors they deem to be a special circumstance for student that would trigger the appeal process. Flexibility allows a campus to respond to the unique needs of their student population. As such, under current law a campus has the option to regard homelessness as a special circumstance. This measure would require that homelessness be a determining factor for appealing the loss of aid.

3) **What happens when a student fails to meet SAP?** State statute relies on the federal definition of SAP. A student who fails to meet SAP standards could lose eligibility for financial aid. For example, maintaining SAP is a condition for Cal Grant renewal. However, should they fall short, a student may appeal the determination on the basis of: injury or illness, death or other special circumstances per the institution’s appeals policy. A student may remain on aid despite not meeting standards with a successful appeal. Staff notes that in response to COVID-19 crisis, the federal CARES Act provides additional flexibilities to institutions regarding the calculation of SAP which, in turn, soften standards for students who experience disruptions caused by the crisis. An institution of higher education, without requiring an appeal from a student, may now exclude from an SAP calculation credits that were attempted but not completed.

In addition to the federal allowances, this bill offers a narrower but permanent approach in state statute to keep students on financial aid who are struggling

academically. Although, the consideration being proposed by this bill is limited to homelessness, a campus may continue to consider other hardships faced by students as condition for appeal.

SUPPORT

Advanced Consulting, LLC
Beyond Emancipation
Bill Wilson Center
Butte College Inspiring Scholars
Butte Glenn Community College Inspiring Scholars
California Alliance of Child and Family Services
California Coalition for Youth
California Federation of Teachers
California Youth Connection (CYC)
Casa De Amparo
Children Now
Children's Advocacy Institute
Children's Law Center of California
College of Marin EOPS
College of the Desert
Community Coalition
Crafton Hills College
Doing Good Works
EA Family Services
East Los Angeles College
Empowering Pacific Islander Communities (EPIC)
Excite Credit Union
Foster Care Counts
Fullerton College
Glide
Grace Institute - End Child Poverty in Ca
Imperial Valley College EOPS
Imperial Valley College Resilient Scholars
Imperial Valley Regional Occupational Program
Irvine Valley College Heart Scholars
John Burton Advocates for Youth
Los Angeles Harbor College EOPS
Los Angeles LGBT Center
Los Medanos College
Merced College
Miracosta College
Mission College
Mt. San Antonio College Reach
National Association of Social Workers, California Chapter
National Association of Social Workers, California Chapter
National Center for Youth Law
Norco College
One Day, INC.
Orange Coast College

Porterville College
Public Counsel
Riverside City College
San Bernardino Valley College
San Diego City College
San Diego Mesa College
San Francisco; City College of
Santa Monica College Guardian Scholars
Santiago Canyon College, Orange, CA
Schoolhouse Connection
Sierra College
St Anthony Foundation
St. Anthony Foundation
Swipe out Hunger
UC Irvine - Foster Youth Resilience in Education (FYRE)
Unite-la, INC.
Unity Care
Victor Valley College Nextup
Walden Family Services
West LA College
Woodland Community College
Youth Law Center

OPPOSITION

None.

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