
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: SB 575 **Hearing Date:** April 10, 2019
Author: Bradford
Version: February 22, 2019
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Cal Grants: student eligibility.

SUMMARY

This bill deletes provisions that prohibit a student who is incarcerated from being eligible to receive a Cal Grant award thereby extending eligibility to incarcerated persons to the same extent as the general population.

BACKGROUND

Existing law:

- 1) Authorizes the Cal Grant program, administered by the California Student Aid Commission (CSAC), to provide grants to financially needy students to attend a college or university. The Cal Grant programs include both the entitlement and the competitive Cal Grant awards. The program consists of the Cal Grant A, Cal Grant B, and Cal Grant C programs and eligibility is based upon financial need, GPA, California residency and other criteria. (Education Code § 69430 - 69433)
- 2) Establishes eligibility criteria for the Cal Grant program. Among other things, to be eligible to receive a Cal Grant award a student is required to be a citizen of the United States, or an eligible noncitizen as defined, be in compliance with all applicable Selective Service registration requirements and not be incarcerated. In addition, the individual, at the time of high school graduation or its equivalent, is required to be a resident of California. (EC § 69433.9)
- 3) Federal law, provides that students who are incarcerated in a Federal or State penal institution are not eligible to receive Federal Pell Grant funds. In 2015, under the experimental sites authority, the U.S. Department of Education waived this section for the Second Chance Pell Experimental Sites Initiative participants. (Higher Education Act § 487A(b) and 401(b)(6))

ANALYSIS

This bill deletes provisions that prohibits a student who is incarcerated from being eligible to receive a Cal Grant award thereby extending eligibility to incarcerated persons to the same extent as the general population.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Current law regarding Cal Grant eligibility is outdated as it automatically disqualifies a student who is incarcerated from accessing the program. Due to this, access to postsecondary education opportunities for incarcerated students are extremely limited. Correctional populations are over-represented with individuals having below average levels of educational attainment.

Expanding Cal Grant eligibility to those who are incarcerated affords them an opportunity to begin the reintegration process prior to community reentry.

Ultimately, this bill aligns with the state’s goal to improve rehabilitation and increase public safety, while also helping ensure that all students have equal access to post-secondary education. There are many barriers to successful re-entry of the formerly incarcerated that hamper justice and fairness. Providing appropriate funding for correctional education empowers individuals to put their lives back on track and earn their second chance.”

- 2) ***College students in Prison or jail.*** According to a report by Corrections to College California, “*Don’t Stop Now,*” face-to-face community college enrollment inside California Department of Corrections and Rehabilitation rose from zero in 2014 to 4,443 students in fall 2017. For face-to-face enrollment, that is more than any other state. California Community colleges teach face-to-face transferable degree-building college courses in 34 of the state’s 35 prisons. Both California State University (CSU) and University of California have on-campus support programs for formerly incarcerated students and at least two CSU campuses offer face-to-face baccalaureate completion programs in the state prison system. Presumably, those enrolled in these programs could be eligible for the proposed financial benefit.
- 3) ***The Second Chance Pell (SCP) Experimental Sites Initiative.*** Under federal law, incarcerated individuals are eligible for federal financial aid under the second chance Pell pilot. The objective of the program is to examine how providing Pell Grants to incarcerated students influences their participation in educational opportunities and academic outcomes. For Federal student aid purposes a penal institution is a facility that confines an individual as a result of being convicted for a crime. This pilot program was established in 2015 and of the 67 colleges originally selected for participation, three were California colleges—Cuesta College, Chaffey College and California State University, Los Angeles. Current award rules preclude students who are incarcerated in federal or state penal institutions from receiving Federal Pell Grants. Pell pilot waives the section of the Higher Education Act that prohibits otherwise eligible students from receiving a Pell Grant if they are incarcerated in a federal or state penal institution. The experiment does not waive any of the requirements for program eligibility determination. In addition to meeting requirements for Pell, a student must be eligible for release into the community and must be able to complete their program post release.

Under this measure, presumably an individual that is ineligible for release may access the Cal Grant program. *Given that the federal pilot program limits Pell*

award eligible to those who are eligible for release into the community should a similar restriction be imposed for purposes of the Cal Grant program?

4) **What would cost of attendance for an incarcerated student include?**

Considered in the computation for determining eligibility and award amounts for federal and state aid programs is one's total cost of college attendance, which includes housing and transportation expenses. For purposes of the second chance Pell program, federal law provides that the cost of attendance for incarcerated students is limited to tuition and fees and, if required, books and supplies. Presumably, the same costs would be applied for the determination of the Cal Grant award for an incarcerated student.

5) **General population and Cal Grant benefits.** This bill establishes that incarcerated individuals would receive the outlined educational benefit to the same extent as the general population. Members of the general population would be eligible to apply for Cal Grants only to the extent that they meet statutory California residency requirements. Members of the general population are required to meet all deadlines and rules for financial aid as is required of the general student population. These same standard/requirements would apply to incarcerated students.

6) **Related legislation.** Several bills have been introduced in an effort to expand eligibility for the Cal Grant program to students who are currently ineligible. These include the following:

SB 461 (Roth, 2019) expands the total period of eligibility for Cal Grant A or Cal Grant B awards by establishing eligibility for an additional Summer Cal Grant award for purposes of timely completion of a baccalaureate degree program at a public postsecondary institution. SB 461 was approved by this committee on April 3, 2019.

SB 296 (Allen, 2019) extends eligibility for the Cal Grant program to students who are noncitizens that have filed the specified application for asylum to the same extent as citizens and other eligible noncitizens, as provided under current law. SB 296 was approved by this committee on April 3, 2019.

AB 151 (Vopel, 2019) would raise that limit to 30 years of age or older for the transfer entitlement Cal Grant program. AB 151 has been referred to the Assembly Committee on Higher Education.

SUPPORT

A New Way of Life Re-Entry Project
 American Academy Of Pediatrics, California
 Anti-Recidivism Coalition
 Compton College
 Corrections to College California
 Drug Policy Alliance
 East Los Angeles College
 Ella Baker Center for Human Rights
 Fair Chance Project

GRIP Training Institute/Insight-Out
Imperial Valley College
Project Rebound Consortium, California State University, Fullerton
Riverside Community College District
San Jose Evergreen College
San Jose-Evergreen Community College District
Santiago Canyon College
University of California Student Association
West Hills College Coalinga
Western Center on Law and Poverty

OPPOSITION

None received

-- END --