

Date of Hearing: May 13, 2020

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2416 (Gabriel) – As Introduced February 18, 2020

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

SUMMARY: Requires that determinations of “satisfactory academic progress” (SAP) by the institutions of higher education participating in specified student financial aid programs consider “homelessness” 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.

EXISTING LAW:

Federal regulation. Specifies that an institution of higher education must establish a reasonable SAP policy, with specified criteria, for determining whether otherwise eligible students are making SAP in their educational program (34 Code of Federal Regulations (CCR) Section 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 (EC) Section 66010, et seq.).
- 2) Defines “satisfactory academic progress” as those criteria required by applicable federal standards published in 34 CCR. Authorizes California Student Aid Commission (CSAC) to adopt regulations defining “satisfactory academic progress” in a manner that is consistent with those federal standards (EC 69432.7 (m)).
- 3) Establishes the CSAC for administering specified student financial aid programs (EC Section 69510, et seq.).
- 4) Creates the Student Success and Support Program (SSSP) in order to provide a variety of programs intended to ensure the success of CCC students, including, but not limited to: a) student assessment before course registration; b) counseling and other education planning services; c) advising; and, d) development of an education plan leading to a course of study. Specifies funding for SSSP shall be targeted to fully implement orientation, assessment, counseling and advising, and other education planning services needed to assist students in making an informed decision about their educational goal and course of study and in the development of their education plans (EC Section 78212).
- 5) Requires as a condition for receiving SSSP funding, and in order to ensure equal educational opportunities and to promote student success for all students, regardless of race, gender, age,

disability, or economic circumstances, that the governing board of each community college district (CCD) shall maintain a student equity plan that includes, but is not limited to, the following for each community college in the CCD: a) campus-based research as to the extent of student equity by gender and specified underrepresented groups; b) goals for access to, and completion of, basic skills, career technical education and workforce training, and transfer courses for the overall student population and for each population group of high-need or disadvantaged students, and a determination of what activities are most likely to effectively meet those goals; c) where significant underrepresentation is found to exist, measures for addressing the disparities in those areas, implementation activities designed to attain the specified goals, including, but not limited to, the adoption of evidence-based models of remediation; and, d) a schedule and process for evaluation. The plan shall be adopted by the governing board of the CCD and submitted to the CCC Chancellor, as specified (EC Section 78220).

- 6) 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 Section 88930).

FISCAL EFFECT: Unknown

COMMENTS: *Satisfactory academic progress.* The various programs enumerated in the *Existing Law* section of this analysis require all students maintain SAP, in order to remain eligible for financial assistance. However, each institution of higher education, adhering to federal regulations, establishes their own SAP policy.

The federal regulations specify that the institution of higher learning's SAP policy include the following elements:

- 1) Consistent application of standards to all students within categories of students (e. g. full-time, part-time, undergraduate, and graduate students, and educational programs established by the institution);
- 2) Grade-point-average (GPA) or other comparable assessment measured against a norm;
- 3) The pace at which a student must progress to complete the program within the maximum timeframe;
- 4) Process for Incompletes, Withdrawals, Repetitions, and transfer of credit from other schools;
- 5) Frequency of SAP evaluation;
- 6) SAP Warning (applicable only if institution's policy places student on financial aid warning);
- 7) SAP Probation (applicable only if institution's policy places student on financial aid probation);

- 8) SAP Appeal (applicable only if institution's policy places student on financial aid probation. Student must appeal before probation granted);
- 9) Process for Schools that evaluate SAP at the end of each payment period;
- 10) Process for Schools that evaluate SAP annually or less frequently than the end of each payment period; and, SAP Notifications.

To note, institutions of higher education allow students to file an appeal if they lose their financial aid due to falling below the established SAP requirements for various extenuating circumstances. Moreover, what is considered an extenuating circumstance varies from campus to campus; the federal SAP policy guidelines allow a great deal of flexibility to institutions of higher education regarding what various factors they deem to be extenuating circumstances for students.

Purpose of this measure. According to the author, for low-income students whose academic prospects are already uncertain, access to ongoing financial aid is essential to their ability to remain enrolled. However, data shows that thousands of these students in California's colleges and universities lose access to financial aid because they fall below certain SAP requirements. Many factors can lead to academic probation and academic disqualification. One such factor is homelessness.

The author contends that most campuses do not specify homelessness as a valid reason for reinstatement of financial aid after academic disqualification. The author states, "When a student experiences homelessness, the instability of this experience frequently causes grades to drop, however, homelessness is not universally defined by colleges as a '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."

Further, according to the author, "In recent years the state has made great strides in addressing the barriers to student success that fall outside of the parameters of the classroom. Particularly detrimental are the effects of homelessness. Unfortunately, despite our efforts, there are still many students in California that have to navigate the systems of higher education while also worrying about where they might sleep each night. This uncertainty leads to greater health issues and in many cases affects a student's academic success directly."

This measure will require California's institutions of higher education consider homelessness as an extenuating circumstance when evaluating students' appeals for the loss of financial aid.

Committee comments and amendments. As currently drafted, this measure uses a broad definition of the term "homelessness." However, from a policy perspective and for the sake of clarity and consistency with other parts of the EC that address homeless students, citing the federal definition of "homeless individual" and "homeless child or youth" will provide clarity and cover the various college-aged students.

With this in mind, Committee Staff recommends, and the author has agreed to accept, the following amendments:

69432.7 (m) **“homelessness” homelessness, as defined as a “homeless individual”** within the meaning of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. ~~11301 et seq. 11032 (a)~~), **or as defined as a “homeless child or youth”, as defined in subsection (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2))**

To note, the aforementioned amendment, will also be amended in the following sections of the bill:

Section 69519 (C)(6)
 Section 69731 (d)
 Section 69956 (c)
 Section 70032 (k)
 Section 78220 (A)
 Section 88931 (2)

REGISTERED SUPPORT / OPPOSITION:

Support

Advanced Consulting, LLC
 Allan Hancock College
 Bill Wilson Center
 California Coalition for Youth
 California State University Long Beach, School of Social Work
 California Youth Connection (CYC)
 Casa De Amparo
 Children’s Advocacy Institute
 Coalition of California Welfare Rights Organizations
 Disability Rights California
 EA Family Services
 Faculty Association of California Community Colleges
 Foster Care Counts
 Fred Finch Youth and Family Services
 Imperial Valley Regional Occupational Program
 John Burton Advocates for Youth
 Los Angeles Harbor College EOPS Office
 Los Angeles LGBT Center
 National Association of Social Workers, California Chapter
 Riverside City College
 San Jose-Evergreen Community College District
 Schoolhouse Connection
 Summit Leadership Academy
 United Friends of the Children
 Youth Law Center

Opposition

None on file.

Analysis Prepared by: Jeanice Warden / HIGHER ED. / (916) 319-3960