

Date of Hearing: June 25, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SB 575 (Bradford) – As Introduced February 22, 2019

SENATE VOTE: 35-2

SUBJECT: Cal Grants: student eligibility.

SUMMARY: Deletes the provisions in law 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 and assuming they meet statutory California residency requirements and meet all deadlines and rules for financial aid (as is required of the general student population).

EXISTING LAW:

Federal law. Provides that students who are incarcerated in a Federal or State penal institution are not eligible to receive Federal Pell Grant funds. However, 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 (HEA) Sections 487A(b) and 401(b)(6)).

State 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, grade point average (GPA), California residency, and other criteria (Education Code (EC) Sections 69430 - 69433).
- 2) Establishes eligibility criteria for the Cal Grant program; specifying that, 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, not be incarcerated, and, at the time of high school graduation or its equivalent, is required to be a resident of California (EC Section 69433.9).

FISCAL EFFECT: According to the Senate Appropriations Committee, CSU, Los Angeles is the only CSU campus currently offering a face-to-face baccalaureate program within the state prison system. The program enrolls anywhere between 10-15 students each year. Assuming a Cal Grant A or B award covering tuition and fees only for a similar number of students, this bill could result in General Fund costs of between \$60,000 to \$120,000 each year. However, to the extent that this population of students expands or other CSU campuses begin to offer similar programs, these costs could be higher.

COMMENTS: *Background.* According to the American Enterprise Institute (AEI), September 2017 report, *The Second Chance Pell Pilot Program: A Historical Overview*, under Title IV of the HEA of 1965, incarcerated individuals were eligible to receive a Pell Grant to pay for college

courses. However, in the early 1990s, the “tough on crime” era overshadowed rehabilitation efforts in prisons, including education. According to AEI’s report, in the wake of the “tough on crime” era, the passage of the Violent Crime Control and Law Enforcement Act of 1994 banned incarcerated individuals from receiving the Pell Grant.

To note, before the enactment of the 1994 Violent Crime Control and Law Enforcement Act, the federal government invested \$56 million into Pell Grants that were used by 23,000 federal and state prisoners in 1993-94. The amount the federal government spent on Pell Grants for inmates was less than 1% of total Pell Grant spending.

Further, AEI’s report cited a 2013 RAND Corporation report, which found that inmates who participated in correctional education (postsecondary and other) were 43% less likely to recidivate than those who did not.

Second chance Pell experimental sites initiative and participants. The Obama administration, in July 2015, announced that the Second Chance Pell Pilot Program was created in order to support postsecondary opportunities for individuals incarcerated in federal and state prisons. The Department of Education, in August 2015, invited higher education institutions to apply to participate in the pilot. To note, more than 200 postsecondary institutions applied; in June 2016, the Department announced that 67 colleges and universities across the nation (in 27 states) were selected (based on institutional diversity, including institution type, location, enrollment, and Title IV participation level) to work with more than 100 correctional facilities in order to enroll approximately 12,000 inmates in federal and state prisons. According to the AEI report, California has five institutions of higher learning participating in the pilot: California State University, Los Angeles; Chaffey College; Columbia College; Cuesta College; and, Southwestern Community College.

Purpose of this measure. According to the author, “Correctional populations are over-represented with individuals having below average levels of educational attainment”. The author contends, “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”.

This measure expands Cal Grant eligibility to incarcerated individuals.

Related legislation. SB 296 (Allen), which is pending in the Assembly Appropriations Committee, extends eligibility for the Cal Grant program to students who are noncitizens that have filed a designated application for asylum to the same extent as citizens and other eligible noncitizens, as provided under existing law.

REGISTERED SUPPORT / OPPOSITION:

Support

American Academy of Pediatrics, California
American Civil Liberties Union of California
Anti-Recidivism Coalition
California Community Colleges Chancellor's Office

California-Hawaii State Conference of the NAACP
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
Kern Community College District
Merced College
National Association of Social Workers, California Chapter
Project Rebound, California State University, Fullerton
Project Rebound, Sacramento State University
Riverside Community College District
Root and Rebound Reentry Advocates
San José-Evergreen Community College District
San Diego City College
Santiago Canyon College
Shasta College
South Orange County Community College District
University of California Student Association
West Hills College Coalinga
Western Center on Law and Poverty

Opposition

None on file.

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