

AMENDED IN SENATE APRIL 28, 2011

**SENATE BILL**

**No. 940**

---

---

**Introduced by Committee on Education (Senators Lowenthal (Chair), Alquist, Blakeslee, Hancock, Huff, Liu, Price, Runner, Simitian, and Vargas)**

March 24, 2011

---

---

An act to amend Sections ~~66747 and 69511~~ of 41329.59, 66026, 66747, 66902.5, 69511, 71093, and 87884 of, and to repeal Sections 52272, 66941, and 81706 of, the Education Code, and to amend Section 4709 of the Labor Code, relating to ~~public postsecondary~~ education.

LEGISLATIVE COUNSEL'S DIGEST

SB 940, as amended, Committee on Education. ~~Public postsecondary education: students.~~ *Education.*

(1) Existing law requires the Fiscal Crisis and Management Assistance Team to conduct an extraordinary audit of the Compton Community College District and file a written status report at regular intervals with specified persons, including the Secretary for Education.

This bill would require that written status report to be filed with the Governor instead of the Secretary for Education.

(2) Existing law establishes the Education Technology Professional Development Program to provide teacher training on the use of technology in the classroom.

This bill would repeal that program.

(3) Existing law requires reports submitted to the Legislature by the University of California, the California State University, the Office of the Chancellor of the California Community Colleges, and the California Postsecondary Education Commission to be delivered to specified entities, including the Office of the Secretary for Education.

*This bill would require those reports to be delivered to the Office of the Governor instead of the Office of the Secretary for Education.*

*(4) Existing law requires the California Postsecondary Education Commission to convene an intersegmental working group to determine state funding priorities consistent with the institutional missions of the systems of higher education.*

*This bill would eliminate the working group.*

**Existing**

*(5) Existing law, the Student Transfer Achievement Reform Act, establishes that the California State University is required to guarantee admission with junior status to any community college student who meets the requirements for the associate degree for transfer. A student admitted to the California State University pursuant to the act is entitled to receive priority over all other community college transfer students, excluding community college students who have entered into a transfer agreement between a community college and the California State University prior to the fall term of the 2012–13 academic year.*

Existing law states the intent of the Legislature that specified categories be followed, insofar as practicable, in numeric order for the purposes of enrollment planning and admission priority practice at the undergraduate resident student level for the California State University and the University of California.

This bill would require that students admitted to the California State University ~~and the University of California~~ pursuant to the act receive priority for purposes of enrollment, if the students have met the requirements of an approved transfer agreement consistent with this priority.

**The**

*(6) The Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Act establishes the Cal Grant entitlement awards and the California Community College Transfer Entitlement Awards, under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions.*

Existing law provides that if a federal law permits the administration of a scholarship or grant program by a state agency, the Student Aid Commission is to administer the program if it is determined that the participation by the state in the federal scholarship or grant program would not interfere with or jeopardize the continuation of a Cal Grant

scholarship program established pursuant to specified provisions of state law.

This bill would change obsolete references in law to refer to the current Cal Grant program.

*(7) Existing law authorizes the Board of Governors of the California Community Colleges to authorize the Chancellor to suspend the authority of the Board of Trustees of the Compton Community College District to exercise any powers or responsibilities or to take any official actions with respect to management of the district. Existing law also authorizes the board of governors to authorize that suspension for a specified period of time plus a period lasting until specified persons, including the Secretary for Education, concur that the district has met specified requirements.*

*This bill would instead provide that the Governor, instead of the Secretary for Education, would be required to concur that the district has met those requirements.*

*(8) Existing law requires the Board of Governors of the California Community Colleges to develop guidelines for design-build projects by June 30, 2003.*

*This bill would repeal that requirement.*

*(9) Existing law, the Community College Part-Time Faculty Office Hours Program, provides students equal access to academic advice and assistance without regard to whether a course at a community college is taught by a full-time or a part-time faculty member. The governing board of each community college district that establishes such a program is required to negotiate, or meet and confer, to establish a program to provide part-time faculty office hours.*

*This bill would correct a cross-reference in the latter provision.*

**Existing**

*(10) Existing law provides that a dependent of a peace officer who is killed in the performance of duty or who dies or is totally disabled as a result of an accident or an injury that is compensable, as defined, is entitled to a Cal Grant scholarship at a specified institution. Existing law provides that a dependent of a peace officer who is a recipient of a scholarship shall not be precluded from receiving a Cal Grant award, as specified.*

This bill would change obsolete references in law to refer to the current Cal Grant program.

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 41329.59 of the Education Code is*  
2 *amended to read:*

3     41329.59. (a) On or before October 30, 2006, the Fiscal Crisis  
4 and Management Assistance Team (FCMAT) shall conduct an  
5 extraordinary audit of the Compton Community College District,  
6 to be delivered to the Board of Governors of the California  
7 Community Colleges and the Director of Finance, focused upon  
8 an examination of alleged fraud, misappropriation of funds, or  
9 other illegal fiscal practices. The audit shall be conducted in a  
10 timely and efficient manner.

11     (b) On or before January 31, 2007, the FCMAT shall conduct  
12 a comprehensive assessment and prepare a recovery plan, to be  
13 delivered to the Board of Governors of the California Community  
14 Colleges and the Department of Finance, for the Compton  
15 Community College District addressing the five operational areas:  
16 financial management, academic achievement, personnel  
17 management, facilities management, and governance/community  
18 relations.

19     (c) The FCMAT shall file a written status report at regular  
20 intervals with the appropriate fiscal and policy committees of the  
21 Legislature, the advisory committee to the special trustee, the  
22 Board of Governors of the California Community Colleges, the  
23 Director of Finance, and the ~~Secretary for Education~~ *Governor*.  
24 The status reports shall include the progress that the Compton  
25 Community College District is making in meeting the  
26 recommendations of the FCMAT comprehensive assessment and  
27 addressing the deficiencies identified by the Accrediting  
28 Commission for Community and Junior Colleges.

29     (d) Notwithstanding any other provision of law, an amount of  
30 up to five hundred thousand dollars (\$500,000) shall be provided  
31 to the Compton Community College District from any funds  
32 budgeted for FCMAT in Item 6110-107-0001 of Section 2.00 of  
33 the annual Budget Act or any other funds available from prior  
34 budget years for FCMAT for the purpose of funding the audit  
35 described in subdivision (a) of this section.

36     *SEC. 2. Section 52272 of the Education Code is repealed.*

37     ~~52272. (a) The Education Technology Professional~~  
38 ~~Development Program is hereby established to provide teacher~~

1 ~~training on the use of technology in the classroom. The professional~~  
2 ~~development training shall provide teachers with knowledge and~~  
3 ~~skills on how best to integrate the use of technology into the~~  
4 ~~classroom and curriculum.~~

5 ~~(b) The California State University shall administer the~~  
6 ~~professional development training component of the program and~~  
7 ~~shall collaborate with the California Technology Assistance Project,~~  
8 ~~county offices of education, and other appropriate public and~~  
9 ~~private organizations in developing and providing this training.~~

10 ~~(c) The Secretary for Education, in collaboration with the~~  
11 ~~Chancellor of the California State University, shall select a~~  
12 ~~contractor to conduct an independent evaluation of the effectiveness~~  
13 ~~of the Education Technology Professional Development Program.~~  
14 ~~Upon completion, the report shall be submitted to the Governor~~  
15 ~~and the Legislature by January 1, 2002.~~

16 ~~(d) Funding for the purposes of this section is contingent on an~~  
17 ~~appropriation made for those purposes in the annual Budget Act.~~

18 *SEC. 3. Section 66026 of the Education Code is amended to*  
19 *read:*

20 66026. Unless otherwise specified, reports submitted to the  
21 Legislature by the University of California, the California State  
22 University, and the Office of the Chancellor of the California  
23 Community Colleges shall be delivered to the Senate and Assembly  
24 budget subcommittees on education, the appropriate Senate and  
25 Assembly higher education policy committees, the Legislative  
26 Analyst's Office, the Office of the ~~Secretary of Education~~  
27 *Governor*, and the Department of Finance. Unless otherwise  
28 specified, these reports may be submitted in PDF format or  
29 comparable electronic format.

30 **SECTION 1.**

31 *SEC. 4. Section 66747 of the Education Code is amended to*  
32 *read:*

33 66747. Notwithstanding Chapter 4 (commencing with Section  
34 66201), the California State University shall guarantee admission  
35 with junior status to any community college student who meets  
36 all of the requirements of Section 66746. Admission to the  
37 California State University, as provided under this article, does  
38 not guarantee admission for specific majors or campuses.  
39 Notwithstanding Chapter 4 (commencing with Section 66201),  
40 the California State University shall grant a student priority

1 admission to his or her local California State University campus  
2 and to a program or major that is similar to his or her community  
3 college major or area of emphasis, as determined by the California  
4 State University campus to which the student is admitted. A student  
5 admitted under this article shall receive priority in enrollment in  
6 accordance with ~~subdivision (a)~~ of Section 66202, over all other  
7 community college transfer students, excluding community college  
8 students who have entered into a transfer agreement between a  
9 community college and the California State University prior to the  
10 fall term of the 2012–13 academic year. A student admitted  
11 pursuant to this article shall have met the requirements of an  
12 approved transfer agreement consistent with subdivision (a) of  
13 Section 66202.

14 *SEC. 5. Section 66902.5 of the Education Code is amended to*  
15 *read:*

16 66902.5. Unless otherwise specified, reports submitted to the  
17 Legislature by the California Postsecondary Education Commission  
18 shall be delivered to the Senate and Assembly budget  
19 subcommittees on education, the Senate education and Assembly  
20 higher education policy committees, the Legislative Analyst's  
21 Office, the ~~office of the Secretary for Education~~ *Office of the*  
22 *Governor*, and the Department of Finance. Unless otherwise  
23 specified, these reports may be submitted in PDF format or  
24 comparable electronic format.

25 *SEC. 6. Section 66941 of the Education Code is repealed.*

26 ~~66941. (a) The Legislature finds and declares that access to a~~  
27 ~~high quality education is the primary goal for the use of educational~~  
28 ~~technology in higher education. All students in California's public~~  
29 ~~schools and colleges and all adults in the state shall have access~~  
30 ~~to educational opportunities for which they are qualified, regardless~~  
31 ~~of their income level, geographic location, or the size of the school~~  
32 ~~they attend.~~

33 ~~(b) Pursuant to its statutory planning and coordination functions~~  
34 ~~and responsibilities identified in Section 66900, the California~~  
35 ~~Postsecondary Education Commission shall convene an~~  
36 ~~intersegmental working group to determine state funding priorities~~  
37 ~~consistent with the institutional missions of the systems of higher~~  
38 ~~education.~~

39 ~~(c) The intersegmental working group shall observe all of the~~  
40 ~~following principles to guide the development of priorities and the~~

1 proposed expenditure of state revenues on technology infrastructure  
2 and applications:

3 ~~(1) Development of a statewide infrastructure that provides~~  
4 ~~compatible connectivity between all levels of education to reduce~~  
5 ~~redundancy and increase efficiency.~~

6 ~~(2) Adherence to nationally and internally accepted protocols~~  
7 ~~and standards.~~

8 ~~(3) Assurance that the standards for course and program quality~~  
9 ~~applied to distance education are rigorous in meeting accreditation~~  
10 ~~standards, Universal Design Standards, and standards currently~~  
11 ~~applied to traditional classroom instruction at higher educational~~  
12 ~~institutions in the areas of course content, student achievement~~  
13 ~~levels, and coherence of the curriculum.~~

14 ~~(4) Collaboration between the private sector and educational~~  
15 ~~institutions in the availability and use of technology in high-priority~~  
16 ~~schools and underserved areas.~~

17 ~~(5) Collaboration across departments, institutions, states, and~~  
18 ~~countries in the use of technology.~~

19 ~~(6) Use of technology to contain costs, improve student~~  
20 ~~outcomes, and enhance quality in instructional and noninstructional~~  
21 ~~functions, such as student services, libraries, and administrative~~  
22 ~~support.~~

23 ~~(d) The intersegmental working group shall be composed of~~  
24 ~~representatives from public, elementary and secondary education,~~  
25 ~~the California State University, the California Community~~  
26 ~~Colleges, the University of California, independent accredited~~  
27 ~~universities and colleges, state approved schools and colleges,~~  
28 ~~private sector providers of distance education, the Office of the~~  
29 ~~Secretary of Education, and the private sector.~~

30 ~~(e) The commission shall facilitate the development of statewide~~  
31 ~~funding priorities for technology in higher education, and shall~~  
32 ~~forward the recommendations of the working group to the~~  
33 ~~Legislature and the Governor on or before August 1, 2002.~~

34 ~~SEC. 2.~~

35 *SEC. 7.* Section 69511 of the Education Code is amended to  
36 read:

37 69511. (a) Except as provided in subdivision (b), each member  
38 of the commission shall have a four-year term; provided, that  
39 members appointed pursuant to subdivision (d) of Section 69510  
40 shall have terms of two academic years.

1 (b) The term of one member appointed pursuant to subdivision  
2 (g) of Section 69510 and the term of one member appointed  
3 pursuant to subdivision (h) of Section 69510, effective January 1,  
4 1991, shall be for five years. Each subsequent term for members  
5 appointed pursuant to this subdivision shall be for four years.

6 (c) At no time shall both student representatives be enrolled in  
7 the same segment of postsecondary education in California. For  
8 purposes of this subdivision, each postsecondary education program  
9 listed in subdivisions (a), (b), and (c) of Section 69510 is a segment  
10 of postsecondary education in California.

11 (d) Appointment to the commission of members appointed  
12 pursuant to subdivisions (a) to (f), inclusive, of Section 69510 shall  
13 be made by the Governor subject to confirmation by the Senate.

14 (e) Any vacancy shall be filled by the appointment of a person  
15 who will have the same status as the predecessor of the appointee.  
16 The appointee shall hold office only for the balance of the  
17 unexpired term.

18 (f) Each member of the commission shall receive a stipend of  
19 one hundred dollars (\$100) for each day in which he or she attends  
20 any meeting of the commission or any meeting of any committee  
21 or subcommittee of the commission, of which committee or  
22 subcommittee he or she is a member, and which committee or  
23 subcommittee meeting is conducted for the purpose of carrying  
24 out the powers and duties of the commission. In addition, each  
25 member shall receive his or her actual and necessary traveling  
26 expenses incurred in the course of his or her duties.

27 (g) If an act of Congress establishes a program of scholarships  
28 or grants for undergraduate students and permits administration  
29 of the program within a state by a state agency, the Student Aid  
30 Commission, as established by Section 69510, shall administer  
31 the act within the state if the Governor and the Student Aid  
32 Commission, by a majority vote of its entire membership,  
33 determine that the participation by the state in the federal  
34 scholarship or grant program under the act would not interfere  
35 with or jeopardize the continuation of the scholarship program  
36 established under Chapter 1.7 (commencing with Section 69430)  
37 of Part 42 of Division 5 of Title 3 of the Education Code.

38 The commission shall constitute the state commission on federal  
39 scholarships or grants and is hereby empowered to formulate a

1 plan for development and administration of any such federal  
2 scholarship or grant program within the state.

3 Subject to the provisions of this chapter, the commission is  
4 hereby vested with all necessary power and authority to cooperate  
5 with the government of the United States, or any agency or  
6 agencies thereof, in the administration of any act of Congress  
7 establishing a scholarship or grant program and the rules and  
8 regulations adopted thereunder.

9 Before adopting a state plan, the Student Aid Commission, acting  
10 as the state commission on federal scholarships or grants, shall  
11 hold public hearings as provided in the California Administrative  
12 Procedure Act.

13 *SEC. 8. Section 71093 of the Education Code is amended to*  
14 *read:*

15 71093. Notwithstanding any other provision of law:

16 (a) The board of governors may authorize the chancellor to  
17 suspend the authority of the Board of Trustees of the Compton  
18 Community College District, or of any of the members of that  
19 board, to exercise any powers or responsibilities or to take any  
20 official actions with respect to the management of the district,  
21 including any of the district's assets, contracts, expenditures,  
22 facilities, funds, personnel, or property. The board of governors  
23 may authorize suspension for a period up to five years from the  
24 effective date of Assembly Bill 318 of the 2005–06 Regular  
25 Session, plus a period lasting until the chancellor, the Fiscal Crisis  
26 and Management Assistance Team, the Director of Finance, and  
27 ~~the Secretary for Education~~ *Governor* concur with the special  
28 trustee that the district has, for two consecutive academic years,  
29 met the requirements of the comprehensive assessment conducted,  
30 and the recovery plan prepared, pursuant to Section 41329.59.

31 (b) A suspension authorized by this section becomes effective  
32 immediately upon the delivery of a document to the administrative  
33 offices of the Compton Community College District that sets forth  
34 the finding of the chancellor that a suspension pursuant to this  
35 section is necessary for the establishment of fiscal integrity and  
36 security in that district.

37 (c) (1) If and when the chancellor suspends the authority of the  
38 Board of Trustees of the Compton Community College District or  
39 any of its members pursuant to this section, the chancellor may  
40 appoint a special trustee as provided in paragraph (3) of subdivision

1 (c) of Section 84040, at district expense, to manage the district.  
2 The chancellor is authorized to assume, and delegate to the special  
3 trustee, those powers and duties of the Board of Trustees of the  
4 Compton Community College District that the chancellor  
5 determines, with the approval of the board of governors, are  
6 necessary for the management of that district. The Board of  
7 Trustees of the Compton Community College District may not  
8 exercise any of the duties or powers assumed by the chancellor  
9 under this section.

10 (2) The chancellor may appoint as a special trustee under this  
11 section a person who has served in a similar capacity prior to the  
12 enactment of the act that adds this section. A special trustee  
13 appointed under this section shall serve at the pleasure of the  
14 chancellor.

15 (3) Notwithstanding any other provision of law, in order to  
16 facilitate the appointment of the special trustee, the chancellor is  
17 exempt, for the purposes of this section, from the requirements of  
18 Article 6 (commencing with Section 999) of Chapter 6 of Division  
19 4 of the Military and Veterans Code and Part 2 (commencing with  
20 Section 10100) of *Division 2* of the Public Contract Code.

21 (d) Notwithstanding any other provision of law, at any time that  
22 this section is in effect, the chancellor is authorized to assume, and  
23 delegate to the special trustee, those powers and duties of the  
24 Compton Community College District Personnel Commission that  
25 the chancellor determines are necessary for the management of  
26 the personnel functions of the Compton Community College  
27 District. The personnel commission may not exercise any of the  
28 powers or duties assumed by the chancellor.

29 (e) Notwithstanding any other provision of law, if the special  
30 trustee has been a member of the State Teachers' Retirement  
31 System or the Public Employees' Retirement System at any time  
32 prior to appointment, he or she shall, for the period of service as  
33 special trustee, be a member of the system to which he or she  
34 belonged, unless the special trustee elects, in writing, not to be a  
35 member. If the special trustee chooses to be a member, the special  
36 trustee shall be placed on the payroll of the district, or the payroll  
37 of another local education agency or other entity with which the  
38 district has an exchange agreement pursuant to Section 87422 or  
39 other applicable provisions of law, for the purpose of providing  
40 appropriate contributions to the applicable retirement system.

1 (f) The special trustee appointed pursuant to this section is  
2 authorized to do all of the following:

3 (1) Implement substantial changes in the fiscal policies and  
4 practices of the Compton Community College District.

5 (2) Revise the academic program of the Compton Community  
6 College District to reflect realistic income projections in response  
7 to the dramatic effect of the changes in fiscal policies and practices  
8 upon program quality.

9 (3) Encourage all members of the college community to accept  
10 a fair share of the burden of the full recovery of the Compton  
11 Community College District in the five operational areas of finance,  
12 academics, personnel facilities, and governance.

13 (4) Enter into agreements on behalf of the Compton Community  
14 College District and, subject to any contractual and statutory  
15 obligation of the Compton Community College District, change  
16 any existing district rules, regulations, policies, or practices as  
17 necessary for the effective implementation of the recovery plan.  
18 Any agreement authorized by this section shall be binding upon  
19 the district for the term of the agreement, notwithstanding the  
20 removal of the special trustee for any reason or the reinstatement  
21 of any powers or responsibilities of the board of trustees. No  
22 agreement authorized by this paragraph shall materially impair the  
23 security and other interests of the holders of any bonds issued  
24 pursuant to Article 9 (commencing with Section 63049.67) of  
25 Chapter 2 of Division 1 of Title 6.7 of the Government Code.

26 (5) Appoint an advisory committee to advise the special trustee  
27 with respect to the management of the Compton Community  
28 College District and the establishment and implementation of the  
29 arrangements for provision of services by a partner district pursuant  
30 to Article 5 (commencing with Section 74292) of Chapter 5 of  
31 Part 46. This advisory committee may include residents of the  
32 communities served by the Compton Community College District,  
33 and any outside experts deemed appropriate by the special trustee.  
34 No member of the advisory committee shall receive any  
35 compensation or benefits for his or her services as a member of  
36 the advisory committee.

37 (g) In the event of a vacancy in the special trustee position, the  
38 chancellor shall temporarily assume all of the powers and duties  
39 of the special trustee until another special trustee can be appointed  
40 pursuant to this section.

1     *SEC. 9. Section 81706 of the Education Code is repealed.*

2     ~~81706. The Board of Governors of the California Community~~  
3 ~~Colleges, in consultation with the Secretary for Education, the~~  
4 ~~Department of General Services, the Energy Resources,~~  
5 ~~Conservation and Development Commission, Seismic Safety~~  
6 ~~Commission, community college district representatives, and~~  
7 ~~industry representatives, develop guidelines for design-build~~  
8 ~~projects. The guidelines shall be developed no later than June 30,~~  
9 ~~2003.~~

10    *SEC. 10. Section 87884 of the Education Code is amended to*  
11 *read:*

12     87884. (a) The governing board of each community college  
13 district that establishes a program pursuant to this article shall  
14 negotiate with the exclusive bargaining representative, or in  
15 instances where there is no bargaining unit shall meet and confer  
16 with the faculty, to establish a program to provide part-time faculty  
17 office hours.

18     (b) Any hours negotiated under this program shall not be applied  
19 toward the ~~60-percent requirement~~ *maximum percentage-of-hours*  
20 *limitation for part-time faculty* as specified in Section 87882. These  
21 hours shall not be counted towards the hours per week of teaching  
22 adult or community college classes for purposes of acquiring  
23 eligibility for tenure or for purposes of fulfilling any probationary  
24 hour requirements.

25     (c) On or before June 1 of each year, each community college  
26 district participating in the program shall send a verification to the  
27 Chancellor of the California Community Colleges specifying the  
28 total costs of the compensation paid for office hours of part-time  
29 faculty participating in the program.

30     (d) Any changes made by this section to the Community College  
31 Part-time Faculty Office Hours Program shall not affect any  
32 part-time faculty office hours program in effect on January 1, 2000.

33     ~~SEC. 3.~~

34     *SEC. 11. Section 4709 of the Labor Code is amended to read:*

35     4709. (a) Notwithstanding any other provisions of law, a  
36 dependent of a peace officer, as defined in Section 830.1, 830.2,  
37 830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37,  
38 830.38, 830.39, 830.4, 830.5, or 830.6 of the Penal Code, who is  
39 killed in the performance of duty or who dies or is totally disabled  
40 as a result of an accident or an injury caused by external violence

1 or physical force, incurred in the performance of duty, when the  
2 death, accident, or injury is compensable under this division or  
3 Division 4.5 (commencing with Section 6100) shall be entitled to  
4 a scholarship at any qualifying institution described in subdivision  
5 (l) of Section 69432.7 of the Education Code. The scholarship  
6 shall be in an amount equal to the amount provided a student who  
7 has been awarded a Cal Grant scholarship as specified in Chapter  
8 1.7 (commencing with Section 69430) of Part 42 of Division 5 of  
9 Title 3 of the Education Code.

10 (b) A dependent of an officer or employee of the Department  
11 of Corrections or the Department of the Youth Authority described  
12 in Section 20403 of the Government Code who is killed in the  
13 performance of duty, or who dies or is totally disabled as a result  
14 of an accident or an injury incurred in the performance of duty,  
15 when the death, accident, or injury is caused by the direct action  
16 of an inmate, and is compensable under this division or Division  
17 4.5 (commencing with Section 6100), shall also be entitled to a  
18 scholarship specified in this section.

19 (c) Notwithstanding any other provisions of law, a dependent  
20 of a firefighter employed by a county, city, city and county, district,  
21 or other political subdivision of the state, who is killed in the  
22 performance of duty or who dies or is totally disabled as a result  
23 of an accident or injury incurred in the performance of duty, when  
24 the death, accident, or injury is compensable under this division  
25 or Division 4.5 (commencing with Section 6100), shall also be  
26 entitled to a scholarship specified in this section.

27 (d) Nothing in this section shall be interpreted to allow the  
28 admittance of the dependent into a college or university unless the  
29 dependent is otherwise qualified to gain admittance to the college  
30 or university.

31 (e) The scholarship provided for by this section shall be paid  
32 out of funds annually appropriated in the Budget Act to the Student  
33 Aid Commission established by Article 2 (commencing with  
34 Section 69510) of Chapter 2 of Part 42 of Division 5 of Title 3 of  
35 the Education Code.

36 (f) The receipt of a scholarship provided for by this section shall  
37 not preclude a dependent from receiving a Cal Grant award  
38 pursuant to Chapter 1.7 (commencing with Section 69430) of Part  
39 42 of Division 5 of Title 3 of the Education Code, any other grant,  
40 or any fee waivers that may be provided by an institution of higher

1 education. The receipt of a Cal Grant award pursuant to Chapter  
2 1.7 (commencing with Section 69430) of Part 42 of Division 5 of  
3 Title 3 of the Education Code, any other grant, or any fee waivers  
4 that may be provided by an institution of higher education shall  
5 not preclude a dependent from receiving a scholarship provided  
6 for by this section.

7 (g) As used in this section, “dependent” means the children  
8 (natural or adopted) or spouse, at the time of the death or injury,  
9 of the peace officer, law enforcement officer, or firefighter.

10 (h) Eligibility for a scholarship under this section shall be limited  
11 to a person who demonstrates financial need as determined by the  
12 Student Aid Commission pursuant to Article 1.5 (commencing  
13 with Section 69503) of Chapter 2 of Part 42 of Division 5 of Title  
14 3 of the Education Code. For purposes of determining financial  
15 need, the proceeds of death benefits received by the dependent,  
16 including, but not limited to, a continuation of income received  
17 from the Public Employees’ Retirement System, the proceeds from  
18 the federal Public Safety Officers’ Benefits Act, life insurance  
19 policies, proceeds from Sections 4702 and 4703.5, any private  
20 scholarship where receipt is predicated upon the recipient being  
21 the survivor of a deceased public safety officer, the scholarship  
22 awarded pursuant to Section 68120 of the Education Code, and  
23 any interest received from these benefits, shall not be considered.