

AMENDED IN ASSEMBLY JANUARY 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1449**

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**Introduced by Assembly Member Lopez**

February 27, 2015

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~~An act relating to pupil nutrition.~~ *An act to amend Section 69436 of the Education Code, relating to student financial aid.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1449, as amended, Lopez. ~~Pupil nutrition: prepackaged meals for pupils eligible for free or reduced-price meals.~~ *Student financial aid: California Community College Transfer Cal Grant Entitlement Program.*

*Existing law, the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Program, establishes the Cal Grant A and B Entitlement awards, the California Community College Transfer Cal Grant Entitlement awards, the Competitive Cal Grant A and B awards, the Cal Grant C awards, and the Cal Grant T awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions.*

*Under the California Community College Transfer Cal Grant Entitlement Program, a student who transfers from a California community college to a qualifying institution that offers a baccalaureate degree receives a Cal Grant A or B award if the student meets specified requirements, among which are that the student not be 28 years of age or older by December 31 of the award year and that the student graduate from a California high school or its equivalent during or after the 2000–01 academic year.*

*This bill would instead require that the student receiving a California Community College Transfer Cal Grant Entitlement award not be 30 years of age or older by December 31 of the award year. The bill would eliminate the requirement that the student graduate from a California high school or its equivalent during or after the 2000–01 academic year.*

~~Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each school day, as specified, and authorizes a school district or county office of education to use funds available through any federal or state program for those purposes, as specified.~~

~~This bill would express the Legislature’s intent to enact legislation that would enable schools that are not eligible for federal Title I funds to provide prepackaged meals to pupils attending the school who are eligible for free or reduced-price meals.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 69436 of the Education Code is amended
- 2     to read:
- 3     69436. (a) A student who was not awarded a Cal Grant A or
- 4     B award pursuant to Article 2 (commencing with Section 69434)
- 5     or Article 3 (commencing with Section 69435) at the time of his
- 6     or her high school graduation but, at the time of transfer from a
- 7     California community college to a qualifying baccalaureate
- 8     program, meets all of the criteria set forth in subdivision (b), shall
- 9     be entitled to a Cal Grant A or B award.
- 10    (b) Any California resident transferring from a California
- 11    community college to a qualifying institution that offers a
- 12    baccalaureate degree is entitled to receive, and the commission,
- 13    or a qualifying institution pursuant to Article 8 (commencing with
- 14    Section 69450), shall award, a Cal Grant A or B award depending
- 15    on the eligibility determined pursuant to subdivision (c), if all of
- 16    the following criteria are met:
- 17    (1) A complete official financial aid application has been
- 18    submitted or postmarked pursuant to Section 69432.9, no later

1 than the March 2 of the year immediately preceding the award  
2 year.

3 (2) The student demonstrates financial need pursuant to Section  
4 69433.

5 (3) The student has earned a community college grade point  
6 average of at least 2.4 on a 4.0 scale and is eligible to transfer to  
7 a qualifying institution that offers a baccalaureate degree.

8 (4) The student's household has an income and asset level not  
9 exceeding the limits set forth in Section 69432.7.

10 (5) The student is pursuing a baccalaureate degree that is offered  
11 by a qualifying institution.

12 (6) He or she is enrolled at least part time.

13 (7) The student meets the general Cal Grant eligibility  
14 requirements set forth in Article 1 (commencing with Section  
15 69430).

16 (8) The student will not be ~~28~~ 30 years of age or older by  
17 December 31 of the award year.

18 ~~(9) The student graduated from a California high school or its~~  
19 ~~equivalent during or after the 2000-01 academic year.~~

20 ~~(10)~~

21 (9) (A) Except as provided in subparagraph (B), the student  
22 attended a California community college in the academic year  
23 immediately preceding the academic year for which the award will  
24 be used.

25 (B) A student otherwise eligible to receive an award pursuant  
26 to this section, who attended a California community college in  
27 the 2011-12 academic year, may use the award for the 2012-13  
28 and 2013-14 academic years.

29 (c) The amount and type of the award pursuant to this article  
30 shall be determined as follows:

31 (1) For applicants with income and assets at or under the Cal  
32 Grant A limits, the award amount shall be the amount established  
33 pursuant to Article 2 (commencing with Section 69434).

34 (2) For applicants with income and assets at or under the Cal  
35 Grant B limits, the award amount shall be the amount established  
36 pursuant to Article 3 (commencing with Section 69435).

37 ~~(d) (1) A student meeting the requirements of paragraph (9) of~~  
38 ~~subdivision (b) by means of high school graduation, rather than~~  
39 ~~its equivalent, shall be required to have graduated from a California~~  
40 ~~high school, unless that California resident graduated from a high~~

1 school outside of California due solely to orders received from a  
2 branch of the United States Armed Forces by that student or by  
3 that student's parent or guardian that required that student to be  
4 outside of California at the time of high school graduation.

5 (2)

6 (d) (1) For the purposes of this article, both of the following  
7 are exempt from the requirements of subdivision (e) of Section  
8 69433.9 and paragraph (9) of subdivision (b) of this section:  
9 69433.9:

10 (A) A student for whom a claim under this article was paid prior  
11 to December 1, 2005.

12 (B) A student for whom a claim under this article for the  
13 2004–05 award year or the 2005–06 award year was or is paid on  
14 or after December 1, 2005, but no later than October 15, 2006.

15 (3)

16 (2) (A) The commission, or a qualifying institution pursuant  
17 to Article 8 (commencing with Section 69450), shall make  
18 preliminary awards to all applicants currently eligible for an award  
19 under this article. At the time an applicant receives a preliminary  
20 award, the commission, or a qualifying institution pursuant to  
21 Article 8 (commencing with Section 69450), shall require that  
22 applicant to affirm, in writing, under penalty of perjury, that he or  
23 she meets the requirements set forth in subdivision (e) of Section  
24 69433.9, paragraph (9) of subdivision (b) of this section, 69433.9  
25 and paragraph (1) of this subdivision. The commission, or a  
26 qualifying institution pursuant to Article 8 (commencing with  
27 Section 69450), shall notify each person who receives a preliminary  
28 award under this paragraph that his or her award is subject to an  
29 audit pursuant to subparagraph (B).

30 (B) The commission shall select, at random, a minimum of 10  
31 percent of the new and renewal awards made under subparagraph  
32 (A), and shall require, prior to the disbursement of Cal Grant funds  
33 to the affected postsecondary institution, that the institution verify  
34 that the recipient meets the requirements of subdivision (e) of  
35 Section 69433.9, paragraph (9) of subdivision (b) of this section,  
36 69433.9 and paragraph (1) of this subdivision. An award that is  
37 audited under this paragraph and found to be valid shall not be  
38 subject to a subsequent audit.

1 (C) Pursuant to Section 69517.5, the commission shall seek  
2 repayment of any and all funds found to be improperly disbursed  
3 under this article.

4 (D) On or before November 1 of each year, the commission  
5 shall submit a report to the Legislature and the Governor including,  
6 but not necessarily limited to, both of the following:

7 (i) The number of awards made under this article in the  
8 preceding 12 months.

9 (ii) The number of new and renewal awards selected, in the  
10 preceding 12 months, for verification under subparagraph (B), and  
11 the results of that verification with respect to students at the  
12 University of California, at the California State University, at  
13 independent nonprofit institutions, and at independent for-profit  
14 institutions.

15 ~~SECTION 1. (a) The Legislature finds and declares all of the~~  
16 ~~following:~~

17 ~~(1) A needy child who transfers from a school supported with~~  
18 ~~funds authorized under Title I of the federal No Child Left Behind~~  
19 ~~Act of 2001 (20 U.S.C. Sec. 6301 et seq.) to a better performing~~  
20 ~~school that is not supported by Title I funds may lose access to~~  
21 ~~free or reduced-price school breakfast.~~

22 ~~(2) Often these children are caught between a rock and a hard~~  
23 ~~place and end up trying to learn on an empty stomach. Although~~  
24 ~~these children may continue to be eligible to receive a free or~~  
25 ~~reduced-price breakfast at the school from which the child~~  
26 ~~transferred, the reality is an overwhelming number of these children~~  
27 ~~do not have the luxury of squeezing in the extra travel time each~~  
28 ~~morning.~~

29 ~~(3) Extra kitchen staff or extra staff time is expensive. However,~~  
30 ~~having prepackaged foods that do not require onsite preparation~~  
31 ~~reduces demands upon school staff.~~

32 ~~(b) It is the intent of the Legislature to enact legislation that~~  
33 ~~would enable schools that are not eligible for funds authorized~~  
34 ~~under Title I of the federal No Child Left Behind Act of 2001 to~~  
35 ~~provide prepackaged meals to pupils who are eligible for free or~~  
36 ~~reduced-price meals.~~