

Appendix A

PROPOSED REGULATORY ORDER

Proposed Amendments to Article 15, of Chapter 1, of Division 4, of Title 5, Ca Code of Regulations California Military Department GI Bill Award Program (Formerly California National Guard Education Assistance Award Program)

Note: The pre-existing regulation text is set forth below in normal type. The proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text.

Amend Article 15, of Chapter 1, of Division 4, of Title 5 California Code of Regulations, Sections 30730, 30731, 30732, 30733, 30734, 30735, 30736, 30737, and 30738, and adopt Sections 30739, 30740, and 30741 to read as follows:

Article 15. ~~California National Guard Education Assistance Award Program~~ California Military Department GI Bill Award Program

§ 30730. Definitions.

“Academic Year” means:

(a) Two semesters or three quarters or their equivalent within a 12-month period. An academic year may include a summer quarter in those colleges which maintain a summer quarter comparable to either the fall, winter or spring quarters; or

(b) A period of time usually eight or nine months during which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, or three quarters of instruction.

(c) July 1 to June 30 inclusive. The starting date of a session shall determine the academic year in which it is included.

“Active member” means a current uniformed service member of the California Military Department (the California Army or Air National Guard, Guard; the California State Guard (Cal State Guard), formerly the State Military Reserve, Reserve; or the California Naval Militia Militia) who meets military standards established by military regulations.

“Administrative Appeal” means a formal request from the program participant to ~~The~~ the Adjutant General requesting a change in withdrawal status.

~~“CNG EAAP” means California National Guard Education Assistance Award Program~~

“CMD GI Bill” means California Military Department GI Bill Award Program, formerly the California National Guard Education Assistance Award Program (CNG EAAP).

“Commission” means California Student Aid Commission.

“Cost of Attendance” means student budget at the qualifying institution for the participant that includes tuition, fees, housing, food, books, transportation and personal expenses for the year. It may also include an allowance for the rental or purchase of a computer, ~~child care~~ childcare or other dependent care costs and additional expenses for students with disabilities not already covered.

“Disaster” means a fire, flood, storm, tidal wave, earthquake, terrorism, epidemic, or other similar public calamity that the Governor determines presents a threat to public safety. (California Government Code, Section 8680.3)

“Discretionary Summer Term” means a summer term for a program participant who is enrolled in a program that does not require summer term attendance in addition to all other terms. Summer term classifications reflect an institution’s designation of academic terms with the Commission.

“DOD ID” means the Department of Defense ID number. The DoD ID number is assigned to each person registered in the Defense Enrollment and Eligibility Reporting System (DEERS).

“Eligible applicant” means a person who:

- (a) Is a California resident pursuant to Education Code Section 68017 for at least one year immediately preceding the residence determination date;
- (b) Is an active service member of, and has served two years in, the California National Guard, the State Military Reserve, or the Naval Militia that agrees to maintain active service throughout participation in program; the program and agrees to serve two years in the California Military Department upon completion of the last academic term for which program funding was provided;
- (c) ~~Has been accepted or~~ Will be registered at, at or enrolled in, in a qualifying institution; institution for the academic year for which an application was submitted;
- (d) Submits an application pursuant to Section 30731 and agrees to use the award to obtain a certificate, degree, or diploma that he or she does not hold at the time he or she applies for the award;
- (e) Agrees to enroll in at least three academic units per semester, or the equivalent;
- (f) Has submitted the Free Application for Federal Student Aid (FAFSA) to the United States Department of Education; ~~and~~
- (g) Has not previously participated in the program and been permanently withdrawn for not complying with applicable laws and regulations; pursuant to subsection (b) of Section 30736;
- (h) ~~Has previously participated in the program and successfully completed certificate/degree/diploma that formed the basis of the previous award, and has not exceeded the amount of program eligibility set forth in California Education Code Section 69999.18(e).~~ 69999.18(e);
- (i) Agrees to annually maintain at least a 2.0 cumulative grade point average (GPA);

(j) Agrees to only receive disbursements from either the CMD GI Bill or the Cal Grant program for a particular academic year;

(k) Agrees to complete a course of study leading to a certificate, degree, or diploma within 10 years of initial acceptance into the program; and

(l) Agrees to only obtain one degree (baccalaureate, graduate, or doctoral) while participating in the program.

“Enrollment status” means full-time or part-time status:

(a) ~~Part time, Part-time~~, Part-time, for purposes of program eligibility for undergraduate participants, is defined as less than 12 semester units, inclusive, or the equivalent.

(1) An undergraduate participant enrolled for at least 9 semester units but less than 12 semester units or the equivalent is considered 3/4 time.

(2) An undergraduate participant enrolled for at least 6 semester units but less than 9 semester units or their equivalent is considered 1/2 time.

(3) An undergraduate participant enrolled for at least 3 semester units but less than 6 units or the equivalent is considered 1/4 time.

(b) ~~Full time, Full-time~~, Full-time, for purposes of program eligibility for undergraduate participants, is defined as 12 or more semester units or the equivalent.

(c) ~~Part time Part-time and Full time full-time~~ status, for purposes for graduate participants, is the enrollment status as defined by the institution. Graduate participants enrolled in less than 3 academic units may be eligible for award payments for the term if the institution verifies enrollment status is equivalent to at least one-quarter time.

~~“Excess Awards” Awards,~~ also informally known as “first-come, first-serve awards,” means awards issued to eligible applicants who completed the application process after the deadline established by Section ~~30734~~ 30731. Excess awards will be offered until all available awards are exhausted or until the Adjutant General no longer has authority to make ~~awards, which ever is earlier,~~ awards.

“Leave of Absence (LOA)” means a period of time approved by the Adjutant General during which a program participant does not receive award payments and maintains program eligibility.

“Mandatory Summer Term” means a summer term for a program participant who is enrolled in a program that requires summer term attendance in addition to all other terms. Summer term classifications reflect an institution’s designation of academic terms with the Commission.

“Other natural causes” means a disease, or physical or mental condition involving inpatient care in a hospital or residential health care facility, or continuing treatment or continuing supervision by a health care provider, or family care and medical leave under Government Code ~~section~~ Section 12945.2 or the Family and Medical Leave Act of 1993.

“Program” means the California Military Department GI Bill Award Program (CMD GI Bill), formerly the California National Guard Education Assistance Award Program ~~(CNG EAAP)~~

(CNG EAAP), established in Article 20.7 (commencing with Section 69999.10) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code and as set forth in this Article.

“Program Participant” means a person who has successfully met all of the requirements set forth in Education Code Sections 69999.16, who has been selected and certified by The Adjutant General, and who has accepted the award in terms of attending a qualifying institution to which that person has been admitted. The Adjutant General will send the program participant an acceptance letter informing the participant of acceptance into the program.

“Qualifying institution” means the institution has met the requirement of California Education Code Section 69432.7(*l*) and has signed an Institutional Participation Agreement with the Commission.

~~“Qualifying institution” means any of the following:~~

“Reinstatement” means restoring a participant's program eligibility due to an approved appeal.

“Renewal Statement of Understanding” means the California Military Department’s annually updated internal form that an active member applying to renew an award for the CMD GI Bill must complete to confirm they acknowledge, understand, and agree to program terms and requirements.

“Residence determination date” means:

(a) If the governing board of a public institution has adopted by regulation or policy a residence determination date, that date shall be used for the ~~CNG EAAP~~ CMD GI Bill purposes; or

(b) The first day of instruction of the term for the academic year in which the student is enrolled as a ~~CNG EAAP~~ CMD GI Bill participant shall be the residence determination date for the ~~CNG EAAP~~ CMD GI Bill purposes; or

(c) The date the Commission used to make the preliminary determination of California residency for purposes of offering a ~~CNG EAAP~~ CMD GI Bill shall be the residence determination date for the ~~CNG EAAP~~ CMD GI Bill purposes.

“Serious illness” means an illness involving inpatient care in a hospital or residential health care facility, or continuing treatment or continuing supervision by a health care provider, or family care and medical leave under Government Code ~~section~~ Section 12945.2 or the Family and Medical Leave Act of 1993.

“Statement of Understanding” means the California Military Department’s annually updated internal form that an active member applying to the CMD GI Bill must complete to confirm they acknowledge, understand, and agree to program terms and requirements.

Note: Authority cited: Section 69999.22 Education Code. Reference: Section 69999.16 Education Code.

§ 30731. Application to Participate in the Program.

(a) ~~An Application materials initial application to participate in the program shall be submitted to the California Military Department by the January 22, 2010 deadline for the 2009-10 application year and each academic year thereafter by the April 30 deadline.~~ Department. An initial application shall include the program application, Free Application for Federal Student Aid (FAFSA), Statement of Understanding, Service Commitment Acknowledgement form, and Letter of Recommendation specific to the academic year he or she is applying; all of which shall be submitted by April 30. Such applicants will be classified as "priority applicants" by the California Military Department. Applicants who file after April 30, will be classified as "first-come, first-serve" applicants and be considered for any excess awards. Applicants being considered for excess award are not required to submit the Letter of Recommendation. The application shall include the following information regarding the applicant ~~(Appendix A)~~ (Appendix A).

(1) Social Security number,

(2) DOD ID;

~~(2)~~ (3) Last name, first name and middle initial;

~~(3)~~ (4) Grade;

~~(4)~~ (5) Address;

~~(5)~~ (6) Years of Service in the California Military Department (the California Army or Air National Guard, Guard; California State Guard (Cal State Guard), formerly the State Military Reserve, Reserve; or California Naval Militia; Militia);

~~(6)~~ (7) Date of birth;

~~(7)~~ (8) Phone number;

~~(8) Currently accepted, registered at, or enrolled in;~~ (9) Type of degree seeking:

(A) Undergraduate; Certificate/Diploma;

(B) Graduate Studies; or (B) Associate's;

(C) Certificate/Diploma; (C) Bachelor's;

(D) Graduate Studies; or

(E) Doctorate's;

~~(9)~~ (10) E-mail Address;

~~(10)~~ (11) Identification of membership in the California National Guard Military Department:

(A) California Army National Guard;

(B) California Air National Guard;

(C) California State Guard (Cal State Guard), formerly State Military Reserve; or

(D) California Naval Militia;

~~(11) Applicants~~ (12) Applicant's desired Certificate/Degree/Diploma and expected completion date of ~~Certificate/Degree/Diploma~~; Certificate/Degree/Diploma and field of study;

(13) The type of any prior degree received (baccalaureate, graduate, or doctoral degree), including Completion Date (Month/Year);

~~(12)-(14)~~ Representation the applicant ~~has been accepted or will be~~ registered ~~at, at~~ or enrolled ~~in, in~~ a qualifying institution, the projected enrollment status of each term, the name of qualifying institution in which applicant ~~has been accepted or will be~~ registered ~~at, at~~ or enrolled in, the institution's eight-digit Federal school code, and housing plans;

~~(13)-(15)~~ Certification if the applicant has completed the FAFSA for the application year;

~~(14)-(16)~~ The Applicant's award preference if eligible for both a Cal Grant Award and a CNG EAAP CMD GI Bill award;

~~(15)-(17)~~ The type and amount of funding the applicant will or expects to receive for each term from the Federal Montgomery GI Bill for the academic year specifying ~~amounts for each applicable term~~; receipt or expected receipt of any of the following:

(A) Ch. 33 - Post-9/11 GI Bill funding, including the following applicable information:

1. Percentage of funding received.
2. Zip code of the institution.
3. Participation in the Yellow Ribbon program, the Fry Scholarship, or the STEM Scholarship.
4. Program entirely through distance learning.

(B) Ch. 30 - Montgomery GI Bill - Active Duty (MG-AD) funding, including:

1. Enlistment of less than or more than three years.

(C) Ch. 1606 - Montgomery GI Bill - Selected Reserve (MG-SR) funding;

(D) Monthly funding received from the College Fund or Buy-Up Program; and

(E) Any other GI Bill benefit received or expected to be received, including program Chapter and name;

~~(16)-(18)~~ The type and amount of funding the applicant will or expects to receive for each term from other Federal Education Benefits program for veterans for the academic year specifying ~~amounts for each applicable term~~; receipt or expected receipt of any of the following:

(A) Federal Tuition Assistance (FTA),

(B) Ch. 31 – Vocational Rehabilitation & Employment (VR&E) Program,

(C) Ch. 32 - Veterans Educational Assistance Program (VEAP) including:

1. The amount and number of months funding was contributed.

(D) Ch. 35 – Dependents' Educational Assistance (DEA);

(E) ROTC Scholarship;

(F) National Call to Service Program; and

(G) Other form of federal educational benefits for veterans, including program Chapter and name.

~~(17)-(19)~~ Gender;

~~(18)-(20)~~ Ethnicity;

~~(19)-(21)~~ The applicant's representations that he or she:

(A) Will submit the FAFSA for the academic year he or she is applying for by the application deadline or, for applicants being considered for any excess awards, that the FAFSA will be completed for the academic year he or she is applying for prior to being ~~accepted into the program;~~ considered for an award;

(B) Agrees to use the award to obtain a certificate, degree, or diploma that he or she does not hold at the time he or she applies for the award;

(C) Agrees to maintain enrollment in at least three (3) academic units per semester, or the equivalent;

(D) Agrees to maintain a minimum of a 2.0 cumulative grade point average and enrollment at a qualifying institution;

(E) Understands program participants shall not receive disbursements from both a ~~CNG EAAP~~ CMD GI Bill award and any Cal Grant Award for the same academic year. A program participant who is also eligible for a Cal Grant Award must elect between an award under this program and any Cal Grant Award for the same academic year;

(F) Is currently an active member ~~of, and has served two years in,~~ of the California Military Department (California Army or Air National Guard, the California State Military Reserve, Guard (Cal State Guard), or the California Naval Militia and Militia), agrees to continue to be an active member of the California National Guard, State Military Reserve or the Naval Militia California Military Department throughout the period that he or she participates in the ~~program~~ program, and agrees to serve two years in the California Military Department upon completion of the last academic period in which educational assistance under the program is received;

~~(G) Agrees~~ (G) Has not previously participated in the program and obtained a baccalaureate, graduate, or doctoral degree;

(H) Agrees to comply with all applicable laws and regulations applicable to the program; and

~~(H)-(I)~~ Understands the funding appropriations are contingent upon approved California budget acts; acts;

(J) Agrees to complete a course of study leading to a certificate, degree, or diploma within 10 years of initial acceptance into the program;

(K) Will submit a Statement of Understanding for the academic year by the application deadline. (Applicants being considered for any excess award funds, will submit a Statement of Understanding for the academic year prior to consideration for the award);

(L) Will submit the Service Commitment Acknowledgement form by the application deadline. (Applicants being considered for any excess award funds will submit the Service Commitment Acknowledgement form for the academic year prior to consideration for the award); and

(M) Will submit the Letter of Recommendation form by the application deadline. If the Letter of Recommendation is not submitted by the application deadline but the applicant has met other application filing requirements, the applicant will be considered for an excess award.

~~(20)-(22)~~ The applicant shall sign the application under penalty of perjury, under the laws of the State of California that all statements contained in the application and any accompanying documents are true and correct, with full knowledge that all statements made in the application are subject to investigation. Any false or dishonest answer to any question may be grounds for denial to participate in the program and subject to prosecution under the Uniform Code of Military Justice. The applicant authorizes the Commission and the California Military Department to receive and release any student records, and any application information between qualifying institutions and appropriate public and private agencies. The applicant will provide documentation to verify all information provided, if requested.

(b) The Commission will verify the applicant has submitted the FAFSA for the academic year he or she is applying for by the application deadline. If excess awards are made to applicants, the Commission will verify the applicant has submitted the FAFSA for the academic year he or she is applying for prior to being ~~accepted into the program.~~ considered for an award.

~~(c) Renewal~~ A Renewal Application to continue participation in the program shall be submitted to the California Military Department by the June 1 ~~deadline each~~ for the upcoming academic year. year along with the Renewal Statement of Understanding. For those renewal applicants who received an initial award during or after the 2020-2021 academic year, a Service Commitment Acknowledgement form shall also be submitted. The application shall include the following information regarding the program participant (Appendix C):

(1) Social Security Number;

~~(2) Last~~ (2) DOD ID;

~~(3)~~ (3) Last name, first name and middle initial;

~~(3)-(4)~~ (4) Grade;

~~(4)-(5)~~ (5) Address;

~~(5)-(6)~~ (6) Date of Birth;

~~(6)-(7)~~ (7) Phone Number;

~~(7)~~ (8) Currently accepted, registered, or enrolled in (8) Type of degree seeking:

(A) Undergraduate;

~~(B)~~ (A) Certificate/Diploma;

(B) Associate's;

~~(C)~~ (C) Graduate Studies;

(C) Bachelor's;

(D) Graduate Studies; or

(E) Doctorate's.

~~(8)-(9)~~ (9) E-mail Address;

~~(9)-(10)~~ (10) Identification of membership in the California National Guard; Military Department;

(A) California Army National Guard;

(B) California Air National Guard;

(C) California State Guard (Cal State Guard), formerly the State Military Reserve;
or

(D) California Naval Militia.

~~(10)-(11)~~ (11) Representation the program participant ~~has been accepted or will be~~ registered at, at or enrolled in, in a qualifying institution, the projected enrollment status of each term, the name of qualifying institution in which program participant ~~has been accepted or will be~~ registered at, at or enrolled in, the institution's eight-digit Federal school code, and housing plans;

~~(11)-(12)~~ (12) Program ~~participants~~ participant's desired Certificate/Degree/Diploma (include subject area) and expected completion date of Certificate/Degree/Diploma;

~~(12)~~ (12) Program

(13) The type of prior degree received (baccalaureate, graduate, or doctoral degree), if applicable, including Completion Date (Month/Year);

(14) Program participant's preference if eligible for both a Cal Grant Award and a CNG EAAP CMD GI Bill award;

~~(13) Amount~~(15) The type and amount of educational benefits funding the program participant will or expects to receive for each term from the Federal Montgomery GI Bill for the academic year by specific term; specifying receipt or expected receipt of any of the following:

(A) Ch. 33 - Post-9/11 GI Bill including:

1. Percentage of funding received,
2. Zip code of the institution,
3. Participation in the Yellow Ribbon program, the Fry Scholarship, or the STEM Scholarship,
4. Program entirely through distance learning.

(B) Ch. 30 - Montgomery GI Bill - Active Duty (MG-AD) funding, including:

1. Enlistment of less than or more than three years.

(C) Ch. 1606 - Montgomery GI Bill - Selected Reserve (MG-SR) funding;

(D) Monthly funding received from the College Fund or Buy-Up Program; and

(E) Any other GI Bill benefit received or expected to be received, including program Chapter and name.

~~(14) Amount~~(16) The type and amount of funding the program participant will or expects to receive for each term from other Federal Educational Benefits program for veterans for the academic year by specific term; year, specifying receipt or expected receipt of any of the following:

(A) Federal Tuition Assistance (FTA),

(B) Ch. 31 – Vocational Rehabilitation & Employment (VR&E) Program,

(C) Ch. 32 - Veterans Educational Assistance Program (VEAP) including:

1. The amount and number of months funding was contributed,

(D) Ch. 35 – Dependents' Educational Assistance (DEA);

(E) ROTC Scholarship;

(F) National Call to Service Program; and

(G) Other form of federal educational benefits for veterans, including program Chapter and name;

~~(15)-(17)~~ Program participant's representations that he or she understands and agrees to:

~~(A) Submission of~~(A) Submit the CNG EAAP CMD GI Bill Renewal Application by the deadline of June 1, June 1, or may be withdrawn from the program;

(B) Use the award to obtain a certificate, degree, or diploma that he or she does not currently hold at the time of application renewal;

(C) Maintain enrollment in at least three (3) academic units per semester, or the equivalent thereof at an eligible institution;

(D) Maintain at least a 2.0 cumulative grade point average;

(E) Not receive disbursements from an award under the ~~CNG EAAP CMD GI Bill~~ and any Cal Grant Award for the same academic year. A program participant who is also eligible for a Cal Grant Award must elect between an award under this program and any Cal Grant Award for the same academic year;

(F) Remain an active member in the California Military Department (the California Army or Air National Guard; the California State Guard (Cal State Guard), formerly the State Military Reserve; Reserve; or the California Naval Militia Militia) throughout the period of participation in the ~~CNG EAAP; CMD GI Bill;~~

(G) Comply ~~will~~ with all laws and regulations applicable to the ~~CNG EAAP CMD GI Bill;~~ and

(H) Understand the funding appropriations are contingent upon approved California budget ~~acts;~~ acts;

(I) Understand that program participants initially awarded during or after the 2020-2021 academic year must:

1. Serve two years in the California Military Department (the California Army or Air National Guard; the California State Guard (Cal State Guard), formerly the State Military Reserve; or the California Naval Militia) upon completion of the last academic period for which educational assistance under this program was received;

2. Complete a course of study leading to a certificate, degree, or diploma within 10 years of initial acceptance into the program;

3. Not have previously participated in the program and obtained a baccalaureate, graduate, or doctoral degree; and

4. Complete a Service Commitment Acknowledgement form by the June 1 deadline;

(J) Understand that program participants who were initially awarded during or prior to the 2019-2020 academic year may use remaining program eligibility pursuant to Section 30734 (h) to obtain a subsequent degree; and

(K) Submit the Renewal Statement of Understanding for the academic year by the June 1 application deadline.

(d) The California Military Department may grant a Renewal Application deadline extension to program participants who received an excess award for the prior academic year. The extended deadline will be two months from when the California Military Department notifies the program

participant of acceptance into the CMD GI Bill. Further extensions may also be granted by the California Military Department on a case-by-case basis due to extenuating circumstances.

(e) Program Participants who entered the program during or prior to the 2019-2020 academic year and received a baccalaureate, graduate, or doctoral degree while participating in the program will continue to be allowed to pursue subsequent degrees at eligible institutions. Program participants may receive program benefits if they continue to meet program requirements, complete the Renewal Application process by the designated deadline, and have not exhausted remaining program eligibility under Section 30734 (h).

Note: Authority cited: Section 69999.22 Education Code. Reference: Section 69999.16 Education Code.

§ 30732. Applicant Priority.

(a) The Adjutant General will annually identify the skills most needed by the California ~~National Guard~~ Military Department. The Adjutant General shall select applicants for participation in the program by giving priority to applicants who possess or seek to possess the skills most needed by the California ~~National Guard~~ Military Department.

(b) Pursuant to Military Department Regulations, ~~The~~ the Adjutant General will appoint members to the board whose purpose is to recommend the best qualified service members to receive educational benefits from the ~~California National Guard Education Assistance Award Program~~ CMD GI Bill.

(1) The objectives of the board process are to:

(A) Ensure that the California ~~National Guard~~ Military Department retains its most competent and capable service members who possess the desired knowledge, skills and attributes;

(B) Prioritize applicants on the basis of criteria as directed by ~~The~~ the Adjutant General in a letter of instruction to the board; and

(2) The board shall present for the approval by ~~The~~ the Adjutant General, a prioritized listing of those applicants who qualify for an award.

(3) Where applicants receive a "tied" score, an applicant's "eligible as of date" will be used to prioritize applicants. The "eligible as of date" is the date on which an applicant completes all application steps.

Note: Authority cited: Section 69999.22 Education Code. Reference: Section 69999.16 Education Code.

§ 30733. Selection by the Adjutant General.

(a) The Adjutant General will select from among eligible applicants who ~~submitted an~~ complete the application process pursuant to Section 30731(a) by the deadline established by ~~section~~ Section 30731.

(b) The Adjutant General will prioritize and certify the eligibility of applicants to the Commission.

(c) The Adjutant General will notify applicants of their selection or non-selection for an award.

(d) If it is determined that a program participant is not able to utilize an ~~award~~ award, the next eligible applicant on the list may be given the award.

(e) If the maximum awards authorized for the academic year are not exhausted after the selection process is completed, the California Military Department may continue to accept applications after the deadline established by ~~section~~ Section 30731 until all awards are exhausted or ~~The~~ the Adjutant General no longer has authority to make ~~awards, which ever is earlier.~~ awards. Applicants being considered for excess awards must complete the ~~FAFSA application process pursuant to Section 30731(a)~~ FAFSA application process pursuant to Section 30731(a) for the academic year he or she is applying for prior to being accepted into the program. Applicants being considered for an excess award will be considered on a first-come, first-serve basis.

(f) ~~The Adjutant General shall obtain the following information regarding selected participants from the CNG EAAP application and submit it to the Commission:~~

~~(1) Last name, first name and middle initial;~~

~~(2) Social Security number;~~

~~(3) Address and telephone number;~~

~~(4) Date of birth;~~

~~(5) Whether the program participant has been currently accepted to, registered at, or enrolled in undergraduate, certificate/diploma, or graduate studies;~~

~~(6) E-mail address;~~

~~(7) Name of qualifying institution at which applicant has been accepted or registered, or enrolled in, the enrollment status of each term, the institution's eight-digit Federal school code, and housing plans;~~

~~(8) Amount of Federal Montgomery GI Bill benefits the applicant will receive for the academic year;~~

~~(9) Amount of Federal Educational Benefits Programs for Veterans the applicant will receive for the academic year;~~

~~(10) Gender;~~

~~(11) Ethnicity;~~

~~(12) The Applicant's award preference if eligible for both a Cal Grant Award and a CNG EAAP award.~~

Note: Authority cited: Section 69999.22 Education Code. Reference: Section 69999.16 Education Code.

§ 30734. Payments.

(a) The Commission shall determine the maximum payment amount for new and renewal participants each academic year. ~~The Commission will request the following~~ The California Military Department will determine participant payment amounts for each term of an academic year. The California Military Department's determination of payment amounts, and payment eligibility, will consider current attendance information and the actual educational funding benefits received by the participant.

Payment determinations will be based on current information from the Adjutant General, collected by the California Military Department from qualifying institution, institutions and the program participant for the academic year; year as needed to determine payment eligibility and calculate payment amounts under this Section, including the following:

(1) If a renewal program participant, ~~the Adjutant General~~ California Military Department shall certify to the Commission that the program participant has maintained program eligibility.

(2) ~~The~~ Upon request by the California Military Department, the following information shall be provided by the qualifying institution; institution attended by the participant:

(A) The participant's cost of attendance for each term;

~~(B) Verification if~~

(B) The participant's receipt of any California College Promise Grants, State University Grants, University of California's Blue and Gold Opportunity Plan or University Grants, or other institutional grants or scholarships;

(C) Verification that the renewal program participant maintained enrollment in at least 3 semester units; units, or the equivalent; equivalent, each term in the prior academic year, if a renewal participant; year;

~~(C) (D) Verification that the renewal program participant maintained a minimum of a 2.0 cumulative GPA, if a renewal participant; GPA;~~

~~(D) (E) The participant's enrollment status per~~ for each term for the current of the academic year; year in the program;

~~(E) (F) If the program participant is enrolled in graduate studies; participant:~~

1. Is enrolled in graduate studies;

2. Is enrolled in a certificate, diploma, or degree including the type of degree;

3. Completed a baccalaureate, graduate, or doctoral degree, including the date of completion and last day of attendance;

(F) If (G) Confirmation the program participant is enrolled participant's appearance on the Commission's school roster in a program with a discretionary or mandatory summer term, and participant's enrollment status in the term;

(H) If the program participant is receiving veteran's educational benefits, the California Military Department may also request the institution to provide the following information:

1. Zip code of the institution;
2. Number of course units for the term;
3. Cost of attendance for the term;
4. Cost of tuition and fees for the term;
5. Federal educational benefits for veterans received for the term;
6. Participant attendance in online or on campus courses; and
7. If the participant is receiving Yellow Ribbon program funds, the amounts received from the U.S. Department of Veterans Affairs and the institution.

(I) For participants enrolled in a baccalaureate program at a California Community College, the California Military Department may request the Community College to report:

1. The participant's enrollment status in a baccalaureate degree program;
2. The participant's enrollment in upper division coursework and number of units of upper division enrolled in for each term;
3. Upper division tuition charges; and,
4. The participant's Cost of Attendance including only tuition for the upper division coursework.

(J) For program participants who receive extended awards pursuant to Section 30739 of this Article, the California Military Department may also request an institution to report:

1. The participant's enrollment status in an initial teaching credential program;
2. The number of initial teaching credential coursework units taken;
3. The tuition charges for initial teaching credential coursework;
4. The participant's total Cost of Attendance, only tuition for initial teacher credential coursework.

(K) If the institution has disbursed the CMD GI Bill funds;

(L) If the participant completed 3 or more units, or the equivalent for graduate students, during the term for which a disbursement was made; and

(M) Information on the recall of any issued award including the reason for returned disbursements to the Commission.

~~(3) The following information shall be provided by the participant:~~

~~(A) The amount of educational benefits pursuant to the Federal Montgomery GI Bill the participant will receive for each term;~~

~~(B) The amount of any other federal educational benefits program for veterans the participant will receive for each term;~~

~~(C)~~

(3) Upon request by the California Military Department, a participant shall provide up-to-date information on the type and amount of federal education program benefits received for each term. This information will address each of the veterans' benefit programs identified in Section 30731(a)(16) and (17) or Section 30731(c)(14) and (15) of this Article relative to the participant's initial or renewal application. The participant may report this updated information on the California Military Department's Record Change Request Form.

The participant shall also provide the following information:

(A) The program participant's award preference if eligible for both a Cal Grant Award and a ~~CNG EAAP~~ award, if a renewal participant. CMD GI Bill award.

(B) The participant's receipt of any federal Montgomery GI Bill, or any other federal educational benefits program for veterans and any related documentation as requested by the California Military Department.

(b) The maximum amount a new or renewal program participant may be awarded is as follows:

(1) For program participants attending the University of California or the California State University, the Commission shall award, subject to the requirements of ~~section~~ Section 30731, up to the maximum amount of the Cal Grant A as adjusted in the annual budget act;

(A) For program participants attending the University of California, the maximum Cal Grant A award shall equal the mandatory systemwide fees for that segment;

(B) For program participants attending the California State University, the maximum Cal Grant A award shall equal the mandatory systemwide fees for that segment;

(2) For program participants attending a community college, the Commission shall award, subject to the terms of ~~section~~ Section 30731, up to the maximum amount of the Cal Grant B award as adjusted in the annual budget act;

(A) ~~The~~ For community college students not enrolled in upper division coursework, the maximum Cal Grant B award shall equal the amount of the access award;

(B) The access amount shall be in an annual amount not to exceed one thousand five hundred fifty-one dollars (\$1551) or as adjusted in the annual budget ~~act~~. act;

(C) For community college students identified by their institution as being enrolled in upper division coursework towards a baccalaureate degree offered by the institution, the Cal Grant B maximum award for the academic term shall equal the per unit fees charged for upper division coursework, plus the access award amount pursuant to subparagraph (B), subject to all of the following:

1. The Commission shall determine the maximum award for assessed unit fees each academic year;

2. Award will be based on per unit fees charged to students for upper division coursework; and,

3. Only the units for the upper division coursework is considered in enrollment status.

(D) For community college students enrolled in baccalaureate degree programs, the maximum award shall be limited to the access award pursuant to subparagraph (B) for the first year of enrollment in a qualifying institution, subject to both of the following:

1. The institution will determine a participant's first year status based on the number of units completed.

2. If the participant is considered a freshman by the institution, the participant will only be eligible for access award for the term pursuant to subparagraph (B).

(3) For program participants attending a nonpublic institution, the Commission shall award subject to the terms of ~~section~~ Section 30731, up to the maximum amount of a Cal Grant A award for a student attending the University of California as adjusted in the annual budget act. The maximum amounts of a Cal Grant A award for a student attending a nonpublic institution equals the mandatory systemwide fees for a student attending the University of California; or

(4) For a program participant enrolled in graduate studies, the Commission shall award subject to the terms of ~~section~~ Section 30731, up to the maximum amount of a Cal Grant A award, ~~plus five hundred dollars (\$500) for books and supplies award~~ as adjusted in the annual budget act:

(A) For program participants enrolled in graduate studies at the University of California, the maximum Cal Grant A award shall equal the mandatory systemwide fees for that segment;

(B) For program participants enrolled in graduate studies at a California State University, the maximum Cal Grant A award shall equal the mandatory systemwide fee for that segment;

(C) For program participants enrolled in graduate studies at a ~~non-public~~ non-public institution, the maximum amounts of a Cal Grant A award equals the mandatory systemwide fees for the University of ~~California~~, California;

(D) For program participants enrolled in graduate studies, who entered the program during or prior to the 2019-2020 academic year, an additional five hundred dollars (\$500) will be awarded for books and supplies.

(5) For program participants whose awards have been extended pursuant to Section 30739:

(A) The Commission shall determine the maximum award amount for the academic year;

(B) Only the credits for Initial Teacher Credentialing coursework credit be considered towards a participant's enrollment status;

(C) The award amount will be based on tuition charges for required courses for an initial teaching credential.

(c)(1) Payments shall be made per term to the qualifying institution, to be used for education related expenses. Each year, the Commission shall award either the maximum award amount or the remaining need, whichever is smaller using the following formula to determine the remaining need:

Cost of Attendance

Minus Federal Montgomery GI Bill

Minus Other Federal Benefits Programs for Veterans

Equals Remaining Need

(2) Institutions shall subtract any amount of CSU's State University Grants, California Promise Grants, University of California Blue and Gold grants or University Grants, or other institutional grants or scholarships received by participants from the calculated Cost of Attendance reported to the California Military Department for the term.

(d) Whenever a program participant changes his or her choice of school, college or program, the program participant must notify the ~~CNG EAAP Coordinator~~ California Military Department of the change and the remaining need eligibility must be re-determined. Eligibility for additional funds will be contingent upon funds being available. Subject to such redetermination, a program participant may change his or her choice of college

(1) Prior to the time of actual enrollment; or

(2) At the conclusion of a quarter or semester, provided that any loss of tuition and fee payments shall be borne by the student.

(e) A qualifying institution may submit a revised cost of ~~attendance if~~ attendance, adjusted veterans' educational benefits, or enrollment status. If the changes make the participant eligible for additional funds. ~~Eligibility for funds, the additional funds will be contingent upon funds being available.~~ on availability and the determination timing of any such changes.

(f) Any credit generated on the program participant's account due to a payment made by the Commission may be refunded to the student.

(g) Payments are based on current program eligibility and availability of funds.

(h) Program participants will receive 400% eligibility. One hundred percent (100%) represents one year of full-time payment at a traditional term-based school (i.e. quarter or semester terms). Eligibility is used for each term the participant receives payment and the amount of usage is determined by the type of term and attendance status.

(1) Eligibility used for full-time enrollment:

(A) 50% of eligibility will be used for each full-term payment at a semester or trimester term school; or

(B) 33.33% of eligibility will be used for each full-time term payment at a quarter term school;

(2) Eligibility is adjusted for part-time attendance. The following is a breakdown of eligibility based on term type:

(A) Semester or Trimester

1. Three-quarter time 37.5%

2. Half-time 25%

3. Quarter-time 12.5%

(B) Quarter

1. Three-quarter time 25%

2. Half-time 16.67%

3. Quarter-time 8.33%

(3) Awards are renewed each year for program participants who:

(A) The Adjutant General certifies as eligible;

(B) Satisfy enrollment in the minimum number of credits each term;

(C) Maintain a minimum 2.0 cumulative grade point average; and

(D) Have remaining program ~~eligibility~~ eligibility; and

(E) Complete ~~a the~~ the renewal application ~~that shall include the following information (Appendix C):~~ process pursuant to Section 30731(c):

(i) Program participants who accelerate college ~~attendance~~, attendance may increase the amount of award proportional to the period of additional attendance resulting from attendance in classes that fulfill requirements or electives for graduation during discretionary summer terms, sessions, or quarters. Eligibility and receipt of additional funding for discretionary summer terms will be contingent upon funds being available. In the aggregate, the total amount a student may receive ~~can not~~ cannot exceed the ~~maximum amount of program~~ 400% maximum eligibility ~~as a result of accelerating his or her progress to a degree by attending discretionary summer terms.~~ threshold.

(j) Program participants enrolled in institutions with a mandatory summer term or, pursuant to Section 30740, if approved for funding and attending a discretionary summer term, may increase the amount of award proportional to the period of additional attendance resulting from attendance in classes that fulfill requirements or electives for graduation. In the aggregate, the total amount a student may receive ~~can not~~ cannot exceed the ~~maximum amount of program~~ eligibility. 400% maximum eligibility threshold.

(k) If the program participant is eligible for payment at the time of disbursement, but drops units applicable to the payment received for a term, the program participant remains eligible for the entire payment, unless a refund is due based on the school's refund policy. If a refund is due, schools are responsible for repaying the Commission and reporting an adjusted payment transaction.

(l) If the program participant's tuition charges are reduced due to a drop in units, the qualifying institution shall submit an adjusted cost of attendance. The program participants remaining need will be ~~re-determined~~ redetermined and the award adjusted accordingly.

Note: Authority cited: Section 69999.22 Education Code. Reference: Section 69999.16 Education Code.

§ 30735. Fifth Year Benefits.

(a) Program participants enrolled in a Commission approved undergraduate, mandatory five-year program may be eligible to renew their ~~CNG EAAP~~ CMD GI Bill benefits for an additional year (100% eligibility). A mandatory ~~five-year~~ five-year program is one for which attendance beyond four years is required to meet the program's degree requirements. The student's course of study must require every participant in that major to complete more than four years of study for graduation. Students must submit a Request for California ~~National Guard Education Assistance Award~~ Military Department GI Bill Award Program Fifth-Year Benefits (Appendix B). Eligibility and receipt for an additional year will be contingent upon funds being available.

Note: Authority cited: Section 69999.22 Education Code. Reference: Section 69999.16 Education Code.

§ 30736. Failure to Comply with Applicable Laws and Regulations.

(a) Except as otherwise specified in ~~section~~ Section 30737, a program participant may be withdrawn from the program and the Commission shall not make any further payments if the program participant fails to meet the requirements for payment pursuant to the terms of the program, including:

- (1) Failure to maintain enrollment in at least three academic units per semester or the equivalent at a qualifying institution;
- ~~(2) Failure to maintain a minimum of a 2.0 cumulative grade point average while attending a qualifying institution;~~
- ~~(3)-(2) Loss of status as a California resident;~~
- ~~(4)-(3) Failure to submit a renewal application each academic year except if the program participant has an approved leave of absence; or~~
- ~~(5)-(4) Violation of the Commission regulations; or regulations.~~
- ~~(6) Failure to maintain active status in the California National Guard, State Military Reserve, or the Naval Militia.~~

~~(b) At any point in the program, The Adjutant General may submit a list of program participants who no longer satisfy the requirements of the program to the Commission. The Commission shall make no further payments under the program and the participant shall be withdrawn.~~

(b) A program participant may be permanently withdrawn from the program, if the program participant fails to meet the requirements for payment pursuant to the terms of the program, including:

- (1) Failure to maintain a minimum of a 2.0 cumulative grade point average while attending a qualifying institution;
- (2) Failure to maintain active status in the California Military Department (the California Army or Air National Guard; California State Guard (Cal State Guard), formerly State Military Reserve; or the California Naval Militia);
- (3) Has used all 400% program eligibility;
- (4) Falsifying or misrepresenting data;
- (5) For participants entering the program during or after the 2020-2021 academic year, exceed a 10-year period to complete a course of study leading to a certificate, degree, or diploma unless extended pursuant to Section 30737(g);
- (6) For participants who entered the program during or after the 2020-2021 academic year, receipt of a separate baccalaureate, graduate, or doctoral degree while participating in the program.

(c) If a participant leaves any branch of the California Military Department (the California Army or Air National Guard; California State Guard (Cal State Guard), formerly State Military Reserve; or the California Naval Militia) while participating in the CMD GI Bill and transfers to the

California Army or Air National Guard; California State Guard (Cal State Guard), formerly State Military Reserve; or the California Naval Militia within 60 days, the participant retains program eligibility.

(d) A participant must remain within a service branch of the California Military throughout the participation period to receive award payments.

(e) If a participant is withdrawn, the Commission will disburse payments for those semester(s), trimester(s), or quarter(s) that the participant completed and met all program requirements while in attendance.

(f) The Adjutant General may excuse a program participant from fulfilling the two-year service commitment due to extenuating circumstances on a case-by-case basis.

Note: Authority cited: Section 69999.22 Education Code. Reference: Section 69999.16 Education Code.

§ 30737. Leave of Absence.

(a) A Leave of Absence (LOA) request may be submitted in writing to the Adjutant General for approval for the following reasons: serious illness; pregnancy; other natural causes; call to active military ~~status/activation/deployment~~; status/activation/deployment/military training; or reasons beyond the control of the participant.

(b) Upon the Adjutant General's approval, a program participant shall be excused for a period not to exceed one calendar year, unless approved by the Adjutant General for a longer period of time.

(c) The Adjutant General may waive the written requirement due to the enactment of a state of emergency or as ordered by the Governor.

(d) The Commission shall make no further payments under the program until the applicable enrollment requirements have been satisfied and the program participant has submitted a ~~renewal application.~~ application, if required.

(e) The program may extend the deadline to complete the renewal application process for participants who are called to active military status/activation/deployment, which prevents them from completing the Renewal Application Process on time.

(f) The three-unit minimum enrollment requirement may be waived, and a LOA approved, for academic terms that began prior to an applicant's acceptance into the program. A program participant is not required to submit a LOA request.

(g) The 10-year requirement for program participants to complete their course of study towards a degree may be extended by the Adjutant General for up to an additional five years on a case-by-case basis for program participants who were called to active military status, activation, deployment or other unexpected circumstances, and which prevented completion of a degree within 10 years.

Note: Authority cited: Section 69999.22 Education Code. Reference: Section 69999.16 Education Code.

§ 30738. Appeal Process.

(a) If a program participant is withdrawn, the individual may request an administrative appeal from ~~The~~ the Adjutant General that describes why he or she should be reinstated into the program. In addition, supporting documentation showing that the participant had continually met program eligibility shall be required. If the Adjutant General determines the program participant should not have been withdrawn, the individual's program benefits shall be reinstated. The program participant will not be eligible for any benefits for awards years that are closed.

Appeals may be submitted when:

- (1) Procedural error beyond the control of the participant results in ineligibility;
- (2) The participant alleges other violations of this regulation or controlling statute.

(b) Appeals must be submitted in writing and sent to:

| |
|---|
| CALIFORNIA NATIONAL Guard <u>MILITARY DEPARTMENT</u> |
| ATTN: EAAP <u>CMD GI BILL</u> COORDINATOR (BOX 37) |
| P.O. BOX 269101 <u>9800 GOETHE ROAD</u> |
| SACRAMENTO, CA 95826-9101 <u>95827-3561</u> |

(c) All appeals must be received by the ~~CNG EAAP~~ CMD GI Bill Coordinator within 90 calendar days of:

- (1) Notification of ~~Educational Assistance~~ CMD GI Bill Award denial;
- (2) Learning of procedural error.

Appeals submitted for failing to ~~meeting~~ meet program guidelines will not be accepted.

Note: Authority cited: Section 69999.22 Education Code. Reference: Section 69999.16 Education Code.

§ 30739. Request for Teaching Credential Program Benefits.

(a) Program applicants who plan to enroll in a Teaching credential program may be eligible to renew their CMD GI Bill benefits for an additional year (100% eligibility). The additional year of payment is limited to students seeking an initial teaching credential. Applicants must:

(1) Have completed a bachelor's degree, or completed all required coursework for a bachelor's degree;

(2) Enroll in a professional teacher preparation program at an institution approved by the California Commission on Teacher Credentialing within 15 months of the end of the last term for which the recipient received a CMD GI Bill Award Program payment. This time period may be extended if the participant is approved for a leave of absence or for other reasons such as military deployment;

(3) Have not applied to an initial Teaching Credential program, such as a Preliminary or Clear Credential; and

(4) Submit the Request for Teaching Credential Program Benefits form to the California Military Department to be considered for an additional year of payment. Eligibility and receipt for the additional year will be contingent upon fund availability.

(b) The Request for Teaching Credential Program Benefits form shall include the following information regarding the program applicant (Appendix D):

(1) Last name, first name and middle initial;

(2) Date of Birth;

(3) Last four digits of a Social Security Number;

(4) Street Address, City, State, and Zip code;

(5) Identification of any an address change;

(6) E-mail Address;

(7) Telephone number;

(8) Indication if participant received a bachelor's or graduate degree or completed all required coursework with receipt date or expected receipt date of degree or completion date of all required coursework;

(9) Date that applicant was formally accepted into a Teaching Credential Program and the name of the institution;

(10) Indication if change from previous school;

(11) Indication the participant will enroll and the term he or she will enroll in;

(12) Date and academic term the applicant plans to enroll;

(13) Identification of any credentials the applicant has or date the applicant expects to receive. For a Preliminary Credential, indicate the date the applicant has applied, or will apply, for;

(A) Preliminary credential;

(B) Clear credential;

(C) Emergency permit;

(D) Other credential(s) (list type).

(14) The program applicant's representation that they understand and agree:

(A) That to qualify for additional eligibility they must complete a bachelor's degree, or complete all required coursework for a bachelor's degree, and be accepted into or enrolled at a Teaching Credential Program at an institution approved by the California Commission on Teacher Credentialing;

(B) Failure to enroll in a professional teacher preparation program at an approved Teacher Credentialing program within 15 months (unless extended for a Leave of Absence) of completing a qualifying degree will result in a forfeiture of benefits;

(C) Award eligibility will be limited to courses necessary to obtain the initial Teaching credential;

(D) If a participant attends an institution other than the one listed on the application, the participant shall submit a Record Change Request form to the California Military Department.

(E) If extension for Teaching Credential Program Benefits is approved, the applicant will receive the equivalent of one year of additional eligibility (100%). An approved extension does not guarantee funding payments for the academic year. Funding will be contingent on availability.

Note: Authority cited: Section 69999.22 Education Code. Reference: Section 69999.16 Education Code.

§ 30740. Mandatory and Discretionary Summer Terms

(a) If funds remain in an academic year to provide funding for discretionary summer terms, the California Military Department will award payments to participants who have submitted a Summer Term Certification form for the applicable year.

(b) The California Military Department will make discretionary summer term awards in order of priority, with priority given to the lowest number in ascending order.

(c) For participants attending discretionary summer terms, the participant shall submit the Summer Term Certification form to the California Military Department for each academic year he or she would like to be considered for a summer term award. The California Military Department may process a participant's summer term eligibility without the commander's certification on the Summer Term Certification form for instances where the California Military Department has

verified with the institution that the participant has already completed the coursework for the summer term.

(d) For participant's attending mandatory summer terms, the participant shall submit the Summer Term Certification form to the California Military Department for each academic year he or she is enrolled in summer coursework. The California Military Department may process a participant's summer term eligibility without the Summer Term Certification form for instances where the California Military Department has verified with the institution that the participant has already completed the coursework for the summer term.

Note: Authority cited: Section 69999.22 Education Code. Reference: Section 69999.16 Education Code.

§ 30741. Two- Year Service Commitment

(a) Program participants who enter the CMD GI Bill Award Program during or after the 2020-2021 academic year are required to serve two years in the California Military Department following program participation.

(b) The two-year service commitment shall begin the day after the end of the final academic term of the program for which the participant received a program payment.

(c) Participants who leave the California Military Department prior to fulfilling the two-year service commitment may be required to repay all program funds received.

(d) Program participants may transfer among the service branches of the California Military Department (the California Army or Air National Guard; California State Guard (Cal State Guard), formerly the State Military Reserve; or California Naval Militia) to fulfill the service commitment. Breaks in service greater than 60 days, may result in recoupment of all program funds distributed to the participant.

Note: Authority cited: Section 69999.22 Education Code. Reference: Section 69999.16 Education Code.