

CALIFORNIA STUDENT AID COMMISSION
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**ADDENDUM TO THE INITIAL STATEMENT OF REASONS FOR THE PROPOSED
CALIFORNIA MILITARY DEPARTMENT GI BILL AWARD PROGRAM**

PURPOSE AND NECESSITY REVISIONS TO THE PROPOSED REGULATIONS

Staff has prepared the following proposed modifications to the Initial Statement of Reasons to provide additional clarity and discussion of the purpose and necessity of proposed 15-day amendments to the regulatory text. The expanded analyses and discussion are designed to more clearly address the purpose and necessity of proposed regulatory amendments included in the ISOR released to the public on January 19, 2021, and to address the proposed 15-day amendments.

General. In addition to the revisions enumerated below, the Commission included several nonsubstantive revisions in the modified regulation text to utilize consistent terminology throughout the CMD regulations (e.g., “program participant”); spell out acronyms for clarity (e.g., “SSN”); update authority and reference citations; update the Commission’s mailing address; insert internal cross-references; and fix punctuation, capitalization, and grammar.

Sections 30730, 30731, 30734, 30735, 30737, 30739, 30740 and Appendices A, B, C, and D.

Reporting form additions and Appendices deletions:

Staff’s proposed amendments to the regulations incorporate the general content of several reporting and acknowledgement forms, which are required components of the program application and participation process for program participants. These new form content descriptions relate to the initial and renewal “Statement of Understanding” forms; the Record Change Request form; the Summer Term Certification form; Service Commitment Acknowledgement form; and Letter of Recommendation form.

Staff has also removed the forms previously incorporated into Appendices A through D, which include the Initial Application form, the Renewal Application form, the Request for Fifth Year Benefits form, and the Request for Teaching Credential Benefits form. Staff has further described the content of these forms in the regulatory text in lieu of attaching the forms as formal appendices to the regulations.

Rationale for the amendments:

Staff has determined that including the contents of all the above forms in the regulatory text is necessary because they include various application requirements and/or program

participant provisions, acknowledgements, and requirements, which should be fully disclosed in the rulemaking effort and thoroughly described in the California Code of Regulations upon adoption and approval.

Staff has also determined that removing the form appendices (A through D) from the proposed regulations (and the existing California Code of Regulations), and instead incorporating the content of these forms into the regulatory text will improve the clarity of the regulatory provisions, acknowledgements, and requirements to be addressed in the forms for program applicants and participants.

Section 30730. Definitions “Eligible Applicant”

Proposed amendment to subsection (c):

Staff is modifying this section to accord with Education Code section 69999.16(b)(1)(C), which requires program applicants to have been accepted, enrolled, or registered at an institution for the academic year for which they are applying for program funds.

Rationale for the amendment:

To satisfy the consistency standard, it is necessary and appropriate for this section of the regulation, and references to eligible applicants in sections 30731(a)(14) and (c)(11) of the regulation to align with current statutory text.

Proposed amendment to subsection (i):

Staff is modifying this section to accord with existing section 30731(a)(21)(D).

Rationale for the amendment:

To satisfy the consistency standard, it is necessary and appropriate for this section of the regulation to align with existing language in the regulations.

Section 30730. Definition “Excess Award”

Proposed amendment:

Staff is revising the definition of “excess award” to revert back to the language currently printed in the CCR.

Rationale for the amendment:

Staff is seeking to reinsert the language “whichever is earlier” so it is clear to the public which circumstance controls “all available awards exhausted or the Adjutant General no longer has authority to make awards”.

Section 30730. Definition “Record Change Request Form”

Proposed amendment:

Staff is adopting a definition for “Record Change Request form.” The Record Change Request form includes (1) instructions on which sections to complete based on the type of request and how to submit the form; (2) the name, address, telephone number, e-

mail address, and date of birth for the program participant; (3) the specific type of change requested, including change to contact information, school change, reporting of federal educational benefits for veterans received by the program participant, to request a leave of absence, and/or to confirm a program change between the CMD GI Bill and Cal Grant programs and; (4) a signature by the program participant signed under penalty of perjury under the laws of the State of California that all statements contained in the form and any accompanying documents are true and correct, with full knowledge that all statements made in the form are subject to investigation.

Rationale for the amendment:

Staff is seeking to adopt a definition for “Record Change Request form” so the public is aware of the circumstances under which the form must be completed. Use of a single form will make it easier for the Department to keep track of program participant requests and process those requests in a timely manner. This form is utilized by program participants for a variety of purposes, so a general definition for the form has been included at the beginning of the Commission’s CMD regulations. The main content of the form mirrors the California Student Aid Commission’s G-10 Grant Record Change Request form.

Program participants must provide their contact information so that CMD Program staff can determine and record who the form is for (date of birth and the last 4 of the Social Security Number in case there is more than one student with the same name); and determine if the participant’s contact information is consistent with what is on file and to make any needed corrections and ensure updated contact information is provided. The requested contact information is also useful to ensure that the contact information for new participants is placed on file.

For any name changes, program participants must provide the new name and previous name and attach a copy of their driver’s license, SSN, or marriage certificate to support the name change. The documentation was based on the documentation required by the California Student Aid Commission on the G-10 Grant Record Change Request form.

Program participants requesting a school change must list the name of the school they are changing to, the effective date, and the term the change will become effective so that Program staff can process the change for the appropriate terms. Program participants who are changing programs must also list the new program information on the form as the changes to Education Code 69999.16(b)(1)(D) limits program participants to one baccalaureate, graduate, or doctoral degree. This information allows Program staff to determine if there is a mid-degree change, or if the program participant has reached the limit of one degree.

After completing the application, some program participants will start receiving federal educational benefits for veterans, which must be reported to Program staff so the calculation set forth in Education 69999.18(d) and subsections 30734(a)(3) and (4) and 30734(c)(1) can be performed. Program participants and must select among the

programs listed in subsection 30731(a)(17) and (18) and subsection 30731(c)(15) and (16); or any other federal educational benefits for veterans program not already listed, and which may reflect the creation of new funding programs.

Program participants must complete the Record Change Request form in accordance with subsection 30734(a)(3) and section 30737 to request a leave of absence for any academic term where they are not meeting a 3-unit minimum standard as required by Education Code 69999.16(b)(1)(D). This is necessary to determine the eligibility of participants to continue in the Program. Participants must indicate the academic term the request is for, including the exact leave dates and the reason for the leave of absence.

Program participants can only receive payments from either the Cal Grant or the CMD GI Bill in an academic year per Education Code 69999.20 and must select which program they prefer on their application. If the program participant decides to switch programs, they must indicate the change on the form so staff can track and process their request.

Program participants must sign and date the form under standard California penalty of perjury provisions to enable Program staff to ensure the information contains an adequate degree of reliability to justify the allocation of State funds.

Section 30730. Definitions for “Renewal Statement of Understanding” and “Statement of Understanding”

Proposed amendment:

Staff is repealing the proposed definitions for “Renewal Statement of Understanding” and “Statement of Understanding.”

Rationale for the amendment:

Staff is seeking to delete these definitions because the Commission will be utilizing the forms exemption for these forms. The contents of these forms are enumerated in Section 30731. As such, there is no need to adopt general definitions for these terms. Necessity for the contents of the forms is discussed above.

Section 30731. Application to Participate in the Program.

Proposed amendment to subsection (a):

This subsection is amended to enumerate all the required forms that must be completed as part of the application to participate in the program. This subsection is also amended to utilize consistent terminology regarding initial application versus application materials.

Rationale for the amendment:

As currently written, it was unclear which forms were required to be completed as part of the application to participate in the program. Updating the language to show “application materials” instead of just “initial application” clarifies the requirement for

applicants to complete more than just the initial application to be considered for an award. By enumerating all the required forms and the required form contents in regulation, applicants have a clear picture of all program application requirements, provisions, and acknowledgements. The purpose and necessity for the submittal of each of the forms and form contents is discussed in this addendum to the ISOR.

Proposed amendment to subsection (a)(18)(B):

This proposed amendment updates the name of the Ch. 31 federal benefits program from the prior “Vocational Rehabilitation & Employment Program” to the current “Veterans Readiness & Employment Program”.

Rationale for the amendment:

The name was updated for clarity and accuracy to match the name change made by the veterans’ administration to the name of this federal Program.

Proposed amendment to subsection (a)(21)(K): *Statement of Understanding*

This proposed amendment describes the informational contents of a form created by the California Military Department that an active member applying to the CMD GI Bill must complete to confirm they acknowledge the program requirements and agree to comply with the program terms and requirements. Program participants must be active members of the California Military Department (California National Guard, The California State Guard, or the California Naval Militia). The active member’s unit commander must sign to certify the member is active in the California Military Department.

The form includes and references information from the Statute and Code of Regulations governing the Program. In particular, the form explains the requirements set forth by Sections 30730, 30731(a), 30734, 30735, 30736, 30737, 30740, and 30741 of the proposed regulations. The form also contains participant acknowledgements that they cannot modify the form; that their military obligations take priority over academic work; contain instructions for determining if an institution (including locations and programs) is eligible; provides steps and guidance to complete the Statement; requirements for replying to communications from the Program; and acknowledgement they have read the Frequently Asked Questions on the CMD GI Bill website within 30 days, and that their form must be submitted within 30 days of signature by their unit commander certifying the member is an active member in the California Military Department.

Rationale for the amendment:

The form is to ensure applicants are aware of their responsibilities in the Program and serves as an application supplement to identify the additional responsibilities and acknowledgements of service members wishing to participate in the program. Applicants sometimes complete the form weeks or months after they complete the online application.

Applicants are required to date and sign under penalty of perjury under the laws of the State of California and are required to agree to provide verification of the accuracy of

the information reported in the Statement, if requested. This is necessary to obtain information with a degree of reliability to justify the expenditure of State funds.

Participants must provide their contact information as some members will submit forms separately and sometimes without completing the online application that could otherwise be used to obtain contact information. Some service members will send the form directly from a scanner, so program staff may be unable to respond to the e-mail from which the form was sent.

The Statement includes references to relevant sections of the Education Code and statute to assist a participant's familiarity with program provisions.

The unit commander must sign certifying the member is active in the California Military Department because the unit commander is the best person to verify this and is the first to know if the member becomes inactive. The California Military Department's member tracking system can take a month or more to be updated. Thus, submitting the form within 30 days of signature helps reduce the likelihood that a member's status has changed.

Proposed amendment to subsection (a)(21)(L): *Service Commitment Acknowledgement*

This proposed amendment clarifies how applicants must complete and submit the form as part of the program application and describes the contents of the form. Form contents include (1) a statement that the applicant understands they must complete a two-year service commitment in the California National Guard, California State Guard, or California Naval Militia following completion of the last academic period for which educational assistance was provided and that failure to do so will result in recoupment of the funds; (2) the applicant's e-mail address and phone number; and (3) a request for the form to be signed and dated by the applicant.

Rationale for the amendment:

Completion of the form is necessary because it requires applicants to acknowledge the statutory requirement to serve 2 years in the California Military Department upon completion of their last participation period in the CMD GI Bill as required under Education Code 69999.16(b)(1)(E) and subsection 30731(a)(21)(F). Because some applicants will submit the form separately from, and sometimes without completing, the online application it is necessary for applicants to provide their contact information. Some applicants send the form directly from a scanner, so program staff may be unable to respond to the e-mail address from which the form was sent.

Proposed amendment to subsection (a)(21)(M): *Letter of Recommendation*

This proposed amendment clarifies how applicants must submit the form as part of their application and describes the content of the form. The form includes (1) a statement that the professor, school counselor, commander, or civilian employer recommends the applicant for acceptance into the program; (2) requires that an email address and phone number be provided for the professor, school counselor, commander, or civilian

employer providing the recommendation; and (3) be signed and dated by the professor, school counselor, commander, or civilian employer.

Rationale for the amendment:

The Letter of Recommendation was added to the program application requirements by the Military Department to address a recommendation from the Legislative Analyst's Office that the provisions of Education Code section 69999.16(e) be included in the application process, to avoid favoring one branch of service over another. The Letter of Recommendation addition to the application was determined to be the least burdensome and most objective mechanism to address the Legislative Analyst's Office recommendation. The contact information for the signatory of the Letter of Recommendation is requested so they may be contacted for verification.

Proposed amendment to subsection (c):

This subsection is amended to enumerate all the required forms that must be completed as part of the renewal application process to participate in the program.

Rationale for the amendment:

As currently written, it was unclear which forms were required to be completed as part of the application process to participate in the program. By enumerating all the required forms and the required form contents of the various forms in regulation, renewal applicants should have a clear picture of all "renewal application" requirements.

Proposed amendment to subsection (c)(12):

This subsection is proposed to be amended to require program applicants to identify and report their desired or proposed subject area, or field of study, under the degree, certificate, or diploma pursued by the applicant.

Rationale for the amendment:

It is necessary to request applicants to report their desired or proposed subject area of degree, certificate, or diploma because Education Code Section 69999.16(B)(1)(D) was amended to limit use of the award towards obtaining one baccalaureate, graduate, or doctoral degree leading to a certificate, degree, or diploma. Requiring applicants to report this information allows program administrators to more easily verify if a proposed subject area would potentially lead to a required certificate, degree, or diploma.

Requiring applicants to report a proposed subject area also helps program administrators ensure that applicants do not use program funding to obtain multiple degrees within a similar field of study. For example, if an applicant obtains a Bachelor of Business Administration – Accounting Management, they would not be eligible to use program funding to obtain a second or separate Bachelor of Science in Forensic Accounting and Fraud Examination.

Proposed amendment to subsection (c)(16)(B):

This proposed amendment updates the recent name change to a federal educational

benefits program from its prior name as the “Vocational Rehabilitation & Employment Program” to its current name as the “Veterans Readiness & Employment Program”.

Rationale for the amendment:

This modification is necessary to accurately reflect the current program name in the proposed regulations and to match the recent change the Veterans’ Administration made to the name of the Program for clarity and accuracy.

Proposed amendment to subsection (c)(17)(I)(4): *Service Commitment Acknowledgement form*

The purpose and necessity of the proposed amendments to the Service Commitment Form are discussed above.

Proposed amendment to subsection (c)(17)(K): *Renewal Statement of Understanding*

This proposed amendment describes the informational contents of a form created by the California Military Department that an active member applying to the CMD GI Bill must complete to confirm they acknowledge the program requirements and agree to comply with the program terms and requirements that are listed on the form. Program participants must be active members of the California Military Department (California National Guard, The California State Guard, or the California Naval Militia). The active member’s unit commander must sign the form to certify the member is active in the California Military Department.

The form includes information from the existing California Code of Regulations governing the Program to inform participants of program responsibilities and requirements. The informational requirements of the form explain the requirements as set forth by CCR Sections 30730, 30731(c), 30734, 30735, 30736, 30737, 30740, and 30741. The form also includes an acknowledgement that the service member cannot modify the form; that their military obligations take priority over academic work; describes how to determine if an institution (including locations and programs) is eligible under the program; provides steps and guidance to complete the Statement; contains requirements for replying to communications from the Program; and includes an acknowledgement they have read the Frequently Asked Questions on the CMD GI Bill website; and that their form must be submitted within 30 days of signature by their unit commander certifying the member is an active member in the California Military Department.

Rationale for the amendment:

This proposed amendment incorporates the informational content of the Renewal Statement of Understanding form in lieu of incorporating the form itself into the California Code of Regulations. The form is necessary to ensure service members are aware of their responsibilities under the Program. Service members must provide their contact information as some will submit other application forms separately and sometimes without completing the online application that could otherwise be used to obtain the service members contact information. Others will send the form directly from

a scanner, so program staff may be unable to respond to the e-mail from which the form was sent.

Members are required to date and sign under penalty of perjury under the laws of the State of California and are required to agree to provide verification of the accuracy of the information reported in the statement, if requested. This is necessary to obtain information with a degree of reliability to justify the expenditure of State funds.

The Renewal Statement of Understanding includes references to relevant sections of the Education Code and statutory provisions to assist their familiarity with program provisions and requirements.

The unit commander must sign certifying the member is active in the California Military Department because the unit commander is the best person to verify this and is the first to know if the member becomes inactive. The California Military Department's member tracking system can take a month or more to be updated. Thus, submitting the form within 30 days of signature helps reduce the likelihood that a member's status has changed.

Proposed amendment to subsection (c)(18):

This proposed amendment was added to match the requirement in subsection (a)(22) for initial applicants to acknowledge that submission of a signed application is done under penalty of perjury under the laws of the State of California and the Uniform Code of Military Justice; and authorizes the CMD and the Commission to receive and release information related to the award.

Rationale for the amendment:

This proposed amendment addresses an oversight in the existing California Code of Regulations stemming from when the Renewal Application was added to the Code without this acknowledgement. The amendment is necessary to inform renewal applicants that they are subject to the same statutory and regulatory requirements affecting the initial applicants.

Proposed amendments to subsections (d) and (e)

Proposed subsection (d) addresses potential application deadline extensions for renewal applicants who received excess awards and changes the wording from two months to 60 days; and proposed subsection (e) addresses eligibility for subsequent degrees for renewal applicants who entered the program at or prior to the 2019-2020 academic year. The amendment to proposed subsection (e) clarifies that continued participation in the program is based on funding availability.

Rationale for the amendment

The proposed amendments are necessary to potentially allow for the extension of renewal application processing timelines for recipients of excess funding awards, and to clarify program benefits and requirements applicable to participants who first entered the program prior to the 2020-2021 academic year. The extended 60-day application

filing deadline under subsection (d) is necessary because applicants may wait 10 to 12 months from when they submit their application until they are notified of acceptance into the CMD GI Bill program. Because of this long wait, the renewal deadline for the upcoming academic year may have closed before the applicant has been notified of their acceptance. For example, an applicant who applies for the 2020-2021 academic year in June of 2020 may not receive notification of their acceptance until June 2021, by which time the renewal application deadline for the 2020-2021 academic year has already passed. The proposed amendment changing the reference from two months to 60 days is necessary to provide a more exact measure of time.

Allowing a renewal application deadline extension for applicants who would have less than 60 days to complete the renewal application process is necessary and appropriate because, for those service members whose units meet once a month, additional time may be necessary for the unit commander to have an opportunity to sign the service member's Renewal Statement of Understanding.

The change made to subsection (e) clarifies that continued program benefits are subject to funding availability, in those cases where funds have ceased to be available.

Section 30733. Selection by the Adjutant General.

Proposed amendment to subsection (e):

Staff reinserted language from the existing regulations regarding the phrase "whichever is earlier" and changed prior to "being accepted into the program" to prior to "being considered for an award."

Rationale for the amendment:

Including the phrase "whichever is earlier" may help improve clarify which circumstance controls: "all awards are exhausted or the Adjutant General no longer has authority to make awards". To satisfy the consistency standard, it is necessary and appropriate for this section of the regulation to align with the language currently printed in the California Code of Regulations (CCR).

Section 30734. Payments.

Proposed amendment to subsection (a):

Staff removed references to "the California Military Department" and replaced with "the Adjutant General", and removed that the California Military Department determines payment eligibility.

Rationale for the amendment:

To satisfy the consistency standard, it is necessary and appropriate for this section of the regulation align with current statutory text. Education Code section 69999.16(d) states the Adjutant General certifies the applicant is eligible for an award.

Proposed amendment to subsection (a)(1):

In the initial proposed changes to the Regulation, “the Adjutant General” was updated to “the California Military Department” for the entity responsible for notifying the Commission of the eligibility of renewal applicants. Staff changed this reference back to “the Adjutant General.”

Rationale for the amendment:

To satisfy the consistency standard, it is necessary and appropriate for this section of the regulation align with current statutory text. Education Code section 69999.16(d) states the Adjutant General certifies the applicant is eligible for an award.

Proposed amendment to subsection (a)(2)(M):

Staff added “revised cost of attendance, adjusted veteran’s educational benefits, and the program participant’s enrollment status” to the information to be provided by the institution for a returned award.

Rationale for the amendment:

This addition is necessary to clarify the information an institution should provide when returning an award. This information is necessary to assist the Military Department in accurately assessing the reason for any returned awards.

Proposed amendment to subsection (a)(3): *Record Change Request*

The proposed amendments are designed to clarify the specific portion of Sections 30731(a) and (c) that are relevant to the information to be updated on the Record Change Request form and explains the contents of the form.

Rationale for the amendment:

The necessity of the proposed amendment is described above.

Proposed amendment to subsection (d):

The proposed amendments are designed to clarify how program participants must notify the California Military Department of changes to their school, college, or program.

Rationale for the amendment:

Program participants must submit changes to their school, college, or program on the Record Change Request form so program staff can track and process the request.

Proposed amendment to subsection (e):

Staff made minor text changes in reference to program participants and other sentence structure modifications.

Rationale for the amendment:

These changes were made for added clarity, accuracy, and consistency with other regulatory text.

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

Proposed amendments to subsections (a) and (b)

The proposed amendments are designed to differentiate between existing program withdrawal reasons under subsection (a) and proposed “permanent withdrawal” reasons from the program, as proposed under subsection (b). The amendment also removes language concerning further Commission payments when a participant fails to meet program requirements. The amendment further specifies a program participant may be withdrawn for falsifying or misrepresenting data filed with the Commission, the California Military Department or the educational institution, regarding the program participant’s award payment, are grounds for permanent withdrawal.

Rationale for the amendment

The amendments are necessary to describe the conditions under which participants may be able to reapply for program benefits versus when they are permanently removed from the program. The proposed deletion concerning Commission payments is necessary because participants may still be owed payments for prior terms after having been determined ineligible for current or future payments due to a failure to maintain program compliance requirements. The grounds and criteria for permanent withdrawal from the program under subsection (b) were established to reflect a participant’s failure to comply with the requirements set forth under Education Code Section 69999.16. It is necessary to set forth the grounds for permanent withdrawal to clarify for participants the circumstances under which they would be unable to return to the program.

Proposed amendments to subsection (c)

This proposed subsection specifies that if a participant resigns from any of the various service branches within the California Military Department, they must transfer to another service eligible branch within 60 days to retain eligibility for the CMD GI Bill Award Program.

Rationale for the amendment

It is necessary to define this service enlistment timeline because participants must remain active in a California Military Department service branch to continue to receive program benefits pursuant to Education Code Section 69999.16(b)(1)(B). If a participant allows more than 60 days to elapse before re-enlisting in an eligible service branch, a permanent loss of program benefits would occur. The 60-day threshold was established because there can be a delay when a participant leaves the California National Guard and becomes active in the California State Guard. This policy allows participants in this situation to continue in the program because such a transfer could require more than 30 days to process. Thus, the Military Department determined it was appropriate and necessary to allow for up to 60 days to accommodate any such transfer delays.

Proposed amendment to subsection (f)(1), (2), and (3):

This amendment details how program participants can request an exemption from the

2-year service commitment, including the basis of the exemption, and the time limit in which an exemption can be requested.

Rationale for the amendment:

Not all service members will be able to complete the 2-year service commitment. This amendment outlines the process for how program participants can request an exemption from the 2-year service commitment, the basis for an exemption request, and the time limit that applies to an exemption request. Should there be circumstances outside the program participant's control preventing them from completing the service commitment, such as medical discharge from the California Military Department, the program participant should not be required to repay funds received from the CMD GI Bill. Thus, it is necessary to establish a clear exemption procedure in the proposed regulations.

Section 30737. Leave of Absence.

Proposed amendment to subsection (a):

This amendment explains how program participants may utilize the proposed Record Change Request form to submit a Leave of Absence request.

Rationale for the amendment:

This amendment clarifies the process service members would need to follow to complete a leave of absence request. Staff proposes to use the Record Change Request form to better enable the Military Department to track and process such leave requests.

Proposed amendment to subsection (e):

Staff clarified that the Adjutant General can extend the deadline for the renewal application process.

Rationale for the amendment:

To satisfy the consistency standard, it is necessary and appropriate for this section of the regulation align with current statutory text.

Proposed amendment to subsection (f):

Staff clarified that the Adjutant General approves the leave of absences on a case-by-case basis.

Rationale for the amendment:

To satisfy the consistency standard, it is necessary and appropriate for this section of the regulation align with current statutory text.

Section 30739. Request for Teaching Credential Program Benefits.

Proposed amendment to subsection (a)(3):

Staff modified the sentence to address whether an applicant may have already received a teaching credential in addition to whether an applicant has previously applied for a credential program.

Rationale for the amendment:

This amendment is necessary to clarify that applicants already possessing a teaching credential are not eligible to apply for an additional credential under the program.

Proposed amendment to subsection (b):

Staff made minor wording and sentence structure changes to increase clarity and to specify that the information shall be submitted to the email address identified on the form.

Rationale for the amendment:

It's necessary to direct applicants to file the benefits form to the email address listed on the form to avoid the need to modify the regulations in the event of a future change to the email address used by the Military Department.

Section 30740. Mandatory and Discretionary Summer Terms.

Summary and Purpose of Section 30740

This proposed Section addresses the addition made in 2015 to Education Code 69999.16(b)(2) that added a requirement that program participants obtain a letter from their unit commander certifying that enrollment in summer classes will not adversely affect the program participant's attendance in mandatory military training.

This proposed Section would also establish a process and option for the Military Department to potentially allocate any remaining program funds from an academic year to finance participant enrollment in discretionary summer-term programs. These proposed "discretionary" summer funds would only be available when excess funds remain at year end and all mandatory academic term payments have been allocated to program participants. Subsection (c)(1) specifies that participants with the lowest priority numbers would be the first awarded, consistent with existing selection criteria for the CMD GI Bill Award Program.

Staff significantly amended this section to better describe and clarify the process for applying for these discretionary summer term funds. This section now includes the required informational contents of the Summer Term Certification form. The Summer Term Certification form explains the form is a requirement set forth by Education Code 69999.16(b)(2) to assure that enrollment in the summer term will not adversely impact the program participant's attendance at mandatory summer training and includes (1) acknowledgements made by the program participant regarding the requirements of this Section, Sections 30731(a)(21) and (c)(17), and Section 30734(d), (h), (i), and (j) as

explained on the form, and acknowledgement that any changes applicable to summer term participation must be reported to the program participant's unit commander and to Program staff; (2) the program participant's rank, name, last 4 digits of Social Security Number, e-mail address, phone number, class name, class dates and times, and date and time of final exam; (3) be signed and dated by the program participant under penalty of perjury under the laws of the State of California that all statements contained in the form and any accompanying documents are true and correct, with full knowledge that all statements made in the form are subject to investigation; (4) be signed and dated by the Unit Commander, including name, rank, and unit, and confirm that the program participant's enrollment in the summer term will not adversely affect his or her attendance at the mandatory military training; and (5) how to submit the form.

Rationale for the amendment

This proposed Section is necessary to create a fair and formalized selection process by the Military Department to allocate and use any remaining program funds to finance academic summer terms for program participants. The completion of a Summer Term Certification form is necessary to create a pool of potential participants for selection and ensures participants provide the necessary information to disburse summer award funds. The collected information from participants would readily show participant interest in attending a discretionary summer term. Incorporating the required contents of the Summer Term Certification form is necessary and appropriate because it will be used as the basis for the Military Department's selection of applicants for funding awards, and the form outlines other required applicant provisions and acknowledgements. Therefore, the contents of the form should be fully disclosed in the rulemaking effort and described in the California Code of Regulations upon adoption and approval.

Program participant must provide their contact information so that Program staff can determine and record who the form is for (date of birth and the last 4 of the Social Security Network in the case there is more than one student with the same name) and to check if the contact information is different than what is on file to follow up regarding the difference in information as sometimes the information is different but either neglects to mark yes or no if they want the information updated. Contact information is also used in the case that a service member provides the form but has never applied for the program, so there is no contact information on file.

Applicants are required to date and sign under penalty of perjury under the laws of the State of California and required to agree to provide verification of the accuracy of the information reported in the application, if requested. This is necessary to obtain information with a degree of reliability to justify the expenditure of State funds.

Many program participants complete the Summer Term Certification form months after they submitted the Statement of Understanding or Renewal Statement of Understanding and the form serves to remind the program participants of the information related to their use of the award for the summer term.

The form must be signed by the unit commander to meet the requirement set forth in Education Code 69999.16((b)(2) that program participants obtain a letter from their unit commander certifying enrollment in the summer classes will not adversely impact the program participant's attendance in mandatory military training.

Section 30741. Two-Year Service Commitment.

Proposed amendment to 30741(d)

The is proposing to remove subsection 30741(d).

Rationale for the amendment

Staff has determined the language in proposed subsection 30741(d) is confusing and unnecessary. Other subsections of the proposed regulations fully cover the two-service commitment, the consequences of not meeting the commitment, and the ability of program participants to request a service commitment waiver