

Action Item

California Student Aid Commission

Consideration of authorizing rulemaking to adopt and/or amend regulations to interpret and make specific Education Code section 66021.2, relating to “mandatory systemwide fees”, and Education Code sections 69999.10 – 69999.30 pertaining to the California National Guard Education Assistance Award Program

Staff is seeking authority to promulgate regulations, through the normal rulemaking process, relating to the definition of “mandatory systemwide fees” and implementing certain technical, non-substantive changes to the California National Guard Education Assistance Award Program (CNG EAAP).

a. Mandatory Systemwide Fees

At the last meeting, the Commission authorized staff to seek, through the emergency rulemaking process, a definition of “mandatory systemwide fees” to include the terms “tuition” and/or “tuition fee” which are now being used by the University of California and California State University systems to describe instructional and other related costs that those institutions charge to students.

Staff has completed the emergency rulemaking process and the emergency regulation took effect on March 24, 2011. Emergency regulations can become permanent if the Commission adopts the emergency regulation through the regular rulemaking process within the time period the emergency regulations are in effect. The regular rulemaking process will take approximately six (6) months to complete. The process may include a stakeholders meeting, a 45-day public comment period, Commission adoption of the regulations, and the review and approval by the Office of Administrative Law.

b. California National Guard Education Assistance Award Program

The California National Guard has requested that the Commission make certain changes to the current regulations implementing the CNG EAAP. The requested charges are as follows:

- A change to the CNG EAAP application to make the academic year generic (i.e., 20XX - 20XX) so that new forms do not have to be adopted/created for each new academic year.

- New applicant deadline changed from June 15th to April 30th to notify students as early as possible of their status and to streamline program administration.
- A change to the current definition of “eligible applicant” removing the section which makes previously withdrawn applicants from being re-considered for an award.
- Add language allowing students to be retroactively approved for leaves of absence after having been withdrawn from the program, if the student could have been approved for a leave of absence at the time of withdrawal.

The regular rulemaking process will take approximately six (6) months to complete. The process may include a stakeholders meeting, a 45-day public comment period, Commission adoption of the regulations, and the review and approval by the Office of Administrative Law.

Recommended Action: Authorize staff to take the necessary steps to complete the regulatory process on the above-referenced issues. Staff will bring the final rulemaking packages to the Commission for approval prior to its submission to the Office of Administrative law.

Responsible Person(s): Keri Faseler Tippins
General Counsel