

Action/Information Item

California Student Aid Commission

Emergency Amendment to Regulation Regarding Accepting Late Submission of Cal Grant Applicants' Grade Point Averages (GPA)

At the special Commission teleconference meeting, held on August 21, 2006, the Commission approved the finding of emergency and proposed regulations regarding Cal Grant applicants whose GPAs were not submitted to the Commission by the filing deadline, and authorized staff to make any minor technical changes to the draft of the proposed emergency regulation amendment that may be required by the Department of Finance as part of the approval process.

BACKGROUND

The existing regulation governing the late submission of grade point averages (GPAs) for Cal Grant applicants only allows for a 20-day grace period following the established filing deadline for reporting institutions to request to the Commission to accept late GPA submission. This regulation applies to both Entitlement and Competitive grant applicants, and only allows reporting institutions the ability to request late GPA submission, not the applicants themselves.

Recognizing that 33 schools representing 470 potentially Entitlement-eligible grant applicants did not submit their GPAs to the Commission by the March 2nd deadline and did not submit a request for late GPA submission within the ensuing 20-day grace period, the Commission directed CSAC staff to propose an emergency amendment to the existing regulation governing late submission of GPAs. After approving the proposed emergency regulations, the Commission authorized CSAC staff to make any technical changes to the emergency regulation amendment that may be required by Department of Finance prior to their approval. CSAC staff was also given approval to proceed, after approval by the Department of Finance, with the emergency regulation rulemaking process through the Office of Administrative Law (OAL) to make this amendment retroactively effective March 1, 2006. OAL's approval of this proposed emergency amendment to the regulation would enable the Commission to process those GPAs for the March 2, 2006 award cycle that were not submitted on time, and also to change the regulation on a permanent basis to extend the grace period to 75 days after the filing deadline for Entitlement grant applicants to request the Commission to accept late GPA submission, instead of the 20 days currently allowed.

As part of OAL's emergency rulemaking process, the Commission was required to submit Standard Form 399 (Economic Impact Statement) to the Department of Finance for approval to process those Entitlement applicants referenced above for the March 2, 2006 Cal Grant award cycle. While considering the Commission's request, the Department of Finance has periodically requested more information about the requests, and has also required CSAC staff to modify the proposed emergency regulation amendment to specifically address the Entitlement applicants referenced above.

The Department of Finance indicated that they would want any changes to the current regulations to include language that requires the Commission to notify students who may potentially be eligible for an Entitlement grant (based on information provided on their Cal Grant application) no later than 45 days after the established deadline that the Commission has not yet received their GPA. The Department of Finance also indicated that they would be agreeable to a 60 day grace period rather than an indefinite or 90 day period.

The proposed emergency regulations presented by CSAC staff and adopted by the Commission on August 21st made the following changes to the current regulations:

Change 1: Allows applicants as well as reporting institutions the ability to request approval for late GPA submission.

Change 2: Establishes a 75-day grace period following the March 2nd filing deadline for entitlement grant applicants to request that the Commission accept late GPA submission. The previous regulation only allowed a 20-day grace period for both entitlement grant applicants and competitive grant applicants. The 20-day grace period will remain but only apply for competitive grant applicants. Under the proposed regulations, entitlement grant applicants or their reporting institutions will have 75 days after the filing deadline in which to request the Commission to accept late GPA submission.

Change 3: Establishes 3 avenues of appeal that applicants or reporting institutions may pursue:

1. Provide certification from the reporting institution that circumstances beyond the control of the applicant prevented or delayed timely submission of GPAs to the Commission. This would require the applicant to have their school certify the circumstances provided to them by the applicant in order for this to be a valid request.
2. Provide proof that the GPA was originally mailed to the Commission by the applicant or reporting institution by the established deadline. This would be done through a certificate of mailing. The Commission currently encourages this practice.
3. Provide a description, under penalty of perjury, of the facts showing that circumstances beyond the control of the applicant delayed or prevented the timely submission of GPAs to the Commission. This provision is primarily designed to allow students to request late GPA submission who may not be able to get their school to agree to certify their appeal due to such circumstances as a disagreement between the student and the school.

Change 4: The Commission will notify, no later than 45 days after the established deadline, applicants who are potentially eligible for entitlement awards based on application information the Commission has received, (i.e. FAFSA ISIR) that their GPAs have not been received by the Commission by the established deadline.

The Commission's written notification to the applicants will inform the applicants that they will have 75 days from the established deadline of March 2nd in which to request the Commission to accept their late GPAs. In this written notification from the Commission, applicants will be informed of the conditions under which they can request to the Commission to accept late GPAs, and will be provided any necessary forms to facilitate their request.

CURRENT STATUS OF EMERGENCY REGULATION AMENDMENT

After further discussion with CSAC staff, the Department of Finance agreed to allow applicants 75 days after the established deadline in which to request the Commission to accept late GPA submissions. The Department of Finance also requested the inclusion of language specifically establishing a cutoff date for requests to be accepted for the March 2, 2006 GPA filing deadline. As a result, CSAC staff proposed a deadline of August 31st for requests to be accepted for the March 2nd filing deadline for this year only to capture all GPA submission received by CSAC staff from reporting institutions.

As of August 31, 2006, the Department of Finance has not yet made a determination on the request to process the Entitlement GPAs referenced above. Once this draft is approved by the Department of Finance, CSAC staff will forward the package to OAL, which requires a 10-day review period (including a 5-day public comment period) for emergency regulations. If approved by OAL, the regulation would immediately be filed by OAL with the Secretary of State, making the emergency regulation official, at which point the Commission will have the authority to process those GPAs referenced above for the March 2, 2006 award cycle. This emergency regulation amendment would be effective for 120 days, during which time the Commission must begin and complete the regular rulemaking process to make this emergency amendment permanent after that initial 120-day period.

Recommended Action: No action required

Responsible Staff: Max Espinoza, Chief
Program Administration & Services Division

Robert Illa, Fiscal Officer
Management Services Division

**Amendment to
California Code of Regulations
Title 5
Division 4
Chapter 1**

This proposed regulation incorporates the changes required by the Department of Finance as part of their approval process.

PROPOSED TEXT

Text proposed to be added to the California Code of Regulations is displayed in underline type.

Text proposed to be deleted is displayed in ~~strikeout~~ type.

Section 30023. In Lieu Test Scores; Grace Period.

* * *

(c) The Commission may, on a case-by-case basis, accept the submission of grade point average(s) from an applicant or a reporting institutions after the established deadline, if, in the opinion of the Executive Director, circumstances beyond the control of the applicant delayed or prevented the timely submission of the grade point average(s) by the applicant or reporting institution(s) by the established deadline. Such circumstances must be shown by a certification from the reporting institution of the circumstances beyond the control of the applicant that delayed or prevented the timely submission of the grade point average(s) by the reporting institution(s) by the established deadline, or by proof that the grade point average was originally mailed by the applicant or reporting institution before the deadline, or by a description, under penalty of perjury, of the facts showing that circumstances beyond the control of the applicant delayed or prevented the timely submission of the grade point average. In ~~such~~ the cases of an

application for a competitive grant award, any request to the Executive Director to accept grade point average(s) after the established deadline shall be received by the Commission no later than twenty (20) days after the established deadline and the computed grade point average(s) shall be included with the request. In the case of an application for an entitlement award, any request to accept grade point average(s) after the established deadline shall be received by the Commission no later than seventy-five (75) days after the established deadline and the computed grade point average(s) shall be included with the request. No later than 45 days after the established deadline, the Commission shall inform students who are potentially eligible for entitlement awards based on application information the Commission has received, that their grade point averages have not been received by the Commission by the established deadline; notify them that they have 75 days from the established deadline in which to request the Commission to accept their late grade point averages; and describe the procedures and requirements for requests to the Commission to accept late grade point averages.

* * *

Notwithstanding the grace periods established above, for the March 2, 2006 filing deadline only, the Commission shall accept all requests made by or on behalf of entitlement applicants that were received by the Commission no later than August 31, 2006, and shall evaluate in each such case whether circumstances beyond the control of the applicants prevented or delayed the timely submission of the GPAs.