

**Action Item**

***California Student Aid Commission***

Consideration of authorizing rulemaking to adopt regulation, Section 30001.5, Title 5, California Code of Regulations, Division 4, Chapter 1, to interpret, implement and make specific Section 66021.2 of the Education Code further defining “mandatory systemwide fees” to include “tuition” at public institutions

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Beginning with the 2011-12 academic year, the University of California and California State University systems adopted the use of the terms “tuition” and/or “tuition fee” to describe the cost of instruction that those systems charge to students. In February 2011, the Commission adopted an emergency regulation to ensure that “tuition” and/or a “tuition fee” would be among those mandatory systemwide fees that would be paid by a Cal Grant. The text of the emergency regulation is as follows:

“Mandatory systemwide fees” at the University of California and the California State University, referenced in Education Code section 66021.2(b)(1) and 66021.2(b)(2), include mandatory systemwide student charges labeled as the Educational Fee, Student Services Fee, tuition, and/or tuition fee.

The emergency regulation will expire on December 20, 2011, and the Commission has the ability to seek one additional 90-day extension through March 20, 2012.

To make this emergency regulation permanent, the Commission must follow the normal rulemaking process, which includes public notice of the proposed change, a 45-day public comment period and a review of the filing by the Office of Administrative Law. However, if we do not start the normal rulemaking process in November, it is unlikely that we can complete it before the emergency regulation expires on March 20, 2012.

***Recommended Action:*** Authorize staff to seek an additional 90-day extension of the emergency regulation and adopt the proposed regulation and accompanying documents, request that the effective date of the regulations be the date of filing, and authorize staff to take the necessary steps to complete the regulatory process.

***Responsible Person(s):*** Keri Faseler Tippins  
General Counsel