

CALIFORNIA STUDENT AID COMMISSION
P.O. Box 419029
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**AMENDMENT TO TITLE 5, DIVISION 4, CHAPTER 1, CA CODE OF
REGULATIONS REGARDING THE CAL GRANT PROGRAM (EDUCATION
CODE §§ 69430-69460)**

PROPOSED TEXT

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

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

ARTICLE 1. DEFINITION OF CERTAIN TERMS

§ 30000. Academic Year.

For Cal Grant A and B an academic year means two semesters or three quarters or their equivalent within a 12-month period between July 1 and June 30. 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. For Cal Grant C an academic year means 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.

Note: Authority cited: Section ~~69433.7~~⁶⁹⁵⁴⁴, Education Code. Reference: Sections ~~69432.7, 69432.9, 69500-69515~~ and ~~69530-69547~~, Education Code.

§ 30000.5 Commission.

“Commission” means California Student Aid Commission.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69432.7, Education Code.

§ 30001. Grant Recipient.

(a) A grant recipient is a person who has successfully met all of the applicable requirements set forth in Education Code Sections ~~69430 to 69440 69434, 69435.3, 69436, 69437.6~~ 69530 to 69547, who has been selected for a grant by the California Student Aid Commission, and who has accepted the grant ~~in terms of by enrolling in and attending a qualifying institution school or college to which he has been admitted.~~

(1) A Cal Grant A ~~grant~~ recipient, ~~whether entitlement or competitive~~, as defined in

Education Code Sections ~~69434, 69436, 69532~~ 69437, and 69437.6 may utilize a grant for tuition and fees as in Education Code Section 69434 and 69437.5 ~~69536~~;

(2) a-A Cal Grant B grant Recipient, whether entitlement or competitive, as defined in Education Code Sections ~~69435, 69436~~ 69435.3, 69436 and ~~69437.6 69532~~, may utilize a grant for tuition, fees, access costs and subsistence as in Education Code Section 69435 and 69437.5 ~~69538~~;

(3) a-A Cal Grant C grant recipient, as defined in Education Code Section ~~69439 69532~~, may utilize a grant for occupational or technical training for tuition and training-related costs as in Education Code Section ~~69439 69539~~.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69437.5, 69439, Education Code.

§ 30002. Eligible Applicant.

An eligible applicant is any person who has successfully met the requirements for at least one of the Cal Grant programs set forth in Education Code Sections ~~69430-69440 69530 to 69547, Education Code~~, and has submitted in proper form and prior to established deadlines such applications, supplements and grade point average transcripts of academic record, and financial and other information as the ~~California Student Aid Commission~~ may direct.

Note: Authority cited: Section ~~69433.7 69544~~, Education Code. Reference: Sections 69433, 69434, 69435, 69436 ~~69534 69536, 69538, 69539 and 69541~~, Education Code.

§ 30004.5 Educational Level.

(a) For purposes of determining a grant recipient's total program eligibility, the institution shall determine, at the time of initial payment, the educational level of the grant recipient based upon the number of units completed, as follows:

- (1) Educational level 1 shall consist of 0 to 29.9 semester units, 0 to 44.9 quarter units, or the equivalent;
- (2) Educational level 2 shall consist of 30 to 59.9 semester units, 45 to 89.9 quarter units, or the equivalent;
- (3) Educational level 3 shall consist of 60 to 89.9 semester units, 90 to 134.9 quarter units, or the equivalent; and
- (4) Educational level 4 shall consist of 90 or more semester units, 135 or more quarter units, or the equivalent.

Note: Authority cited: Section 69433.7 Education Code. Reference: Sections 69433.6 Education Code.

§ 30005. Eligibility Limitations.

Undergraduate course means the first eight semesters or twelve quarters or their equivalent of full-time college attendance beyond the high school graduation and prior to a baccalaureate degree. Eligibility may be extended for two semesters or three quarters or their equivalent for students enrolled in a five-year undergraduate program.

Note: Authority cited: Section 69433.7 69544, Education Code. Reference: Sections 69433.6, 69536 and 69538, Education Code.

§ 30009. Qualifying Institution.

- (a) A "Qualifying Institution" means an institution as defined by Education Code section 69432.7(1).
- (b) An institution qualifying pursuant to section 69432.7(1)(1) must be participating in the Federal Pell Grant program and in at least two of the three federal campus-based programs specifically listed in subdivisions (A), (B) and (C) of that section. "Participating in federal campus-based programs" means the qualifying institution school has been allocated funds and is spending those funds at each California site which Cal Grant recipients attend.
- ~~(c)(1) An institution qualifying pursuant to section 69432.7(1)(2) means a postsecondary nonprofit institution headquartered and operating in — California which: (A) certifies to the Commission that 10 percent of the institution's operating — budget is expended for institutionally funded student financial aid in the form — of grants; and — (B) demonstrates to the Commission that it has the administrative capacity to administer the funds; and — (C) is accredited by the Western Association of Schools and Colleges; and — (D) meets such other standards adopted by regulation by the Commission in consultation with the Department of Finance.~~
- (c) A qualifying institution or a specific site of an otherwise qualifying institution shall be deemed disqualified if it no longer possesses all of the requirements for a qualifying institution.
- ~~(e)(d)~~ An institution that becomes disqualified pursuant to Part 600 of Title 34 Code of Federal Regulations shall not be a "qualified institution" pursuant to this section.
- ~~(f)(e)~~ An institution disqualified pursuant to this section may become a "qualifying institution" by complying with Education Code section 69432.7 (1) and this section.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69432.7(1), Education Code.

§ 30010 Classification of Instructional Programs (CIP) Code

The Classification of Instructional Program (CIP) Code means the 2010 taxonomic scheme developed by the U.S Department of Education, National Center for Education Statistics (NCES) for the tracking and reporting of fields of study and program completion activity as used for the Integrated Postsecondary Education Data System (IPEDS) statistical data gathering and reporting.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section #, Education Code.

ARTICLE 2. APPLICANT QUALIFICATIONS

§ 30020. Academic Record.

The Commission may establish minimum standards of academic achievement and potential and may adopt criteria for selecting grant recipients ~~recipients of grants~~ from among applicants to qualify for a Cal Grant and may require applicants to submit grade point averages pursuant to section 30007, 30008 or 30026 ~~transcripts of high school and college academic records or other evidence of potential.~~

Note: Authority cited: Section ~~69433.7 69544~~, Education Code. Reference: Sections 69434, 69435.3 ~~69500 69515 and 69530 69547~~, Education Code.

§ 30021. Choice of Qualifying Institution ~~School or College~~.

A Cal Grant shall be granted in terms of the applicant's selection of a Commission approved and currently qualifying institution ~~school or college~~ at the time he or she is selected for a grant.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections 69433, Education Code.

§ 30022. Change in School or College Choice.

Whenever a grant recipient changes his or her choice of qualified institution ~~school, college or program~~, the Commission must re-determine his or her financial need eligibility should the cost of attendance (COA) differ— Subject to such redetermination,

a grant recipient may change his or her choice of college (a) prior to the time of actual enrollment, (b) at the conclusion of a quarter or semester, provided that any loss of tuition and fee payments shall be borne by the student.

Note: Authority cited: Section 69433.7, ~~69452~~, Education Code. Reference: Sections 69433, 69434, 69435, Education Code.

§ 30023. In Lieu of Test Scores; Grace Period.

- (a) All Cal Grant A and B applicants shall submit a grade point average pursuant to sections 30007, 30008 or 30026.
 - (1) For a Competitive Cal Grant award pursuant to Article 5 (beginning with Education Code section 69437) of the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Act, a student who does not have a grade point average pursuant to section 30007 or 30008 or whose grade point average is more than 5 years old may submit a test score from the General Educational Development test (GED), the American College Test (ACT) or the Scholastic Aptitude Test (SAT).
 - (2) It is the responsibility of the applicant to have a grade point average or test score reported.
- (b) A standardized test score for each approved test shall be converted to an equivalent grade point average by the Commission using the national distribution of test scores as compared to the distribution of grade point averages on a 0.00 to 4.00 scale. The grade point equivalencies shall be calculated based upon research from the testing agency for each approved test.
- (c) The Commission may, on a case-by-case basis, accept the submission of grade point average(s) from an applicant or reporting institution after the March 2 or September 2 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 March 2 or September 2 deadline.
 - (1) Such circumstances must be shown by a certification: (i) 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 by the reporting institution by the March 2 or September 2 deadline; (ii) from the applicant or reporting institution with proof that the grade point average was originally mailed by the applicant or reporting institution before the deadline; or (iii) from the applicant with a written 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.
 - (2) In the case of an application for an entitlement award under Education Code sections 69434, 69435, 69435.3, or 69436, any request to accept grade point average(s) after the March 2 deadline shall be received by the Commission no later than May 16 seventy-five (75) days after the March 2 deadline) and the computed grade point average(s) and certification specified in subsection (1) shall be included with the request. No later than April 16 forty-five (45) days after the March 2 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 average(s) had not been received by the Commission by the March 2 deadline, and shall ~~not~~ notify them that they have until May 16 (75 days from the March 2 deadline) to request the Commission to accept their late grade point average(s) on the conditions specified above, including the submission of the certification specified in subsection (1).
- (3) In the case of an application for a competitive grant award under Education Code sections 69437, 69437.3, or 69437.6, any request to the Executive Director to accept grade point average(s) after the March 2 or September 2 deadline shall be received by the Commission no later than March 22 or September 22 (twenty (20) days after the March 2 or September 2 deadline) and the computed grade point average(s) and the certification specified in subsection (1) shall be included with the request.
- (4) Pursuant to Government Code section 6707, in such cases where the March 22 or September 22 deadline to request late submittal of grade point average(s) on behalf of competitive applicants or the May 16 deadline to request late submittal of grade point average(s) on behalf of entitlement applicants falls upon a Saturday, Sunday, or state holiday, the request for late submittal must be postmarked or received by the Commission by the following business day.
- (d) Applicants or officials who submit a timely but incomplete or incorrect grade point average shall have a grace period of ten (10) days after the mailing of notice by the Commission to file a corrected or completed grade point average. A corrected or completed submission postmarked within the 10 day period shall be deemed to comply with this requirement.

Note: Authority cited: Sections 69432.9(c) and 69433.7, Education Code. Reference: Sections 69432.9(c), 69434, 69435, 69435.3, 69436, 69437, 69437.3 and 69437.6, Education Code.

ARTICLE 3. USE OF CAL GRANTS

§ 30030. Application of Cal Grants.

- All ~~(a)~~ New Cal Grant A and B awards are made awarded for use during a specified academic year, and shall be put into effect in no earlier than the fall term of the September of such specified academic year.
- ~~(b)~~ Exceptions may be made for sStudents in newly awarded in the Cal Grant C program may activate their new award starting in the summer term, preceding the award year if the summer term begins July 1 or later of the award year.
- ~~(c)~~ Award activation in all Cal Grant programs may be postponed or when a student has been granted a leave of absence or in such other instances as the Commission may otherwise provide.

Note: Authority cited: Section 69433.7 ~~69544~~, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

§ 30032. Refund of Grant Payments.

Refund of unused award funds previously paid to a qualifying institution school or college shall be based on the published regulations of the qualifying institution school or college concerned, as certified to the Commission by such qualifying institution school or college.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections 69432.8, Education Code.

§ 30033. Withdrawal of a Cal Grant.

The Commission may withdraw a Cal Grant if the grant recipient:

- (a) Fails to enroll in qualifying institution school or college and attend classes.
- (b) Withdraws from a qualifying institution school or college without making a request for a leave of absence.
- (c) Fails to maintain a full-time or part-time program in accordance with the regulations of the qualifying institution school or college he or she is attending and the California Student Aid Commission.
- (d) ~~Loses his status as a resident in California~~ Fails to meet applicable residency requirements.
- (e) Fails to continue to demonstrate financial need according to ~~California Student Aid Commission~~ criteria.
- (f) Fails to meet institutional Satisfactory Academic Progress requirements for a period of time that exceeds two consecutive semesters or three consecutive quarters.
- (g) Is in violation of ~~California Student Aid Commission~~ regulations.

Note: Authority cited: Section 69433.7 Education Code. Reference: Sections 69432.7 and 69433.5.

ARTICLE 4. REPORTING OF PROGRAM DATA

§ 30040 Annual Report

- (a) A qualifying institution shall annually report to the Commission no later than December 31st, for the academic year ending the preceding June 30th, the enrollment data, persistence data and graduation data for all students, excluding students concurrently enrolled in K -12, and including aggregate information on Cal Grant recipients.
- (b) The annual report shall be electronically filed by submitting the information required by section 69433.6 via the Commission's WebGrants website, electronically attaching or uploading, as applicable, the information required in subdivision (a). An institution without the capability to submit the information electronically shall inform the

Commission not less than 45 days prior to the date the information is required by subdivision, and receive direction on alternative means of submission.

(c) In lieu of reporting the data required pursuant to subdivision (a), an institution may provide student level data to the Commission so as to allow the Commission to prepare the report on the institution's behalf. An institution electing to have the Commission prepare its report shall provide the following student unitary data: student's first and last name, date of birth, social security number, race/ethnicity, gender, original term enrollment date, educational level, enrollment status, high school code, institution campus code, CIP code for the student's program, units completed by term for the academic year and program completion date, if applicable.

(d) An institution electing to submit data to the Commission shall provide it no later than October 31st for the academic year ending the preceding June 30th. The Commission will calculate the enrollment, persistence and graduation data and provide a draft report to the institution within fifteen (15) business days of its submission. The institution shall thereafter have 30 calendar days to review its report and provide any additional information necessary to ensure the accuracy of the report.

Note: Authority cited: Section 69433.7 Education Code. Reference: Sections 69433.6, Education Code.

§ 30040.5 Cohort

(a) For purposes of reporting enrollment data, persistence data and graduation data, a cohort is defined as the group of students who commenced attendance at the qualifying institution at any point during an academic year. Once assigned to a particular cohort upon initial enrollment, the student remains in that cohort for the duration of his or her attendance at the institution, or until the student completes his or her program, certificate or degree. Any student who completes his or her program, certificate or degree and pursues a new program, certificate or degree at the same qualifying institution would be assigned to the academic year cohort applicable to the subsequent enrollment.

(b) For purposes of reporting the job placement rate and salary and wage data, a cohort is defined as the group of students who graduated with a certificate, diploma or degree at any point during an academic year. Once assigned to a particular cohort upon graduation, the student remains in that cohort for the duration of institution's reporting obligation.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69433.2, Education Code.

§ 30041 Enrollment data

(a) All students enrolled in any undergraduate program leading to a degree or other formal award, as well as those students enrolled in courses that are part of a vocational or occupational program leading to a certificate shall be included for purposes of providing enrollment data.

(b) Enrollment data shall consist of the enrollment status and educational level of students by cohort for each undergraduate program offered at the institution, segregated by campus and CIP Code.

(c) Enrollment data shall also include aggregate data on the race/ethnicity and gender of all students by cohort for each campus.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69432.7(1), Education Code.

§ 30041.5 Persistence data

(a) Persistence data shall consist of the number of students who have continued in or persisted in their education by enrolling in and completing at least one course during the academic year following initial enrollment, and every academic year thereafter, segregated by enrollment status, race/ethnicity and gender for each campus.

(b) Persistence data shall be updated annually for each cohort until the number of academic years reported equals at least 200 percent of the published program length.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69432.7(1), Education Code.

§ 30042 Graduation data

(a) “Graduation data” means, for each undergraduate program offered by a qualifying institution, the number of students who complete a program and upon whom the institution has actually conferred the degree, diploma, certificate or other formal award, within 100 percent, 150 percent and 200 percent of the published program length of the program aggregated by CIP Code, cohort, educational level, and enrollment status, race/ethnicity and gender. Graduation data shall be segregated by each campus of qualifying institution.

(b) “Published Program Length” shall mean the institution’s normal or expected time for completion of the program, certificate or degree as reported to the U.S. Department of Education through the Program Participation Agreement and disclosed to students in the institution’s school catalog or enrollment agreement.

(1) In order for an institution to report a student as completing within 100 percent of the published program length, the student shall have completed the program, certificate or degree in 100 percent or less of the published program length regardless of the enrollment status of the student.

(2) In order for an institution to report a student as completing within 150 percent of the published program length, the student shall have completed the program, certificate or degree in 101 percent to 150 percent of the published program length regardless of the enrollment status of the student.

(3) In order for an institution to report a student as completing within 200 percent of the published program length, the student shall have completed the program,

certificate or degree in 151 percent to 200 percent of the published program length, regardless of the enrollment status of the student.

(c) In addition to reporting graduation data, a California community college may report a transfer-out rate by reporting the number of students who are known to have transferred out of the institution to another postsecondary institution after having completed a minimum of 60 semester units, or 90 quarter units, within 100 percent, 150 percent and 200 percent of the published program length of the program, certificate or degree.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections XXXX

§ 30042.5 Annual Job Placement Rate and Salary and Wage Reporting

(a) Beginning in 2012, a qualifying institution shall report to the Commission no later than December 31st, for the academic year ending the preceding June 30th, the job placement rate data and the salary and wage information for all students graduating during the 11/12 academic year from all of its undergraduate programs that are either:

- (1) designed or advertised to lead to a particular type of job; or
- (2) advertised or promoted with any claims regarding job placement.

(b) Beginning in 2013, a qualifying institution shall annually report to the Commission no later than December 31st, for the two academic years ending the preceding June 30th, the job placement rate and the salary and wage information for all students graduating during each of the previous two academic years from any of its undergraduate programs that are either:

- (1) designed or advertised to lead to a particular type of job; or
- (2) advertised or promoted with any claims regarding job placement.

(c) For purposes of this section, an undergraduate program is “designed or advertised to lead to a particular type of job” if it is any of the following:

- (1) A series of credit courses designed to lead to a certificate, degree, or diploma in an instructional program which is designed to the give the student skills, knowledge and aptitudes for a specific field or occupation;
- (2) A series of credit courses designed to lead to a degree, diploma or certificate in a field of study or occupation that requires a license in California;
- (3) Postsecondary career and technical workforce education courses, programs and training in which specific instruction is provided with an occupationally specific objective and for which a certificate and/or associate’s degree is awarded.
- (4) A workforce program designed for entry-level employment or for upgrading skills and knowledge within an occupation.
- (5) A teacher certification program that leads to the awarding of a certificate by the institution or which consists of the course work necessary for the student to receive a state professional teaching credential or certification.

(d) An undergraduate program is not “designed or advertised to lead to a particular type of job” if it is any of the following:

- (1) A two-academic-year program fully transferrable to a baccalaureate degree program, and specifically designed to be a transfer program, including but not limited to the following programs:

- a. Associate Degree General Education General;
- b. Associates in Arts for Transfer (AA-T) / Associates in Science for Transfer (AS-T) codified in Education Code section 66746-66749;
- c. California State University General Education Breadth course requirements;
- d. Intersegmental General Education Transfer Curriculum (IGETC);
 - (2) A course of study that is designed to provide students with basic skills, remedial, English as a Second Language (ESL), or other necessary preparatory coursework for enrollment in a certificate, diploma or degree program.
 - (3) A baccalaureate degree program in an area of study which does not directly prepare a student to take a licensing exam, does not lead to a credential, or does not result in a professional certification.
- (e) For purposes of this section, a program is “advertised or promoted with any claim regarding job placement” if it is any of the following:
 - (1) The institution advertises, promotes, or otherwise represents to students, whether orally or in writing, that it will assist students in finding gainful employment following graduation.
 - (2) The institution advertises, promotes, solicits, or directly corresponds with a prospective student whether in printed materials or electronic format, the availability of jobs upon graduation.
 - (3) If the qualified institution’s website hosts a link to either an internal or external website which provides information on the availability of jobs in a specific field or occupation that is related to a program or course of study offered by the institution.
- (f) The annual report shall be electronically filed by submitting the information required via the Commission’s WebGrants website, electronically attaching or uploading, as applicable, the information required in subdivision (a). An institution without the capability to submit the information electronically shall inform the Commission not less than 45 days prior to the date the information is required by subdivision, and receive direction on alternative means of submission.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections XXXX

§ 30043 Job placement rate data

- (a) The job placement rate data shall include, by CIP code for each program subject to reporting under section 30042.5, the total number of graduates in the cohort, the number of graduates available for employment, the number of graduates employed in the field and the job placement rate expressed as a percentage.
- (b) The job placement rate shall be calculated by dividing the number of graduates employed in the field by the number of graduates available for employment. The job placement rate shall be reported separately by CIP Code for each campus of a qualifying institution and by cohort for each the applicable reporting periods.

(c) “Graduates available for employment” means the number of graduates who complete a program during an academic year minus the number of graduates unavailable for employment.

(d) “Graduates unavailable for employment” means graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education at a postsecondary institution.

(e) A graduate is “employed in the field” if all of the following criteria are met:

(1)(A) For occupations for which the state does not require passing an examination, the graduate reports that he or she is gainfully employed within six months of graduation in a position for which the skills obtained through the education and training provided by the institution are required or provided with a significant advantage to the graduate in obtaining the position; or

(B) For occupations for which the state requires passing an examination, the period of employment shall begin within six months of the announcement of the examination results for the first examination available to the graduate following graduation.

(2) The occupation in which the graduate is employed, as identified by the appropriate Standard Occupational Classification (SOC), is related to the CIP Code for the program being reported, as established by the 2010 CIP-SOC Crosswalk developed by National Center for Education Statistics and the Bureau of Labor Statistics. The CIP-SOC crosswalk can be found at: <http://www.xwalkcenter.org/>, and

(3) The graduate has been employed in a single position that averages a minimum of 32 hours per week for a minimum of 24 weeks.

(4) For students who were employed by an employer prior to, or during his or her attendance at the qualifying institution, who remain employed by the same employer in a substantially comparable position following graduation are not “employed in the field” unless the graduate reports a change in duties, salary or other tangible employment benefit received as a result of the skills obtained through the education and training provided by the institution.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections 94929.5, Education Code

§ 30043.5 Standard Occupational Classification Code

The 2010 Standard Occupational Classification (SOC) system is used by the United States Department of Labor’s to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data. The SOC code is available from <http://www.bls.gov/soc/>

§ 30044 Salary and wage information

The qualifying institution shall report to the Commission the salary and wage information, consisting of the total number of graduates employed in the field and the annual wages or salaries of those graduates stated in increments of five thousand dollars (\$5,000) for the two academic years following graduation.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections XXXX

§ 30044.5 AUDIT

The information used to substantiate the reports submitted to the Commission pursuant to sections 30040 and 30042.5 shall be documented and maintained by the institution for five years from the date of the publication of those rates. An institution may retain this information in an electronic format. Failure to maintain the information necessary for the Commission to audit an institution's filing may result in termination of the institution's institutional participation agreement.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections XXXX