

**CALIFORNIA STUDENT AID COMMISSION  
P. O. Box 419029  
Rancho Cordova, CA 95741-9029**

**AMENDMENT TO TITLE 5, DIVISION 4, CHAPTER 1,  
CA CODE OF REGULATIONS REGARDING  
CALIFORNIA NATIONAL GUARD EDUCATION ASSISTANCE AWARD PROGRAM  
(EDUCATION CODE SECTIONS 69999.10-69999.30)**

**INITIAL STATEMENT OF REASONS**

**INTRODUCTION**

Based on the authority provided in Education Code Section, 69999.22, the Commission adopted California Code of Regulations Title V, Division 4, Chapter 1 Sections 30730 et seq. to implement, interpret, and construct the requirements established in Education Code Sections 69999.10 through 69999.30. Regulations were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State's Office on May 20, 2010.

The Legislature's stated intent for the CNG EAAP is to provide an inducement to members of the California National Guard to maintain the required strength in the California National Guard. This is a state-funded program designed to provide an educational incentive to improve skills, competencies, and abilities for service members to remain active in the California National Guard, the State Military Reserve, or the Naval Militia. The Office of the Adjutant General may select up to 1,000 participants for the program. This program authorizes the Commission to make payments to eligible program participants who attend Cal Grant participating institutions.

The Commission proposes to amend sections to specify additional information that will be requested from applicants on the initial application, clarification to applicants and renewal participants that there are two (2) distinct and different applications for the program, establish a renewal application and deadline for the submission of the renewal application, clarify the term for reporting veteran's educational benefits, clarify understanding that disbursements can not be received for both the CNG EAAP and Cal Grant award for the same academic year, and the result if the program participant fails to meet the requirements of submitting a renewal application. The proposed amendment clarifies the applicant understands the statutory requirement of two years active membership in the California National Guard, the State Military Reserve, or the Naval Militia is necessary.

The proposed regulations implement, interpret, and specify the requirements established in Education Code Sections 69999.10-69999.30.

The specific purpose of the proposed adoption and each amendment, and the rationale for the determination that the adoption and each amendment is reasonably necessary to carry out the purpose for which it is proposed, is as follows:

## **ARTICLE 15 - CALIFORNIA NATIONAL GUARD EDUCATION ASSISTANCE AWARD PROGRAM (CNG EAAP)**

### **SECTION 30731 – Application to Participate in the Program**

**Proposed Amendment to Section 30730(a)** establishes the identification of an initial application and applicants desired certificate, degree and/ or diploma and expected completion date of the desired certificate, degree and/or diploma. The proposed amendment additionally clarifies the time element for specifying amount for reporting veteran's educational benefits. The proposed amendment clarifies that the applicant represents that he or she understands program participants shall not receive disbursements from both a CNG EAAP award and any Cal Grant Award for the same academic year. Finally, the proposed amendment requests that the applicant represent they understand there is a requirement of being an active member for two years at the time of submission of the initial application to participate.

The proposed changes are necessary for clarification to applicants and renewal participants that there are two (2) distinct and different applications for the program, clarification of the time element for reporting veteran's educational benefits so that payments can be calculated correctly as specified in Education Code Section 69999.18, and clarification that disbursement can not be made from both the CNG EAAP and Cal Grant Programs. Applicants are able to receive awards from both programs just not disbursements from both programs in the same academic year. The amendment to include the applicant understands the two years active membership is necessary due to a large amount of applications received that did not meet this statutory requirement.

**Proposed Adopted Section 30731(c)** establishes the renewal application, specifies the content of a renewal application, and establishes a deadline for the submission of the renewal application for continued participation in the program. Additionally, the renewal application informs the current program participant the potential of being withdrawn from the program should the renewal application not be submitted by the imposed deadline.

The renewal application is necessary for the Commission and the Military Department to identify and contact each participant continuing in the program. Additionally, the requested information will be used as an indicator for program funding projections and program participation limits set forth in statute.

### **SECTION 30736 – Failure to Comply with Applicable Laws and Regulations**

This section specifies the consequences of a program participant's failure to comply with the program requirements.

**Proposed Amendment to Section 30736 (a)** establishes that a program participant who fails to meet the conditions of submitting a renewal application each academic year may be withdrawn and the Commission shall not make any further payments.

This amendment is necessary to clarify the consequences of a program participant's failure to satisfy the program requirements of submitting a renewal application annually.

**Proposed Amendment to Section 30736 (b)** establishes the program participant that has been excused from the minimum enrollment requirement upon approval from The Adjutant General submit a renewal application and comply with applicable enrollment requirements if the Commission is to resume payments under the program.

This amendment to this section is necessary to establish the requirement for the renewal application that will be used as an indicator for program projections and program participation limits set forth in statute.

**Proposed Amendment to Section 30736 (c)** establishes that the program participant that has been excused from the minimum enrollment requirement upon The Adjutant General's if a disaster prevents a program participant from maintaining enrollment submit a renewal application and comply with applicable enrollment requirements if the Commission is to resume payments under the program.

This amendment to this section is necessary to establish the requirement for the renewal application that will be used as an indicator for program projections and program participation limits set forth in statute.

**Proposed Amendment to Section 30736 (d)** establishes that the program participant that has been excused from the minimum enrollment requirement upon The Adjutant General's approval if a program participant becomes unable to meet the conditions for payment due to reasons beyond the control of the program participant submit a renewal application and comply with applicable enrollment requirements if the Commission is to resume payments under the program.

This amendment to this section is necessary to establish the requirement for the renewal application that will be used as an indicator for program projections and program participation limits set forth in statute.