

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

**AMENDMENT TO TITLE 5, CA CODE OF REGULATIONS REGARDING
THE CAL GRANT PROGRAM AND MANDATORY SYSTEMWIDE FEES
(EDUCATION CODE §§ 66021.2, 69430-69460)**

NOTICE OF PROPOSED EMERGENCY RULEMAKING

NATURE OF PROCEEDING

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Notice is given that the California Student Aid Commission (Commission) is proposing to take the action described in the Informative Digest.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed emergency regulatory action to the

OAL Reference Attorney
300 Capitol Mall, Suite 1250
Sacramento, California 95814
by fax to (916) 323-6826
or by e-mail to staff@oal.ca.gov

AND

California Student Aid Commission
Attention: Kristen Trimarche
P. O. Box 419029
Rancho Cordova, CA 95741-9029

FINDING OF EMERGENCY

The Commission is charged with providing educational opportunity by ensuring all students with financial need with access to, and choice of, an institution of higher education.

The Commission finds that an emergency exists, and the need for immediate adoption of the proposed regulation is necessary to ensure unobstructed student access to Cal Grant awards, to ensure accountability for, and integrity of state funds authorized for the Cal Grant program.

Under current Cal Grant regulations, the new academic year begins July 1, 2011. Given the timing of this change, the nonemergency regulation process cannot be completed prior to the beginning of the new academic year. Without this regulation in place prior to the beginning of

the new academic year, significant harm to approximately 160,000 Cal Grant recipients attending and/or planning to attend either UC or CSU could occur. Cal Grant recipients whose charges for "tuition" are not covered may potentially have issues either enrolling in classes, or being dropped from classes, if their Cal Grant award is not made by the appropriate deadline, or does not fully cover the fees charged. In addition, Cal Grant recipients who are unsure whether a charge for "tuition" would be covered may choose to attend non-public institutions or forego attending any postsecondary institution. Lastly, without the regulation, the Commission may not have the ability to process the Fall advance in a timely manner for public institutions.

With these emergency regulations adopted, the Commission will be able to ensure Cal Grant awards and services to students will not be disrupted.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 69433.7 of the Education Code, and to implement, interpret, or make specific sections 69430-69460 of the Education Code, the Commission is considering changes to Division 4 of Title 5 of the California Code of Regulations as follows to add section 30001.5, for clarification.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission performs an essential public purpose in protecting and providing educational opportunity by ensuring all students with financial need with access to, and choice of, an institution of higher education. In order to fulfill its objectives, it is necessary for the Commission to define those fees.

For the 2011-12 academic year, the University of California (UC) and California State University (CSU) systems are adopting the use of "tuition" and/or "tuition fee" as part of the description of the fees that these institutions charge to students; similar to the nomenclature used by other non-public institutions to describe the cost of instruction. Adopting this description helps postsecondary students better understand and evaluate the costs of attending a postsecondary institution.

Education Code Section 66021.2 indicates that, for UC and CSU, a Cal Grant award covers the mandatory systemwide fees charged by those institutions. The Student Aid Commission wants to interpret and make specific that "tuition" and/or a "tuition fee" are considered to be among the "mandatory systemwide fees" which are eligible for coverage by a Cal Grant award at UC and CSU.

The proposed regulations would implement, interpret, and make specific the elements of the Cal Grant Program. Specifically, the proposal would add a definition for mandatory systemwide fees.

There are no comparable provisions of federal law related to this proposal.

OTHER STATUTORY REQUIREMENT

None

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

COSTS OR SAVINGS TO STATE AGENCIES

None

SUBMITTING COMMENTS ON PROPOSED EMERGENCY REGULATIONS

If you wish to comment on proposed emergency regulations, you must submit the comment directly to OAL within five calendar days of when OAL posts the proposed emergency regulation on the OAL Web site. You may submit comments on proposed emergency regulations to the OAL Reference Attorney by mail at 300 Capitol Mall, Suite 1250, Sacramento, California 95814, by fax to (916)323-6826, or by e-mail to staff@oal.ca.gov.

When you submit a comment to OAL, you must also submit a copy of your comment to the Commission. The comment must state that it is about an emergency regulation currently under OAL review and include the topic of the emergency. Inquiries concerning the proposed adoption of this regulation may be directed to:

Kristen Trimarche
California Student Aid Commission
P. O. Box 419029
Rancho Cordova, CA 95741-9029
(916) 464-6439

The Commission is not required to respond to comments submitted. If the Commission chooses to respond, however, it must submit its response to OAL within eight **calendar** days after the date of submission of the proposed emergency regulation(s) to OAL.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and all the information upon which the proposal is based may be obtained upon request from the

California Student Aid Commission
P. O. Box 419029
Rancho Cordova, CA 95741-9029

These documents may also be viewed and downloaded from the Commission's Web site at www.csac.ca.gov.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.csac.ca.gov.