

**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 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 ~~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, 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.

#### § 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)(A) 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*i*), (B*ii*) and (C*iii*) 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.~~  
~~(2) A regionally accredited institution that was deemed qualified by the Commission to participate in the Cal Grant Program for the 2000-01 academic year shall retain its eligibility as long as it maintains its existing accreditation status.~~
- (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 69433.2, 69439 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 69432.7, Education Code.

### § 30022. Change in ~~School or College~~ Choice of Qualifying Institution.

Whenever a grant recipient changes his or her choice of qualifying institution ~~school, college or program~~, the Commission must redetermine his or her financial need eligibility ~~should the cost of attendance differ~~. Subject to such redetermination, a grant recipient may change his or her choice of college-qualifying institution (a) prior to the time of actual enrollment, or (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 69432.7, 69433, 69434, and 69435, Education Code.

## ARTICLE 3. USE OF CAL GRANTS

### § 30030. Application of Cal Grants.

~~All~~ (a) Initial Cal Grant A and B awards are 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 students 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 69432.7, 69433.9 and 69439, ~~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 69432.7, Education Code.

§ 30033. Withdrawal of a Cal Grant.

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

- (a) Fails to enroll in a 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, 69433.5 and 69433.9.

## **ARTICLE 4. REPORTING OF PROGRAM DATA**

### **§ 30040 Annual Report on Enrollment, Persistence and Graduation**

(a) A qualifying institution shall annually report to the Commission no later than December 31st, for the academic year ending the preceding June 30<sup>th</sup>, the enrollment data, persistence data and graduation data for all students, excluding students concurrently enrolled in K-12, or who are enrolled in basic skills instructional courses, remedial courses or English as a Second Language courses. The qualifying institution shall also include in its report aggregate enrollment data, persistence data and graduation data on all Cal Grant recipients attending the institution.

(b) The Commission may extend the period for filing if the institution demonstrates evidence of substantial need, but in no event will the deadline be extended longer than 90 days.

(c) The annual report shall be filed electronically by either:

(1) submitting the information required by subdivision (a) via the Commission's WebGrants website; or

(2) providing sufficient student unitary data to the Commission 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 name, middle initial, and last name; date of birth; social security number; race/ethnicity; gender; original term enrollment date; enrollment status; institution campus code; CIP code for the student's educational program; units completed by term for the academic year; and program completion date, if applicable.

(A.) An institution electing to submit data to the Commission under this paragraph shall provide it no later than November 15<sup>th</sup> for the academic year ending the preceding June 30<sup>th</sup>. The Commission will calculate the enrollment, persistence and graduation data and provide a draft report to the institution within fifteen business days of its submission. The institution shall thereafter have fifteen business days to review its report and provide any additional information necessary to ensure the accuracy of the report.

(d) Any qualifying institution that fails to timely submit its annual report, or the data necessary for the Commission to prepare the annual report, shall be considered to out of compliance with its Institutional Participation Agreement with the Commission.

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

### **§ 30040.2 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.

#### § 30040.6 Published Program Length

"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.

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

#### § 30041 Enrollment data

Enrollment data shall be reported by cohort for the undergraduate programs offered by the institution, reported separately for each campus. Enrollment data shall consist of aggregate data on each of the following student characteristics: race/ethnicity, gender and enrollment status.

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

#### § 30041.5 Persistence data

(a) Persistence data shall consist of the total number of students by cohort who have continued in, or persisted in, their education by enrolling in and completing at least one course at the institution 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% of the published program length.

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

#### § 30042 Graduation data

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

(1) In order for an institution to report a student as completing within 100% of the published program length, the student shall have completed the program, certificate or degree in 100% 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% of the published program length, the student shall have completed the program, certificate or degree in 101-150% 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% of the published program length, the student shall have completed the program, certificate or degree in 151-200% of the published program length, regardless of the enrollment status of the student.

(b) An institution may elect to report graduation data beyond 200% of the published program length of the program in the same format required by subdivision (a). An institution electing to report additional graduation data may report for students completing the program, certificate or degree in 250%, 300%, 350% and 400% of published program length.

(1) In order for an institution to report a student as completing within 250% of the published program length, the student shall have completed the program, certificate or degree in 201-250% 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 300% of the published program length, the student shall have completed the program, certificate or degree in 251-300% 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 350% of the published program length, the student shall have completed the program, certificate or degree in 301-350% of the published program length, regardless of the enrollment status of the student.

(4) In order for an institution to report a student as completing within 400% of the published program length, the student shall have completed the program, certificate

or degree in 351-400% 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, for each cohort, the number of students who are known to have transferred from the California community college to a California baccalaureate degree granting institution.

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

#### § 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 30<sup>th</sup>, the total number of students graduating during the 2011-12 academic year aggregated by campus and CIP Code 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 30<sup>th</sup>, 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 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.
- (g) In lieu of reporting the data required pursuant to subdivision (a) or (b), as applicable, a California community college may provide student 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 name, middle initial, and last name; date of birth; social security number, if applicable; last known address; email address; institution campus code; CIP code for the student’s program; program completion date; and any employer or employment information in the possession of the institution.
- (1) A California community college electing to submit data to the Commission shall provide it no later than November 15<sup>th</sup> for the academic year ending the preceding June 30<sup>th</sup>. The Commission will create the institution’s draft report and provide it to the institution. 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 before it becomes final.
- (h) The Commission may extend the period for filing the annual Job Placement Rate and Salary and Wage Report if the institution demonstrates evidence of substantial need, but in no event will the deadline be extended longer than 90 days.
- (i) Any qualifying institution that fails to timely submit its annual report, or the data necessary for the Commission to prepare the annual report under subdivision (g), shall be

considered to be out of compliance with its Institutional Participation Agreement with the Commission.

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

§ 30043 Job placement rate data

(a) The job placement rate data shall include, by CIP code for each program subject to reporting under section 69433.2, 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 the graduate with a significant advantage 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 69433.2, 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 (USDOL) 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/> or by contacting the USDOL by mail at 200 Constitution Avenue, NW, Washington, DC 20210 or by telephone at 1-866-487-2365.

Field Code Changed

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

§ 30044 Salary and wage information

(a) The qualifying institution shall report to the Commission the salary and wage information for each undergraduate program that is either (1) designed or advertised to lead to a particular type of job; or (2) advertised or promoted with any claim regarding job placement.

(b) The salary and wage report shall include 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 completion of the student's program. The starting increment for reporting the salary and wage information shall be the lowest salary or wage reported, rounded down to the nearest \$5,000 increment. The reporting range will continue through the highest reported salary or wage rounded up to the next \$5,000 increment. The institution shall also report the number of graduates who declined to provide salary and wage information.

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

§ 30044.5 Record Maintenance and data audit

The information used to substantiate the reports submitted to the Commission pursuant to sections 69433.2 shall be documented and maintained by the institution for five years from the date of the publication of that data. 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 69433.2, Education Code.