

CALIFORNIA STUDENT AID COMMISSION
P. O. Box 419029
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**Amendment to Title 5, Division 4, Chapter 1, Article 15
California Code of Regulations
California National Guard Education Assistance Award Program**

AMENDED FINAL STATEMENT OF REASONS

Incorporation of Withdrawn Rulemaking File

The rulemaking file was submitted to the Office of Administrative Law for review on November 26, 2012. However, it was discovered that there were errors in the submission. As a result, the Commission withdrew the file (Z-2012-0501-08), corrected the errors and is re-submitting the file within the one-year notice period. The withdrawn rulemaking file is incorporated herein by reference.

Update of Amended Initial Statement of Reasons

The information contained in the Amended Initial Statement of Reasons at the time of Public Notice remains unchanged and is hereby incorporated by reference in the Final Statement of Reasons.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Summary and Response to Public Comments

The Commission received neither written comments nor requests for a public hearing.

Alternatives Determination

In accordance with Government Code Section 11346.9(a)(4), the Commission has determined that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which this action is proposed, or would be as effective as and less burdensome to affected private persons, or would be more cost-effective and equally effective in implementing the statutory policy or other provisions of law than the action proposed by the Commission.

Benefits to the Welfare of California Residents

The proposed amendment to the existing regulations shall implement, interpret, and specify the requirements established in Education Code Sections 69999.10-69999.30 to more clearly outline program requirements, add further definitions, amend other provisions to align with changes to the Education Code, and to establish the framework for program appeals.

Other Statutory Requirement

The Commission, in consultation with the Military Department developed the proposed regulation text for the California National Guard Education Assistance Award Program.

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

Proposed Sections 30730 provides revised definitions for the following terms to increase clarity:

- CNG EAAP - clarifies the acronym “CNG EAAP” as the California National Guard Education Assistance Award Program, which is used throughout the regulations;
- Eligible applicant - specifies that program participants who have successfully completed the certificate, degree, or diploma sought when entering the program and who have remaining program eligibility, may continue to be considered eligible for the program, which was not included in the original text;
- Enrollment status - makes specific the parameters for undergraduate and graduate enrollment status, which was not included in the original text;
- Leave of Absence (LOA) - clarifies the definition of “Leave of Absence (LOA),” which is used throughout the regulations;
- Qualifying Institution - integrates Education Code Section 69432.7(l) to clarify the definition of a qualifying educational institution and removes subsections (a) through (c), which are already specified in the Education Code;
- Reinstatement - provides a specific definition for a participant’s reinstatement to the program, which was not included in the original regulations.

Proposed Section 30731 changes the initial application deadline to correlate with the timely administration of program processes.

Proposed Section 30734(a)(1) removes the Adjutant General’s requirement to certify a participant’s grade point average due to the fact that the educational institution provides this certification.

Proposed Section 30734(d) makes specific the requirement that participants must contact the CNG EAAP Coordinator when changing their educational institution.

Proposed Section 30734(g) specifies that current program eligibility and availability of funds are requirements for participants to receive a payment under the program, which was not included in the original regulations.

Proposed Section 30734(h)(3)(E) clarifies that a participant wishing to renew participation in the program is required to complete a renewal application, which was not included in the original regulations.

Proposed Section 30736 removes subsections (b) and (c), which are now included in Section 30737.

Proposed Section 30737 provides a new section to specify the length of time for which a leave of absence may be obtained, the grounds upon which a leave of absence may be granted and the appropriate authority to whom the request for a leave of absence must be addressed.

Proposed Section 30738 incorporates a new section to define how a participant may appeal if withdrawn from the program.

Proposed Changes to Initial Application updates ethnicity categories pursuant to AB 1088 regarding reporting requirements.

Updated Informative Digest

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Informative Digest/Policy Statement Overview as published in the Notice of Proposed Regulatory Action.