

NOTICE OF PROPOSED EMERGENCY ACTION

5 CA ADC § 30730 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
Barclays Official California Code of Regulations
Title 5. Education
Division 4. California Student Aid Commission
Chapter 1. California Student Aid Commission
Article 12.5. Golden State Teacher Grant Program

NOTICE IS HEREBY GIVEN that the California Student Aid Commission (Commission) proposes to adopt proposed emergency regulations to establish and implement the Golden State Teacher Grant Program (GSTG Program) pursuant to Senate Bill 169 (Chapter 262, Statutes of 2021), or SB 169.

At its December 2, 2021, meeting, the Commission approved proposed emergency regulations to implement the GSTG Program. Following that approval, staff determined that additional substantive changes to the regulations were necessary. The proposed emergency regulations with amendments were brought to the Commission for its consideration on January 21, 2022. At that time, the Commission took action on Agenda Item 6 "Consideration to approve amendments to the proposed emergency regulations for Golden State Teacher Grant Program." After inviting members of the public to comment on the proposed emergency regulation, the Commission acted as follows:

MOTION By Commissioner Ngo, SECONDED by Commissioner Doplemore and CARRIED to adopt the proposed amended regulation and accompanying documents, request that the effective date of the regulations be the date of filing, and authorize staff to take the necessary steps to complete the regulatory process.

This Notice of Commission Action shall be maintained in the Commission's record and submitted to the Office of Administrative Law as a record of the action taken by the Commission on the regulation.

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Government Code Section 11346.1, subdivision (a)(2), requires that, at least five working days prior to the submission of a proposed emergency action to the Office of Administrative Law (OAL), the adopting agency must 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 the submission of the proposed emergency regulation, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. This document provides the required notice.

PROPOSED TEXT OF EMERGENCY REGULATIONS

The text of the proposed emergency regulations is attached to this notice.

FINDING OF EMERGENCY

SB 169 expressly authorizes the Commission to adopt emergency regulations to implement the Golden State Teacher Grant Program and finds that the Commission's adoption of such regulations constitutes an emergency as defined under the Administrative Procedures Act.

As amended, Education Code Section 69617(g) specifies that: “The commission may adopt emergency regulations it deems necessary for the implementation of this program, in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). For purposes of the Administrative Procedure Act, including Section 11349.6 of the Government Code, the adoption of those regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare, notwithstanding subdivision (e) of Section 11346.1 of the Government Code.”

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 69617 of the Education Code, the proposed regulations implement, interpret and make specific Section 69617 of the Education Code. The Commission is proposing to amend Division 4 of Title 5 of the California Code of Regulations to establish regulations to implement the Golden State Teacher Grant Program.

INFORMATIVE DIGEST

SB 75, enacted in 2019 established the Golden State Teacher Program. The legislation included a number of credential fields for which students could be eligible for a grant. However, SB 74, enacted in 2020, appropriated funds only for the purposes of students seeking special education credentials, based on the availability of federal funds limited to that specific purpose. Subsequently, in 2021, \$500 million was appropriated to fund grants for all of the high need fields initially included in the program – bilingual education, STEM subjects, science, special education, multiple subject, transitional kindergarten, and other subjects as identified by the Commission on Teacher Credentialing.

SB 169, enacted in 2021, also expanded the type of credential programs students could be enrolled in including an approved teacher credential program at either a qualifying institution or an approved teacher preparation program that has a main campus location or administrative entity that resides in the state, including programs operated by local educational agencies. SB 169 extended the expenditure period for the funds appropriated for the program in the Budget Acts of 2020 and 2021 until June 30, 2026.

As a result of these changes, these emergency regulations are necessary to implement the changes and carry out the program. As amended, Education Code Section 69617(g) specifies that: “The commission may adopt emergency regulations it deems necessary for the implementation of this program, in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

The proposed regulations contained in this document were developed to establish and implement the Commission’s Golden State Teacher Grant Program and to satisfy these recent amendments to the Education Code. The proposed regulations will establish program application requirements and procedures, applicant eligibility determinations, participating institution responsibilities, fund management provisions, and the contractual compliance monitoring provisions for program participants.

The Commission has performed a search of existing regulations and has determined that the proposed regulations are not inconsistent or incompatible with any existing State regulations.

OTHER MATTERS PRESCRIBED BY STATUTE

No other matters prescribed by statute are applicable to the Commission or to any specific regulation or class of regulations.

LOCAL MANDATE

Local education agencies, including school districts and county offices of education are potentially eligible to participate in the proposed Golden State Teacher Grant Program, and provide grant funding allocated by the Commission to eligible participants enrolled in local teaching credential programs. The potential participation of any local education agencies in the program is voluntary. Thus, the Commission has determined that the proposed emergency regulations do not impose a mandate on local agencies or school districts.

BENEFIT TO THE STATE

Implementation of the State's Golden State Teacher Grant Program will benefit the State, and citizens of California, by achieving the Legislature's express goals to increase the availability and effectiveness of teacher preparation programs in California. The Program will also support and benefit the State's recruitment and retention goals for teachers, including teachers of color, skilled in special education, bilingual education, and the science, technology, engineering, and mathematics fields.

ESTIMATE OF COST OR SAVINGS

The Commission has determined that the proposed emergency regulations do not impose any additional costs or savings to any State agency, any cost to any local agency or school district that is required to be reimbursed under Government Code section 17500 et seq., any other non-discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

NONDUPLICATION

The Commission attempts to avoid unnecessary duplication of statutory language in proposed regulations. However, in some instances duplication is necessary to provide clarity and consistency regarding the requirements and procedures for participation in the program. Where it occurs, such duplication may assist interested parties by encapsulating program requirements and procedures in one place.

RELIED ON DOCUMENTS

No technical documents or studies were relied upon in support of the Commission's determination of the necessity of emergency regulations to implement the Golden State Teacher Grant Program.

CONTACT PERSONS

Inquiries concerning the proposed adoption of the regulations and written comments may be directed to:

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WEBSITE ACCESS

Materials regarding this proposal can be viewed and downloaded from the Commission's Web site at <https://www.csac.ca.gov/proposed-regulations-rulemaking-documents>.