

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

**SECOND AMENDED  
15-DAY PUBLIC NOTICE AND COMMENT PERIOD  
NOTICE OF PUBLIC AVAILABILITY OF POST-HEARING CHANGES  
AND  
AVAILABILITY OF DOCUMENTS ADDED TO THE RULEMAKING FILE**

AMENDMENT TO TITLE 5, DIVISION 4, CHAPTER 1  
CALIFORNIA CODE OF REGULATIONS

**Cal Grant Program and Participating Institution Data Reporting Requirements**

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the California Student Aid Commission is providing notice of changes made to proposed regulation amendments regarding the Cal Grant Program and Participating Institution Data Reporting Requirements. The Notice of Proposed Rulemaking for the originally proposed amendments was published in the Office of Administrative Law's California Notice Register on July 6, 2012 (See Register 2012, No. 27-Z). The 45-day comment period for the amendments began on June 26, 2012 and ended on August 20, 2012.

Commission staff is now proposing revisions to the regulations as set forth below. The revisions are substantially related to the originally proposed text, and are therefore being provided for public comment for 15 days, prior to the adoption of the amendments. The Commission hereby provides a Second Amended 15-day Public Notice and extends the 15-day public comment period to February 15, 2013 as a result of an error in the proposed text.

**WRITTEN COMMENT PERIOD**

The Commission will accept written comments regarding these proposed changes for at least 15 days beginning on January 17, 2013, and closing at 5:00 p.m. on February 15, 2013. Please address your comments to:

**CALIFORNIA STUDENT AID COMMISSION  
Attention: Kristen Trimarche, Legal Services  
P. O. Box 419026  
Rancho Cordova, CA 95741-9026**

Written comments may also be faxed to (916) 464-8033, Attention Kristen Trimarche or emailed to [CalGrantRegsComment@csac.ca.gov](mailto:CalGrantRegsComment@csac.ca.gov).

All written comments must be RECEIVED no later than 5:00 p.m. on February 15, 2013, in order to be considered. Written comments received after that time will be added to the rulemaking file, but the Commission is not obligated to consider or respond to late comments.

Comments on the revised text of the proposed regulations should be limited to the current modifications denoted by double underline for new language and ~~double-strikeout~~ for deleted language as shown on Attachment 1.

Inquiries regarding technical aspects of the proposed regulations should be directed to Kristen Trimarche at the address indicated above, at [CalGrantRegsComment@csac.ca.gov](mailto:CalGrantRegsComment@csac.ca.gov) or at (916) 464-6439. If Ms. Trimarche is unavailable, please contact Kathleen Stanley at (916) 464-7203. However, oral inquiries are not part of the rulemaking record.

## **AVAILABILITY OF THE DOCUMENTS**

The Commission has made the entire rulemaking file available for download and review on the Commission's website at [www.csac.ca.gov](http://www.csac.ca.gov).

Copies of the relevant documents may also be received by contacting Ms. Kristen Trimarche at (916) 464-6439 or via email at [ktrimarc@csac.ca.gov](mailto:ktrimarc@csac.ca.gov) or by viewing them in person between 8:00 a.m. and 5:00 p.m. at the Legal Services Unit, located at 10834 International Drive, Rancho Cordova, California. If Ms. Trimarche is unavailable, please contact Kathleen Stanley at [CalGrantRegsComment@csac.ca.gov](mailto:CalGrantRegsComment@csac.ca.gov) or at (916) 464-7203.

## **UPDATED INFORMATIVE DIGEST**

Except for the following, 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:

On September 7, 2012, the Governor signed Senate Bill 1103 (Wright) which amended Education Code section 69433.2 to require the Commission to make the Senate Bill (SB) 70 data available on the internet in a searchable database, along with other information and links that are useful to students and parents who are in the process of selecting a college or university.

This bill reinforces SB 70's objective of enabling students and parents to make informed decisions about their higher education options.

## **FEDERAL MANDATE**

Institutions that participate in federal Title IV, Higher Education Act programs are required by federal regulation to provide certain data to the Integrated Postsecondary Education Data System (IPEDS). The data collected by IPEDS is not, in all instances, analogous to the data requested in Education Code section 69433.2. For example, Section 69433.2 requires aggregate data on Cal Grant recipients; this data is not reported to IPEDS. Similarly, "persistence", "job placement" and "salary and wage reporting" are not reported to IPEDS. Where possible the definitions and reporting for Section 69433.2 was aligned with the IPEDS reporting required by Title IV to allow qualifying institutions to submit the same data to meet the SB 70 data reporting requirements.

## **CONSISTENCY WITH EXISTING STATE REGULATIONS**

The Commission's proposed regulations in this rulemaking clarifies and makes specific the requirements for Cal Grant qualifying institutions to report to the Commission enrollment, persistence, and graduation data for all students, including aggregate information on Cal Grant recipients, in addition to the job placement rate and salary and wage information for students who have graduated from the institution.

With respect to the proposed regulations relating to the reporting of data on enrollment, persistence and graduation, the Commission has reviewed and analyzed other regulations found in Title 5 of the California Code of Regulations and believes that there are no comparable existing state regulations and as such, the Commission does not believe that the proposed regulations are inconsistent or incompatible with existing state regulations.

With respect to the proposed regulations on the job placement rate and salary and wage reporting, there are some similar provisions in California law. The Private Postsecondary Education Act of 2009 established the Bureau of Private Postsecondary Education (BPPE) within the California Department of Consumer Affairs. Effective January 1, 2010, private postsecondary schools operating in California are under the jurisdiction of BPPE. However, the Private Postsecondary Education Act of 2009 exempts certain private postsecondary institutions from BPPE jurisdiction based upon the institution's accrediting body. In some instances, there are private postsecondary institutions that are Cal Grant Program participating institutions and under the jurisdiction of BPPE.

Certain reporting provisions that are applicable by law to private postsecondary institutions within the jurisdiction of BPPE are substantially similar to the job placement rate and salary and wage reporting language used in Education Code section 69433.2. In implementing, interpreting and making specific the SB 70 data reporting requirements Education section 69433.2, the Commission considered Education Code sections 94928, 94929.5, 94929.7, 94934 and Title 5 of the California Code of Regulations sections 74110 and 74112. The Commission does not believe that the proposed regulations are inconsistent or incompatible with existing state regulations.

## **REVISIONS TO THE PROPOSED REGULATIONS**

The Commission mailed the original proposed text and the notice of the 45-day public comment period and made both available for public review and comment on June 26, 2012. A copy of the notice was published in the California Regulatory Notice Register on July 6, 2012. A public hearing was held on August 22, 2012, during which written and oral testimony was accepted. In addition, written comments were accepted during the 45-day public comment period that ended on August 20, 2012. The Commission has now made post-hearing changes to the proposed text.

The Commission considers these new changes to the rulemaking to be sufficiently related changes, as defined by Title 1, California Code of Regulations, section 42.

Proposed modifications to the originally proposed regulations are summarized below and are set forth in detail in Attachment 1 to this notice. Modifications to correct typographical or grammatical errors, changes in numbering or formatting, or other non-substantive or technical revisions made to improve the clarity of the proposed regulations may not be addressed below

in their entirety. Attachment 1 is the revised text to the originally proposed regulations shown with deletions as ~~double-strikeout~~ and new text as double underline. All changes are reflected on Attachment 1.

For ease of reference, the section numbers set out below are from the previously proposed version of the regulations unless otherwise specified.

### **Revision to Section 30033(f)**

Commission staff has revised section 30033(f) to increase clarity. Commission staff has inserted within the proposed language a portion of the statutory definition of “satisfactory academic progress” found within California Education Code section 69432.7(m) to clarify the policy that is being referenced by this amendment. For further clarity, the Commission has narrowed the statutory reference to Title 34 of the Code of Federal regulations found in that definition by including a reference to Part 668 of Title 34 of the Code of Federal Regulations.

### **Revision to Section 30041**

Commission staff has made a non-substantive revision to section 30041 to increase clarity. Commission staff has inserted language specifying that “each undergraduate program” is subject to reporting as established by Education Code section 69433.2.

### **Revision to Section 30041.5**

Commission staff has made a non-substantive revision to section 30041.5 to increase clarity. Commission staff has inserted language specifying that “each undergraduate program” is subject to reporting as established by Education Code section 69433.2.

### **Revisions to Section 30042.5**

Commission staff has deleted sections originally numbered as 30042.5(a), 30042.5(b), 30042.5(c)(1), 30042.5(c)(2), 30042.5(c)(4), 30042.5(c)(5), 30042.5(d)(3) and 30042.5(e)(3). The remaining sections have been renumbered. The Commission also made some non-substantive amendments to the following sections, as originally numbered: 30042.5(c)(3), 30042.5(d), 30042.5(e)(1), and 30042.5(e)(3).

### **Revision to Section 30043**

Commission staff has deleted section 30043.

### **Revision to Section 30043.5**

Commission staff has deleted section 30043.5.

### **Revision to Section 30044**

Commission staff has deleted section 30044.

### **Revision to Section 30044.5**

Commission staff has made some capitalization changes to section 30044.5.

### **ADDENDUM TO THE INITIAL STATEMENT OF REASONS**

Commission staff has drafted an Addendum to the Initial Statement of Reasons. The Addendum includes further information related to the Economic Impact Assessment and the Specific Purpose for Each Adoption or Amendment. That document is incorporated herein by reference. It can be accessed online at:

[http://www.csac.ca.gov/pubs/forms/grnt\\_frm/addendum\\_to\\_isor.pdf](http://www.csac.ca.gov/pubs/forms/grnt_frm/addendum_to_isor.pdf)