

SixTen and Associates Mandate Reimbursement Services

KEITH B. PETERSEN, MPA, JD, President
E-Mail: Kbpsixten@aol.com

San Diego

5252 Balboa Avenue, Suite 900
San Diego, CA 92117
Telephone: (858) 514-8605
Fax: (858) 514-8645

Sacramento

3841 North Freeway Blvd., Suite 170
Sacramento, CA 95834
Telephone: (916) 565-6104
Fax: (916) 564-6103

November 20, 2007

RECEIVED

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**COMMISSION ON
STATE MANDATES**

Paula Higashi, Executive Director
Commission on State Mandates
U.S. Bank Plaza Building
980 Ninth Street, Suite 300
Sacramento, California 95814

Re: No. CSM. 02-TC -28
Cal Grants

Dear Ms. Higashi:

Please find enclosed a supplement to the test claim filing, specifically, a history of the Title 5, CCR, sections included in the test claim.

Sincerely,



Keith B. Petersen

1 Keith B. Petersen
2 SixTen and Associates
3 3841 North Freeway Blvd, Suite 170
4 Sacramento, CA 95834
5 Voice: (916) 565-6104
6 Fax: (916) 564-6103
7 kbpsixten@aol.com

8 BEFORE THE
9 COMMISSION ON STATE MANDATES
10 STATE OF CALIFORNIA

11	Supplement to the:	)	No. CSM. 02-TC -28
12)	
13	Test Claim Filed June 13, 2003	)	<u>Cal Grants</u>
14)	
15		)	History Index for
16		)	Title 5, California Code of Regulations
17	by Long Beach Community College)	
18	District)	
19		)	Section 30002
20		)	Section 30007
21		)	Section 30023
22		)	Section 30026
23		)	Section 30027
24		)	Section 30032
25)	
26)	

27 REQUEST FOR SUPPLEMENTAL INFORMATION

28 This supplement to the test claim provides an index and copy of each change to
29 the Title 5, CCR, sections included in the test claim. The Registers cited are attached
30 as Exhibit A. Amended language is underlined (new language) or stricken out (deleted
31 language).

32 HISTORY OF TITLE 5, CCR, SECTIONS INCLUDED IN THE TEST CLAIM

33 **Register 59-07** New Chapter 4 (§§ 30000 - 30006, §§ 30020 - 30022,
34 §§ 30030 - 30033) added.

- 1 **Register 69-51** Editorial renumbering of Chapter 4 as Part IV, unavailable from
2 records.
- 3 **Register 77-24** § 30000-30006: Repealed, added new sections.
4 § 30020-22: Repealed, added new sections.
5 § 30030-33: Repealed, added new sections.
- 6 **Register 82-25** § 30000: Amendment to section.
7 § 30002: Amendment to section.
8 § 30005: Amendment to section.
- 9 **Register 01-03** § 30007: New section filed as emergency.
10 § 30008: New section filed as emergency.
11 § 30009: New section filed as emergency.
12 § 30023: New section filed as emergency.
13 § 30024: New section filed as emergency.
14 § 30025: New section filed as emergency.
15 § 30026: New section filed as emergency.
16 § 30027: New section filed as emergency.
- 17 **Register 01-20** § 30007: Editorial correction of HISTORY 1. New section refiled as
18 emergency.
19 § 30008: Editorial correction of HISTORY 1. New section refiled as
20 emergency.
21 § 30009: Editorial correction of HISTORY 1. New section refiled as
22 emergency.

- 1 § 30023: Editorial correction of HISTORY 1. New section refiled as
2 emergency.
- 3 § 30024: Editorial correction of HISTORY 1. New section refiled as
4 emergency.
- 5 § 30025: Editorial correction of HISTORY 1. New section refiled as
6 emergency.
- 7 § 30026: Editorial correction of HISTORY 1. New section refiled as
8 emergency.
- 9 § 30027: Editorial correction of HISTORY 1. New section refiled as
10 emergency.
- 11 **Register 01-33** § 30007: Filed certificate of compliance as to 01-20 order.
12 Redesignation and amendment of former subsection (a)
13 as subsections (a)-(a)(3).
- 14 § 30008: Filed certificate of compliance as to 01-20 order.
15 Addition of subsections designators (a), (b), and (c).
- 16 § 30009: Filed certificate of compliance as to 01-20 order.
17 Amendment of former subsection (d).
- 18 § 30023: Filed certificate of compliance as to 01-20 order.
19 Added a subsection designator for each paragraph and
20 amendment of newly designated subsection (c).
- 21 § 30024: Filed certificate of compliance as to 01-20 order.

1 Amendment of subdivision (b).

2 § 30025: Filed certificate of compliance as to 01-20 order.

3 Added a subsection designator (a).

4 § 30026: Filed certificate of compliance as to 01-20 order.

5 § 30027: Filed certificate of compliance as to 01-20 order.

6 Amendment of first paragraph.

7 **Subsequent Registers:** There may be changes to the regulations after the date the
8 test claim was filed, which are not included.

9 CERTIFICATION

10 By my signature below, I hereby declare, under penalty of perjury under the laws
11 of the State of California, that the information in this document is true and complete to
12 the best of my own knowledge or information or belief, and that the attached regulations
13 are true and correct copies of documents from archives of a recognized law library.

14 EXECUTED this _____ day of November 2007, at Sacramento, California

15 

16 FOR THE TEST CLAIMANT

17 Keith Petersen, President

18 SixTen and Associates

19 ATTACHMENT

20 Exhibit A Title 5, CCR Registers

Register 59-07

§§ 30000 - 30006

§§ 30020 - 30022

§§ 30030 - 30033

CHAPTER 4. STATE SCHOLARSHIP COMMISSION

Article 1. Definition of Certain Terms

30000. Academic Year. Academic year means two semesters or three quarters within a 12-month period. 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.

NOTE: Authority cited for Chapter 4: Section 31216, Education Code.

History: 1. New Chapter 4 (Sections 30000 through 30006, 30020 through 30022, 30030 through 30033) filed 4-27-59; effective thirtieth day thereafter (Register 59, No. 7).

30001. Age of Eligible Applicant. An applicant who is otherwise qualified shall be considered eligible to participate in the annual competition provided he has not reached his 24th birthday on or before the day on which the State Scholarship Commission makes the annual selection of award winners. This age limitation does not apply in the case of renewed scholarship awards.

30002. Award Winner. An award winner is a person who has successfully met all of the requirements set forth in Education Code Section 31203, who has been nominated for an award by the State Scholarship Commission, and who has accepted the award in terms of attending a college to which he has been admitted.

30003. Eligible Applicant. An eligible applicant is any person who has successfully met the requirements set forth in Section 31203, Education Code, and this Chapter; and has submitted in proper form and prior to established deadlines such applications, transcripts of academic record, competitive examination scores and other information as the Scholarship Commission may direct.

30004. Full-time Student. A full-time, regularly enrolled undergraduate student is one who is regularly enrolled for a semester or quarter program of not less than 12 (twelve) credit hours or units, except where the Scholarship Commission may otherwise provide.

30005. Satisfactory Academic Progress. Satisfactory academic progress means that level of scholastic achievement as defined and required by a college for successful attainment of a degree and/or the same level of scholastic achievement required of other scholarship students attending such college.

30006. Undergraduate Course. Undergraduate course means the first eight semesters or twelve quarters of full-time college attendance beyond the high school graduation.

Article 2. Applicant Qualifications

30020. Academic Record. Transcripts of high school and college academic records shall be submitted at the direction of the State Scholarship Commission. Each record shall be considered qualifying if:

(a) For high school senior applicants, such record contains a minimum of 80 semester hours of A or B grades in the last five semesters of high school, ending in January of the competition year, and excluding such courses as physical education, work experience, study hall, library, ROTC and such other courses as the commission may direct.

(b) For applicants enrolled in college, and who have completed at least one semester, such college transcript must show a 1.5 grade average on a 3.0=A scale.

30021. Choice of College. A state scholarship must be used at one of the colleges enumerated on the application form for the current year and shall be granted in terms of the applicant's selection of college at the time he is nominated for an award.

30022. Change in College Choice. Whenever an award winner changes his choice of the college, the Commission must redetermine his financial need eligibility. Subject to such redetermination, an award winner may change his choice of college (a) prior to the time of actual enrollment, (b) at the conclusion of a quarter or semester, provided that any loss of tuition and fee payments shall be borne by the student.

Article 3. Use of State Scholarship Awards

30030. Application of State Scholarships. All state scholarships are awarded for use during a specified academic year, and shall be put into effect in September of such academic year, except where a student has been granted a military leave or in such other instances as the Commission may otherwise provide.

30031. Tuition and Necessary Fees. Only the tuition and fee charges which may be classified under the following five categories are acceptable for payment under the State Scholarship program.

(a) The minimum customary tuition and/or fee charges at the per unit, per quarter or per semester rate charged all undergraduate students.

(b) Flat rate or special course fees required of all students. (Courses involving individual instruction must carry academic credit.)

(c) Student body fees made mandatory through student action (Education Code Section 23801.)

(d) Customary and nonrecurring fees such as application, acceptance and graduation fees.

(e) Extension course tuition and/or fees, where such course in the opinion of the student's college counselor or advisor is a necessary part of the student's undergraduate program; provided, however, that such extension course is carried in addition to a regular full-time program, excluding summer sessions.

30032. Refund of Scholarship Payments. Refund of unused award funds previously paid to a college shall be based on the published regulations of the college concerned, as certified to the commission by such college.

30033. Withdrawal of a State Scholarship. The commission may withdraw a State Scholarship if the award winner:

- (a) Fails to enroll in college and attend classes.
- (b) Withdraws from college without making a prior request for leave of absence.
- (c) Fails to maintain a full-time program in accordance with the regulations of the college he is attending.
- (d) Loses his status as a resident of California.
- (e) Is in violation of Education Code Sections 31203 (e), 31203 (g) or 31214.

Register 77-24

§ 30002

§ 30032

Article 1. Definition of Certain Terms

30000. Academic Year. For Cal Grant A and B an academic year means two semesters or three quarters within a 12-month period. 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 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

History: 1. Repealer of Article 1 (Sections 30000-30006) and new Article 1 (Sections 30000-30006) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24). For prior history, see Register 69, No. 51 and Register 59, No. 7.

30001. Grant Recipient. A grant recipient is a person who has successfully met all of the requirements set forth in Education Code Sections 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 attending a school or college to which he has been admitted.

A Cal Grant A recipient, as defined in Education Code Section 69532, may utilize a grant for tuition and fees as in Education Code Section 69536; a Cal Grant B Recipient, as defined in Education Code Section 69532, may utilize a grant for tuition, fees and subsistence as in Education Code Section 69538; a Cal Grant C recipient, as defined in Education Code Section 69532, may utilize a grant for occupational or technical training for tuition and training-related costs as in Education Code Section 69539.

30002. Eligible Applicant. An eligible applicant is any person who has successfully met the requirements set forth in Sections 69530 to 69547, Education Code, and has submitted in proper form and prior to established deadlines such applications, supplements and transcripts of academic record, competitive scores and financial and other information as the California Student Aid Commission may direct.

30003. Full-time Student. A full-time, regularly enrolled undergraduate student is one who is regularly enrolled for a semester or quarter program of not less than 12 (twelve) credit hours or units or their equivalent.

30004. Part-time Student. A part-time student is one who is taking 6-11 units or their equivalent. A student enrolled for 9-11 units or their equivalent is considered $\frac{3}{4}$ -time and a student enrolled for 6-8 units or their equivalent is considered $\frac{1}{2}$ -time.

30005. Undergraduate Course. 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.

30006. Standards for Ability to Pay for Postsecondary Education. The Commission shall adopt standards of measuring parental and student ability to pay for postsecondary education and such standards shall be applicable to Cal Grant A, B, and C.

Article 2. Applicant Qualifications

30020. Academic Record. The Commission may establish minimum standards of academic achievement and potential and may adopt criteria for selecting recipients of grants from among applicants to qualify for a Cal Grant and may require applicants to submit transcripts of high school and college academic records or other evidence of potential.

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

History: 1 Repealer of Article 2 (Sections 30020-30022) and new Article 2 (Sections 30020-30022), filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24). For prior history, see Register 61, No. 22 and Register 70, No. 20.

30021. Choice of School or College. A Cal Grant shall be granted in terms of the applicant's selection of school or college at the time he is selected for a grant.

30022. Change in School or College Choice. Whenever a grant recipient changes his choice of school, college or program, the Commission must redetermine his financial need eligibility. Subject to such redetermination, a grant recipient may change his choice of college (a) prior to the time of actual enrollment, (b) at the conclusion of a quarter or semester, provided that any loss of tuition and fee payments shall be borne by the student.

Article 3. Use of Cal Grants

30030. Application of Cal Grants. All Cal Grants are awarded for use during a specified academic year, and shall be put into effect in September of such academic year. Exceptions may be made for students in Cal Grant C or when a student has been granted a leave or in such other instances as the Commission may otherwise provide.

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

History: 1. Repealer of Article 3 (Sections 30030-30033) and new Article 3 (Sections 30030-30033) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24). For prior history, see Register 64, No. 14).

30031. Tuition and Necessary Fees. Only the tuition and fee charges which may be classified under the following two categories are acceptable for payment in the Cal Grant Program.

(a) The minimum customary tuition and/or fee charges at the per unit, per quarter, per semester, or per term rate charged all undergraduate students.

(b) Student body fees made mandatory through student action (Education Code Section 23901).

30032. Refund of Grant Payments. Refund of unused award funds previously paid to a school or college shall be based on the published regulations of the school or college concerned, as certified to the Commission by such school or college.

30033. Withdrawal of a Cal Grant. The Commission may withdraw a Cal Grant if the recipient:

- (a) Fails to enroll in school or college and attend classes.
- (b) Withdraws from 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 school or college he is attending and the California Student Aid Commission.
- (d) Loses his status as a resident in California.
- (e) Fails to continue to demonstrate financial need according to California Student Aid Commission criteria.
- (f) Is in violation of California Student Aid Commission regulations.

Register 82-25

§ 30002

Article 8. Approval or Disapproval for Processing

- Section
30080. Approval as a Sole Processor
30081. Withdrawal as a Sole Processor During Period of Service
30082. Withdrawal as a Sole Processor Upon Expiration of Period of Service

Article 9. The California Guaranteed Student Loan Program

- Section
30100. Federal Regulations
30101. Student Eligibility
30102. Unpaid Balances on Prior Loans
30103. Prior Grant or Loan Obligations
30104. Social Security Numbers
30105. Previous Loan Liability
30106. Insurance Premium
30107. Insurance Premium Refunds
30108. Insurance Premium Revenues
30109. Student Records
30110. Enrollment Confirmation
30111. Full Guarantee
30112. Payment of Claims
30113. Preclaims Collection Assistance
30114. Interest on Claims
30115. Lender Agreement
30116. Lender and School Reviews
30117. Sallie Mae
30118. Procedural Changes
30119. Earnings from the Reserve Fund
30120. Contracting for Services
30121. Loan Proceed Delivery
30122. California Student Loan Authority

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. 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 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

HISTORY:

1. Repealer of Article 1 (Sections 30000-30006) and new Article 1 (Sections 30000-30006) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24). For prior history, see Register 69, No. 51 and Register 59, No. 7.

2. Amendment filed 6-18-82; effective thirtieth day thereafter (Register 82, No. 25).

TITLE 5 CALIFORNIA STUDENT AID COMMISSION

§ 30005

(Register 82, No. 25—6-18-82)

(p. 438.1)

30001. Grant Recipient.

A grant recipient is a person who has successfully met all of the requirements set forth in Education Code Sections 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 attending a school or college to which he has been admitted.

A Cal Grant A recipient, as defined in Education Code Section 69532, may utilize a grant for tuition and fees as in Education Code Section 69536; a Cal Grant B Recipient, as defined in Education Code Section 69532, may utilize a grant for tuition, fees and subsistence as in Education Code Section 69538; a Cal Grant C recipient, as defined in Education code Section 69532, may utilize a grant for occupational or technical training for tuition and training-related costs as in Education Code Section 69539.

30002. Eligible Applicant.

An eligible applicant is any person who has successfully met the requirements set forth in Sections 69530 to 69547, Education Code, and has submitted in proper form and prior to established deadlines such applications, supplements and transcripts of academic record, and financial and other information as the California Student Aid Commission may direct.

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 69534-69536, 69538, 69539 and 69541, Education Code.

HISTORY:

1. Amendment filed 6-18-82; effective thirtieth day thereafter (Register 82, No. 25).

30003. Full-time Student.

A full-time, regularly enrolled undergraduate student is one who is regularly enrolled for a semester or quarter program of not less than 12 (twelve) credit hours or units or their equivalent.

30004. Part-time Student.

A part-time student is one who is taking 6-11 units or their equivalent. A student enrolled for 9-11 units or their equivalent is considered $\frac{3}{4}$ -time and a student enrolled for 6-8 units or their equivalent is considered $\frac{1}{2}$ -time.

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 69544, Education Code. Reference: Sections 69536 and 69538, Education Code.

HISTORY:

1. Amendment filed 6-18-82; effective thirtieth day thereafter (Register 82, No. 25).

§ 30005
(p. 438.2)

CALIFORNIA STUDENT AID COMMISSION

TITLE 5

(Register 82, No. 25—6-19-82)

Register 01-03

§ 30007
§ 30023
§ 30026
§ 30027

Division 4. California Student Aid Commission

Chapter 1. California Student Aid Commission

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. 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 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

HISTORY

1. Repealer of Article 1 (Sections 30000-30006) and new Article 1 (Sections 30000-30006) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24). For prior history, see Register 69, No. 51 and Register 59, No. 7.
2. Amendment filed 6-18-82; effective thirtieth day thereafter (Register 82, No. 25).

§ 30001. Grant Recipient.

A grant recipient is a person who has successfully met all of the requirements set forth in Education Code Sections 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 attending a school or college to which he has been admitted.

A Cal Grant A recipient, as defined in Education Code Section 69532, may utilize a grant for tuition and fees as in Education Code Section 69536; a Cal Grant B Recipient, as defined in Education Code Section 69532, may utilize a grant for tuition, fees and subsistence as in Education Code Section 69538; a Cal Grant C recipient, as defined in Education Code Section 69532, may utilize a grant for occupational or technical training for tuition and training-related costs as in Education Code Section 69539.

§ 30002. Eligible Applicant.

An eligible applicant is any person who has successfully met the requirements set forth in Sections 69530 to 69547, Education Code, and has submitted in proper form and prior to established deadlines such applications, supplements and transcripts of academic record, and financial and other information as the California Student Aid Commission may direct.

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 69534-69536, 69538, 69539 and 69541, Education Code.

HISTORY

1. Amendment filed 6-18-82; effective thirtieth day thereafter (Register 82, No. 25).

§ 30003. Full-Time Student.

A full-time, regularly enrolled undergraduate student is one who is regularly enrolled for a semester or quarter program of not less than 12 (twelve) credit hours or units or their equivalent.

§ 30004. Part-Time Student.

A part-time student is one who is taking 6-11 units or their equivalent. A student enrolled for 9-11 units or their equivalent is considered 3/4-time and a student enrolled for 6-8 units or their equivalent is considered 1/2-time.

§ 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 69544, Education Code. Reference: Sections 69536 and 69538, Education Code.

HISTORY

1. Amendment filed 6-18-82; effective thirtieth day thereafter (Register 82, No. 25).

§ 30006. Standards for Ability to Pay for Postsecondary Education.

The Commission shall adopt standards of measuring parental and student ability to pay for postsecondary education and such standards shall be applicable to Cal Grant A, B, and C.

§ 30007. College Grade Point Average; Community College Grade Point Average.

(a) General. "College grade point average" and "community college grade point average" mean a grade point average calculated on the basis of all college work completed, except for nontransferable units and courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree. "All college work completed" includes all coursework for which grades are known to the official reporting the grade point average and accepted for credit at the school reporting the grade point average regardless of the grade received. A college grade point average or a community college grade point average must be computed for a minimum of 24 semester units or its equivalent regardless of the grade received. It is the responsibility of the student applicant to have his or her college or community college report a grade point average.

(b) College Grade Point Average.

(1) For purposes of computing a college grade point average by an institution that grants a baccalaureate degree, "nontransferable units" and "courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree" are those courses which do not earn credit for a baccalaureate degree from the reporting institution.

(2) For purposes of computing a college grade point average by a postsecondary institution that grants an associate degree, "nontransferable units" and "courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree" are those courses which do not earn credit for an associate degree at the reporting institution.

(3) For purposes of computing a college grade point average by a postsecondary institution that does not grant a baccalaureate or an associate degree:

(A) "nontransferable units" are those units which are not used in satisfying requirements for earning a baccalaureate degree from a California public institution of higher education that grants such a degree.

(B) "courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree" are any courses for which the earned grade is not used in the computation of a grade point average in determining admission eligibility, whether or not units earned for the course are transferable to such an institution.

(c) Community College Grade Point Average

For purposes of computing a community college grade point average for a Cal Grant Award pursuant to the Ortiz-Pacheco-Poohigian-Vasconcellos Cal Grant Act, "nontransferable units" and "courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree" means all courses except "Associate Degree Credit Courses" as defined by Title 5, Chapter 6, Article 1, Section 55002(a) of the California Code of Regulations.

(d) Certification. Every college grade point average and community college grade point average reported to the Commission shall include a certification under penalty of perjury to the best of his or her knowledge from the school official filing the report that the grade point average is accurately reported. The certification shall include a statement that it is subject to review by the Commission or its designee.

NOTE: Authority cited: Section 69433.7, Education Code. Reference: Section 69432.7(d), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-9-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-9-2001 or emergency language will be repealed by operation of law on the following day.

§ 30008. High School Grade Point Average.

"High school grade point average" means a grade point average calculated on a 4.0 scale, using all academic coursework, for the sophomore year, the summer following the sophomore year, the junior year, and the summer following the junior year, excluding physical education, reserve officer training corps (ROTC), and remedial courses. However, for high school graduates who apply after their senior year, "high school grade point average" includes senior year coursework, excluding physical education, reserve officer training corps (ROTC), and remedial courses. Grade point averages shall only include the most recent grade for any course repeated by a student.

"High School" means a secondary school accredited by Western Association of Schools and Colleges (WASC), or another regional accrediting association if the secondary school is not in the WASC region, or which has a University of California approved course list. Applicants who do not have a grade point average from a high school shall provide a test score from the General Educational Development test (GED), the American College Test (ACT) or the Scholastic Aptitude Test (SAT).

Every high school grade point average reported to the Commission shall include a certification under penalty of perjury from the school official filing the report that the grade point average is accurately reported to the best of his or her knowledge. The certification shall include a statement that it is subject to review by the Commission or its designee. It is the responsibility of the applicant to have his or her high school grade point average reported.

NOTE: Authority cited: Section 69433.7, Education Code. Reference: Section 69432.7(h), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-9-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-9-2001 or emergency language will be repealed by operation of law on the following day.

§ 30009. Qualifying Institution.

(a) A "Qualifying Institution" means an institution as defined by Education Code section 69432.7(l).

(b) An institution qualifying pursuant to section 69432.7(l)(1) 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), (B) and (C) of that section. "Participating in federal campus-based programs" means the 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(l)(2) means a postsecondary nonprofit institution headquartered and operated 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.

(d) A qualified institution or a specific site of an otherwise qualified institution will be deemed disqualified if it no longer possesses all of the requirements for a qualified institution.

(e) 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) An institution disqualified pursuant to this section may become a "qualifying institution" by complying with Education Code section 69432.7(l) and this section.

NOTE: Authority cited: Section 69433.7, Education Code. Reference: Section 69432.7(h), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-9-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-9-2001 or emergency language will be repealed by operation of law on the following day.

Article 2. Applicant Qualifications

§ 30020. Academic Record.

The Commission may establish minimum standards of academic achievement and potential and may adopt criteria for selecting recipients of grants from among applicants to qualify for a Cal Grant and may require applicants to submit transcripts of high school and college academic records or other evidence of potential.

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

HISTORY

1. Repealer of Article 2 (Sections 30020-30022) and new Article 2 (Sections 30020-30022) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24). For prior history, see Register 61, No. 22 and Register 70, No. 20.

§ 30021. Choice of School or College.

A Cal Grant shall be granted in terms of the applicant's selection of school or college at the time he is selected for a grant.

§ 30022. Change in School or College Choice.

Whenever a grant recipient changes his choice of school, college or program, the Commission must redetermine his financial need eligibility. Subject to such redetermination, a grant recipient may change his choice of college (a) prior to the time of actual enrollment, (b) at the conclusion of a quarter or semester, provided that any loss of tuition and fee payments shall be borne by the student.

§ 30023. In Lieu Test Scores; Grace Period.

All Cal Grant A and B applicants shall submit a grade point average pursuant to section 30007, 30008 or 30026. For a Competitive Cal Grant award pursuant to Article 5 (beginning with Education Code section 69437) of the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Act, a student who does not have a grade point average pursuant to section 30007 or 30008 or whose grade point average is more than 5 years old may submit a test score from the General Educational Development test (GED), the American College Test (ACT) or the Scholastic Aptitude Test (SAT). It is the responsibility of the applicant to have a grade point average or test score reported.

A standardized test score for each approved test shall be converted to an equivalent grade point average by the Commission using the national distribution of test scores as compared to the distribution of grade point averages on a 0.00 to 4.00 scale. The grade point equivalencies shall be calculated based upon research from the testing agency for each approved test.

The Commission may, on a case-by-case basis, accept the submission of grade point average(s) from institutions after the established deadline if, in the opinion of the Executive Director, circumstances beyond the control of the applicant delayed or prevented the timely submission of the grade point average(s) by the reporting institution(s) by the established

deadline. In such cases, any request to the Executive Director to accept grade point average(s) after the established deadline must be received by the Commission no later than twenty (20) days after the established deadline and the computed grade point average(s) must be included with the request.

Applicants or officials who submit a timely but incomplete or incorrect grade point average shall have a grace period of ten (10) days after the mailing of notice by the Commission to file a corrected or completed grade point average. A corrected or completed submission postmarked within the 10 day period shall be deemed to comply with this requirement.

NOTE: Authority cited: Sections 69432.9(c) and 69433.7, Education Code. Reference: Section 69432.9(c), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-9-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-9-2001 or emergency language will be repealed by operation of law on the following day.

§ 30024. Cal Grant B Entitlement Criteria.

A Cal Grant B Entitlement award for tuition and fees plus the access grant as defined and limited by Education Code section 69435(a)(3) shall be given to applicants based upon consideration of the following factors:

(a) Applicants with the lowest expected family contribution determined pursuant to Education Code Section 69432.7; and applicants with the highest level of academic merit as indicated by their high school grade point average and/or submitted test scores;

(b) Additional factors to be considered shall include any of the following:

(1) Whether the applicant is an orphan or ward of the court and was a ward of the court at the age of eighteen;

(2) The level of education attainment of the applicant's parents;

(3) The number of family members in the applicant's household in relation to the household income; and

(4) Whether the applicant comes from a single parent household or is a single parent.

NOTE: Authority cited: Sections 69435(a)(3) and 69433.7, Education Code. Reference: Section 69435(a)(3), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-9-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-9-2001 or emergency language will be repealed by operation of law on the following day.

§ 30025. Cal Grant A and B Competitive Award Selection Criteria.

A Cal Grant A or B Competitive Award shall give special consideration to applicants who are disadvantaged students taking into consideration those financial, educational, cultural, language, home, community, environmental, and other conditions that hamper access to, and ability to persist in, postsecondary education programs. The extent to which an applicant is considered disadvantaged shall be determined based on the following:

(1) Whether the applicant is an orphan or ward of the court or was a ward of the court at the age of eighteen;

(2) The level of education attainment of the applicant's parents;

(3) The number of family members in the applicant's household in relation to the household income; and

(4) Whether the applicant comes from a single parent household or is a single parent.

NOTE: Authority cited: Section 69433.7, Education Code. Reference: Section 69437, Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-9-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-9-2001 or emergency language will be repealed by operation of law on the following day.

§ 30026. Reestablishing Grade Point Average.

An applicant seeking to reestablish his or her grade point average pursuant to Education Code section 69437.6(c) may do so by providing a

grade point average computed pursuant to Section 30007(c) for at least 16 academic semester units or its equivalent from an accredited California community college. It is the responsibility of the applicant to have his or her community college report a grade point average.

NOTE: Authority cited: Sections 69433.7 and 69437.6(c), Education Code. Reference: Section 69437.6(c), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-9-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-9-2001 or emergency language will be repealed by operation of law on the following day.

§ 30027. Occupational Talents Criteria.

An applicant seeking to establish "occupational talents" pursuant to Education Code section 69439 may do so by submitting any of the following on a Commission approved supplemental form:

(a) applicant's work history (including unpaid internships) in the field; and/or

(b) recommendations from teachers or persons working in the applicant's occupational or technical field.

NOTE: Authority cited: Section 69433.7, Education Code. Reference: Section 69439(c), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-9-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-9-2001 or emergency language will be repealed by operation of law on the following day.

Article 3. Use of Cal Grants

§ 30030. Application of Cal Grants.

All Cal Grants are awarded for use during a specified academic year, and shall be put into effect in September of such academic year. Exceptions may be made for students in Cal Grant C or when a student has been granted a leave or in such other instances as the Commission may otherwise provide.

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

HISTORY

1. Repealer of Article 3 (Sections 30030-30033) and new Article 3 (Sections 30030-30033) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24). For prior history, see Register 64, No. 14).

§ 30031. Tuition and Necessary Fees.

Only the tuition and fee charges which may be classified under the following two categories are acceptable for payment in the Cal Grant Program.

(a) The minimum customary tuition and/or fee charges at the per unit, per quarter, per semester, or per term rate charged all undergraduate students.

(b) Student body fees made mandatory through student action (Education Code Section 23801).

§ 30032. Refund of Grant Payments.

Refund of unused award funds previously paid to a school or college shall be based on the published regulations of the school or college concerned, as certified to the Commission by such school or college.

§ 30033. Withdrawal of a Cal Grant.

The Commission may withdraw a Cal Grant if the recipient:

(a) Fails to enroll in school or college and attend classes.

(b) Withdraws from 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 school or college he is attending and the California Student Aid Commission.

(d) Loses his status as a resident in California.

(e) Fails to continue to demonstrate financial need according to California Student Aid Commission criteria.

(f) Is in violation of California Student Aid Commission regulations.

Article 4. State Guaranteed Loans

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

HISTORY

1. New Article 4 (Sections 30040 through 30046) filed 10-17-66 as an emergency; effective upon filing (Register 66, No. 36).
2. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
3. Repealer of Article 4 (Sections 30040-30046) filed 6-14-78; effective thirtieth day thereafter (Register 78, No. 24).

Article 5. State Student Incentive Grant Program

§ 30050. Statement of Non-Interference.

The Student Aid Commission finds that the State Student Incentive Grant Program as authorized by Title IV, Part A, Subpart 3, of the Higher Education Act of 1965 as amended (20 U.S.C., 1070c-107c-3), will not interfere with or jeopardize the continuation of the Cal Grant Program established under Sections 69530 through 69547 of the State Education Code.

NOTE: Authority cited for Article 5: Section 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

HISTORY

1. New Article 5 (Sections 30050-30057) filed 8-2-74 as an emergency; effective upon filing (Register 74, No. 31).
2. Certificate of Compliance filed 11-22-74 (Register 74, No. 47).
3. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30051. Eligible Students.

Eligible students are undergraduate students with substantial financial need who are applicants for a Cal Grant A, Cal Grant B, or Cal Grant C who meet all requirements otherwise established by the California Student Aid Commission for receipt of such awards.

HISTORY

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30052. Substantial Financial Need.

Substantial financial need shall be financial need using standards of financial need assessment established by the Commission for receipt of state funds including standards of family contributions, self-help expectations, and unmet need.

§ 30053. Full-Time Student.

A full-time, regularly enrolled undergraduate student is one who is regularly enrolled for a semester or quarter program of not less than 12 (twelve) credit hours or their equivalent.

HISTORY

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30054. Part-Time Student.

A part-time student is one who is taking 6-11 units or their equivalent. A student enrolled for 9-11 units or their equivalent is considered 3/4-time and a student enrolled for 6-8 units or their equivalent is considered 1/2-time.

HISTORY

1. Repealer and new section filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30055. Size of Grant.

The size of the grant shall never be more than one-half of the maximum authorized by the Education Code in the State Scholarship (Cal Grant A), College Opportunity Grant (Cal Grant B), or Occupational Education and Training Grant (Cal Grant C) programs.

HISTORY

1. Renumbering of former Section 30054 and amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30056. Independent Students.

The criteria for determining independence from parental income shall be the same as established by the Commission for establishing independence from parental income for the Cal Grant A, Cal Grant B, and Cal Grant C programs.

HISTORY

1. Renumbering of former Section 30055 and amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30057. Academic Year.

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.

HISTORY

1. Renumbering of former Section 30056 filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30058. Eligible Institutions.

Eligible institutions are institutions which are located in California which meet the requirements for participation in the Cal Grant A, Cal Grant B, and Cal Grant C programs as established in the State Education Code.

HISTORY

1. Renumbering of former Section 30057 and amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

Article 6. Conflict of Interest Code Student Aid Commission

§ 30060. Conflict of Interest Code.

The Political Reform Act, Government Code sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Student Aid Commission.

Pursuant to section 4(a) of the Standard Code, designated employees shall file statements of economic interests with their agencies. Upon receipt of the statements of the Director and Commission Members, the agency shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 87100, et seq., Government Code.

HISTORY

1. New article 6 (sections 30060-30069) filed 7-8-77; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 6-8-77 (Register 77, No. 28).
2. Repealer of article 6 (sections 30060-30069 and Exhibits A and B) and new article 6 (section 30060 and Appendix) filed 6-12-81; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 6-30-80 (Register 81, No. 24).
3. Amendment of Appendix (Exhibits A and B) filed 1-4-85; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 11-13-84 (Register 85, No. 1).
4. Amendment of Appendix filed 3-27-89; operative 4-26-89. Approved by Fair Political Practices Commission 1-25-89 (Register 89, No. 13).
5. Amendment of Conflict of Interest Code filed 1-17-91; operative 2-16-91 (Register 91, No. 11).

Register 01-20

§ 30007
§ 30023
§ 30026
§ 30027

Division 4. California Student Aid Commission

Chapter 1. California Student Aid Commission

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. 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 69544, Education Code Reference Sections 69500, 69515 and 69530, 69547, Education Code.

HISTORY

1. Repealer of Article 1 (Sections 30000, 30006) and new Article 1 (Sections 30000, 30006) filed 6-10-77, effective thirtieth day thereafter (Register 77, No. 24). For prior history, see Register 69, No. 51 and Register 59, No. 7.
2. Amendment filed 6-18-82, effective thirtieth day thereafter (Register 82, No. 25).

§ 30001. Grant Recipient.

A grant recipient is a person who has successfully met all of the requirements set forth in Education Code Sections 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 attending a school or college to which he has been admitted.

A Cal Grant A recipient, as defined in Education Code Section 69532, may utilize a grant for tuition and fees as in Education Code Section 69536; a Cal Grant B Recipient, as defined in Education Code Section 69532, may utilize a grant for tuition, fees and subsistence as in Education Code Section 69538; a Cal Grant C recipient, as defined in Education Code Section 69532, may utilize a grant for occupational or technical training for tuition and training-related costs as in Education Code Section 69539.

§ 30002. Eligible Applicant.

An eligible applicant is any person who has successfully met the requirements set forth in Sections 69530 to 69547, Education Code, and has submitted in proper form and prior to established deadlines such applications, supplements and transcripts of academic record, and financial and other information as the California Student Aid Commission may direct.

NOTE: Authority cited Section 69544, Education Code Reference Sections 69534, 69536, 69538, 69539 and 69541, Education Code.

HISTORY

1. Amendment filed 6-18-82, effective thirtieth day thereafter (Register 82, No. 25).

§ 30003. Full-Time Student.

A full-time, regularly enrolled undergraduate student is one who is regularly enrolled for a semester or quarter program of not less than 12 (twelve) credit hours or units or their equivalent.

§ 30004. Part-Time Student.

A part-time student is one who is taking 6-11 units or their equivalent. A student enrolled for 9-11 units or their equivalent is considered 3/4-time and a student enrolled for 6-8 units or their equivalent is considered 1/2-time.

§ 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 69544, Education Code Reference Sections 69536 and 69538, Education Code.

HISTORY

1. Amendment filed 6-18-82, effective thirtieth day thereafter (Register 82, No. 25).

§ 30006. Standards for Ability to Pay for Postsecondary Education.

The Commission shall adopt standards of measuring parental and student ability to pay for postsecondary education and such standards shall be applicable to Cal Grant A, B, and C.

§ 30007. College Grade Point Average; Community College Grade Point Average.

(a) General. "College grade point average" and "community college grade point average" mean a grade point average calculated on the basis of all college work completed, except for nontransferable units and courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree. "All college work completed" includes all coursework for which grades are known to the official reporting the grade point average and accepted for credit at the school reporting the grade point average regardless of the grade received. A college grade point average or a community college grade point average must be computed for a minimum of 24 semester units or its equivalent regardless of the grade received. It is the responsibility of the student applicant to have his or her college or community college report a grade point average.

(b) College Grade Point Average

(1) For purposes of computing a college grade point average by an institution that grants a baccalaureate degree, "nontransferable units" and "courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree" are those courses which do not earn credit for a baccalaureate degree from the reporting institution.

(2) For purposes of computing a college grade point average by a postsecondary institution that grants an associate degree, "nontransferable units" and "courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree" are those courses which do not earn credit for an associate degree at the reporting institution.

(3) For purposes of computing a college grade point average by a postsecondary institution that does not grant a baccalaureate or an associate degree:

(A) "nontransferable units" are those units which are not used in satisfying requirements for earning a baccalaureate degree from a California public institution of higher education that grants such a degree.

(B) "courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree" are any courses for which the earned grade is not used in the computation of a grade point average in determining admission eligibility, whether or not units earned for the course are transferable to such an institution.

(c) Community College Grade Point Average

For purposes of computing a community college grade point average for a Cal Grant Award pursuant to the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Act, "nontransferable units" and "courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree" means all courses except "Associate Degree Credit Courses" as defined by Title 5, Chapter 6, Article 1, Section 55002(a) of the California Code of Regulations.

(d) Certification Every college grade point average and community college grade point average reported to the Commission shall include a certification under penalty of perjury to the best of his or her knowledge from the school official filing the report that the grade point average is accurately reported. The certification shall include a statement that it is subject to review by the Commission or its designee

NOTE Authority cited Section 69433.7, Education Code Reference Section 69432.7(d), Education Code

HISTORY

1 New section filed 1/16/2001 as an emergency, operative 1/16/2001 (Register 2001, No. 3) A Certificate of Compliance must be transmitted to OAL by 5/16/2001 or emergency language will be repealed by operation of law on the following day

2 Editorial correction of HISTORY 1 (Register 2001, No. 20)

1 New section refiled 5/15/2001 as an emergency, operative 5/16/2001 (Register 2001, No. 20) A Certificate of Compliance must be transmitted to OAL by 9/13/2001 or emergency language will be repealed by operation of law on the following day

§ 30008. High School Grade Point Average.

"High school grade point average" means a grade point average calculated on a 4.0 scale, using all academic coursework, for the sophomore year, the summer following the sophomore year, the junior year, and the summer following the junior year, excluding physical education, reserve officer training corps (ROTC), and remedial courses. However, for high school graduates who apply after their senior year, "high school grade point average" includes senior year coursework, excluding physical education, reserve officer training corps (ROTC), and remedial courses. Grade point averages shall only include the most recent grade for any course repeated by a student.

"High School" means a secondary school accredited by Western Association of Schools and Colleges (WASC), or another regional accrediting association if the secondary school is not in the WASC region, or which has a University of California approved course list. Applicants who do not have a grade point average from a high school shall provide a test score from the General Educational Development test (GED), the American College Test (ACT) or the Scholastic Aptitude Test (SAT).

Every high school grade point average reported to the Commission shall include a certification under penalty of perjury from the school official filing the report that the grade point average is accurately reported to the best of his or her knowledge. The certification shall include a statement that it is subject to review by the Commission or its designee. It is the responsibility of the applicant to have his or her high school grade point average reported.

NOTE Authority cited Section 69433.7, Education Code Reference Section 69432.7(b), Education Code

HISTORY

1 New section filed 1/16/2001 as an emergency, operative 1/16/2001 (Register 2001, No. 3) A Certificate of Compliance must be transmitted to OAL by 5/16/2001 or emergency language will be repealed by operation of law on the following day

2 Editorial correction of HISTORY 1 (Register 2001, No. 20)

1 New section refiled 5/15/2001 as an emergency, operative 5/16/2001 (Register 2001, No. 20) A Certificate of Compliance must be transmitted to OAL by 9/13/2001 or emergency language will be repealed by operation of law on the following day

§ 30009. Qualifying Institution.

(a) A "Qualifying Institution" means an institution as defined by Education Code section 69432.7(f)

(b) An institution qualifying pursuant to section 69432.7(f)(1) 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), (B) and (C) of that section. "Participating in federal campus-based programs" means the 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(f)(2) means a postsecondary nonprofit institution headquartered and operated 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.

(d) A qualified institution or a specific site of an otherwise qualified institution will be deemed disqualified if it no longer possesses all of the requirements for a qualified institution

(e) 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) An institution disqualified pursuant to this section may become a "qualifying institution" by complying with Education Code section 69432.7(f) and this section

NOTE Authority cited Section 69433.7, Education Code Reference Section 69432.7(h), Education Code

HISTORY

1 New section filed 1/16/2001 as an emergency, operative 1/16/2001 (Register 2001, No. 3) A Certificate of Compliance must be transmitted to OAL by 5/16/2001 or emergency language will be repealed by operation of law on the following day

2 Editorial correction of HISTORY 1 (Register 2001, No. 20)

1 New section refiled 5/15/2001 as an emergency, operative 5/16/2001 (Register 2001, No. 20) A Certificate of Compliance must be transmitted to OAL by 9/13/2001 or emergency language will be repealed by operation of law on the following day

Article 2. Applicant Qualifications

§ 30020. Academic Record.

The Commission may establish minimum standards of academic achievement and potential and may adopt criteria for selecting recipients of grants from among applicants to qualify for a Cal Grant and may require applicants to submit transcripts of high school and college academic records or other evidence of potential

NOTE Authority cited Section 69544, Education Code Reference Sections 69500, 69515 and 69539, 69547, Education Code

HISTORY

1 Repealer of Article 2 (Sections 30020-30022) and new Article 2 (Sections 30020-30022) filed 6/10/77, effective thirtieth day thereafter (Register 27, No. 24) For prior history, see Register 61, No. 22 and Register 70, No. 20

§ 30021. Choice of School or College.

A Cal Grant shall be granted in terms of the applicant's selection of school or college at the time he is selected for a grant

§ 30022. Change in School or College Choice.

Whenever a grant recipient changes his choice of school, college or program, the Commission must redetermine his financial need eligibility. Subject to such redetermination, a grant recipient may change his choice of college (a) prior to the time of actual enrollment, (b) at the conclusion of a quarter or semester, provided that any loss of tuition and fee payments shall be borne by the student.

§ 30023. In Lieu Test Scores; Grace Period.

All Cal Grant A and B applicants shall submit a grade point average pursuant to section 30007, 30008 or 30026. For a Competitive Cal Grant award pursuant to Article 5 (beginning with Education Code section 69437) of the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Act, a student who does not have a grade point average pursuant to section 30007 or 30008 or whose grade point average is more than 5 years old may submit a test score from the General Educational Development test

(GED), the American College Test (ACT) or the Scholastic Aptitude Test (SAT). It is the responsibility of the applicant to have a grade point average or test score reported.

A standardized test score for each approved test shall be converted to an equivalent grade point average by the Commission using the national distribution of test scores as compared to the distribution of grade point averages on a 0.00 to 4.00 scale. The grade point equivalencies shall be calculated based upon research from the testing agency for each approved test.

The Commission may, on a case-by-case basis, accept the submission of grade point average(s) from institutions after the established deadline if, in the opinion of the Executive Director, circumstances beyond the control of the applicant delayed or prevented the timely submission of the grade point average(s) by the reporting institution(s) by the established deadline. In such cases, any request to the Executive Director to accept grade point average(s) after the established deadline must be received by the Commission no later than twenty (20) days after the established deadline and the computed grade point average(s) must be included with the request.

Applicants or officials who submit a timely but incomplete or incorrect grade point average shall have a grace period of ten (10) days after the mailing of notice by the Commission to file a corrected or completed grade point average. A corrected or completed submission postmarked within the 10 day period shall be deemed to comply with this requirement.

NOTE: Authority cited: Sections 69432.9(c) and 69433.7, Education Code. Reference: Section 69432.9(c), Education Code.

HISTORY

1 New section filed 1/16/2001 as an emergency, operative 1/16/2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5/16/2001 or emergency language will be repealed by operation of law on the following day.

2 Editorial correction of History 1 (Register 2001, No. 20).

3 New section refiled 5/15/2001 as an emergency, operative 5/16/2001 (Register 2001, No. 20). A Certificate of Compliance must be transmitted to OAL by 9/13/2001 or emergency language will be repealed by operation of law on the following day.

§ 30024. Cal Grant B Entitlement Criteria.

A Cal Grant B entitlement award for first year tuition and fees plus the access grant as defined and limited by Education Code section 69435(a)(3) shall be given to applicants based upon consideration of the following factors:

(a) Applicants with the lowest expected family contribution determined pursuant to Education Code Section 69432.7, and applicants with the highest level of academic merit as indicated by their high school grade point average and/or submitted test scores.

(b) Additional factors to be considered shall include any of the following:

(1) Whether the applicant is an orphan or ward of the court and was a ward of the court at the age of eighteen.

(2) The level of education attainment of the applicant's parents.

(3) The number of family members in the applicant's household in relation to the household income; and

(4) Whether the applicant comes from a single parent household or is a single parent.

NOTE: Authority cited: Sections 69435(a)(1) and 69433.7, Education Code. Reference: Section 69435(a)(1), Education Code.

HISTORY

1 New section filed 1/16/2001 as an emergency, operative 1/16/2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5/16/2001 or emergency language will be repealed by operation of law on the following day.

2 Editorial correction of History 1 (Register 2001, No. 20).

3 New section refiled 5/15/2001 as an emergency, including amendment of first paragraph, operative 5/16/2001 (Register 2001, No. 20). A Certificate of Com-

pliance must be transmitted to OAL by 9/13/2001 or emergency language will be repealed by operation of law on the following day.

§ 30025. Cal Grant A and B Competitive Award Selection Criteria.

A Cal Grant A or B Competitive Award shall give special consideration to applicants who are disadvantaged students taking into consideration those financial, educational, cultural, language, home, community, environmental, and other conditions that hamper access to, and ability to persist in, postsecondary education programs. The extent to which an applicant is considered disadvantaged shall be determined based on the following:

(1) Whether the applicant is an orphan or ward of the court or was a ward of the court at the age of eighteen.

(2) The level of education attainment of the applicant's parents.

(3) The number of family members in the applicant's household in relation to the household income; and

(4) Whether the applicant comes from a single parent household or is a single parent.

NOTE: Authority cited: Section 69433.7, Education Code. Reference: Section 69437, Education Code.

HISTORY

1 New section filed 1/16/2001 as an emergency, operative 1/16/2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5/16/2001 or emergency language will be repealed by operation of law on the following day.

2 Editorial correction of History 1 (Register 2001, No. 20).

3 New section refiled 5/15/2001 as an emergency, operative 5/16/2001 (Register 2001, No. 20). A Certificate of Compliance must be transmitted to OAL by 9/13/2001 or emergency language will be repealed by operation of law on the following day.

§ 30026. Reestablishing Grade Point Average.

An applicant seeking to reestablish his or her grade point average pursuant to Education Code section 69437.6(c) may do so by providing a grade point average computed pursuant to Section 30007(c) for at least 16 academic semester units or its equivalent from an accredited California community college. It is the responsibility of the applicant to have his or her community college report a grade point average.

NOTE: Authority cited: Sections 69433.7 and 69437.6(c), Education Code. Reference: Section 69437.6(c), Education Code.

HISTORY

1 New section filed 1/16/2001 as an emergency, operative 1/16/2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5/16/2001 or emergency language will be repealed by operation of law on the following day.

2 Editorial correction of History 1 (Register 2001, No. 20).

3 New section refiled 5/15/2001 as an emergency, operative 5/16/2001 (Register 2001, No. 20). A Certificate of Compliance must be transmitted to OAL by 9/13/2001 or emergency language will be repealed by operation of law on the following day.

§ 30027. Occupational Talents Criteria.

An applicant seeking to establish "occupational talents" pursuant to Education Code section 69439 may do so by submitting any of the following on a Commission approved supplemental form:

(a) applicant's work history (including unpaid internships) in the field, and/or

(b) recommendations from teachers or persons working in the applicant's occupational or technical field.

NOTE: Authority cited: Section 69433.7, Education Code. Reference: Section 69439(c), Education Code.

HISTORY

1 New section filed 1/16/2001 as an emergency, operative 1/16/2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5/16/2001 or emergency language will be repealed by operation of law on the following day.

2 Editorial correction of History 1 (Register 2001, No. 20).

3 New section refiled 5/15/2001 as an emergency, operative 5/16/2001 (Register 2001, No. 20). A Certificate of Compliance must be transmitted to OAL by 9/13/2001 or emergency language will be repealed by operation of law on the following day.

Article 3. Use of Cal Grants

§ 30030. Application of Cal Grants.

All Cal Grants are awarded for use during a specified academic year, and shall be put into effect in September of such academic year. Exceptions may be made for students in Cal Grant C or when a student has been granted a leave or in such other instances as the Commission may otherwise provide.

NOTE: Authority cited: Section 69544, Education Code. Reference Sections 69500, 69515 and 69530, 69547, Education Code.

HISTORY

- 1 Repealer of Article 3 (Sections 30030, 30031) and new Article 3 (Sections 30030, 30031) filed 6/10/77, effective thirtieth day thereafter (Register 77, No. 24). For prior history, see Register 64, No. 14.

§ 30031. Tuition and Necessary Fees.

Only the tuition and fee charges which may be classified under the following two categories are acceptable for payment in the Cal Grant Program.

- (a) The minimum customary tuition and/or fee charges at the per unit, per quarter, per semester, or per term rate charged all undergraduate students.
- (b) Student body fees made mandatory through student action (Education Code Section 23801).

§ 30032. Refund of Grant Payments.

Refund of unused award funds previously paid to a school or college shall be based on the published regulations of the school or college concerned, as certified to the Commission by such school or college.

§ 30033. Withdrawal of a Cal Grant.

- The Commission may withdraw a Cal Grant if the recipient:
- (a) Fails to enroll in school or college and attend classes.
 - (b) Withdraws from 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 school or college he is attending and the California Student Aid Commission.
 - (d) Loses his status as a resident in California.
 - (e) Fails to continue to demonstrate financial need according to California Student Aid Commission criteria.
 - (f) Is in violation of California Student Aid Commission regulations.

Article 4. State Guaranteed Loans

NOTE: Authority cited: Section 69544, Education Code. Reference Sections 69500, 69515 and 69530, 69547, Education Code.

HISTORY

- 1 New Article 4 (Sections 30040 through 30046) filed 10/17/66 as an emergency, effective upon filing (Register 66, No. 16).
- 2 Amendment filed 6/10/77, effective thirtieth day thereafter (Register 77, No. 24).
- 3 Repealer of Article 4 (Sections 30040, 30046) filed 6/14/78, effective thirtieth day thereafter (Register 78, No. 24).

Article 5. State Student Incentive Grant Program

§ 30050. Statement of Non-Interference.

The Student Aid Commission finds that the State Student Incentive Grant Program as authorized by Title IV, Part A, Subpart 3, of the Higher Education Act of 1965 as amended (20 U.S.C., 1070c-107c-3), will not interfere with or jeopardize the continuation of the Cal Grant Program established under Sections 69530 through 69547 of the State Education Code.

NOTE: Authority cited for Article 5: Section 69544, Education Code. Reference Sections 69500, 69515 and 69530, 69547, Education Code.

HISTORY

- 1 New Article 5 (Sections 30050, 30057) filed 8/2/74 as an emergency, effective upon filing (Register 74, No. 31).
- 2 Certificate of Compliance filed 11/22/74 (Register 74, No. 47).
- 3 Amendment filed 6/10/77, effective thirtieth day thereafter (Register 77, No. 24).

§ 30051. Eligible Students.

Eligible students are undergraduate students with substantial financial need who are applicants for a Cal Grant A, Cal Grant B, or Cal Grant C who meet all requirements otherwise established by the California Student Aid Commission for receipt of such awards.

HISTORY

- 1 Amendment filed 6/10/77, effective thirtieth day thereafter (Register 77, No. 24).

§ 30052. Substantial Financial Need.

Substantial financial need shall be financial need using standards of financial need assessment established by the Commission for receipt of state funds including standards of family contributions, self-help expectations, and unmet need.

§ 30053. Full-Time Student.

A full-time, regularly enrolled undergraduate student is one who is regularly enrolled for a semester or quarter program of not less than 12 (twelve) credit hours or their equivalent.

HISTORY

- 1 Amendment filed 6/10/77, effective thirtieth day thereafter (Register 77, No. 24).

§ 30054. Part-Time Student.

A part-time student is one who is taking 6-11 units or their equivalent. A student enrolled for 9-11 units or their equivalent is considered 3/4-time and a student enrolled for 6-8 units or their equivalent is considered 1/2-time.

HISTORY

- 1 Repealer and new section filed 6/10/77, effective thirtieth day thereafter (Register 77, No. 24).

§ 30055. Size of Grant.

The size of the grant shall never be more than one-half of the maximum authorized by the Education Code in the State Scholarship (Cal Grant A), College Opportunity Grant (Cal Grant B), or Occupational Education and Training Grant (Cal Grant C) programs.

HISTORY

- 1 Renumbering of former Section 30054 and amendment filed 6/10/77, effective thirtieth day thereafter (Register 77, No. 24).

§ 30056. Independent Students.

The criteria for determining independence from parental income shall be the same as established by the Commission for establishing independence from parental income for the Cal Grant A, Cal Grant B, and Cal Grant C programs.

HISTORY

- 1 Renumbering of former Section 30055 and amendment filed 6/10/77, effective thirtieth day thereafter (Register 77, No. 24).

§ 30057. Academic Year.

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.

HISTORY

- 1 Renumbering of former Section 30056 filed 6/10/77, effective thirtieth day thereafter (Register 77, No. 24).

§ 30058. Eligible Institutions.

Eligible institutions are institutions which are located in California which meet the requirements for participation in the Cal Grant A, Cal Grant B, and Cal Grant C programs as established in the State Education Code.

HISTORY

- 1 Renumbering of former Section 30057 and amendment filed 6/10/77, effective thirtieth day thereafter (Register 77, No. 24).

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§ 30007
§ 30023
§ 30026
§ 30027

Division 4. California Student Aid Commission

Chapter 1. California Student Aid Commission

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. 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 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

HISTORY

1. Repealer of Article 1 (Sections 30000-30006) and new Article 1 (Sections 30000-30006) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24). For prior history, see Register 69, No. 51 and Register 59, No. 7.
2. Amendment filed 6-18-82; effective thirtieth day thereafter (Register 82, No. 25).

§ 30001. Grant Recipient.

A grant recipient is a person who has successfully met all of the requirements set forth in Education Code Sections 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 attending a school or college to which he has been admitted.

A Cal Grant A recipient, as defined in Education Code Section 69532, may utilize a grant for tuition and fees as in Education Code Section 69536; a Cal Grant B Recipient, as defined in Education Code Section 69532, may utilize a grant for tuition, fees and subsistence as in Education Code Section 69538; a Cal Grant C recipient, as defined in Education Code Section 69532, may utilize a grant for occupational or technical training for tuition and training-related costs as in Education Code Section 69539.

§ 30002. Eligible Applicant.

An eligible applicant is any person who has successfully met the requirements set forth in Sections 69530 to 69547, Education Code, and has submitted in proper form and prior to established deadlines such applications, supplements and transcripts of academic record, and financial and other information as the California Student Aid Commission may direct.

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 69534-69536, 69538, 69539 and 69541, Education Code.

HISTORY

1. Amendment filed 6-18-82; effective thirtieth day thereafter (Register 82, No. 25).

§ 30003. Full-Time Student.

A full-time, regularly enrolled undergraduate student is one who is regularly enrolled for a semester or quarter program of not less than 12 (twelve) credit hours or units or their equivalent.

§ 30004. Part-Time Student.

A part-time student is one who is taking 6-11 units or their equivalent. A student enrolled for 9-11 units or their equivalent is considered 3/4-time and a student enrolled for 6-8 units or their equivalent is considered 1/2-time.

§ 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 69544, Education Code. Reference: Sections 69536 and 69538, Education Code.

HISTORY

1. Amendment filed 6-18-82; effective thirtieth day thereafter (Register 82, No. 25).

§ 30006. Standards for Ability to Pay for Postsecondary Education.

The Commission shall adopt standards of measuring parental and student ability to pay for postsecondary education and such standards shall be applicable to Cal Grant A, B, and C.

§ 30007. College Grade Point Average; Community College Grade Point Average.

(a) General.

(1) "College grade point average" and "community college grade point average" mean a grade point average calculated on the basis of all college work completed, except for nontransferable units and courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree. A college grade point average or a community college grade point average must be computed for a minimum of 24 semester units or its equivalent regardless of the grade received.

(2) "All college work completed" includes all coursework for which grades are known to the official reporting the grade point average and accepted for credit at the school reporting the grade point average regardless of the grade received.

(3) It is the responsibility of the student applicant to have his or her college or community college report a grade point average.

(b) College Grade Point Average.

(1) For purposes of computing a college grade point average by an institution that grants a baccalaureate degree, "nontransferable units" and "courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree" are those courses which do not earn credit for a baccalaureate degree from the reporting institution.

(2) For purposes of computing a college grade point average by a postsecondary institution that grants an associate degree, "nontransferable units" and "courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree" are those courses which do not earn credit for an associate degree at the reporting institution.

(3) For purposes of computing a college grade point average by a postsecondary institution that does not grant a baccalaureate or an associate degree:

(A) "nontransferable units" are those units which are not used in satisfying requirements for earning a baccalaureate degree from a California public institution of higher education that grants such a degree.

(B) "courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree" are any courses for which the earned grade is not used in the computation of a grade point average in determining admission eligibility, whether or not units earned for the course are transferable to such an institution.

(c) Community College Grade Point Average.

For purposes of computing a community college grade point average for a Cal Grant Award pursuant to the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Act, "nontransferable units" and "courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree" mean all courses except "Associate Degree Credit Courses" as defined by Title 5,

Chapter 6, Article 1, Section 55002(a) of the California Code of Regulations.

(d) Certification.

Every college grade point average and community college grade point average reported to the Commission shall include a certification under penalty of perjury to the best of his or her knowledge from the school official filing the report that the grade point average is accurately reported. The certification shall include a statement that it is subject to review by the Commission or its designee.

NOTE: Authority cited: Section 69433.7, Education Code. Reference: Section 69432.7(d), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-16-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-16-2001 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of HISTORY 1 (Register 2001, No. 20).
3. New section refiled 5-15-2001 as an emergency; operative 5-16-2001 (Register 2001, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-13-2001 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 5-15-2001 order, including redesignation and amendment of former subsection (a) as subsections (a) (a)(3) transmitted to OAL 7-25-2001 and filed 8-13-2001 (Register 2001, No. 33).

§ 30008. High School Grade Point Average.

(a) "High school grade point average" means a grade point average calculated on a 4.0 scale, using all academic coursework, for the sophomore year, the summer following the sophomore year, the junior year, and the summer following the junior year, excluding physical education, reserve officer training corps (ROTC), and remedial courses. However, for high school graduates who apply after their senior year, "high school grade point average" includes senior year coursework, excluding physical education, reserve officer training corps (ROTC), and remedial courses. Grade point averages shall only include the most recent grade for any course repeated by a student.

(b) "High School" means a secondary school accredited by Western Association of Schools and Colleges (WASC), or another regional accrediting association if the secondary school is not in the WASC region, or which has a University of California approved course list. Applicants who do not have a grade point average from a high school shall provide a test score from the General Educational Development test (GED), the American College Test (ACT) or the Scholastic Aptitude Test (SAT).

(c) Every high school grade point average reported to the Commission shall include a certification under penalty of perjury from the school official filing the report that the grade point average is accurately reported to the best of his or her knowledge. The certification shall include a statement that it is subject to review by the Commission or its designee. It is the responsibility of the applicant to have his or her high school grade point average reported.

NOTE: Authority cited: Section 69433.7, Education Code. Reference: Section 69432.7(h), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-16-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-16-2001 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of HISTORY 1 (Register 2001, No. 20).
3. New section refiled 5-15-2001 as an emergency; operative 5-16-2001 (Register 2001, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-13-2001 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 5-15-2001 order, including the addition of a subsection designator for each paragraph, transmitted to OAL 7-25-2001 and filed 8-13-2001 (Register 2001, No. 33).

§ 30009. Qualifying Institution.

(a) A "Qualifying Institution" means an institution as defined by Education Code section 69432.7(l).

(b) An institution qualifying pursuant to section 69432.7(l)(1) 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), (B) and (C) of that section. "Participating in federal campus-based programs" means the 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(l)(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.

(d) 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) 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) An institution disqualified pursuant to this section may become a "qualifying institution" by complying with Education Code section 69432.7(l) and this section.

NOTE: Authority cited: Section 69433.7, Education Code. Reference: Section 69432.7(l), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-16-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-16-2001 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of HISTORY 1 (Register 2001, No. 20).
3. New section refiled 5-15-2001 as an emergency; operative 5-16-2001 (Register 2001, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-13-2001 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 5-15-2001 order, including amendment of subsection (d), transmitted to OAL 7-25-2001 and filed 8-13-2001 (Register 2001, No. 33).

Article 2. Applicant Qualifications

§ 30020. Academic Record.

The Commission may establish minimum standards of academic achievement and potential and may adopt criteria for selecting recipients of grants from among applicants to qualify for a Cal Grant and may require applicants to submit transcripts of high school and college academic records or other evidence of potential.

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

HISTORY

1. Repealer of Article 2 (Sections 30020-30022) and new Article 2 (Sections 30020-30022) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24). For prior history, see Register 61, No. 22 and Register 70, No. 20.

§ 30021. Choice of School or College.

A Cal Grant shall be granted in terms of the applicant's selection of school or college at the time he is selected for a grant.

§ 30022. Change in School or College Choice.

Whenever a grant recipient changes his choice of school, college or program, the Commission must redetermine his financial need eligibility. Subject to such redetermination, a grant recipient may change his choice of college (a) prior to the time of actual enrollment, (b) at the conclusion of a quarter or semester, provided that any loss of tuition and fee payments shall be borne by the student.

§ 30023. In Lieu Test Scores; Grace Period.

(a) All Cal Grant A and B applicants shall submit a grade point average pursuant to section 30007, 30008 or 30026.

(1) For a Competitive Cal Grant award pursuant to Article 5 (beginning with Education Code section 69437) of the Ortiz-Pacheco-Poehigian-Vasconcellos Cal Grant Act, a student who does not have a grade point average pursuant to section 30007 or 30008 or whose grade point average is more than 5 years old may submit a test score from the General Educational Development test (GED), the American College Test (ACT) or the Scholastic Aptitude Test (SAT).

(2) It is the responsibility of the applicant to have a grade point average or test score reported.

(b) A standardized test score for each approved test shall be converted to an equivalent grade point average by the Commission using the national distribution of test scores as compared to the distribution of grade point averages on a 0.00 to 4.00 scale. The grade point equivalencies shall be calculated based upon research from the testing agency for each approved test.

(c) The Commission may, on a case-by-case basis, accept the submission of grade point average(s) from institutions after the established deadline if, in the opinion of the Executive Director, circumstances beyond the control of the applicant delayed or prevented the timely submission of the grade point average(s) by the reporting institution(s) by the established deadline. In such cases, any request to the Executive Director to accept grade point average(s) after the established deadline shall be received by the Commission no later than twenty (20) days after the established deadline and the computed grade point average(s) shall be included with the request.

(d) Applicants or officials who submit a timely but incomplete or incorrect grade point average shall have a grace period of ten (10) days after the mailing of notice by the Commission to file a corrected or completed grade point average. A corrected or completed submission postmarked within the 10 day period shall be deemed to comply with this requirement.

NOTE: Authority cited: Sections 69432.9(c) and 69433.7, Education Code. Reference: Section 69432.9(c), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-16-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-16-2001 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of HISTORY 1 (Register 2001, No. 20).
3. New section refiled 5-15-2001 as an emergency; operative 5-16-2001 (Register 2001, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-13-2001 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 5-15-2001 order, including the addition of a subsection designator for each paragraph and amendment of newly designated subsection (c), transmitted to OAL 7-25-2001 and filed 8-13-2001 (Register 2001, No. 33).

§ 30024. Cal Grant B Entitlement Criteria.

A Cal Grant B Entitlement award for first year tuition and fees plus the access grant as defined and limited by Education Code section 69435(a)(3) shall be given to applicants based upon consideration of the following factors:

(a) Applicants with the lowest expected family contribution determined pursuant to Education Code Section 69432.7; and applicants with the highest level of academic merit as indicated by their high school grade point average and/or submitted test scores;

(b) Additional factors to be considered may include any of the following:

- (1) Whether the applicant is an orphan or ward of the court or was a ward of the court at the age of eighteen;
- (2) The level of education attainment of the applicant's parents;
- (3) The number of family members in the applicant's household in relation to the household income; and
- (4) Whether the applicant comes from a single parent household or is a single parent.

NOTE: Authority cited: Sections 69435(a)(3) and 69433.7, Education Code. Reference: Section 69435(a)(3), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-16-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-16-2001 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of HISTORY 1 (Register 2001, No. 20).
3. New section refiled 5-15-2001 as an emergency, including amendment of first paragraph; operative 5-16-2001 (Register 2001, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-13-2001 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 5-15-2001 order, including amendment of subsection (b), transmitted to OAL 7-25-2001 and filed 8-13-2001 (Register 2001, No. 33).

§ 30025. Cal Grant A and B Competitive Award Selection Criteria.

(a) A Cal Grant A or B Competitive Award shall give special consideration to applicants who are disadvantaged students taking into consideration those financial, educational, cultural, language, home, community, environmental, and other conditions that hamper access to, and ability to persist in, postsecondary education programs. The extent to which an applicant is considered disadvantaged shall be determined based on the following:

- (1) Whether the applicant is an orphan or ward of the court or was a ward of the court at the age of eighteen;
- (2) The level of education attainment of the applicant's parents;
- (3) The number of family members in the applicant's household in relation to the household income; and
- (4) Whether the applicant comes from a single parent household or is a single parent.

NOTE: Authority cited: Section 69433.7, Education Code. Reference: Section 69437, Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-16-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-16-2001 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of HISTORY 1 (Register 2001, No. 20).
3. New section refiled 5-15-2001 as an emergency; operative 5-16-2001 (Register 2001, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-13-2001 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 5-15-2001 order, including the designation of the first paragraph as subsection (a), transmitted to OAL 7-25-2001 and filed 8-13-2001 (Register 2001, No. 33).

§ 30026. Reestablishing Grade Point Average.

An applicant seeking to reestablish his or her grade point average pursuant to Education Code section 69437.6(c) may do so by providing a grade point average computed pursuant to Section 30007(c) for at least 16 academic semester units or its equivalent from an accredited California community college. It is the responsibility of the applicant to have his or her community college report a grade point average.

NOTE: Authority cited: Sections 69433.7 and 69437.6(c), Education Code. Reference: Section 69437.6(c), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-16-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-16-2001 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of HISTORY 1 (Register 2001, No. 20).
3. New section refiled 5-15-2001 as an emergency; operative 5-16-2001 (Register 2001, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-13-2001 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 5-15-2001 order transmitted to OAL 7-25-2001 and filed 8-13-2001 (Register 2001, No. 33).

§ 30027. Occupational Talents Criteria.

An applicant seeking to establish "occupational talents" pursuant to Education Code section 69439 may do so by submitting any of the following supplemental information:

- (a) applicant's work history (including unpaid internships) in the field; and/or

(b) recommendations from teachers or persons working in the applicant's occupational or technical field.

NOTE: Authority cited: Section 69433.7, Education Code. Reference: Section 69439(c), Education Code.

HISTORY

1. New section filed 1-16-2001 as an emergency; operative 1-16-2001 (Register 2001, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-16-2001 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of HISTORY 1 (Register 2001, No. 20).
3. New section refiled 5-15-2001 as an emergency; operative 5-16-2001 (Register 2001, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-13-2001 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 5-15-2001 order, including amendment of first paragraph, transmitted to OAL 7-25-2001 and filed 8-13-2001 (Register 2001, No. 33).

Article 3. Use of Cal Grants

§ 30030. Application of Cal Grants.

All Cal Grants are awarded for use during a specified academic year, and shall be put into effect in September of such academic year. Exceptions may be made for students in Cal Grant C or when a student has been granted a leave or in such other instances as the Commission may otherwise provide.

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

HISTORY

1. Repealer of Article 3 (Sections 30030-30033) and new Article 3 (Sections 30030-30033) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24). For prior history, see Register 64, No. 14).

§ 30031. Tuition and Necessary Fees.

Only the tuition and fee charges which may be classified under the following two categories are acceptable for payment in the Cal Grant Program.

(a) The minimum customary tuition and/or fee charges at the per unit, per quarter, per semester, or per term rate charged all undergraduate students.

(b) Student body fees made mandatory through student action (Education Code Section 23801).

§ 30032. Refund of Grant Payments.

Refund of unused award funds previously paid to a school or college shall be based on the published regulations of the school or college concerned, as certified to the Commission by such school or college.

§ 30033. Withdrawal of a Cal Grant.

The Commission may withdraw a Cal Grant if the recipient:

- (a) Fails to enroll in school or college and attend classes.
- (b) Withdraws from 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 school or college he is attending and the California Student Aid Commission.
- (d) Loses his status as a resident in California.
- (e) Fails to continue to demonstrate financial need according to California Student Aid Commission criteria.
- (f) Is in violation of California Student Aid Commission regulations.

Article 4. State Guaranteed Loans

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

HISTORY

1. New Article 4 (Sections 30040 through 30046) filed 10-17-66 as an emergency; effective upon filing (Register 66, No. 36).
2. Amendment filed 6-10-77, effective thirtieth day thereafter (Register 77, No. 24).
3. Repealer of Article 4 (Sections 30040-30046) filed 6-14-78; effective thirtieth day thereafter (Register 78, No. 24).

Article 5. State Student Incentive Grant Program

§ 30050. Statement of Non-Interference.

The Student Aid Commission finds that the State Student Incentive Grant Program as authorized by Title IV, Part A, Subpart 3, of the Higher Education Act of 1965 as amended (20 U.S.C., 1070e-1070e-3), will not interfere with or jeopardize the continuation of the Cal Grant Program established under Sections 69530 through 69547 of the State Education Code.

NOTE: Authority cited for Article 5: Section 69544, Education Code. Reference: Sections 69500-69515 and 69530-69547, Education Code.

HISTORY

1. New Article 5 (Sections 30050-30057) filed 8-2-74 as an emergency; effective upon filing (Register 74, No. 31).
2. Certificate of Compliance filed 11-22-74 (Register 74, No. 47).
3. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30051. Eligible Students.

Eligible students are undergraduate students with substantial financial need who are applicants for a Cal Grant A, Cal Grant B, or Cal Grant C who meet all requirements otherwise established by the California Student Aid Commission for receipt of such awards.

HISTORY

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30052. Substantial Financial Need.

Substantial financial need shall be financial need using standards of financial need assessment established by the Commission for receipt of state funds including standards of family contributions, self-help expectations, and unmet need.

§ 30053. Full-Time Student.

A full-time, regularly enrolled undergraduate student is one who is regularly enrolled for a semester or quarter program of not less than 12 (twelve) credit hours or their equivalent.

HISTORY

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30054. Part-Time Student.

A part-time student is one who is taking 6-11 units or their equivalent. A student enrolled for 9-11 units or their equivalent is considered 3/4-time and a student enrolled for 6-8 units or their equivalent is considered 1/2-time.

HISTORY

1. Repealer and new section filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30055. Size of Grant.

The size of the grant shall never be more than one-half of the maximum authorized by the Education Code in the State Scholarship (Cal Grant A), College Opportunity Grant (Cal Grant B), or Occupational Education and Training Grant (Cal Grant C) programs.

HISTORY

1. Renumbering of former Section 30054 and amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30056. Independent Students.

The criteria for determining independence from parental income shall be the same as established by the Commission for establishing independence from parental income for the Cal Grant A, Cal Grant B, and Cal Grant C programs.

HISTORY

1. Renumbering of former Section 30055 and amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

§ 30057. Academic Year.

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.

HISTORY

1. Renumbering of former Section 30056 filed 6-10-77, effective thirtieth day thereafter (Register 77, No. 24).

§ 30058. Eligible Institutions.

Eligible institutions are institutions which are located in California which meet the requirements for participation in the Cal Grant A, Cal Grant B, and Cal Grant C programs as established in the State Education Code.

HISTORY

1. Renumbering of former Section 30057 and amendment filed 6-10-77, effective thirtieth day thereafter (Register 77, No. 24).

Article 6. Conflict of Interest Code Student Aid Commission

§ 30060. Conflict of Interest Code.

The Political Reform Act, Government Code sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Student Aid Commission.

Pursuant to section 4(a) of the Standard Code, designated employees shall file statements of economic interests with their agencies. Upon receipt of the statements of the California Student Aid Commissioners, the Executive Director, members of the EDFUND Board of Directors, and the President of EDFUND, the agency shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

NOTE: Authority cited: Section 69544, Education Code. Reference: Sections 87100, et seq., Government Code.

HISTORY

1. New article 6 (sections 30060-30069) filed 7-8-77; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 6-8-77 (Register 77, No. 28).
2. Repealer of article 6 (sections 30060-30069 and Exhibits A and B) and new article 6 (section 30060 and Appendix) filed 6-12-81; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 6-30-80 (Register 81, No. 24).
3. Amendment of Appendix (Exhibits A and B) filed 1-4-85; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 11-13-84 (Register 85, No. 1).
4. Amendment of Appendix filed 3-27-89; operative 4-26-89. Approved by Fair Political Practices Commission 1-25-89 (Register 89, No. 13).
5. Amendment of Conflict of Interest Code filed 1-17-91; operative 2-16-91 (Register 91, No. 11).
6. Amendment of section and Appendix filed 4-30-2001; operative 5-30-2001. Approved by Fair Political Practices Commission 2-26-2001 (Register 2001, No. 18).

Appendix

Exhibit "A"

Designated Positions

1. Persons occupying the following positions are designated employees and must report those financial interests listed in the disclosure categories under Exhibit "B" to which they have been assigned. (No employee who performs purely ministerial, clerical, or service functions shall be a designated employee.) California Student Aid Commission (CSAC) employees assigned to EDFUND will be considered EDFUND employees for purposes of determining whether their position is a designated position.

Designated Position

California Student Aid Commission Employees

California Student Aid Commissioner	1, 2, 3
Executive Director	1, 2, 3
Chief Deputy Director	1, 2
Division Chief	1, 2
Accounting Officer	2, 3
Auditor	2, 3
Contract Officer	2, 3
Financial Aid Manager	2, 3
Procurement Officer	2, 3
Staff Counsel	2, 3
Staff Services Manager	2, 3

Consultants*

EDFUND Employees

EDFUND Board Member	1, 2, 3
President	1, 2, 3
Chief Operations Officer	2, 3
Vice President	2, 3
Assistant Vice President	2, 3
Auditor	2, 3
Claims Prevention and Resolution Manager	2, 3
Finance and Administration Manager	2, 3
Ombudsman	2, 3
Procurement Staff	2, 3
Staff Counsel	2, 3

*Consultants

Exhibit "B"

Disclosure Categories

Designated employees assigned to Category 1 shall disclose:

Interests in real property located in the jurisdiction.

Designated employees assigned to Category 2 shall disclose:

Investments and business positions in, and income from, business entities of the type which provide services, supplies, materials, or equipment to the Commission.

Designated employees assigned to Category 3 shall disclose:

Investments and business positions in, and income from, business entities of the type that either provide financial aid or related services to the Commission or participate in and benefit from the Commission's programs. This includes, but is not limited to, affiliations with and income from public, private or vocational schools, colleges and universities, educational associations or entities, state or federal agencies, financial aid processors, collection agencies, lending institutions, lender services, school services, secondary markets and contracted servicers.

Exhibit "C"

Consultants

** Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:*

The Executive Director or the President of EDFUND may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's or President of EDFUND's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.