

Item 6

(Action Item)

Consideration to approve amendments to the proposed emergency regulations for Golden State Teacher Grant Program

SUMMARY:

This item provides a description of the proposed amendments of the emergency regulations for the Golden State Teacher Grant Program (GSTGP), including the proposed emergency regulation text and additional regulatory documents, and a description of the rulemaking process for these emergency regulations.

RECOMMENDATION:

Staff recommends the Commission approve the proposed amendments to the emergency regulations and authorize staff to complete the emergency regulatory process, including initiating a five-day public comment period, preparing, and submitting all required documents to the Office of Administrative Law (OAL), and making any non-substantive changes to the regulations and supporting documentation as requested by the OAL.

BACKGROUND:

On December 13, 2021, staff submitted the regulation package to OAL for their 10-day review. Upon OAL review of the regulation, OAL indicated that the regulatory text required several changes in order to meet the clarity and necessity requirements of the Administrative Procedures Act (APA). Staff withdrew the emergency rulemaking package to develop amendments to address OAL concerns. Under the APA, the proposed regulations must meet six legal standards set forth in the APA: Authority, Reference, Consistency, Clarity, Nonduplication and Necessity (Government Code 11349.1). OAL provided proposed substantive changes to meet their concerns that the regulations did not meet these standards. Staff have prepared amendments based on this feedback for the Commission's consideration before resubmitting to OAL.

Summary of the nine substantive changes:

1. Section 30520: for clarity added language to describe the Standardized Student Expense Budget developed by the Commission and used in calculating financial need.
2. Section 30521(a): for clarity and consistency added language to indicate that the Golden State Teacher Grant Program application will be provided to applicants by CSAC, and submitted by the applicant, through WebGrants.

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3. Section 30521(a)(1): removed “or other unique identifier as determined by the Commission.” Social Security Number or an Alien Registration Number are required to complete the federal financial aid application pursuant to 20 U.S.C. 1091(a)(4)(B) and 34 CFR 668.36 Social Security Number.
4. Section 30522: for clarity added “whichever occurs first” to this provision to clarify funds may not be available through the 2025-26 academic year if they are exhausted before that date.
5. Section 30524(b): for clarity provided more specificity about the type of information the participating institution’s coordinator should provide to the students.
6. Section 30525: for clarity added detail about how the Teaching Agreement will be provided to the applicant and how and when it must be returned to the Commission.
7. Section 30525: for clarity specifies examples of what constitutes a “good cause” that may be granted.
8. Section 30527(b): for clarity changed from permissive to required, the exceptions of when a school year will be counted toward the required four-year teaching agreement for purposes of the repayment obligation.
9. Section 30527(d): for clarity changed the “monthly or quarterly repayment” to “monthly repayment.”

Commission approval is required for staff to make substantive changes to the emergency regulation and to complete the rulemaking process. Upon Commission approval, staff will post the notice regarding the proposed emergency regulations on the Commission’s website. Interested members of the public will have five days to provide comments regarding the proposed rulemaking. At the conclusion of that five-day period, staff will submit the amended regulatory text, a Notice of Proposed Regulatory Action, and additional supporting documentation to the OAL

Once the documents are filed with OAL, that agency has ten days in which to act on the submission. Included in that 10-day period is another five-day comment period in which interested members of the public may provide comments directly to OAL. If any comments are received, Commission staff would be provided an opportunity to respond before OAL’s final action. Assuming that all statutory and procedural requirements are met, emergency regulations are typically approved by OAL and, upon approval, become effective.

Emergency regulations are effective for 180 days, during which time the Commission may pursue a permanent rulemaking to ensure that these regulations remain in effect for the duration of the funding. Any permanent rulemaking would require staff to obtain the Commission’s approval prior to initiating the process with OAL. In addition, if unable to complete the permanent rulemaking within the 180 days, the Commission may request an extension of an additional 180 days.

Staff recommends the Commission to adopt the proposed amendment of the emergency regulations and authorize staff to complete the regulatory process,

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including initiating a five-day public comment period, preparing, and submitting all required documents to OAL, and making any non-substantive changes to the regulations and supporting documentation as requested by the OAL.

RESPONSIBLE PERSON(S):

Julia Blair, General Counsel
Executive Office

Tae Kang, Deputy Director
Program Administration and Services Division

Ana Marquez, Manager
Specialized Programs

ATTACHMENT(S):

Text of Proposed Amended Regulations
Draft Resolution for Golden State Teacher Grant Program Regulations
OAL Emergency Rulemaking Process