

# Item 12

(Action Item)

Consideration to approve modification to proposed amendments to the California Community College Expanded Entitlement Program, Section 30023 and 30026 of Title 5 of the CCR

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**SUMMARY:**

This item provides a description of the proposed modification to proposed amended regulations for the California Community College Expanded Entitlement Program, Section 30023 and 30026 of Title 5 of the California Code of Regulations.

**RECOMMENDATION:**

Staff recommends that the Commission adopt the proposed modified regulations and authorize staff to complete the regulatory process.

**BACKGROUND:**

The Commission adopted the proposed amendments to regulations for the California Community College Expanded Entitlement program at its September 8, 2022, Commission meeting and public hearing, and directed staff to complete the formal rulemaking process in accordance with the Administrative Procedures Act, including posting the proposed amended regulations for a 45-day public comment period. Staff received public comment on the proposed amended regulations. In response to public comment received during the 45-day public comment period, staff determined that additional conforming and sufficiently related modifications to the regulations were appropriate.

The proposed modification, highlighted in double underline and double strikeout in the attached text, addresses an oversight in the first round of amendments. Specifically, section 30023(c)(5) provides an extension of deadlines where the deadline falls on a weekend or holiday. The existing language does not include all programs, including the Community College Entitlement program. The proposed modification fixes this oversight and allows for the extension for any of the identified deadlines contained in section 30023.

Upon adoption by the Commission, staff will make the proposed modified regulatory language, along with additional supporting documents and information available for public comment for a period of at least 15 days as required by Government Code Section 11346.8. Following completion of the 15-day comment period, staff will review

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any further public comments received, and, assuming no additional substantive changes are required, submit the final form of the amendments to OAL for approval.

Because the initial public comment resulted in a substantive change, the Commission must summarize and respond on the record to timely comments on the modified regulatory language subject to the 15-day notice. For each comment received, the agency must either (1) explain how it has amended the proposal to accommodate the comment, or (2) explain the reasons for making no change to the proposal. The summary and response to comments filed during the 15-day notice period, will be part of the rulemaking file and included in the Final Statement of Reasons submitted to OAL. Once the complete rulemaking file is submitted to OAL, OAL will have 30 business days to conduct its review. OAL must review the rulemaking record to determine whether it demonstrates the Commission satisfied the procedural requirements of the APA and complied with the appropriate legal standards. Once OAL has completed its review, and assuming the Commission has met its obligations, OAL will file the regulations with the Secretary of State and the regulations will become effective in accordance with the provisions of Government Code Section 11343.4. Staff requests that the Commission adopt the proposed modified regulatory text and authorize staff to complete the formal rulemaking process to implement the regulations under the Administrative Procedure Act, including making any non-substantive changes needed.

### **RESPONSIBLE PERSON(S):**

Terry Artica, Assistant Deputy Director  
Customer Relations Service Branch

Tae Kang, Deputy Director  
Program Administration and Services Division

Julia Blair, General Counsel  
Executive Office

### **ATTACHMENT(S):**

Draft of Resolution  
Text of Modified, Amended Regulations  
Public Comments and Response to Comments