

Item 8

(Action Item)

Consideration to approve amendments to proposed regulations for the Learning-Aligned Employment Program (Ed Code Section 69950, et seq.)

SUMMARY:

This item provides a description of the proposed modifications for the proposed regulations for the Learning-Aligned Employment Program (LAEP), Section 69950, et seq. of Title 5 of the California Code of Regulations (CCR).

RECOMMENDATION:

Staff recommends the California Student Aid Commission (Commission) approve the proposed amended regulations and authorize staff to complete the regulatory process, including making any non-substantive changes.

BACKGROUND:

The Commission adopted the proposed regulations for the LAEP at the March 9, 2023, 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 regulations for a 45-day public comment period. Staff did not receive any public comment on the proposed regulations. Staff submitted the proposed regulations to the Office of Administrative Law (OAL), where OAL determined non-substantive and substantive changes to the proposed regulations were necessary. The substantive changes provide further clarity and consistency of the proposed regulations.

The proposed modification text is highlighted in single underline and single strikeout in the attached text.

1. Section 30600: Non-Substantive change to the text because the agreement will be printed in the CCR.
2. Section 30601 (d): Non-substantive change to amend Part “4” to Part “41” to refer to the correct part of the Education Code.
3. Section 30602 (a)(1)(A): Substantive change from “should” to “shall” to address further clarity and consistency.
4. Section 30604 (e): Substantive change from “should” to “shall” to address further clarity and consistency.

California Student Aid Commission

In addition to the regulatory changes, OAL recommended that the Commission include additional language in the Initial Statement of Reasons (ISOR). Specifically, in a number of areas, the language that explains the necessity for each regulatory section was expanded to provide a more thorough explanation of that necessity.

Upon adoption by the Commission, staff will make the proposed modified regulatory language, along with additional supporting documents and information, including the amended ISOR, 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 any further public comments received, and, assuming no additional substantive changes are required, submit the final form of the amendments to OAL for approval.

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 recommends the Commission approve the proposed amended regulations and authorize staff to complete the regulatory process, including making any non-substantive changes.

RESPONSIBLE PERSON(S):

Mark Paxson, Interim General Counsel
Executive Office

ATTACHMENT(S):

Text of Modified Proposed Regulations
Draft of Resolution for Proposed Amended Regulations
15-Day Notice of Proposed Amended Regulations
Addendum to the Initial Statement of Reasons