

RESOLUTION NO. 23-02

**ADOPTION OF PROPOSED EMERGENCY
REGULATIONS FOR THE MIDDLE CLASS
SCHOLARSHIP PROGRAM**

(Education Code Section 70020 et
seq.) March 7, 2024

WHEREAS, Education Code section 70020 (enacted pursuant to Stats. 2013, Ch. 50, Sec. 2; established the Middle Class Scholarship (MCS) Program and amended by Senate Bill 142 (*Stats. 2023, Ch. 195, Sec. 6.*) and Senate Bill 117 (*Stats. 2023, Ch. 50, Sec. 9.*); to make higher education more affordable, and

WHEREAS, legislation passed in 2023 made a number of changes to the requirements of the Program necessitating the proposed emergency regulations; and

WHEREAS, Education Code section 70023(c) and 70023(g) authorize the Commission to adopt emergency regulations to administer the Program in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and section; and

WHEREAS, Commission staff has developed proposed emergency regulations to Article 15.5 of Chapter 1 of Division 4 of Title 5 of the California Code of Regulations to implement the recent statutory amendments; and

WHEREAS, Education Code section 69513.1 provides that the Commission “may delegate to the director any power, duty, purpose, function, or jurisdiction that the commission may lawfully delegate, including the authority to enter into and sign contracts on behalf of the commission. The director may redelegate any of those powers, duties, purposes, functions, or jurisdictions to his or her designee, unless by statute, or rule or regulation, the director is expressly required to act personally;” and

WHEREAS, Commission staff intends to submit the proposed emergency regulations to the Office of Administrative Law following Commission approval for publication, consistent with Education Code section 70023(c) and 70023(g).

NOW, THEREFORE, BE IT RESOLVED by the California Student Aid Commission as follows:

Section 1. The proposed emergency regulations to Article 15.5 of Chapter 1 of Division 4 of Title 5 of the California Code of Regulations to implement Education Code section 70022 and 70023 are hereby approved in substantially the form presented to the Commission. The Executive Director is hereby authorized, for and on behalf of the Commission, to submit such regulations, with all required supporting documentation, to the Office of Administrative Law for publication.

Section 2. The Executive Director is hereby authorized and directed to take such

actions, including reviewing submitted public comments and making non-substantive changes to the regulations resulting from such comments, making or causing to be made such changes to the regulations as may be required for approval of the regulations by the Office of Administrative Law including making non-substantive changes requested by the Office of Administrative Law, and to execute and deliver any and all documents and take any and all steps that the Executive Director may deem necessary or advisable in order to effectuate the purposes of this resolution.

Section 3. This resolution shall take effect immediately upon its approval. Date of Adoption: March 7, 2024.

CERTIFICATE OF THE EXECUTIVE DIRECTOR
(Attesting to Action of the Commission)
Sacramento, California

I, Marlene Garcia, Executive Director of the California Student Aid Commission, hereby certify that the foregoing is a full, true, and correct copy of Resolution **No. 23-02, ADOPTION OF PROPOSED EMERGENCY REGULATIONS TO THE MIDDLE CLASS SCHOLARSHIP PROGRAM**, as adopted at a meeting of the California Student Aid Commission, in Sacramento, California, on March 7, 2024, for which meeting all of the members of said Commission had due notice; and that at the meeting the staff recommendation was adopted by the following votes:

AYES ():

NOES ():

ABSTAINS ():

ABSENT ():

This resolution expires one year after the adoption date. Extensions must be approved by the Commission in a public meeting. I further certify that the original minutes of said meeting and a copy of the original Resolution adopted at said meeting are on file in the California Student Aid Commission office; and that the Resolution has not been amended, modified, or rescinded in any manner since the date of its adoption, and the same is now in full force and effect.

IN WITNESS WHEREOF, I have executed this certificate hereto.

Marlene Garcia, Executive Director
March 7, 2024