

AMENDED IN SENATE APRIL 22, 2008

SENATE BILL

No. 1752

Introduced by Senator Wyland

(Coauthors: Senators Battin, Correa, Hollingsworth, Maldonado, Margett, Negrete McLeod, and Runner)

(Coauthors: Assembly Members Adams, Benoit, Garrick, La Malfa, and Portantino)

February 22, 2008

An act to add *and repeal* Article 20.7 (commencing with Section 69999.10) ~~to~~ of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code, relating to postsecondary education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1752, as amended, Wyland. California National Guard Education Assistance Award Program.

Existing law establishes various award programs under the administration of the Student Aid Commission, and establishes eligibility requirements for the receipt of awards under those programs for participating students attending qualifying institutions.

This bill, *until January 1, 2016*, would establish the California National Guard Education Assistance Award Program on behalf of qualifying members of the California National Guard, the State Military Reserve, and the Naval Militia under the administration of the commission. The commission would be required to report annually to the Legislature regarding program participation. *The bill would require the Legislative Analyst, on or before January 1, 2014, to prepare and submit to the Legislature a report on the program.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 20.7 (commencing with Section 69999.10)
2 is added to Chapter 2 of Part 42 of Division 5 of Title 3 of the
3 Education Code, to read:

4
5 Article 20.7. California National Guard Education Assistance
6 Award Program

7
8 69999.10. This article shall be known, and may be cited, as
9 the California National Guard Education Assistance Award
10 Program.

11 69999.12. There is hereby established the California National
12 Guard Education Assistance Award Program.

13 69999.14. (a) The Legislature finds and declares all of the
14 following:

15 (1) The California National Guard exists to provide a military
16 organization in California with the capability to protect the lives
17 and property of the people of the state during periods of natural
18 disaster and civil disturbances, and to perform other functions
19 required by the Military and Veterans Code or as directed by the
20 Governor.

21 (2) The California National Guard performs an essential public
22 purpose in protecting the health, safety, and property of California's
23 citizens and, in order to fulfill its objectives, it is necessary for the
24 California National Guard to have sufficient human resources to
25 deal with natural or human-caused disasters and emergencies.

26 (3) An educational assistance award program for members of
27 the California National Guard would enhance retention rates within
28 the California National Guard. Similar educational assistance
29 programs have been highly successful in other states and have
30 resulted in substantially higher retention rates.

31 (b) It is, therefore, the intent of the Legislature that, in order to
32 fulfill the public program of maintaining required strength in the
33 California National Guard, an inducement should be provided to

1 members of the California National Guard by making educational
2 assistance awards available to California National Guard members
3 seeking to improve themselves through higher education. It is the
4 intent of the Legislature that these assistance awards should be
5 available to California National Guard members who serve the
6 state faithfully.

7 69999.16. (a) Commencing with the 2008–09 academic year,
8 and each academic year thereafter, a California National Guard
9 Education Assistance Award may be available to any qualifying
10 member of the California National Guard, the State Military
11 Reserve, or the Naval Militia.

12 (b) A qualifying member shall meet all of the following
13 conditions to be eligible to receive a California National Guard
14 Education Assistance Award:

15 (1) The person is a resident within the meaning of Section
16 68017.

17 (2) The person is an active member of, and has served two years
18 in, the California National Guard, the State Military Reserve, or
19 the Naval Militia.

20 (3) The person has been accepted or registered at, or enrolled
21 in, a qualifying institution, as defined in subdivision (l) of Section
22 69432.7.

23 (4) The person agrees to use the award to obtain a certificate,
24 degree, or diploma that he or she does not hold at the time the
25 person applies for the award.

26 (c) Every person applying for a California National Guard
27 Education Assistance Award shall submit an application for an
28 award to the Adjutant General. ~~The Adjutant General shall review~~
29 *The application form shall be the Free Application for Federal*
30 *Student Aid (FAFSA) form.*

31 (d) *The Adjutant General shall do both of the following:*

32 (1) *Review the applications for awards and certify the eligibility*
33 *of the qualifying members to the Student Aid Commission.*

34 (2) *Select award recipients from among eligible applicants.*

35 (e) *The number of awards issued in any one year shall be limited*
36 *to the number approved by the Legislature in the annual Budget*
37 *Act.*

38 (f) *The Student Aid Commission shall issue the awards in*
39 *accordance with Section 69999.18.*

1 69999.18. (a) The Student Aid Commission shall be
2 responsible for issuing awards, authorized by Section 69999.16,
3 upon receipt of a certificate from the Adjutant General verifying
4 that the applicant meets the eligibility requirements of this article,
5 upon a determination by the commission that the applicant has
6 otherwise met the requirements of this article, if funds are available
7 for this purpose.

8 (b) With the exception of any additional stipend given for books
9 and supplies, the amount of the award shall ~~not exceed, in any~~
10 ~~academic year, the lesser of either of the following:~~

11 ~~(1) The cost of attendance at the qualifying institution.~~
12 ~~(2) The sum of the mandatory systemwide fees and mandatory~~
13 ~~campus-based fees charged to California resident undergraduate~~
14 ~~students at the University of California. *be equivalent to the total*~~
15 ~~*of (1) the amount the recipient would otherwise be eligible to*~~
16 ~~*receive for a Cal Grant A entitlement award and (2) the annual*~~
17 ~~*amount of a Cal Grant B entitlement award authorized to be used*~~
18 ~~*for access costs, as adjusted in the annual Budget Act.*~~

19 (c) California National Guard Education Assistance Awards
20 may be renewed for each new academic year, *for a maximum of*
21 *five years full-time equivalent enrollment*, if the Adjutant General
22 certifies the qualifying member's eligibility and the ~~qualifying~~
23 ~~member remains in good standing at the qualifying~~ *qualifying*
24 *member is making satisfactory academic progress at the qualifying*
25 *institution.*

26 69999.20. Qualifying members may not receive both a
27 California National Guard Education Assistance Award and any
28 Cal Grant Award for the same academic year. *A qualifying member*
29 *under this article who is also eligible for any Cal Grant Award*
30 *may elect between an award under this article and any Cal Grant*
31 *Award for the same academic year.*

32 69999.22. (a) The Student Aid Commission shall administer
33 this article, and, in consultation with the Adjutant General and the
34 Military Department, shall adopt rules and regulations for this
35 purpose. These rules and regulations shall include provisions that
36 establish priorities for allocating available money to applicants.
37 The initial regulations for the California National Guard Education
38 Assistance Award Program shall be adopted within one year of
39 the date of the initial appropriation funding the program. The
40 Student Aid Commission may solicit the advice of representatives

1 from postsecondary educational institutions regarding any proposed
2 rules and regulations.

3 (b) The Student Aid Commission may enter into contracts with
4 a public agency or a private entity to improve the processing and
5 distribution of awards through the use of electronic networks and
6 unified databases.

7 69999.24. The Student Aid Commission shall report annually
8 to the Legislature regarding program participation, including, but
9 not necessarily limited to, both of the following, as categorized on
10 the basis of age, ethnicity, and gender:

11 (a) The total number of participants in the program established
12 by this article.

13 (b) The number of participants who receive a California National
14 Guard Education Assistance Award, classified by academic year.

15 69999.26. *The Legislative Analyst shall, on or before January*
16 *1, 2014, prepare and submit to the Legislature a report on the*
17 *program established in this article. The report may include*
18 *recommendations for modifying or extending this article.*

19 69999.28. *This article shall remain in effect only until January*
20 *1, 2016, and as of that date is repealed, unless a later enacted*
21 *statute, that is enacted before January 1, 2016, deletes or extends*
22 *that date.*

23 SEC. 2. This act is an urgency statute necessary for the
24 immediate preservation of the public peace, health, or safety within
25 the meaning of Article IV of the Constitution and shall go into
26 immediate effect. The facts constituting the necessity are:

27 In order to implement the Budget Act of 2008, it is necessary
28 that this act take effect immediately.