

AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 815

Introduced by Senator Cogdill

February 27, 2009

An act to add Article 20.7 (commencing with Section 69999.10) to Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

SB 815, as amended, Cogdill. Student financial aid program: ~~military services~~: *California National Guard Education Assistance Award Program*.

Existing law establishes various student financial aid 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 would express the intent of the Legislature to enact legislation to establish a program to provide student financial aid assistance to members of the California National Guard, the State Military Reserve, and the Naval Militia.~~

Existing law establishes the Military Department, which includes the State Military Reserve and the Naval Militia, to perform various duties regarding the state militia.

This bill would, contingent upon a specified appropriation for its purposes, 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 bill would require the Military Department, in consultation with the commission, to adopt emergency

rules and regulations for the purpose of implementing the program. The bill would require the Military Department to report annually to the Legislature regarding program participation. The bill would require the Legislative Analyst, on or before January 1, 2015, to prepare and submit to the Legislature a report on the program.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ 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
23 California's citizens and, in order to fulfill its objectives, it is
24 necessary for the California National Guard to have sufficient
25 human resources to deal with natural or human-caused disasters
26 and emergencies.

27 (3) An educational assistance award program for members of
28 the California National Guard would enhance retention rates
29 within the California National Guard. Similar educational

1 *assistance programs have been highly successful in other states*
2 *and have resulted in substantially higher retention rates.*

3 *(b) (1) As citizen soldiers, members of the California National*
4 *Guard represent California's labor force, and is a diverse*
5 *workforce comprised of skilled and talented workers from all*
6 *regions of the state. Education assistance awards have the added*
7 *benefit of improving the skills, competencies, and abilities of the*
8 *servicemen and servicewomen in the California National Guard*
9 *who make significant contributions to our economy and are a vital*
10 *component of the civilian workforce. It is the intent of the*
11 *Legislature that members of the California National Guard use*
12 *this education assistance program to enhance the state's*
13 *highlyskilled and highlytrained civilian labor force.*

14 *(2) It is the intent of the Legislature to ensure that the California*
15 *National Guard has the ability to retain its most competent and*
16 *capable members, both in the present and into the future. The*
17 *Legislature recognizes that every member of the California*
18 *National Guard represents additional federal funding to the State*
19 *of California annually. Increasing the strength of the California*
20 *National Guard through higher retention rates would augment*
21 *the total federal revenue to the state, leading to additional money*
22 *flowing into the General Fund as tax revenue.*

23 *(c) It is, therefore, the intent of the Legislature that, in order to*
24 *fulfill the public program of maintaining required strength in the*
25 *California National Guard, an inducement be provided to members*
26 *of the California National Guard by making education assistance*
27 *awards available to California National Guard members seeking*
28 *to improve themselves through higher education. It is the intent*
29 *of the Legislature that these assistance awards be available to*
30 *California National Guard members who serve the state faithfully.*

31 *69999.16. (a) Commencing January 1 of the 2009–10*
32 *academic year, and each academic year thereafter, any qualifying*
33 *member of the California National Guard, the State Military*
34 *Reserve, or the Naval Militia may apply for a California National*
35 *Guard Education Assistance Award.*

36 *(b) A qualifying member shall meet all of the following*
37 *conditions to be eligible to receive a California National Guard*
38 *Education Assistance Award:*

39 *(1) The person is a resident within the meaning of Section 68017.*

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

4 (3) *The person has been accepted or registered at, or enrolled*
5 *in, a qualifying institution, as defined in subdivision (l) of Section*
6 *69432.7.*

7 (4) *The person agrees to use the award to obtain a certificate,*
8 *degree, or diploma that he or she does not hold at the time he or*
9 *she applies for the award, and enrolls in at least three academic*
10 *units per semester, or the equivalent thereof.*

11 (c) *Each person applying for a California National Guard*
12 *Education Assistance Award shall submit an application for an*
13 *award to the Adjutant General.*

14 (d) *The Adjutant General shall do all of the following:*

15 (1) *Annually identify the skills most needed by the California*
16 *National Guard to retain members who possess, or seek to possess,*
17 *those identified skills.*

18 (2) *Prioritize those applicants who qualify for an award*
19 *pursuant to subdivision (b) based on the skills most needed by the*
20 *California National Guard, as identified pursuant to paragraph*
21 *(1).*

22 (3) *Select award recipients from among eligible applicants.*

23 (4) *Certify the eligibility of applicants to the Student Aid*
24 *Commission.*

25 (5) *Notify recipients of their selection for an award.*

26 (e) *The number of awards issued in any one year shall be limited*
27 *by the moneys approved by the Legislature in the annual Budget*
28 *Act.*

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

31 69999.18. (a) *The Student Aid Commission is responsible for*
32 *issuing awards authorized by Section 69999.16, upon receipt of*
33 *a certificate from the Adjutant General verifying that the applicant*
34 *meets the eligibility requirements of this article. The commission*
35 *shall provide any information to the Military Department that is*
36 *necessary to meet the reporting requirements of Section 69999.24.*

37 (b) *The amount of an award issued pursuant to this article shall*
38 *be five hundred dollars (\$500) for books and supplies, plus the*
39 *lesser of either of the following:*

1 (1) *The maximum award for a Cal Grant A award, based on*
2 *the type of institution attended, pursuant to Section 66021.2, as*
3 *adjusted in the annual Budget Act.*

4 (2) *The actual tuition and fees charged by the institution at*
5 *which the member is enrolled.*

6 (c) *An award used for graduate studies shall not exceed the*
7 *maximum amount of a Cal Grant A award, as specified in*
8 *paragraph (1) of subdivision (b), plus five hundred dollars (\$500)*
9 *for books and supplies.*

10 (d) *California National Guard Education Assistance Awards*
11 *may be renewed for each new academic year, for a maximum of*
12 *five years of full-time equivalent enrollment, if the Adjutant General*
13 *certifies the qualifying member's eligibility and the qualifying*
14 *member maintains at least a 2.0 cumulative grade point average.*

15 69999.20. *Qualifying members shall not receive both a*
16 *California National Guard Education Assistance Award and any*
17 *Cal Grant Award for the same academic year. A qualifying member*
18 *under this article who is also eligible for a Cal Grant Award may*
19 *elect between an award under this article and any Cal Grant*
20 *Award for the same academic year.*

21 69999.22. *The Military Department, in consultation with the*
22 *Student Aid Commission, shall adopt emergency rules and*
23 *regulations, pursuant to Section 11346.1 of the Government Code,*
24 *for the purpose of administering this article. These rules and*
25 *regulations shall include provisions that establish criteria for*
26 *selecting award recipients, including priorities for allocating*
27 *available money to applicants. The Military Department may solicit*
28 *the advice of representatives from postsecondary educational*
29 *institutions regarding any proposed rules and regulations.*

30 69999.23. (a) *Costs incurred by the Student Aid Commission*
31 *for issuing and processing awards shall be reimbursed through*
32 *an interagency agreement from appropriations in the annual*
33 *Budget Act to the Military Department for purposes of this article.*

34 (b) *The Student Aid Commission may enter into contracts with*
35 *a public agency or a private entity to improve the processing and*
36 *distribution of awards through the use of electronic networks and*
37 *unified databases.*

38 69999.24. *The Military Department shall report annually to*
39 *the Legislature regarding program participation, including, but*

1 *not necessarily limited to, both of the following, as categorized on*
2 *the basis of age, ethnicity, and gender:*

3 *(a) The total number of participants in the program established*
4 *by this article.*

5 *(b) The number of participants who receive a California*
6 *National Guard Education Assistance Award, classified by*
7 *academic year.*

8 *69999.26. The Legislative Analyst shall, on or before January*
9 *1, 2015, prepare and submit to the Legislature a report on the*
10 *program established in this article. The report may include*
11 *recommendations for modifying or extending this article.*

12 *69999.28. This article shall become operative only upon an*
13 *appropriation by the Legislature of three million six hundred*
14 *fifty-one thousand dollars (\$3,651,000) to the Military Department*
15 *that provides annual program costs for the implementation and*
16 *administration of this article and that may be expended only for*
17 *those purposes.*

18 ~~SECTION 1. It is the intent of the Legislature to enact~~
19 ~~legislation to establish a program to provide student financial aid~~
20 ~~assistance to members of the California National Guard, the State~~
21 ~~Military Reserve, and the Naval Militia.~~