

AMENDED IN SENATE JUNE 2, 2009
AMENDED IN SENATE MAY 6, 2009
AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 815

Introduced by Senator Cogdill
(Coauthors: Senators Alquist, Benoit, Denham, Maldonado, Padilla,
Romero, and Wyland)
(Coauthor: Assembly Member Adams)

February 27, 2009

An act to add and repeal Article 20.7 (commencing with Section 69999.10) of 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: 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.

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

This bill 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 bill would require the Student Aid Commission, in consultation with the Military

Department, to adopt emergency rules and regulations for the purpose of implementing the program. The bill would require the Student Aid Commission to report annually to the Legislature regarding program participation. The bill would require the Legislative Analyst, on or before January 1, 2016, to prepare and submit to the Legislature a report on the program. The bill would provide that the program would become operative only if funds are appropriated for the purposes of the program. *The bill would also provide that implementation of the program would be contingent upon the receipt of federal funds.* The program would become inoperative on July 1, 2019, and would be repealed on January 1, 2020.

Vote: majority. 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

1 California National Guard to have sufficient human resources to
2 deal with natural or human-caused disasters and emergencies.

3 (3) An educational assistance award program for members of
4 the California National Guard would enhance retention rates within
5 the California National Guard. Similar educational assistance
6 programs have been highly successful in other states and have
7 resulted in substantially higher retention rates.

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

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

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

36 69999.16. (a) Commencing January 1 of the 2009–10 academic
37 year, and each academic year thereafter, any qualifying member
38 of the California National Guard, the State Military Reserve, or
39 the Naval Militia may apply for a California National Guard
40 Education Assistance Award.

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

4 (1) The person is a resident within the meaning of Section
5 68017.

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

9 (3) The person has been accepted or registered at, or enrolled
10 in, a qualifying institution, as defined in subdivision (l) of Section
11 69432.7.

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

16 (5) The person is not eligible for, or has no remaining, student
17 financial aid or educational benefits pursuant to the federal
18 Montgomery GI Bill (38 U.S.C. Sec. 3001 et seq.) or any other
19 federal educational benefits program for veterans.

20 (6) The person has submitted the Free Application for Federal
21 Student Aid (FAFSA) to the United States Department of
22 Education.

23 (7) *The person has demonstrated financial need pursuant to the*
24 *criteria adopted pursuant to Section 69432.9.*

25 (c) Each person applying for a California National Guard
26 Education Assistance Award shall submit an application for an
27 award to the Adjutant General.

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

29 (1) Annually identify the skills most needed by the California
30 National Guard to retain members who possess, or seek to possess,
31 those identified skills.

32 (2) Prioritize those applicants who qualify for an award pursuant
33 to subdivision (b) based on the skills most needed by the California
34 National Guard, as identified pursuant to paragraph (1).

35 (3) Select award recipients from among eligible applicants
36 pursuant to subdivision (e).

37 (4) Certify the eligibility of applicants to the Student Aid
38 Commission.

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

1 (e) The Adjutant General shall select recipients who have been
2 judged by the Adjutant General to have outstanding ability on the
3 basis of criteria that may include, but shall not be limited to, any
4 of the following:

5 (1) The Military Occupational Specialty Code or the Air Force
6 Specialty Code.

7 (2) An annual noncommissioned officer evaluation report or
8 officer evaluation report of the preceding two years.

9 (3) A memorandum from the applicant's commander
10 recommending the applicant for the award.

11 (4) Commendations the applicant has received.

12 (5) An essay, written by the applicant, explaining why education
13 is important to the applicant.

14 (f) The number of awards issued by the Student Aid Commission
15 in any fiscal year shall be limited to the number authorized in the
16 annual Budget Act for that year, but in no event shall exceed 1,000
17 in any fiscal year.

18 (g) The Student Aid Commission shall issue the awards in
19 accordance with Section 69999.18.

20 69999.18. (a) The Student Aid Commission is responsible for
21 issuing awards authorized by Section 69999.16, upon receipt of a
22 certificate from the Adjutant General verifying that the applicant
23 meets the eligibility requirements of this article. The commission
24 shall provide any information to the Military Department that is
25 necessary to meet the reporting requirements of Section 69999.24.

26 (b) The amount of an award issued pursuant to this article shall
27 be equal to either of the following: *as follows:*

28 (1) For a recipient attending the University of California; *or* the
29 California State University, ~~or a nonpublic institution~~, the
30 maximum amount of the Cal Grant A award, pursuant to Section
31 66021.2, as adjusted in the annual Budget Act.

32 (2) For a recipient attending a community college, the maximum
33 amount of the Cal Grant B award, pursuant to Section 66021.2, as
34 adjusted in the annual Budget Act.

35 (3) *For a recipient attending a nonpublic institution, the*
36 *maximum amount of a Cal Grant A award for a student attending*
37 *the University of California pursuant to Section 66021.2, as*
38 *adjusted in the annual Budget Act.*

39 (c) An award used for graduate studies shall not exceed the
40 maximum amount of a Cal Grant A award, as specified in

1 paragraph (1) of subdivision (b), plus five hundred dollars (\$500)
2 for books and supplies.

3 (d) California National Guard Education Assistance Awards
4 may be renewed for each new academic year, for a maximum of
5 the greater of either (1) four years of full-time equivalent
6 enrollment, or (2) the duration for which the qualifying member
7 would otherwise be eligible pursuant to the Cal Grant Program
8 (Chapter 1.7 (commencing with Section 69430)), if the Adjutant
9 General certifies the qualifying member's eligibility and the
10 qualifying member maintains at least a 2.0 cumulative grade point
11 average.

12 69999.20. Qualifying members shall not receive both a
13 California National Guard Education Assistance Award and any
14 Cal Grant Award for the same academic year. A qualifying member
15 under this article who is also eligible for a Cal Grant Award may
16 elect between an award under this article and any Cal Grant Award
17 for the same academic year.

18 69999.22. The Student Aid Commission, in consultation with
19 the Military Department, shall adopt emergency rules and
20 regulations, pursuant to Section 11346.1 of the Government Code,
21 for the purpose of administering this article. These rules and
22 regulations shall include provisions that establish criteria for
23 selecting award recipients, including priorities for allocating
24 available money to applicants. The Student Aid Commission may
25 solicit the advice of representatives from postsecondary educational
26 institutions regarding any proposed rules and regulations.

27 69999.23. (a) Costs incurred by the Student Aid Commission
28 for issuing and processing awards shall be reimbursed through an
29 interagency agreement from appropriations in the annual Budget
30 Act to the Student Aid Commission for purposes of this article.

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

35 69999.24. The Student Aid Commission shall report annually
36 to the Legislature regarding program participation, including, but
37 not necessarily limited to, both of the following, as categorized on
38 the basis of age, ethnicity, and gender:

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

1 (b) The number of participants who receive a California National
2 Guard Education Assistance Award, classified by academic year.
3 69999.26. The Legislative Analyst shall, on or before January
4 1, 2016, prepare and submit to the Legislature a report on the
5 program established in this article. The report may include
6 recommendations for modifying or extending this article.
7 69999.28. This article shall become operative only upon an
8 appropriation by the Legislature for the purposes of this article.
9 69999.30. *Implementation of this article shall be contingent*
10 *upon the receipt of federal funding for the purposes of this article.*
11 This article shall become inoperative on July 1, 2019, and, as of
12 January 1, 2020, is repealed, unless a later enacted statute, that
13 becomes operative on or before January 1, 2020, deletes or extends
14 the dates on which it becomes inoperative and is repealed.