

MGT of America, LLC
2251 Harvard Street, Suite 134
Sacramento, CA 95815

RECEIVED
August 03, 2017
**Commission on
State Mandates**

July 31, 2017

**RE: Incomplete Test Claim Filing - Fairfield Suisun Unified School
District**

Dear Ms. Exec. Director Halsey and Ms. Magee,

Enclosed please find the Fairfield Suisun Unified School District's response to your letter dated July 6, 2017 regarding the incomplete filing of the Cal Grant: Grade Point Average and Graduation Certification Test Claim.

The District has also uploaded this response and refiling of the test claim to the Commission on State Mandate's website to ensure the refiling complies with all applicable requirements.

The District has responded to the letter the COSM sent on July 7, 2017 below as well as adding and changing all pertinent sections of the original test claim filing.

Please review and let us know if you have any questions or need any additional information at all as we will be happy to provide it.

Thank you,

A handwritten signature in black ink that reads "Jolene Tollenaar". The signature is written in a cursive, flowing style.

Jolene Tollenaar
Senior Consultant
MGT of America
916 243-8913

Sent via email to: michellehe@fsusd.org and jolenetollenaar@mail.com

July 6, 2017

Ms. Michelle Henson
Assistant Superintendent of Business Services
Fairfield Suisun Unified School District
2490 Hilborn Road
Fairfield, CA 94534

Ms. Jolene Tollenaar
MGT of America, LLC
2251 Harvard Street, Suite 134
Sacramento, CA 95815

Re: Notice of Incomplete Test Claim

Cal Grant: Grade Point Average and Graduation Certification

Education Code Sections 69432.9(2), 69432.9(3), 69432.9(5), 69432.9(6)(d)(1), and 69432.9(6)(d)(2); as added or amended by Statutes 2014, Chapter 679 (AB 2160); and Education Code Sections 69432.9 and 69432.92; as added or amended by Statutes 2015, Chapter 637 (AB 1091)
Fairfield Suisun Unified School District, Claimant

Dear Ms. Henson and Ms. Tollenaar:

On June 26, 2017, the Fairfield Suisun Unified School District filed a Test Claim with the Commission on State Mandates (Commission) on the above-named matter.

Upon initial review, Commission staff finds this Test Claim to be incomplete because: (1) it is not timely filed; (2) the person listed in *Section 2. Claimant Information* and *Section 8. Claim Certification* of the test claim form is not clearly among those authorized to file a test claim under section 1183.1(a)(3) of the Commission's regulations; (3) prior mandate determinations made by the Commission on State Mandates that may be related to the alleged mandate are not identified in *Section 5. Written Narrative as required by Government Code section 17553(b) (1) (G) and the instructions on the test claim form*; (4) the date that costs were first incurred, the actual increased costs incurred by the claimant during the fiscal year for which the claim was filed (fiscal year 16-17) to implement the alleged mandate, and the actual or estimated annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed (fiscal year 17-18) are not provided in *Section 5. Written Narrative* and *Section 6. Declarations as required by Government Code section 17553(b)(1)*; (5) both *Section 5. Written Narrative* and *Section 7. Documentation* of the Test Claim cite a statute that is not listed in *Section 4. Test Claim Statutes or Executive Orders Cited* and therefore is not properly pled (this is ok if you are not alleging that the section imposes the mandate); and (6) copies of statutes or executive orders cited are not attached to the Test Claim in *Section 7. Documentation*, as required.

All Test Claims Must Be Timely Filed

Government Code section 17551(c), states: "Local agency and school district test claims shall be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later."

In addition, 1183.1(c) of the Commission's regulations, states:

Except as provided in Government Code sections 17573 and 17574, any test claim or amendment filed with the Commission must be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months *of first* incurring increased costs as a result of a statute or executive order, whichever is later. For purposes of claiming based on the date of first incurring costs, 'within 12 months' means by June 30 or the fiscal year following the fiscal year in which increased costs were first incurred by the test claimant. (Emphasis added.)

The following code sections and statutes are listed on the test claim form in *Section 4. Test Claim Statutes or Executive Orders Cited*: Education Code sections 69432.9(2), 69432.9(3), 69432.9(5), 69432.9 (6)(d)(1), and 69432.9 (6)(d)(2); as added or amended by Statutes 2014, Chapter 679 (AB 2160); and Education Code sections 69432.9 and 69432.92; as added or amended by Statutes 2015, Chapter 637 (AB 1091). The effective dates of both test claim statutes pled, January 1, 2015 and January 1, 2016, respectively, are more than 12 months prior to the filing date of this test claim, June 26, 2017. In addition, both the narrative and declarations specify that costs were incurred in fiscal year 14-15 and 15-16, but neither specify a date that the test claimant first incurred increased costs as a result of either statute within 12 months of the filing date.

DISTRICT RESPONSE:

As stated above and listed specifically in the COSM Test Claim and Test Claim Amendment Instructions:

Local agency and school district test claims shall be filed no later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later. "Within 12 months of incurring increased costs" means by June 30 of the fiscal year following the fiscal year in which increased costs were first incurred by the test claimant.

The initial costs for Statutes 2014, Chapter 679, A.B. 2160, Education Code Sections 69432.9 (c)(2), 69432.9 (c)(3), 69432.9 (c)(5), 69432.9 (d)(1) (d)(2)(A) were incurred by the Fairfield Suisun Unified School District (FSUSD) on September 1, 2015 which falls within the 2015-16 fiscal year. Based on the above language "Within 12 months of incurring costs" meaning by June 30 of the following fiscal year in which increased costs were first incurred which in this case was June 30, 2017. The Cal Grant: Grade Point Average and Graduation Certification test claim was filed on June 26, 2017 which 4 days is prior to the deadline of June 30, 2017 which meets the timely filing requirements for all test claims.

The initial costs for Statutes 2015, Chapter 637, A.B. 1091 Education Code Sections 69432.92 (a) and 69432.92(b) were incurred by the FSUSD on November 1, 2016 which by the same definition quoted above makes them eligible for test claim filing until June 30, 2018 which is more than a year after

the filing of the Cal Grant: Grade Point Average and Graduation Certification test claim on June 26, 2017.

In the letter from the COSM it was stated the following:

“both the narrative and declarations specify that costs were incurred in fiscal year 14-15 and 15-16, but neither specify a date that the test claimant first incurred increased costs as a result of either statute within 12 months of the filing date”.

After thorough review of both the Narrative and the Declarations for the Cal Grant: Grade Point Average and Graduation Certification test claim filing the District was unable to identify any specific reference to costs incurred in the 2014-15 fiscal year.

The specific dates all costs were first incurred for each Education Code Sections pled in this test claim are referenced above.

Please let us know if there are specific paragraphs of the test claim filing that state or show costs were incurred in the 2014-15 fiscal year as this is clearly a typographical error and the FSUSD would gladly update the language once it is identified.

Finally, the following additional code section and statute is referenced in Section 5. (A) Written Narrative and Section 7. (A) Documentation but is not pled in Section 4. Test Claim Statutes or Executive Orders Cited: Education Code section 69432.92; as added or amended by Statutes 2016, Chapter 82, Section 3 (bill number not provided), effective January 1, 2017.

DISTRICT RESPONSE:

Below are the details for 2016 AB 2908, Education Code 69432.9 (d) (1) & (2) 69432.9

- (d) (1) The school district or charter school shall, no later than January 1 of a pupil's grade 11 academic year, notify, in writing, each grade 11 pupil and, for a pupil under 18 years of age, his or her parent or guardian that, pursuant to subdivision (a), the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days. The required notice shall indicate when the school will first send grade point averages to the commission and the submission deadline of October 1. The school district or charter school shall provide an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant.*
- (2) Until a pupil turns 18 years of age, only a parent or guardian may opt the pupil out. Once a pupil turns 18 years of age, only the pupil may opt himself or herself out and, if prior to the conclusion of the notice period, the pupil may opt in over the prior decision of a parent or guardian to opt out.*

(Amended by Stats. 2016, Ch. 82, Sec. 3. Effective January 1, 2017.

FOR YOUR CONVENIENCE HERE ARE THE LINKS TO THE PERTINENT LEGISLATION BELOW:

[20132014 AB2160 Section 1. \(Amends\) - Chaptered \(Stats.2014 Ch.679\)](#)

[20152016 AB1091 Section 1. \(Amends\) - Chaptered \(Stats.2015 Ch.637\)](#)

[20152016 AB2908 Sec. 3. \(Amends\) - Chaptered \(Stats.2016 Ch.82\)](#)

Who May File a Test Claim on Behalf of a Local Agency?

Pursuant to section 1183.1(a)(3) of Commission regulations, only specified authorized school district officials may file on behalf of a school district.

Section 1183.1(a)(3) of Commission regulations state that only a "district superintendent may file on behalf of a school district." Therefore, only an official authorized in section 1183.1(a)(3) of the Commission's regulations may be named as claimant contact in *Section 2. Claimant Information* on the test claim form, or act as the authorized signatory in *Section 8. Claim Certification* of the test claim form. Ms. Henson's title is "Assistant Superintendent Business Services." Thus, Ms. Henson may not be named as claimant contact in *Section 2. Claimant Information* on the test claim form, nor may she act as the authorized signatory for the purposes of *Section 8. Claim Certification* of the test claim form. However, anyone who specifically requests to be on the mailing list for a matter is included on all service of written materials and may participate in the mandate determination process.

DISTRICT RESPONSE:

The Cal Grant: Grade Point Average and Graduation Certification Test Claimant Section 2 and Certification Section 8 have be updated with the FSUSD Superintendent's information and signature to comply with the above request.

A Detailed Description of Costs and Prior Mandate Determinations Is Required.

Government Code section 17553(b)(1)(A-G) specifies that all test claims shall contain at least the following elements:

- (A) *A detailed description of the new activities and costs that arise from the mandate.*
- (B) *A detailed description of existing activities and costs that are modified by the mandate.*
- (C) *The actual increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate.*
- (D) *The actual or estimated annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed.*
- (E) *A statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed.*
- (F) *Identification of all of the following:*
 - (i) Dedicated state funds appropriated for this program.
 - (ii) Dedicated federal funds appropriated for this program.
 - (iii) Other nonlocal agency funds dedicated for this program.
 - (iv) The local agency's general purpose funds for this program.

(v) Fee authority to offset the costs of this program.

(G) *Identification of prior mandate determinations made by the Commission on State Mandates* or a predecessor agency that may be related to the alleged mandate.

Government Code section 17553(b)(2)(A-D) specifies that the written narrative shall be supported with declarations under penalty of perjury, based on the declarant's personal knowledge, information, or belief, and signed by persons who are authorized and competent to do so, as follows:

(C) *Declarations of actual or estimated increased costs* that will be incurred by the claimant to implement the alleged mandate.

(D) *Declarations identifying all local, state, or federal funds, or fee authority that may be used to offset the increased costs* that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs.

(E) *Declarations describing new activities performed to implement specified provisions of the new statute or executive order* alleged to impose a reimbursable state-mandated program. Specific references shall be made to chapters, articles, sections, or page numbers alleged to impose a reimbursable state-mandated program.

(F) If applicable, declarations describing the period of reimbursement and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to Section 17573, and the authority to file a test claim pursuant to paragraph (1) of subdivision (c) of Section 17574.

The Narrative and Any Allegations of Fact Must Be Supported with Evidence in the Record.

In *Section 5. (G) Written Narrative* you state that there are no prior mandate determinations related to this mandate and do not reference the 2009 Commission Decision *Cal Grants, 02-TC-28* as is required by the Government Code. Although this prior mandate determination applied only to community college districts, the same code section, Education Code section 69432.9 is being pled in this new filing and may be related to the prior determination. Please revise your narrative and include your analysis of this previous Decision and evaluate any potential impact on the alleged mandate per Government Code section 17553(b)(1)(G).¹

Regarding Education Code section 69432.9 and the 2009 Commission Decision *Cal Grants, 02-TC-28*. Analysis by the FSUSD shows the following:

1. In the 2009 decision on *Cal Grants, 02-TC-28* the COSM addressed a portion of Education Code 69432.9 pled in this test claim. After careful review of the COSM decision by the test claimant it is clear that the prior mandate determination applied only to community college districts and in no-way applied to school districts, county offices of education or charter schools. Additionally, the statutes pleaded in this test claim are newly added to the referenced sections of Education Code 69432.9 and were not in any way noted or listed in the Education Code 69432.9.

In addition, there are several charts included in the narrative purporting to show some costs incurred for some of the activities alleged to impose a state mandate. However, the charts are considered hearsay since they are intended to prove the truth of the matter asserted. Although there is a declaration that attests to the total costs identified in the charts included in the narrative, and an additional declaration that attests to the activities alleged, neither describes the

breakdown of costs beyond the total or attests to the date costs were *first* incurred as a result of the test claim statutes that impose the alleged mandate.

DISTRICT RESPONSE:

The District has updated both narrative and declarations to include a breakdown of costs and to show the dates costs were first incurred as a result of the test claim statutes. Please review the updated narrative and declarations and let the FSUSD if you have any further questions at all.

Further, both the narrative and the declarations specify that costs were incurred in fiscal year 14-15 and 15-16.

DISTRICT RESPONSE:

After thorough review of both the Narrative and the Declarations the District was unable to identify any specific reference to costs incurred in the 2014-15 fiscal year.

The specific dates costs were first incurred for each Education Code Section pled in this test claim are referenced above.

Please let the District know if there is are specific paragraphs of the Cal Grant: Grade Point Average and Graduation Certification test claim filing that state or show costs were incurred in the 2014-15 fiscal year as this is clearly a typographical error and the FSUSD would gladly update the language once it is identified.

However, this test claim was filed on June 26, 2017 and does not provide: (1) the date costs were *first* incurred to implement the alleged mandate;

DISTRICT RESPONSE:

The District first incurred costs as specified below:

Statutes 2014, Chapter 679, A.B. 2160, Education Code Sections 69432.9 (c)(2), 69432.9 (c)(3), 69432.9 (c)(5), 69432.9 (d)(1) (d)(2)(A). - September 1, 2015

Statutes 2015, Chapter 637, A.B. 1091 Education Code Sections 69432.92 (a) and 69432.92(b). - September 1, 2016

Statutes 2016, Chapter 82, AB2908, Education Code Sections 69432.9 (c)(2) & (d)(1). - Projected to be September 1, 2017.

(2) the actual increased costs incurred by the claimant during the fiscal year for which the claim was filed, fiscal year 16-17, to implement the alleged mandate;

DISTRICT RESPONSE: Actual increased costs incurred in 2016-17:

| DISTRICT ACTUAL COSTS 2016-17 | | | | | | | | | | |
|--|----------------------|--------------------|---|--|------------------------|-----------------------|----------------------|--------------------------|----------------------------|------------------|
| FAIRFIELD SUISUN UNIFIED SCHOOL DISTRICT | | | | | | | | | | |
| Fiscal Year | Costs first Incurred | Position | Average Salary & Benefits - Registrar 2016-17 | Activity | Time per registrar/HRS | Number of individuals | Total time spent/HRS | total direct costs 16-17 | Indirect costs 16-17 5.97% | cost per student |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 Training on reporting requirements GPA & graduation verification | 4 | 5 | 20.00 | \$671.29 | \$40.08 | \$0.45 |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 Calculate and key grades into Cal Grant form - 14 min each student | | 1594 | 371.93 | \$12,483.77 | \$745.28 | \$8.30 |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 Mailing opt out forms to all seniors | 1 | 5 | 5.00 | \$167.82 | \$10.02 | \$0.11 |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 Comply with CSAC requests for social security numbers | 0.25 | 5 | 1.25 | \$41.96 | \$2.50 | \$0.03 |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 Execute certification | 0.08 | 5 | 0.40 | \$13.43 | \$0.80 | \$0.01 |
| 2016-17 | September 1, 2016 | AB 1091 | Registrar | \$33.56 Electronically submit graduation verification | 9 | 5 | 45.00 | \$1,510.40 | \$90.17 | \$1.00 |
| 2016-17 | | Districtwide Total | | | | | | \$14,888.66 | | \$9.90 |

or (3) the actual or estimated annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed, fiscal year 17-18.

DISTRICT RESPONSE: Estimated costs that will be incurred in 2017-18:

| DISTRICT ESTIMATED COSTS 2017-18 | | | | | | | | | | |
|--|----------------------|--------------------|---|--|------------------------|-----------------------|----------------------|--------------------------|----------------------------|------------------|
| FAIRFIELD SUISUN UNIFIED SCHOOL DISTRICT | | | | | | | | | | |
| Fiscal Year | Costs first Incurred | Position | Average Salary & Benefits - Registrar 2017-18 | Activity | Time per registrar/HRS | Number of individuals | Total time spent/HRS | Total direct costs 17-18 | Indirect costs 17-18 6.57% | cost per student |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 Training on reporting requirements GPA & graduation verification | 4 | 5 | 20 | \$684.72 | \$44.99 | \$0.46 |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 Calculate and key grades into Cal Grant form - 14 min each student | 0 | 1594 | 371.93 | \$12,733.44 | \$836.59 | \$8.51 |
| 2017-18 | September 1, 2017 | AB 2908 | Registrar | \$34.24 Mailing opt out forms to all juniors | 1 | 5 | 5 | \$171.18 | \$11.25 | \$0.11 |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 Comply with CSAC requests for social security numbers | 0.25 | 5 | 1.25 | \$42.79 | \$2.81 | \$0.03 |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 Execute certification | 0.08 | 5 | 0.4 | \$13.69 | \$0.90 | \$0.01 |
| 2017-18 | September 1, 2016 | AB 1091 | Registrar | \$34.24 Electronically submit graduation verification | 9 | 5 | 45 | \$1,540.61 | \$101.22 | \$1.03 |
| | | Districtwide Total | | | | | | \$15,186.44 | | \$10.15 |

All written representations of fact must be signed under penalty of perjury by a person competent to do so and must be based on the declarant's personal knowledge, information, or belief pursuant to section 1187.5 of the Commission's regulations.

Finally, although two statutes are cited in *Section 4. Test Claim Statutes or Executive Orders Cited* and a third is mentioned in *Section 5. Written Narrative* and *Section 7. Documentation*, none are attached to the test claim. Please attach copies of all test claim statutes that include the bill number and statute, chapter, alleged to impose or impact a mandate per Government Code section 17553(b)(3)(A)(i).

DISTRICT RESPONSE:

The District provided PDF attachments for the cited statutes included with the initial filing of this test claim, however the attachments must have been lost in transmission. To eliminate the possibility of this occurring again the District will include the test claim and all statutes and executive orders as Exhibit A with this letter, and will reinsert them into the actual test claim on the COSM website.

Government Code section 17559(b) provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record. This requires that each finding of fact that the

Commission makes (including whether there are costs mandated by the state, which is a mixed issue of law and fact) must meet the *Topanga* standard.² In *Topanga* the court explained:

Section 1094.5 clearly contemplates that at minimum, the reviewing court must determine both whether substantial evidence supports the administrative agency's findings and whether the findings support the agency's decision. Subdivision (b) of Code of Civil Procedure section 1094.5 prescribes that when petitioned for a writ of mandamus, a court's inquiry should extend, among other issues, to whether 'there was any prejudicial abuse of discretion.' Subdivision (b) then defines "abuse of discretion" to include instances in which the administrative order or decision 'is not supported by the findings, or the findings are not supported by the evidence.' (Emphasis added.) Subdivision (c) declares that 'in all . . . cases'

¹ *Cal Grants*, 02-TC-28, <https://www.csm.ca.gov/matters/02-TC-28.php> (accessed on July 3, 2017).

² *Topanga Association for a Scenic Community v. County Of Los Angeles* (1974) 11 Cal.3d 506.

DISTRICT RESPONSE:

The District has reviewed all pertinent bills and Education code and reattached it to the test claim. Please review and let the FSUSD know if any further documentation is needed.

(emphasis added) other than those in which the reviewing court is authorized by law to judge the evidence independently, 'abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record.'.. .

Government Code section 17553 provides that a claimant must enter the specific statutes pled on the test claim form. Specific pleading is required and, as is indicated on the test claim form, pursuant to Government Code section 17553 and Title 2, California Code of Regulations section 1183, the Commission will not exercise jurisdiction over statutes and executive orders which are not properly pled. Proper pleading requires that all code sections (including the relevant statute, chapter and bill number), regulations (including the register number and effective date), and executive orders (including the effective date) that impose the alleged mandate are listed in section 4 of the test claim form. Please carefully review your pleading before filing. Test claims may not be amended after the draft proposed decision is issued and the matter is set for hearing, or if the statute of limitations on the statute or executive order being added has expired.³

Curing This Test Claim

1. A revised test claim form that provides the claimant information of an individual authorized to file on behalf of the school district under section 1183.1 of the Commission's regulations in *Section 2. Claimant Information*; provides the name, title, signature and date, and contact information (if different from the claimant contact) of an individual authorized to file on behalf of the agency under section 1183.1 of the Commission's regulations in *Section 8. Claim Certification*; and identifies all code sections (include statutes, chapters, and bill numbers), regulations (include register number and effective date), and executive orders (include effective date) that impose the alleged mandate in *Section 4. Test Claim Statutes or Executive Orders Cited*.
2. A revised narrative, declarations, and documentation in accordance with the revised test claim form, as appropriate, that (1) consistently specify the date costs were first

incurred by the test claimant due to test claim statutes that impose the alleged mandate pled with effective dates earlier than 12 months prior to the June 26, 2017 filing date of this test claim; (2) consistently specify *actual* increased costs incurred by the claimant during the fiscal year for which the claim is filed (16-17) and the *estimated* costs for the fiscal year immediately following the fiscal year for which the test claim is filed (17-18) to implement the alleged mandate; and (3) identifies prior mandate determinations made by the Commission on State Mandates or a predecessor agency that may be related to the alleged mandate.

3. Attach copies of all statutes or executive orders pled on the test claim form in *Section 1. Test Claim Statutes or Executive Orders Cited* and cited in *Section 5. Written Narrative, Section 6. Declarations*, and in *Section 7. Documentation* that impose the alleged mandate.

Retaining Your Original Filing Date

To retain the original filing date of June 26, 2017, please refile the required elements to cure this test claim within 30 days of the date of this letter by **August 7, 2017**. If a complete test claim is not received within 30 calendar days from the date of this letter, the executive director may disallow the original test claim filing date. (Cal. Code Regs., tit. 2, § 1183.1(f).)

As provided in the Commission's regulations, a real party in interest may appeal to the Commission for review of the actions and decisions of the executive director. Please refer to California Code of Regulations, title 2, section 1181.1(c).

The revised test claim may be submitted electronically via the Commission's e-filing system pursuant to section 1181.3 of the Commission's regulations and will replace the original filing. Please see the Commission's website at http://www.csm.ca.gov/dropbox_procedures.php

I wish to thank the COSM on behalf of FSUSD and myself for all the time and effort put forth to review our original test claim filing and provide this detailed letter in order for the District to cure the test claim.

Please don't hesitate to reach out and let me know if you have any questions or need any further information.

Sincerely,



Jolene Tollenaar
Senior Consultant
MGT of America
916 243-8913
jolenetollenaar@gmail.com

1. TEST CLAIM TITLE

Cal Grant: Grade Point Average and
Graduation Certification

2. CLAIMANT INFORMATION

Fairfield Suisun Unified School District

Name of Local Agency or School District

Kris Corey

Claimant Contact

Superintendent

Title

2490 Hilborn Road

Street Address

Fairfield, CA 94534

City, State, Zip

707-399-5009

Telephone Number

707-399-5160

Fax Number

KrisC@fsusd.org

E-Mail Address

3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

Jolene Tollenaar/MGT of America

Claimant Representative Name

Senior Consultant

Title

MGT of America, LLC

Organization

2251 Harvard Street, Suite 134

Street Address

Sacramento, CA 95815

City, State, Zip

916 243-8913

Telephone Number

916 290-0121

Fax Number

jolenetollenaar@gmail.com

E-Mail Address

For CSM Use Only

Filing Date:

RECEIVED
June 26, 2017
**Commission on
State Mandates**

Test Claim #: 16-TC-02

4. TEST CLAIM STATUTES OR EXECUTIVE ORDERS CITED

Please identify all code sections (include statutes, chapters, and bill numbers) (e.g., Penal Code Section 2045, Statutes 2004, Chapter 54 [AB 290]), regulations (include register number and effective date), and executive orders (include effective date) that impose the alleged mandate .

Statutes 2014, Chapter 679, A.B. 2160, Education Code Sections 69432.9 (c)(2), 69432.9 (c)(3), 69432.9 (c)(5), 69432.9 (d)(1) (d)(2)(A). Statutes 2015, Chapter 637, A.B. 1091 Education Code Sections 69432.92 (a) and 69432.92(b). Statutes 2016, Chapter 82, AB2908, Education Code Sections 69432.9 (c)(2) & (d)(1).

Copies of all statutes and executive orders cited are attached.

Sections 5, 6, and 7 are attached as follows:

5. Written Narrative: pages 2 to 6.

6. Declarations: pages 9 to 14.

7. Documentation: pages 15 to 43.

Test Claim Name: Name: Cal Grant Program: Grade Point Average and High School Graduation Certification

Test Claimant: Fairfield-Suisun Unified School District

Statutes 2014, Chapter 679, A.B. 2160, Education Code Sections 69432.9 (c)(2), 69432.9 (c)(3), 69432.9 (c)(5), 69432.9 (d)(1) (d)(2)(A). Statutes 2015, Chapter 637, A.B. 1091 Education Code Sections 69432.92 (a) and 69432.92(b). Statutes 2016, Chapter 82, AB2908, Education Code Sections 69432.9 (c)(2) & (d)(1).

5. WRITTEN NARRATIVE

Name: Cal Grant Program: Grade Point Average and High School Graduation Certification

Specific Test Claim Statutes or Executive Order Cited: Statutes 2014, Chapter 679, A.B. 2160, Education Code Sections 69432.9 (c)(2), 69432.9 (c)(3), 69432.9(c)(5), 69432.9, (d) (1), 69432.9 (d)(2)(A) Statutes 2015, Chapter 637, A.B. 1091 Education Code Section 69432.92(a) & (b). Statutes 2016, Chapter 82, AB2908, Education Code Sections 69432.9 (c)(2) & (d)(1).

Statement: The test claimant, Fairfield Suisun Unified School District hereby states that the actual costs resulting from this alleged mandate exceeds one thousand dollars (\$1,000).

Required elements for each statute or executive order:

(A) Detailed description of the new activities and costs that arise from the mandate:

SUMMARY: Prior to the passage of AB 2160 in 2014 school districts, county offices of education, and charter schools were not required to submit grade point averages to the California Student Aid Commission (CSAC) for all pupils enrolled in grade 12 and were not required to verify all students' graduation status. School districts, county offices of education, and charter schools were only required to submit grade point averages to the CSAC for those pupils who submitted applications requesting they be considered as a Cal Grant applicant.

After the passage of AB 2160 all school districts, county offices of education, and charter schools are now required to submit a grade point average electronically, on a standardized form, for all grade 12 pupils, each academic year, beginning in the 2015-16 fiscal year, except for pupils who have opted out as provided in Education Code Section 69432.9 subdivision (d). The school district, county office of education or charter school must also certify the GPA in writing.

Also required by AB 2106 is the new provision that when CSAC determines a social security number is required to complete the application for financial aid, the school district, county office of education or charter school may obtain permission from the parent or guardian, or the pupil if he or she is 18 years of age, to submit the pupil's social security number to the commission.

Per the CSAC website <http://www.csac.ca.gov/doc.asp?id=983>, Non-SSN GPA's are only allowed for high schools without WebGrants website access, which means almost all, if not all the high schools in California must provide the CSAC with the students SSN when submitting a student's GPA. Thus



2251 Harvard Street, Suite 134
Sacramento, CA 95815
Phone: 916-443-3411

5. WRITTEN NARRATIVE

requiring the school district, county office of education or charter school to obtain permission and submit the SSN electronically as well as the GPA for each student in 12th grade.

After the passage of AB 1091, Education Code 69432.92 (a) & (b) in 2015 all school districts, county offices of education, and charter schools are now required to submit graduation verifications, for all former grade 12 pupils who graduated from public schools, including charter schools in the prior academic year, except for pupils who have opted out as provided in in subdivision (d) of Section 69432.9.

Also, adding new requirements to Education Code 69432.9 is AB 2908 passed in 2016 which requires grade point averages for grade 12 pupils to be submitted by October 1, instead of October 15, of each academic year, and requires pupils be notified by **costs that** January 1 of their grade 11 academic year of their option to opt out of the Cal Grant program.

(A) Description of new activities and arise from this mandate:

1. Time and costs incurred by school districts, county offices of education, and charter schools to prepare for, provide and attend training in order to instruct the employees on the requirements imposed by Statutes 2014, Chapter 679, A.B. 2160, Education Code Sections 69432.9 (c)(2), 69432.9 (c)(3), 69432.9 (c)(5), 69432.9 (d) (1), 69432.9 (d)(2). Statutes 2015, Chapter 637, A.B. 1091 Education Code Sections 69432.92(a) and 69432.92(b). Statutes 2016, Chapter 82, AB2908, Education Code Sections 69432.9 (c)(2) & (d)(1) .
2. Time and costs incurred by school districts, county offices of education, and charter schools to review records, correct, update and submit grade point averages to the CSAC for all grade 12 pupils prior to October 15 of each year. AB 2160 - Statutes 2014, Education Code Section 69432.9 (c)(2).
3. Time and costs incurred by school districts, county offices of education, and charter schools to submit each student's grade point averages electronically, on a standardized form, for all grade 12 pupils at public schools, including charter schools. AB 2160 - Statutes 2014, Education Code Sections 69432.9 (c)(2).
4. Time and costs incurred by school districts, county offices of education, and charter schools to comply with CSAC requests for social security numbers including time and costs to obtain permission from the parent or guardian, or pupil, if he or she is 18, and to submit the pupil's

5. WRITTEN NARRATIVE

- social security number to the CSAC. AB 2160 - Statutes 2014, Education Code Sections 69432.9 (c)(2).
5. Time and costs incurred by school districts, county offices of education, and charter schools for including a certification to the CSAC, executed under penalty of perjury by a school official, that the grade point average is accurately reported. The certification shall include a statement that it is subject to review by the CSAC or its designee. AB 2160 - Statutes 2014, Education Code Sections 69432.9 (c)(3).
 6. Time and costs incurred by school districts, county offices of education, and charter schools to ensure the grade point average certification is submitted to CSAC in time to meet the application deadline imposed by this chapter. AB 2160 - Statutes 2014, Education Code Sections 69432.9 (c)(5).
 7. Time and costs incurred by school districts, county offices of education, and charter schools, no later than October 15 of a pupil's grade 12 academic year, to notify, in writing, each grade 12 pupil and, for a pupil under 18 years of age, his or her parent or guardian that, pursuant to subdivision (a), the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days. The required notice shall indicate when the school will first send grade point averages to the commission. The school district, county office of education or charter school shall provide an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant. Until a pupil turns 18 years of age, only a parent or guardian may opt the pupil out. Once a pupil turns 18 years of age, only the pupil may opt himself or herself out and, if prior to the conclusion of the notice period, the pupil may opt in over the prior decision of a parent or guardian to opt out. Statutes 2014, Chapter 679, A.B. 2160, Education Code Section 69432.9 (6) (d) (1) and Education Code Section 69432.9 (d)(1) & (d)(2)
 8. Time and costs incurred by school districts, county offices of education, and charter schools to submit the required grade point averages for grade 12 pupils to be submitted by October

5. WRITTEN NARRATIVE

1 of each academic year. Statutes 2016, Chapter 82, AB 2908, Education Code Sections 69432.9 (c)(2) & (d)(1).

9. Time and costs incurred by school districts, county offices of education, and charter schools to notify pupils by January 1 of their grade 11 academic year so the pupil can opt out of the program. Additionally, school districts, county offices of education, and charter schools are now required to send an "Opt Out" notice to each pupil in grade 12 Statutes 2016, Chapter 82, AB2908, Education Code Sections 69432.9 (d)(1) & (2).

(Amended by Stats. 2016, Ch. 82, Sec. 3. Effective January 1, 2017.)

10. Time and costs incurred by school districts, county offices of education, and charter schools to provide verification of high school graduation or its equivalent. Education Code Section 69432.92 (a).

11. Time and costs to electronically submit the graduation data for all former grade 12 pupils, in the prior academic year, including charter schools, in the prior academic year, except for pupils who have opted out as provided in subdivision (d) of Section 69433.9, when required by the CSAC. Education Code Section 69432.92(a)

12. Time and costs incurred by school districts, county offices of education, and charter schools to verify the graduation of their pupils, when requested by CSAC in time to meet the deadlines imposed by subdivision (e) of Section 69433.9. This subdivision also applies to pupils who graduate during the summer following the grade 12 academic year. Education Code Sections 69432.92(b)

(B) Detailed description of the existing activities and modified activities and costs modified by the mandate:

1. There are no modified activities or costs from the mandate.

(C) The actual increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the mandate: Actual: \$13,099 FY 2015-16 and \$14,888 for FY 2016-17.



Test Claim Name: Name: Cal Grant Program: Grade Point Average and High School Graduation Certification

Test Claimant: Fairfield-Suisun Unified School District

Statutes 2014, Chapter 679, A.B. 2160, Education Code Sections 69432.9 (c)(2), 69432.9 (c)(3), 69432.9 (c)(5), 69432.9 (d)(1) (d)(2)(A). Statutes 2015, Chapter 637, A.B. 1091 Education Code Sections 69432.92 (a) and 69432.92(b). Statutes 2016, Chapter 82, AB2908, Education Code Sections 69432.9 (c)(2) & (d)(1).

5. WRITTEN NARRATIVE

(C) The actual increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the mandate: Actual: \$13,099 FY 2015-16 and \$14,888 for FY 2016-17.

| DISTRICT ACTUAL COSTS 2015-16 | | | FAIRFIELD SUISUN UNIFIED SCHOOL DISTRICT | | | | | | | |
|-------------------------------|-----------------------------|--------------------|---|--|------------------------|-----------------------|----------------------|--------------------------|----------------------------|------------------|
| Fiscal Year | Actual Costs first Incurred | Position | Average Salary & Benefits - Registrar 2015-16 | Activity | Time per registrar/HRS | Number of individuals | Total time spent/HRS | total direct costs 15-16 | Indirect costs 15-16 6.05% | cost per student |
| 2015-16 | September 1, 2015 | AB 2160 | Registrar | \$32.86 Training on Cal Grant Reporting Requirements | 4 | 5 | 20 | \$657 | \$40 | \$0.44 |
| 2015-16 | September 1, 2015 | AB 2160 | Registrar | \$32.86 Calculate and key grades into Cal Grant form - 14 min each student | | 1594 | 371.93 | \$12,223 | \$740 | \$7.67 |
| 2015-16 | September 1, 2015 | AB 2160 | Registrar | \$32.86 Mailing opt out forms to all seniors | 1 | 5 | 5 | \$164 | \$10 | \$0.10 |
| 2015-16 | September 1, 2015 | AB 2160 | Registrar | \$32.86 Comply with CSAC requests for social security numbers | 0.25 | 5 | 1.25 | \$41 | \$2 | \$0.03 |
| 2015-16 | September 1, 2015 | AB 2160 | Registrar | \$32.86 Execute certification | 0.08 | 5 | 0.4 | \$13 | \$1 | \$0.01 |
| 2015-16 | | Districtwide Total | | | | | | \$13,099.25 | | \$8.24 |

| DISTRICT ACTUAL COSTS 2016-17 | | | FAIRFIELD SUISUN UNIFIED SCHOOL DISTRICT | | | | | | | |
|-------------------------------|----------------------|--------------------|---|--|------------------------|-----------------------|----------------------|--------------------------|----------------------------|------------------|
| Fiscal Year | Costs first Incurred | Position | Average Salary & Benefits - Registrar 2016-17 | Activity | Time per registrar/HRS | Number of individuals | Total time spent/HRS | total direct costs 16-17 | Indirect costs 16-17 5.97% | cost per student |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 Training on reporting requirements GPA & graduation verification | 4 | 5 | 20.00 | \$671.29 | \$40.08 | \$0.45 |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 Calculate and key grades into Cal Grant form - 14 min each student | | 1594 | 371.93 | \$12,483.77 | \$745.28 | \$8.30 |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 Mailing opt out forms to all seniors | 1 | 5 | 5.00 | \$167.82 | \$10.02 | \$0.11 |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 Comply with CSAC requests for social security numbers | 0.25 | 5 | 1.25 | \$41.96 | \$2.50 | \$0.03 |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 Execute certification | 0.08 | 5 | 0.40 | \$13.43 | \$0.80 | \$0.01 |
| 2016-17 | September 1, 2016 | AB 1091 | Registrar | \$33.56 Electronically submit graduation verification | 9 | 5 | 45.00 | \$1,510.40 | \$90.17 | \$1.00 |
| 2016-17 | | Districtwide Total | | | | | | \$14,888.66 | | \$9.90 |

(D) The actual or estimated annual costs that will be incurred by the claimant to implement the mandate during the fiscal year immediately following the fiscal year for which the claim was filed: Estimated: \$15,186 FY 2017-18

| DISTRICT ESTIMATED COSTS 2017-18 | | | FAIRFIELD SUISUN UNIFIED SCHOOL DISTRICT | | | | | | | |
|----------------------------------|----------------------|--------------------|---|--|------------------------|-----------------------|----------------------|--------------------------|----------------------------|------------------|
| Fiscal Year | Costs first Incurred | Position | Average Salary & Benefits - Registrar 2017-18 | Activity | Time per registrar/HRS | Number of individuals | Total time spent/HRS | Total direct costs 17-18 | Indirect costs 17-18 6.57% | cost per student |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 Training on reporting requirements GPA & graduation verification | 4 | 5 | 20 | \$684.72 | \$44.99 | \$0.46 |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 Calculate and key grades into Cal Grant form - 14 min each student | 0 | 1594 | 371.93 | \$12,733.44 | \$836.59 | \$8.51 |
| 2017-18 | September 1, 2017 | AB 2908 | Registrar | \$34.24 Mailing opt out forms to all juniors | 1 | 5 | 5 | \$171.18 | \$11.25 | \$0.11 |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 Comply with CSAC requests for social security numbers | 0.25 | 5 | 1.25 | \$42.79 | \$2.81 | \$0.03 |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 Execute certification | 0.08 | 5 | 0.4 | \$13.69 | \$0.90 | \$0.01 |
| 2017-18 | September 1, 2016 | AB 1091 | Registrar | \$34.24 Electronically submit graduation verification | 9 | 5 | 45 | \$1,540.61 | \$101.22 | \$1.03 |
| | | Districtwide Total | | | | | | \$15,186.44 | | \$10.15 |



2251 Harvard Street, Suite 134
 Sacramento, CA 95815
 Phone: 916-443-3411

Test Claim Name: Name: Cal Grant Program: Grade Point Average and High School Graduation Certification

Test Claimant: Fairfield-Suisun Unified School District

Statutes 2014, Chapter 679, A.B. 2160, Education Code Sections 69432.9 (c)(2), 69432.9 (c)(3), 69432.9 (c)(5), 69432.9 (d)(1) (d)(2)(A). Statutes 2015, Chapter 637, A.B. 1091 Education Code Sections 69432.92 (a) and 69432.92(b). Statutes 2016, Chapter 82, AB2908, Education Code Sections 69432.9 (c)(2) & (d)(1).

5. WRITTEN NARRATIVE

(E) A statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed: \$4,792,337 FY 2016-17 FY 2017-18 \$4,915,860

| STATEWIDE COST ESTIMATE 2016-17 | | | | | | | | | | |
|---------------------------------|----------------------|-----------------|-----------|---|--|------------------------|-----------------------|----------------------|-------------------|------------------|
| Fiscal Year | Costs first Incurred | | Position | Average Salary & Benefits - Registrar 2016-17 | Activity | Time per registrar/HRS | Number of individuals | Total time spent/HRS | Total costs 16-17 | cost per student |
| 2016-17 | | AB 2160 | Registrar | \$33.56 | Training on reporting requirements GPA & graduation verification | | 484169 | | \$216,074 | \$0.45 |
| 2016-17 | | AB 2160 | Registrar | \$33.56 | Calculate and key grades into Cal Grant form - 14 min each student | | 484169 | | \$4,018,252 | \$8.30 |
| 2016-17 | | AB 2160 | Registrar | \$33.56 | Mailing opt out forms to all seniors | | 484169 | | \$54,018 | \$0.11 |
| 2016-17 | | AB 2160 | Registrar | \$33.56 | Comply with CSAC requests for social security numbers | | 484169 | | \$13,505 | \$0.03 |
| 2016-17 | | AB 2160 | Registrar | \$33.56 | Execute certification | | 484169 | | \$4,321 | \$0.01 |
| 2016-17 | | AB 1091 | Registrar | \$33.56 | Electronically submit graduation verification | | 484169 | | \$486,166 | \$1.00 |
| 2016-17 | | Statewide Total | | | | | | | \$4,792,337 | \$9.90 |

| STATEWIDE ESTIMATED COSTS 2017-18 | | | | | | | | | | |
|-----------------------------------|----------------------|-----------------|-----------|---|--|------------------------|-----------------------|----------------------|-------------------|------------------|
| Fiscal Year | Costs first Incurred | | Position | Average Salary & Benefits - Registrar 2017-18 | Activity | Time per registrar/HRS | Number of individuals | Total time spent/HRS | total costs 17-18 | cost per student |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 | Training on reporting requirements GPA & graduation verification | | 484169 | | \$221,643 | \$0.46 |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 | Calculate and key grades into Cal Grant form - 14 min each student | | 484169 | | \$4,121,824 | \$8.51 |
| 2017-18 | September 1, 2017 | AB 2908 | Registrar | \$34.24 | Mailing opt out forms to all juniors | | 484169 | | \$55,411 | \$0.11 |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 | Comply with CSAC requests for social security numbers | | 484169 | | \$13,853 | \$0.03 |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 | Execute certification | | 484169 | | \$4,433 | \$0.01 |
| 2017-18 | September 1, 2016 | AB 1091 | Registrar | \$34.24 | Electronically submit graduation verification | | 484169 | | \$498,697 | \$1.03 |
| 2017-18 | | Statewide Total | | | | | | | \$4,915,860 | \$10.15 |

(F) Identification of all of the following funding sources available for this program:

- (i) Dedicated state funds: None**
- (ii) Dedicated federal funds: None**
- (iii) Other nonlocal agency funds: None**
- (iv) The local agency's general purpose funds: None**
- (v) Fee authority to offset costs: None**

(G) Identification of prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate:



2251 Harvard Street, Suite 134
Sacramento, CA 95815
Phone: 916-443-3411

Test Claim Name: Name: Cal Grant Program: Grade Point Average and High School Graduation Certification

Test Claimant: Fairfield-Suisun Unified School District

Statutes 2014, Chapter 679, A.B. 2160, Education Code Sections 69432.9 (c)(2), 69432.9 (c)(3), 69432.9 (c)(5), 69432.9 (d)(1) (d)(2)(A). Statutes 2015, Chapter 637, A.B. 1091 Education Code Sections 69432.92 (a) and 69432.92(b). Statutes 2016, Chapter 82, AB2908, Education Code Sections 69432.9 (c)(2) & (d)(1).

5. WRITTEN NARRATIVE

In the 2009 decision on test claim Cal Grants, 02-TC-28 the COSM did address a portion of the 69432.9 Education Code pled in this test claim. After careful review of the decision by the test claimant it is clear that this prior mandate determination applied only to community college districts and in no-way applied to school districts, county offices of education or charter schools.

(H) Identification of a legislatively determined mandate pursuant to Government Code section 17573 that is on the same statute or executive order:

1. There are no prior legislatively determined mandates pursuant to Government Code section 17573 that is on the same statute or executive order.



2251 Harvard Street, Suite 134
Sacramento, CA 95815
Phone: 916-443-3411

Test Claim Name: Cal Grant Program: Grade Point Average
 Test Claimant: Fairfield-Suisun Unified School District
 Section Numbers: Education Code Sections 69432.9 (2), 69432.9 (3), 69432.9 (5),
 69432.9 (6) (d) (1), 69432.9 (6) (d) (2), and Education Code Section 69432.92

6. DECLARATIONS

Section (A). Declaration of the actual or estimated costs that will be incurred by the claimant to implement the alleged mandated:

(I) The actual and estimated increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the mandate are detailed below:

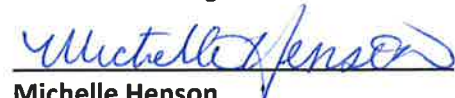
| DISTRICT ACTUAL COSTS 2015-16 | | | FAIRFIELD SUISUN UNIFIED SCHOOL DISTRICT | | | | | | | | | |
|-------------------------------|-----------------------------|----------|--|----------|--|-----------------------|----------------------|--------------------------|-------------------|------------------|--------|--|
| Fiscal Year | Actual Costs first Incurred | Position | Average Salary & Benefits - Registrar | | Time per registrar/HRS | Number of individuals | Total time spent/HRS | Indirect | | | | |
| | | | 2015-16 | Activity | | | | total direct costs 15-16 | costs 15-16 6.05% | cost per student | | |
| 2015-16 | September 1, 2015 | AB 2160 | Registrar | \$32.86 | Training on Cal Grant Reporting Requirements | 4 | 5 | 20 | \$657 | \$40 | \$0.44 | |
| 2015-16 | September 1, 2015 | AB 2160 | Registrar | \$32.86 | Calculate and key grades into Cal Grant form - 14 min each student | | 1594 | 371.93 | \$12,223 | \$740 | \$7.67 | |
| 2015-16 | September 1, 2015 | AB 2160 | Registrar | \$32.86 | Mailing opt out forms to all seniors | 1 | 5 | 5 | \$164 | \$10 | \$0.10 | |
| 2015-16 | September 1, 2015 | AB 2160 | Registrar | \$32.86 | Comply with CSAC requests for social security numbers | 0.25 | 5 | 1.25 | \$41 | \$2 | \$0.03 | |
| 2015-16 | September 1, 2015 | AB 2160 | Registrar | \$32.86 | Execute certification | 0.08 | 5 | 0.4 | \$13 | \$1 | \$0.01 | |
| 2015-16 Districtwide Total | | | | | | | | | \$13,099.25 | | \$8.24 | |

| DISTRICT ACTUAL COSTS 2016-17 | | | FAIRFIELD SUISUN UNIFIED SCHOOL DISTRICT | | | | | | | | | |
|-------------------------------|----------------------|----------|--|----------|--|-----------------------|----------------------|--------------------------|-------------------|------------------|--------|--|
| Fiscal Year | Costs first Incurred | Position | Average Salary & Benefits - Registrar | | Time per registrar/HRS | Number of individuals | Total time spent/HRS | Indirect | | | | |
| | | | 2016-17 | Activity | | | | total direct costs 16-17 | costs 16-17 5.97% | cost per student | | |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 | Training on reporting requirements GPA & graduation verification | 4 | 5 | 20.00 | \$671.29 | \$40.08 | \$0.45 | |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 | Calculate and key grades into Cal Grant form - 14 min each student | | 1594 | 371.93 | \$12,483.77 | \$745.28 | \$8.30 | |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 | Mailing opt out forms to all seniors | 1 | 5 | 5.00 | \$167.82 | \$10.02 | \$0.11 | |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 | Comply with CSAC requests for social security numbers | 0.25 | 5 | 1.25 | \$41.96 | \$2.50 | \$0.03 | |
| 2016-17 | September 1, 2015 | AB 2160 | Registrar | \$33.56 | Execute certification | 0.08 | 5 | 0.40 | \$13.43 | \$0.80 | \$0.01 | |
| 2016-17 | September 1, 2016 | AB 1091 | Registrar | \$33.56 | Electronically submit graduation verification | 9 | 5 | 45.00 | \$1,510.40 | \$90.17 | \$1.00 | |
| 2016-17 Districtwide Total | | | | | | | | | \$14,888.66 | | \$9.90 | |

| DISTRICT ESTIMATED COSTS 2017-18 | | | FAIRFIELD SUISUN UNIFIED SCHOOL DISTRICT | | | | | | | | | |
|----------------------------------|----------------------|----------|--|----------|--|-----------------------|----------------------|--------------------------|-------------------|------------------|---------|--|
| Fiscal Year | Costs first Incurred | Position | Average Salary & Benefits - Registrar | | Time per registrar/HRS | Number of individuals | Total time spent/HRS | Indirect | | | | |
| | | | 2017-18 | Activity | | | | Total direct costs 17-18 | costs 17-18 6.57% | cost per student | | |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 | Training on reporting requirements GPA & graduation verification | 4 | 5 | 20 | \$684.72 | \$44.99 | \$0.46 | |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 | Calculate and key grades into Cal Grant form - 14 min each student | 0 | 1594 | 371.93 | \$12,733.44 | \$836.59 | \$8.51 | |
| 2017-18 | September 1, 2017 | AB 2908 | Registrar | \$34.24 | Mailing opt out forms to all juniors | 1 | 5 | 5 | \$171.18 | \$11.25 | \$0.11 | |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 | Comply with CSAC requests for social security numbers | 0.25 | 5 | 1.25 | \$42.79 | \$2.81 | \$0.03 | |
| 2017-18 | September 1, 2015 | AB 2160 | Registrar | \$34.24 | Execute certification | 0.08 | 5 | 0.4 | \$13.69 | \$0.90 | \$0.01 | |
| 2017-18 | September 1, 2016 | AB 1091 | Registrar | \$34.24 | Electronically submit graduation verification | 9 | 5 | 45 | \$1,540.61 | \$101.22 | \$1.03 | |
| Districtwide Total | | | | | | | | | \$15,186.44 | | \$10.13 | |

I Michelle Henson, Asst. Supt. of Business Services for the Fairfield Suisun Unified School District, certify and declare by my signature below, under penalty of perjury, that I am competent to do so, and that the actual and estimated cost alleged in this test claim filing are based on my personal knowledge, information, or belief pursuant to section 1187.5 of the Commission's regulations.

Dated: July 31, 2017



Michelle Henson
 Asst. Supt. Business Services
 Fairfield Suisun Unified School District



2251 Harvard Street, Suite 134
 Sacramento, CA 95815
 Phone: 916-443-3411

Test Claim Name: Cal Grant Program: Grade Point Average
Test Claimant: Fairfield-Suisun Unified School District
Section Numbers: Education Code Sections 69432.9 (2), 69432.9 (3), 69432.9 (5),
69432.9 (6) (d) (1), 69432.9 (6) (d) (2), and Education Code Section 69432.92

6. DECLARATIONS

Section (B). Declaration identifying all local, state, or federal funds and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect cost:

1. The Fairfield Suisun Unified School District (claimant) has determined that no local, state or federal funds and no fee authority may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandated, including direct and indirect costs.

I Michelle Henson, Asst. Supt. of Business Services for the Fairfield Suisun Unified School District, declare and certify by my signature below, under penalty of perjury, that I am competent to do so, and that there are no local, state or federal funds and fee authority that may be used to offset increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect cost. This declaration is based on my personal knowledge, information, or belief pursuant to section 1187.5 of the Commission's regulations.

Dated: July 31, 2017



Michelle Henson
Asst. Supt. Business Services
Fairfield Suisun Unified School District



2251 Harvard Street, Suite 134
Sacramento, CA 95815
Phone: 916-443-3411

6. DECLARATIONS

Section (C.) Declaration describing new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program. Specific references shall be made to chapters, articles, sections or page numbers alleged to impose a reimbursable state-mandated program:

1. Time and costs incurred by school districts, county offices of education, and charter schools to prepare for, provide and attend training in order to instruct the employees on the requirements imposed by Statutes 2014, Chapter 679, A.B. 2160, Education Code Sections 69432.9 (c)(2), 69432.9 (c)(3), 69432.9 (c)(5), 69432.9 (d) (1), 69432.9 (d)(2). Statutes 2015, Chapter 637, A.B. 1091 Education Code Sections 69432.92(a) and 69432.92(b). Statutes 2016, Chapter 82, AB2908, Education Code Sections 69432.9 (c)(2) & (d)(1) .
2. Time and costs incurred by school districts, county offices of education, and charter schools to review records, correct, update and submit grade point averages to the CSAC for all grade 12 pupils prior to October 15 of each year. AB 2160 - Statutes 2014, Education Code Section 69432.9 (c)(2).
3. Time and costs incurred by school districts, county offices of education, and charter schools to submit each student's grade point averages electronically, on a standardized form, for all grade 12 pupils at public schools, including charter schools. AB 2160 - Statutes 2014, Education Code Sections 69432.9 (c)(2).
4. Time and costs incurred by school districts, county offices of education, and charter schools to comply with CSAC requests for social security numbers including time and costs to obtain permission from the parent or guardian, or pupil, if he or she is 18, and to submit the pupil's social security number to the CSAC. AB 2160 - Statutes 2014, Education Code Sections 69432.9 (c)(2).
5. Time and costs incurred by school districts, county offices of education, and charter schools for including a certification to the CSAC, executed under penalty of perjury by a school official, that the grade point average is accurately reported. The certification shall include a statement that it is subject to review by the CSAC or its designee. AB 2160 - Statutes 2014, Education Code Sections 69432.9 (c)(3).

6. DECLARATIONS

6. Time and costs incurred by school districts, county offices of education, and charter schools to ensure the grade point average certification is submitted to CSAC in time to meet the application deadline imposed by this chapter. AB 2160 - Statutes 2014, Education Code Sections 69432.9 (c)(5).
7. Time and costs incurred by school districts, county offices of education, and charter schools, no later than October 15 of a pupil's grade 12 academic year, to notify, in writing, each grade 12 pupil and, for a pupil under 18 years of age, his or her parent or guardian that, pursuant to subdivision (a), the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days. The required notice shall indicate when the school will first send grade point averages to the commission. The school district, county office of education or charter school shall provide an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant. Until a pupil turns 18 years of age, only a parent or guardian may opt the pupil out. Once a pupil turns 18 years of age, only the pupil may opt himself or herself out and, if prior to the conclusion of the notice period, the pupil may opt in over the prior decision of a parent or guardian to opt out. Statutes 2014, Chapter 679, A.B. 2160, Education Code Section 69432.9 (6) (d) (1) and Education Code Section 69432.9 (d)(1) & (d)(2)
8. Time and costs incurred by school districts, county offices of education, and charter schools to submit the required grade point averages for grade 12 pupils to be submitted by October 1 of each academic year. Statutes 2016, Chapter 82, AB 2908, Education Code Sections 69432.9 (c)(2) & (d)(1).
9. Time and costs incurred by school districts, county offices of education, and charter schools to notify pupils by January 1 of their grade 11 academic year so that they can opt out of the program. Additionally, school districts, county offices of education, and charter schools are now required to send an "Opt Out" notice to each pupil in grade 12 Statutes 2016, Chapter 82, AB2908, Education Code Sections 69432.9 (d)(1) & (2).
(Amended by Stats. 2016, Ch. 82, Sec. 3. Effective January 1, 2017.)

6. DECLARATIONS

10. Time and costs incurred by school districts, county offices of education, and charter schools to provide verification of high school graduation or its equivalent. Education Code Section 69432.92 (a).
11. Time and costs to electronically submit the graduation data for all former grade 12 pupils, in the prior academic year, including charter schools, in the prior academic year, except for pupils who have opted out as provided in subdivision (d) of Section 69433.9, when required by the CSAC. Education Code Section 69432.92(a)
12. Time and costs incurred by school districts, county offices of education, and charter schools to verify the graduation of their pupils, when requested by CSAC in time to meet the deadlines imposed by subdivision (e) of Section 69433.9. This subdivision also applies to pupils who graduate during the summer following the grade 12 academic year. Education Code Sections 69432.92(b)

I Michelle Henson, Asst. Supt. of Business Services for the Fairfield Suisun Unified School District, declare and certify by my signature below, under penalty of perjury, that I am competent to do so, and that the new activities preformed to implement specified provisions of the new statute or executive order which impose a reimbursable state-mandated program are listed directly below. In addition, that this declaration is based on my personal knowledge, information, or belief pursuant to section 1187.5 of the Commission's regulations.

Dated: July 31, 2017


Michelle Henson
Asst. Supt. Business Services
Fairfield Suisun Unified School District



Test Claim Name: Cal Grant Program: Grade Point Average
Test Claimant: Fairfield-Suisun Unified School District
Section Numbers: Education Code Sections 69432.9 (2), 69432.9 (3), 69432.9 (5),
69432.9 (6) (d) (1), 69432.9 (6) (d) (2), and Education Code Section 69432.92

6. DECLARATIONS

Section (D). Declaration If applicable, describing the period of reimbursement and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to section 17573 and the authority to file a test claim pursuant to paragraph (1) of Section 17574 (c).

I Michelle Henson, Asst. Supt. of Business Services for the Fairfield Suisun Unified School District, declare and certify by my signature below, under penalty of perjury, that I am competent to do so, and that there were no reimbursement of costs and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to Section 17573 and the authority to file a test claim pursuant to paragraph (1) of Section 17574 (c), and the authority to file a test claim pursuant to paragraph (1) of Section 17574(c). In addition, that this declaration is based on my personal knowledge, information, or belief pursuant to section 1187.5 of the Commission's regulations.

Dated: July 31, 2017



Michelle Henson
Asst. Supt. Business Services
Fairfield Suisun Unified School District



2251 Harvard Street, Suite 134
Sacramento, CA 95815
Phone: 916-443-3411

7. DOCUMENTATION

(A) The test claim statute that includes the bill number alleged to impose or impact a mandate:

Statutes 2014, Chapter 679, A.B. 2160, Education Code Sections 69432.9 (c)(2), 69432.9 (c)(3), 69432.9(c)(5), 69432.9, (d) (1), 69432.9 (d)(2)(A) Statutes 2015, Chapter 637, A.B. 1091 Education Code Section 69432.92(a) & (b). Statutes 2016, Chapter 82, AB2908, Education Code Sections 69432.9 (c)(2) & (d)(1).

EDUCATION CODE SECTION 69432.9 and 69432.92 (as of 5-13-17)

69432.9.

(a) A Cal Grant applicant shall submit a complete official financial aid application pursuant to Section 69433 and applicable regulations adopted by the commission. Each pupil enrolled in grade 12 in a California public school, including a charter school, other than pupils who opt out as provided in subdivision (d), shall be deemed to be a Cal Grant applicant.

(b) Financial need shall be determined to establish an applicant's initial eligibility for a Cal Grant award and a renewing recipient's continued eligibility using the federal financial need methodology pursuant to subdivision (a) of Section 69506 and applicable regulations adopted by the commission, and as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

(1) "Expected family contribution," with respect to an applicant or renewing recipient, shall be determined using the federal methodology pursuant to subdivision (a) of Section 69506 (as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.)) and applicable rules and regulations adopted by the commission.

(2) "Financial need" means the difference between the student's cost of attendance as determined by the commission and the expected family contribution. The calculation of financial need shall be consistent with Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

(3) (A) The minimum financial need required for receipt of an initial and renewal Cal Grant A or C award shall be no less than the maximum annual award value for the applicable institution, plus an additional one thousand five hundred dollars (\$1,500) of financial need.



7. DOCUMENTATION

(B) The minimum financial need required for receipt of an initial and renewal Cal Grant B award shall be no less than seven hundred dollars (\$700).

(c) (1) The commission shall require that a grade point average be submitted to it for all Cal Grant A and B applicants, except for those permitted to provide test scores in lieu of a grade point average.

(2) The commission shall require that a grade point average be submitted to it electronically on a standardized form for all grade 12 pupils at public schools, including charter schools, no later than October 1 of each academic year, except for pupils who have opted out as provided in subdivision (d). Social security numbers shall not be included in the information submitted to the commission. However, if the commission determines that a social security number is required to complete the application for financial aid, the school, school district, or charter school may obtain permission from the parent or guardian of the pupil, or the pupil, if he or she is 18 years of age, to submit the pupil's social security number to the commission.

(3) The commission shall require that each report of a grade point average include a certification, executed under penalty of perjury, by a school official, that the grade point average reported is accurately reported. The certification shall include a statement that it is subject to review by the commission or its designee.

(4) The commission shall adopt regulations that establish a grace period for receipt of the grade point average and any appropriate corrections, and that set forth the circumstances under which a student may submit a specified test score designated by the commission, by regulation, in lieu of submitting a qualifying grade point average.

(5) It is the intent of the Legislature that high schools and institutions of higher education certify the grade point averages of their students in time to meet the application deadlines imposed by this chapter.

(6) It is the intent of the Legislature that the commission make available to each high school and school district a report identifying all grade 12 pupils within the high school or school district, respectively, who have and have not completed the Free Application for Federal Student Aid or the California Dream Act Application.

(d) (1) The school district or charter school shall, no later than January 1 of a pupil's grade 11 academic year, notify, in writing, each grade 11 pupil and, for a pupil under 18 years of age, his or her parent or guardian that, pursuant to subdivision (a), the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days. The

7. DOCUMENTATION

required notice shall indicate when the school will first send grade point averages to the commission and the submission deadline of October 1. The school district or charter school shall provide an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant. (2) Until a pupil turns 18 years of age, only a parent or guardian may opt the pupil out. Once a pupil turns 18 years of age, only the pupil may opt himself or herself out and, if prior to the conclusion of the notice period, the pupil may opt in over the prior decision of a parent or guardian to opt out.

(Amended by Stats. 2016, Ch. 82, Sec. 3. Effective January 1, 2017.)

69432.92.

(a) The commission may require verification of high school graduation or its equivalent to be electronically submitted for all former grade 12 pupils who graduated from public schools, including charter schools, in the prior academic year, except for pupils who have opted out as provided in subdivision (d) of Section 69432.9.

(b) If the commission requires verification of high school graduation or its equivalent pursuant to subdivision (a), the commission shall provide guidance to high schools or high school districts to ensure that high schools and high school districts verify the graduation of their pupils as soon as possible upon a pupil's graduation and no later than August 31 of the academic year following the pupils' graduation. This subdivision also applies to pupils who graduate during the summer following the grade 12 academic year.

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)

AB-2160 Cal Grant Program: grade point average. (2013-2014)

SHARE THIS:



Assembly Bill No. 2160

CHAPTER 679

An act to amend Section 69432.9 of the Education Code, relating to postsecondary education.

[Approved by Governor September 27, 2014. Filed with Secretary of State September 27, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2160, Ting. Cal Grant Program: grade point average.

The Cal Grant Program establishes the Cal Grant A and B Entitlement Awards, the California Community College Transfer Cal Grant Entitlement Awards, the Competitive Cal Grant A and B Awards, the Cal Grant C Awards, and the Cal Grant T Awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions.

A provision of the program specifies that the commission shall require that a grade point average be submitted, as specified, to the commission for Cal Grant A and B applicants, except for those applicants permitted to provide test scores in lieu of a grade point average.

This bill would require that each pupil enrolled in grade 12, except for pupils who opt out, as specified, be deemed a Cal Grant applicant. The bill would require that a grade point average be submitted for all Cal Grant A and B applicants, and submitted electronically for all grade 12 pupils at public schools, including charter schools, each academic year, except for pupils who have opted out, as specified, and would provide that grade point averages submitted shall be subject to review by the commission or its designee. The bill would require the school district or charter school, no later than October 15 of a pupil's grade 12 academic year, to notify, in writing, each grade 12 pupil and his or her parent or guardian that the pupil will be deemed a Cal Grant applicant unless the pupil is opted out, and would specify a procedure for opting out. To the extent that these provisions would impose new duties on local educational agencies and community college districts, they would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 69432.9 of the Education Code is amended to read:

69432.9. (a) A Cal Grant applicant shall submit a complete official financial aid application pursuant to Section 69433 and applicable regulations adopted by the commission. Each pupil enrolled in grade 12 in a California public school, including a charter school, other than pupils who opt out as provided in subdivision (d), shall be deemed to be a Cal Grant applicant.

(b) Financial need shall be determined to establish an applicant's initial eligibility for a Cal Grant award and a renewing recipient's continued eligibility using the federal financial need methodology pursuant to subdivision (a) of Section 69506 and applicable regulations adopted by the commission, and as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

(1) "Expected family contribution," with respect to an applicant or renewing recipient, shall be determined using the federal methodology pursuant to subdivision (a) of Section 69506 (as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.)) and applicable rules and regulations adopted by the commission.

(2) "Financial need" means the difference between the student's cost of attendance as determined by the commission and the expected family contribution. The calculation of financial need shall be consistent with Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

(3) (A) The minimum financial need required for receipt of an initial and renewal Cal Grant A or C award shall be no less than the maximum annual award value for the applicable institution, plus an additional one thousand five hundred dollars (\$1,500) of financial need.

(B) The minimum financial need required for receipt of an initial and renewal Cal Grant B award shall be no less than seven hundred dollars (\$700).

(c) (1) The commission shall require that a grade point average be submitted to it for all Cal Grant A and B applicants, except for those permitted to provide test scores in lieu of a grade point average.

(2) The commission shall require that a grade point average be submitted to it electronically for all grade 12 pupils at public schools, including charter schools, each academic year, except for pupils who have opted out as provided in subdivision (d). Social security numbers shall not be included in the information submitted to the commission. However, if the commission determines that a social security number is required to complete the application for financial aid, the school, school district, or charter school may obtain permission from the parent or guardian of the pupil, or the pupil, if he or she is 18 years of age, to submit the pupil's social security number to the commission.

(3) The commission shall require that each report of a grade point average include a certification, executed under penalty of perjury, by a school official, that the grade point average reported is accurately reported. The certification shall include a statement that it is subject to review by the commission or its designee.

(4) The commission shall adopt regulations that establish a grace period for receipt of the grade point average and any appropriate corrections, and that set forth the circumstances under which a student may submit a specified test score designated by the commission, by regulation, in lieu of submitting a qualifying grade point average.

(5) It is the intent of the Legislature that high schools and institutions of higher education certify the grade point averages of their students in time to meet the application deadlines imposed by this chapter.

(d) (1) The school district or charter school shall, no later than October 15 of a pupil's grade 12 academic year, notify, in writing, each grade 12 pupil and, for a pupil under 18 years of age, his or her parent or guardian that, pursuant to subdivision (a), the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days. The required notice shall indicate when the school will first send grade point averages to the commission. The school district or charter school shall provide an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant.

(2) (A) Until a pupil turns 18 years of age, only a parent or guardian may opt the pupil out. Once a pupil turns 18 years of age, only the pupil may opt himself or herself out and, if prior to the conclusion of the notice period, the pupil may opt in over the prior decision of a parent or guardian to opt out.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Assembly Bill No. 2908

CHAPTER 82

An act to amend Sections 66028.6, 67380, 69432.9, 69439, 89226, and 99161.5 of the Education Code, relating to postsecondary education.

[Approved by Governor July 22, 2016. Filed with
Secretary of State July 22, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2908, Committee on Higher Education. Postsecondary education: omnibus.

(1) Existing law requires the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing boards of postsecondary educational institutions receiving public funds for student financial assistance to require the appropriate officials at each campus to compile records of specified crimes and noncriminal acts reported to campus police, campus security personnel, campus safety authorities, or designated campus authorities and transmit a report containing a compilation of that information to the Legislative Analyst's Office.

This bill would repeal the requirement that the information be reported to the Legislative Analyst's Office.

(2) The Cal Grant Program establishes the Cal Grant A and Cal Grant B Entitlement awards, the California Community College Transfer Entitlement awards, the Competitive Cal Grant A and B awards, the Cal Grant C award, and the Cal Grant T award under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions. As part of these eligibility requirements, existing law requires the commission to require that a grade point average be submitted to it electronically for all grade 12 pupils at public schools, including charter schools, each academic year, except for those pupils who, after being notified by October 15 of their grade 12 academic year, have opted out of being deemed a Cal Grant applicant.

This bill would specify that the grade point averages for grade 12 pupils are to be submitted by October 1 of each academic year, and would require that pupils be notified by January 1 of their grade 11 academic year so that they can opt out. To the extent that these provisions would impose new duties on local educational agencies and community college districts, they would constitute a state-mandated local program.

(3) Existing law requires the Legislative Analyst's Office to submit a report, containing specified information, to the Legislature on or before

April 1, 2015, and a report with more limited information each odd year thereafter, regarding outcomes of the Cal Grant C program.

This bill would require that the report to be submitted on or before April 1, 2018, include all of the information required in the April 1, 2015, report. The bill would require the Student Aid Commission, instead of the Legislative Analyst's Office, to submit a report with the more limited information on or before April 1, 2020, and on or before April 1 of each even-numbered year thereafter.

The bill would also make conforming changes and connect a cross-reference.

(4) Existing law requires the Legislative Analyst, on or before October 1, 2017, to submit a status update to the Legislature regarding the California State University's implementation of specified provisions of law and an assessment of the extent to which the online programs of the California State University are operating in a manner consistent with legislative intent and statutory requirements.

This bill would make the deadline for that status update on or before January 1, 2018.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

SECTION 1. Section 66028.6 of the Education Code is amended to read:
66028.6. (a) Notwithstanding Section 10231.5 of the Government Code, commencing with the 2012–13 academic year, the regents and the trustees shall annually provide the Legislature, by February 1 of each year, with detailed information regarding expenditures of revenues derived from student fees and uses of institutional financial aid, and shall provide information regarding the systemwide average total cost of attendance per student. For purposes of meeting the requirements of this section, the regents and the trustees may include this information in their respective annual reports on institutional financial aid pursuant to Section 66021.1.

(b) Notwithstanding Section 10231.5 of the Government Code, the regents and trustees shall each submit a report to the Legislature, by March 1 of each year, describing their respective institution's compliance with the policies set forth in this article.

(c) A report submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 2. Section 67380 of the Education Code is amended to read:

67380. (a) Except as provided in subparagraph (C) of paragraph (6), the governing board of each community college district, the Trustees of the

California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary educational institution receiving public funds for student financial assistance shall do all of the following:

(1) Require the appropriate officials at each campus within their respective jurisdictions to compile records of both of the following:

(A) All occurrences reported to campus police, campus security personnel, or campus safety authorities of, and arrests for, crimes that are committed on campus and that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.

(B) All occurrences of noncriminal acts of hate violence reported to, and for which a written report is prepared by, designated campus authorities.

(2) Require any written record of a noncriminal act of hate violence to include, but not be limited to, the following:

(A) A description of the act of hate violence.

(B) Victim characteristics.

(C) Offender characteristics, if known.

(3) (A) Make the information concerning the crimes compiled pursuant to subparagraph (A) of paragraph (1) available within two business days following the request of any student or employee of, or applicant for admission to, any campus within their respective jurisdictions, or to the media, unless the information is the type of information exempt from disclosure pursuant to subdivision (f) of Section 6254 of the Government Code, in which case the information is not required to be disclosed. Notwithstanding subdivision (f) of Section 6254 of the Government Code, the name or any other personally identifying information of a victim of any crime defined by Section 243.4, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal Code shall not be disclosed without the permission of the victim, or the victim's parent or guardian if the victim is a minor.

(B) For purposes of this paragraph and subparagraph (A) of paragraph (1), the campus police, campus security personnel, and campus safety authorities described in subparagraph (A) of paragraph (1) shall be included within the meaning of "state or local police agency" and "state and local law enforcement agency," as those terms are used in subdivision (f) of Section 6254 of the Government Code.

(4) Require the appropriate officials at each campus within their respective jurisdictions to prepare, prominently post, and copy for distribution on request, a campus safety plan that sets forth all of the following: the availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established for particular facilities or activities, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the next 24 months. For purposes of this section, posting and distribution may be accomplished by including relevant safety information in a student handbook or brochure that is made generally available to students.

(5) Require the appropriate officials at each campus within their respective jurisdictions to report information compiled pursuant to paragraph (1) relating to hate violence to the governing board, trustees, board of directors, or regents, as the case may be. The governing board, trustees, board of directors, or regents, as the case may be, shall, upon collection of that information from all of the campuses within their jurisdiction, make a report containing a compilation of that information available to the general public on the Internet Web site of each respective institution. It is the intent of the Legislature that the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary educational institution receiving public funds for student financial assistance establish guidelines for identifying and reporting occurrences of hate violence. It is the intent of the Legislature that the guidelines established by these institutions of higher education be as consistent with each other as possible. These guidelines shall be developed in consultation with the Department of Fair Employment and Housing and the California Association of Human Relations Organizations.

(6) (A) Notwithstanding subdivision (f) of Section 6254 of the Government Code, require any report made by a victim or an employee pursuant to Section 67383 of a Part 1 violent crime, sexual assault, or hate crime, as described in Section 422.55 of the Penal Code, received by a campus security authority and made by the victim for purposes of notifying the institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency with which the institution has a written agreement pursuant to Section 67381 without identifying the victim, unless the victim consents to being identified after the victim has been informed of his or her right to have his or her personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency, unless the institution determines both of the following, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and shall immediately inform the victim of that disclosure:

(i) The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution.

(ii) The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.

(B) The requirements of this paragraph shall not constitute a waiver of, or exception to, any law providing for the confidentiality of information.

(C) This paragraph applies only as a condition for participation in the Cal Grant Program established pursuant to Chapter 1.7 (commencing with Section 69430) of Part 42.

(b) Any person who is refused information required to be made available pursuant to subparagraph (A) of paragraph (1) of subdivision (a) may maintain a civil action for damages against any institution that refuses to

provide the information, and the court shall award that person an amount not to exceed one thousand dollars (\$1,000) if the court finds that the institution refused to provide the information.

(c) For purposes of this section:

(1) “Hate violence” means any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, gender identity, gender expression, disability, or political or religious beliefs of that person or group.

(2) “Part 1 violent crime” means willful homicide, forcible rape, robbery, or aggravated assault, as defined in the Uniform Crime Reporting Handbook of the Federal Bureau of Investigation.

(3) “Sexual assault” includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or the threat of any of these.

(d) This section does not apply to the governing board of a private postsecondary educational institution receiving funds for student financial assistance with a full-time enrollment of less than 1,000 students.

(e) This section shall apply to a campus of one of the public postsecondary educational systems identified in subdivision (a) only if that campus has a full-time equivalent enrollment of more than 1,000 students.

(f) Notwithstanding any other provision of this section, this section shall not apply to the California Community Colleges unless and until the Legislature makes funds available to the California Community Colleges for the purposes of this section.

SEC. 3. Section 69432.9 of the Education Code is amended to read:

69432.9. (a) A Cal Grant applicant shall submit a complete official financial aid application pursuant to Section 69433 and applicable regulations adopted by the commission. Each pupil enrolled in grade 12 in a California public school, including a charter school, other than pupils who opt out as provided in subdivision (d), shall be deemed to be a Cal Grant applicant.

(b) Financial need shall be determined to establish an applicant’s initial eligibility for a Cal Grant award and a renewing recipient’s continued eligibility using the federal financial need methodology pursuant to subdivision (a) of Section 69506 and applicable regulations adopted by the commission, and as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

(1) “Expected family contribution,” with respect to an applicant or renewing recipient, shall be determined using the federal methodology pursuant to subdivision (a) of Section 69506 (as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.)) and applicable rules and regulations adopted by the commission.

(2) “Financial need” means the difference between the student’s cost of attendance as determined by the commission and the expected family

contribution. The calculation of financial need shall be consistent with Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

(3) (A) The minimum financial need required for receipt of an initial and renewal Cal Grant A or C award shall be no less than the maximum annual award value for the applicable institution, plus an additional one thousand five hundred dollars (\$1,500) of financial need.

(B) The minimum financial need required for receipt of an initial and renewal Cal Grant B award shall be no less than seven hundred dollars (\$700).

(c) (1) The commission shall require that a grade point average be submitted to it for all Cal Grant A and B applicants, except for those permitted to provide test scores in lieu of a grade point average.

(2) The commission shall require that a grade point average be submitted to it electronically on a standardized form for all grade 12 pupils at public schools, including charter schools, no later than October 1 of each academic year, except for pupils who have opted out as provided in subdivision (d). Social security numbers shall not be included in the information submitted to the commission. However, if the commission determines that a social security number is required to complete the application for financial aid, the school, school district, or charter school may obtain permission from the parent or guardian of the pupil, or the pupil, if he or she is 18 years of age, to submit the pupil's social security number to the commission.

(3) The commission shall require that each report of a grade point average include a certification, executed under penalty of perjury, by a school official, that the grade point average reported is accurately reported. The certification shall include a statement that it is subject to review by the commission or its designee.

(4) The commission shall adopt regulations that establish a grace period for receipt of the grade point average and any appropriate corrections, and that set forth the circumstances under which a student may submit a specified test score designated by the commission, by regulation, in lieu of submitting a qualifying grade point average.

(5) It is the intent of the Legislature that high schools and institutions of higher education certify the grade point averages of their students in time to meet the application deadlines imposed by this chapter.

(6) It is the intent of the Legislature that the commission make available to each high school and school district a report identifying all grade 12 pupils within the high school or school district, respectively, who have and have not completed the Free Application for Federal Student Aid or the California Dream Act Application.

(d) (1) The school district or charter school shall, no later than January 1 of a pupil's grade 11 academic year, notify, in writing, each grade 11 pupil and, for a pupil under 18 years of age, his or her parent or guardian that, pursuant to subdivision (a), the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days. The required notice shall indicate when

the school will first send grade point averages to the commission and the submission deadline of October 1. The school district or charter school shall provide an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant.

(2) Until a pupil turns 18 years of age, only a parent or guardian may opt the pupil out. Once a pupil turns 18 years of age, only the pupil may opt himself or herself out and, if prior to the conclusion of the notice period, the pupil may opt in over the prior decision of a parent or guardian to opt out.

SEC. 4. Section 69439 of the Education Code is amended to read:

69439. (a) For the purposes of this section, the following terms have the following meanings:

(1) “Career pathway” has the same meaning as set forth in Section 88620.

(2) “Economic security” has the same meaning as set forth in Section 14005 of the Unemployment Insurance Code.

(3) “Industry cluster” has the same meaning as set forth in Section 88620.

(4) “Long-term unemployed” means, with respect to an award applicant, a person who has been unemployed for more than 26 weeks at the time of submission to the commission of his or her application.

(5) “Occupational or technical training” means that phase of education coming after the completion of a secondary school program and leading toward recognized occupational goals approved by the commission.

(b) A Cal Grant C award shall be utilized only for occupational or technical training in a course of not less than four months. There shall be the same number of Cal Grant C awards each year as were made in the 2000–01 fiscal year. The maximum award amount and the total amount of funding shall be determined each year in the annual Budget Act.

(c) The commission may use criteria it deems appropriate in selecting students to receive grants for occupational or technical training and shall give special consideration to the social and economic situations of the students applying for these grants, giving additional weight to disadvantaged applicants, applicants who face economic hardship, and applicants who face particular barriers to employment. Criteria to be considered for these purposes shall include, but are not limited to, all of the following:

(1) Family income and household size.

(2) Student’s or the students’ parent’s household status, including whether the student is a single parent or child of a single parent.

(3) The employment status of the applicant and whether the applicant is unemployed, giving greater weight to the long-term unemployed.

(d) The Cal Grant C award recipients shall be eligible for renewal of their grants until they have completed their occupational or technical training in conformance with terms prescribed by the commission. A determination by the commission for a subsequent award year that the program under which a Cal Grant C award was initially awarded is no longer deemed to receive priority shall not affect an award recipient’s renewal. In no case shall the grants exceed two calendar years.

(e) Cal Grant C awards may be used for institutional fees, charges, and other costs, including tuition, plus training-related costs, such as special clothing, local transportation, required tools, equipment, supplies, books, and living expenses. In determining the individual award amounts, the commission shall take into account the financial means available to the student to fund his or her course of study and costs of attendance as well as other state and federal programs available to the applicant.

(f) (1) To ensure alignment with the state's dynamic economic needs, the commission, in consultation with appropriate state and federal agencies, including the Economic and Workforce Development Division of the Office of the Chancellor of the California Community Colleges and the California Workforce Investment Board, shall identify areas of occupational and technical training for which students may utilize Cal Grant C awards. The commission, to the extent feasible, shall also consult with representatives of the state's leading competitive and emerging industry clusters, workforce professionals, and career technical educators, to determine which occupational training programs and industry clusters should be prioritized.

(2) (A) Except as provided in subparagraph (B), the areas of occupational and technical training developed pursuant to paragraph (1) shall be regularly reviewed and updated at least every five years, beginning in 2012.

(B) By January 1, 2016, the commission shall update the priority areas of occupational and technical training.

(3) (A) The commission shall give priority in granting Cal Grant C awards to students pursuing occupational or technical training in areas that meet two of the following criteria pertaining to job quality:

(i) High employer need or demand for the specific skills offered in the program.

(ii) High employment growth in the occupational field or industry cluster for which the student is being trained.

(iii) High employment salary and wage projections for workers employed in the occupations for which they are being trained.

(iv) The occupation or training program is part of a well-articulated career pathway to a job providing economic security.

(B) To receive priority pursuant to subparagraph (A), at least one of the criteria met shall be specified in clause (iii) or (iv) of that subparagraph.

(g) The commission shall determine areas of occupational or technical training that meet the criteria described in paragraph (3) of subdivision (f) in consultation with the Employment Development Department, the Economic and Workforce Development Division of the Office of the Chancellor of the California Community Colleges, and the California Workforce Investment Board using projections available through the Labor Market Information Data Library. The commission may supplement the analyses of the Employment Development Department's Labor Market Information Data Library with the labor market analyses developed by the Economic and Workforce Development Division of the Office of the Chancellor of the California Community Colleges and the California Workforce Investment Board, as well as the projections of occupational

shortages and skills gap developed by industry leaders. The commission shall publish, and retain, on its Internet Web site a current list of the areas of occupational or technical training that meet the criteria described in paragraph (3) of subdivision (f), and update this list as necessary.

(h) Using the best available data, the commission shall examine the graduation rates and job placement data, or salary data, of eligible programs. Commencing with the 2014–15 academic year, the commission shall give priority to Cal Grant C award applicants seeking to enroll in programs that rate high in graduation rates and job placement data, or salary data.

(i) (1) The commission shall consult with the Employment Development Department, the Office of the Chancellor of the California Community Colleges, the California Workforce Investment Board, and the local workforce investment boards to develop a plan to publicize the existence of the grant award program to California’s long-term unemployed to be used by those consulting agencies when they come in contact with members of the population who are likely to be experiencing long-term unemployment. The outreach plan shall use existing administrative and service delivery processes making use of existing points of contact with the long-term unemployed. The local workforce investment boards are required to participate only to the extent that the outreach efforts are a part of their existing responsibilities under the federal Workforce Investment Act of 1998 (Public Law 105-220).

(2) The commission shall consult with the Workforce Services Branch of the Employment Development Department, the Office of the Chancellor of the California Community Colleges, the California Workforce Investment Board, and the local workforce investment boards to develop a plan to make students receiving awards aware of job search and placement services available through the Employment Development Department and the local workforce investment boards. Outreach shall use existing administrative and service delivery processes making use of existing points of contact with the students. The local workforce investment boards are required to participate only to the extent that the outreach efforts are a part of their existing responsibilities under the federal Workforce Investment Act of 1998 (Public Law 105-220).

(j) (1) The Legislative Analyst’s Office shall submit a report to the Legislature on the outcomes of the Cal Grant C program on or before April 1, 2018. This report shall include, but not necessarily be limited to, information on all of the following:

(A) The age, gender, and segment of attendance for recipients in two prior award years.

(B) The occupational and technical training program categories prioritized.

(C) The number and percentage of students who received selection priority as defined in paragraph (3) of subdivision (f).

(D) The extent to which recipients in these award years were successfully placed in jobs that meet local, regional, or state workforce needs.

(2) For the report submitted pursuant to paragraph (1), the Legislative Analyst's Office shall include data for two additional prior award years and shall compare the mix of occupational and technical training programs and institutions in which Cal Grant C award recipients enrolled before and after implementation of subdivision (f).

(3) Notwithstanding Section 10231.5 of the Government Code, the commission shall submit a report to the Legislature on or before April 1, 2020, and on or before April 1 of each even-numbered year thereafter, that includes the information specified in paragraph (1).

(4) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 5. Section 89226 of the Education Code is amended to read:

89226. (a) On or before January 1, 2017, and on or before January 1 every two years thereafter, the trustees shall report to the Legislature key performance data on online courses as defined in Section 89225, including, but not necessarily limited to, all of the following:

(1) The number of students enrolled at each campus.

(2) Course completion rates for courses other than online courses.

(3) Completion rates for degree programs that include no online courses.

(4) Grade point average for students enrolled in online courses.

(5) The number of students cross-enrolled in online courses at a California State University campus other than the campus at which they are matriculated.

(6) Course completion rates for students enrolled in online courses.

(7) Completion rates for degree programs that include online courses.

(b) (1) On or before January 1, 2017, the trustees shall report to the Legislative Analyst the key performance data described in subdivision (a).

(2) On or before January 1, 2018, the Legislative Analyst shall submit a status update to the Legislature regarding the California State University's implementation of the provisions of the bill that added this section and an assessment of the extent to which the online programs of the California State University are operating in a manner consistent with legislative intent and statutory requirements.

(c) Student enrollment and completion rate data included in a report to be submitted pursuant to this section shall be made available by demographics, including age, gender, and ethnicity.

(d) (1) The requirement for submitting a report imposed under subdivision (a) is inoperative on July 1, 2021, pursuant to Section 10231.5 of the Government Code.

(2) The report prepared pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 6. Section 99161.5 of the Education Code is amended to read:

99161.5. (a) (1) The test sponsor of the Law School Admission Test shall provide testing accommodations to a test subject with a disability who makes a timely request to ensure that the Law School Admission Test accurately reflects the aptitude, achievement levels, or other factors that the test purports to measure and does not reflect the test subject's disability.

This paragraph does not constitute a change in, but is declaratory of, existing law.

(2) The process for determining whether to grant an accommodation under paragraph (1) shall be made public, and the decision whether or not to approve a request for an accommodation shall be conveyed to the requester within a reasonable amount of time. If the test sponsor of the Law School Admission Test does not approve a request for accommodation, the test sponsor shall state the reasons for the denial of the request to the requester in writing.

(3) The test sponsor of the Law School Admission Test shall establish a timely appeals process for a test subject who is denied an accommodation request. The test sponsor of the Law School Admission Test shall clearly post on the Law School Admission Test Internet Web site information regarding refund policies for individuals whose requests for accommodation are denied.

(b) Whenever a test subject has received formal testing accommodations from a postsecondary educational institution for a disability as defined in subdivision (j), (m), or (n) of Section 12926 of the Government Code, the test sponsor of the Law School Admission Test shall, consistent with existing law, give considerable weight to documentation of past modifications, accommodations, or auxiliary aids or services received by the test subject in similar testing situations when determining whether to grant an accommodation to the test subject.

(c) (1) The test sponsor of the Law School Admission Test shall not notify a test score recipient that the score of any test subject was obtained by a subject who received an accommodation pursuant to this section.

(2) The test sponsor of the Law School Admission Test shall not withhold any information that would lead a test score recipient to deduce that a score was earned by a subject who received an accommodation pursuant to this section.

(3) This subdivision does not constitute a change in, but is declaratory of, existing law.

(d) This section shall not be construed to limit or replace any other right or remedy that exists under state or federal law.

(e) This section shall not provide greater protections to persons with disabilities than those provided by Section 51 of the Civil Code.

SEC. 7. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Assembly Bill No. 1091

CHAPTER 637

An act to amend Section 69432.9 of, and to add Section 69432.92 to, the Education Code, relating to student financial aid.

[Approved by Governor October 8, 2015. Filed with
Secretary of State October 8, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1091, Eduardo Garcia. Student financial aid: Cal Grant Program.

The Cal Grant Program establishes the Cal Grant A and B Entitlement awards, the California Community College Transfer Entitlement awards, the Competitive Cal Grant A and B awards, the Cal Grant C award, and the Cal Grant T award under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions. As part of these eligibility requirements, existing law requires the commission to require that a grade point average be submitted to it electronically for all grade 12 pupils at public schools, including charter schools, each academic year, except as specified.

This bill would require this electronic submission to be on a standardized form. The bill would also authorize the commission to require that verification of high school graduation or its equivalent be electronically submitted for all former grade 12 pupils who graduated from public schools, including charter schools, in the prior academic year, except for pupils who have opted out, as specified. By requiring the electronic submission of grade point average information to be on a standardized form, and authorizing the commission to additionally require verification of graduation information of prior grade 12 pupils, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

SECTION 1. Section 69432.9 of the Education Code is amended to read:
69432.9. (a) A Cal Grant applicant shall submit a complete official financial aid application pursuant to Section 69433 and applicable regulations

adopted by the commission. Each pupil enrolled in grade 12 in a California public school, including a charter school, other than pupils who opt out as provided in subdivision (d), shall be deemed to be a Cal Grant applicant.

(b) Financial need shall be determined to establish an applicant's initial eligibility for a Cal Grant award and a renewing recipient's continued eligibility using the federal financial need methodology pursuant to subdivision (a) of Section 69506 and applicable regulations adopted by the commission, and as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

(1) "Expected family contribution," with respect to an applicant or renewing recipient, shall be determined using the federal methodology pursuant to subdivision (a) of Section 69506 (as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.)) and applicable rules and regulations adopted by the commission.

(2) "Financial need" means the difference between the student's cost of attendance as determined by the commission and the expected family contribution. The calculation of financial need shall be consistent with Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

(3) (A) The minimum financial need required for receipt of an initial and renewal Cal Grant A or C award shall be no less than the maximum annual award value for the applicable institution, plus an additional one thousand five hundred dollars (\$1,500) of financial need.

(B) The minimum financial need required for receipt of an initial and renewal Cal Grant B award shall be no less than seven hundred dollars (\$700).

(c) (1) The commission shall require that a grade point average be submitted to it for all Cal Grant A and B applicants, except for those permitted to provide test scores in lieu of a grade point average.

(2) The commission shall require that a grade point average be submitted to it electronically on a standardized form for all grade 12 pupils at public schools, including charter schools, each academic year, except for pupils who have opted out as provided in subdivision (d). Social security numbers shall not be included in the information submitted to the commission. However, if the commission determines that a social security number is required to complete the application for financial aid, the school, school district, or charter school may obtain permission from the parent or guardian of the pupil, or the pupil, if he or she is 18 years of age, to submit the pupil's social security number to the commission.

(3) The commission shall require that each report of a grade point average include a certification, executed under penalty of perjury, by a school official, that the grade point average reported is accurately reported. The certification shall include a statement that it is subject to review by the commission or its designee.

(4) The commission shall adopt regulations that establish a grace period for receipt of the grade point average and any appropriate corrections, and

that set forth the circumstances under which a student may submit a specified test score designated by the commission, by regulation, in lieu of submitting a qualifying grade point average.

(5) It is the intent of the Legislature that high schools and institutions of higher education certify the grade point averages of their students in time to meet the application deadlines imposed by this chapter.

(6) It is the intent of the Legislature that the commission make available to each high school and school district a report identifying all grade 12 pupils within the high school or school district, respectively, who have and have not completed the Free Application for Federal Student Aid or the California Dream Act Application.

(d) (1) The school district or charter school shall, no later than October 15 of a pupil's grade 12 academic year, notify, in writing, each grade 12 pupil and, for a pupil under 18 years of age, his or her parent or guardian that, pursuant to subdivision (a), the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days. The required notice shall indicate when the school will first send grade point averages to the commission. The school district or charter school shall provide an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant.

(2) Until a pupil turns 18 years of age, only a parent or guardian may opt the pupil out. Once a pupil turns 18 years of age, only the pupil may opt himself or herself out and, if prior to the conclusion of the notice period, the pupil may opt in over the prior decision of a parent or guardian to opt out.

SEC. 2. Section 69432.92 is added to the Education Code, to read:

69432.92. (a) The commission may require verification of high school graduation or its equivalent to be electronically submitted for all former grade 12 pupils who graduated from public schools, including charter schools, in the prior academic year, except for pupils who have opted out as provided in subdivision (d) of Section 69432.9.

(b) It is the intent of the Legislature that high schools or high school districts verify the graduation of their pupils in time to meet the deadlines imposed by subdivision (e) of Section 69433.9.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:


[Up^](#) [Add To My Favorites](#)
EDUCATION CODE - EDC
TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060] (Title 3 enacted by Stats. 1976, Ch. 1010.)

DIVISION 5. GENERAL PROVISIONS [66000 - 70110] (Division 5 enacted by Stats. 1976, Ch. 1010.)

PART 42. STUDENT FINANCIAL AID PROGRAM [69400 - 70110] (Part 42 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 1.7. Ortiz-Pacheco-Poohigian-Vasconcellos Cal Grant Program [69430 - 69460] (Chapter 1.7 added by Stats. 2000, Ch. 403, Sec. 4.)

ARTICLE 1. General Provisions [69430 - 69433.9] (Article 1 added by Stats. 2000, Ch. 403, Sec. 4.)

69430. This chapter shall be known, and may be cited, as the Ortiz-Pacheco-Poohigian-Vasconcellos Cal Grant Program.

(Added by Stats. 2000, Ch. 403, Sec. 4. Effective September 12, 2000.)

69431. There is hereby established the Ortiz-Pacheco-Poohigian-Vasconcellos Cal Grant Program, which may also be referred to as the Cal Grant Program.

(Added by Stats. 2000, Ch. 403, Sec. 4. Effective September 12, 2000.)

69431.7. (a) As used in this section, "fund" means the College Access Tax Credit Fund created by Sections 17053.86 and 17053.87 of the Revenue and Taxation Code.

(b) Any moneys allocated to the commission from the fund for purposes of this section shall be in addition to, and are intended to supplement, other moneys appropriated for the Cal Grant Program. Upon the creation of the fund, and during its existence, the amount of the Cal Grant B access award as established in the annual Budget Act shall not be adjusted below the amount set forth in the Budget Act of 2012.

(c) (1) The moneys allocated to the commission pursuant to Sections 17053.86 and 17053.87 of the Revenue and Taxation Code shall be available for the purpose of making awards to students in accordance with this section.

(2) To the extent feasible, the commission shall make annual disbursements from the moneys allocated to the commission to supplement awards made for access costs under Article 3 (commencing with Section 69435), Article 4 (commencing with Section 69436), and Article 5 (commencing with Section 69437). The amount of the supplemental award, when added to the amount of the award made for access costs established by the annual Budget Act, shall not exceed five thousand dollars (\$5,000). An award under this section is payable only to the extent that moneys are available from the fund. The commission shall inform each recipient of an award under this section that the award is for one academic year only, is not an entitlement, and that future supplemental awards are subject to the availability of moneys in the fund.

(d) If, after making supplemental awards pursuant to subdivision (c), moneys remain in the fund, those moneys shall remain in the fund for allocation in future fiscal years.

(Amended by Stats. 2015, Ch. 22, Sec. 4. Effective June 24, 2015.)

69432. (a) Cal Grant Program awards shall be known as "Cal Grant A Entitlement Awards," "Cal Grant B Entitlement Awards," "California Community College Transfer Entitlement Awards," "Competitive Cal Grant A and B Awards," "Cal Grant C Awards," and "Cal Grant T Awards."

(b) Maximum award amounts for students at independent institutions and for Cal Grant C and T awards shall be identified in the annual Budget Act. Maximum award amounts for Cal Grant A and B awards for students attending public institutions shall be referenced in the annual Budget Act.

(c) (1) Notwithstanding subdivision (b), and subdivision (c) of Section 66021.2, commencing with the 2013–14 award year, the maximum tuition award amounts for Cal Grant A and B awards for students attending private for-

profit and nonprofit postsecondary educational institutions shall be as follows:

(A) Four thousand dollars (\$4,000) for new recipients attending private for-profit postsecondary educational institutions.

(B) For the 2015–16, 2016–17, and 2017–18 award years, nine thousand eighty-four dollars (\$9,084) for new recipients attending private nonprofit postsecondary educational institutions. For the 2018–19 award year and each award year thereafter, eight thousand fifty-six dollars (\$8,056) for new recipients attending private nonprofit postsecondary educational institutions.

(2) The renewal award amount for a student whose initial award is subject to a maximum award amount specified in this subdivision shall be calculated pursuant to paragraph (2) of subdivision (a) of Section 69433.

(3) Notwithstanding subparagraph (A) of paragraph (1), new recipients attending private for-profit postsecondary educational institutions that are accredited by the Western Association of Schools and Colleges as of July 1, 2012, shall have the same maximum tuition award amounts as are set forth in subparagraph (B) of paragraph (1).

(d) It is the intent of the Legislature that:

(1) The postsecondary educational institutions within the scope of this section make a good faith effort to do all of the following:

(A) Increase the number of low-income resident students enrolled.

(B) Make the process for transferring from the California Community Colleges easier for resident students.

(C) Expand high-quality online education for resident students.

(2) Any decisions about the maximum award amounts for students attending the institutions described in this section shall be made with consideration of the effort of the institutions in the areas described in paragraph (1).

(e) Each postsecondary educational institution within the scope of this section shall submit a report related to the areas described in paragraph (1) of subdivision (d) to the Department of Finance and the Legislature, in conformity with Section 9795 of the Government Code, on or before March 15 of each year.

(Amended by Stats. 2017, Ch. 23, Sec. 5. Effective June 27, 2017.)

69432.5. The Budget required by the California Constitution to be submitted by the Governor at each Regular Session of the Legislature shall take into consideration the amount of federal grant funds for student financial aid.

(Added by Stats. 2000, Ch. 403, Sec. 4. Effective September 12, 2000.)

69432.7. As used in this chapter, the following terms have the following meanings:

(a) An "academic year" is July 1 to June 30, inclusive. The starting date of a session shall determine the academic year in which it is included.

(b) "Access costs" means living expenses and expenses for transportation, supplies, and books.

(c) "Award year" means one academic year, or the equivalent, of attendance at a qualifying institution.

(d) "College grade point average" and "community college grade point average" mean a grade point average calculated on the basis of all college work completed, except for nontransferable units and courses not counted in the computation for admission to a California public institution of higher education that grants a baccalaureate degree.

(e) "Commission" means the Student Aid Commission.

(f) "Enrollment status" means part- or full-time status.

(1) "Part time," for purposes of Cal Grant eligibility, means 6 to 11 semester units, inclusive, or the equivalent.

(2) "Full time," for purposes of Cal Grant eligibility, means 12 or more semester units or the equivalent.

(g) "Expected family contribution," with respect to an applicant, shall be determined using the federal methodology pursuant to subdivision (a) of Section 69506 (as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Sec. 1070 et seq.)) and applicable rules and regulations adopted by the commission.

(h) "High school grade point average" means a grade point average calculated on a 4.0 scale, using all academic coursework, for the sophomore year, the summer following the sophomore year, the junior year, and the summer following the junior year, excluding physical education, Reserve Officers' Training Corps (ROTC), and remedial courses, and computed pursuant to regulations of the commission. However, for high school graduates who apply after their senior year, "high school grade point average" includes senior year coursework.

(i) "Instructional program of not less than one academic year" means a program of study that results in the award of an associate or baccalaureate degree or certificate requiring at least 24 semester units or the equivalent, or that

results in eligibility for transfer from a community college to a baccalaureate degree program.

(j) "Instructional program of not less than two academic years" means a program of study that results in the award of an associate or baccalaureate degree requiring at least 48 semester units or the equivalent, or that results in eligibility for transfer from a community college to a baccalaureate degree program.

(k) (1) "Maximum household income and asset levels" means the applicable household income and household asset levels for participants, including new applicants and renewing recipients, in the Cal Grant Program, as defined and adopted in regulations by the commission for the 2001–02 academic year, which shall be set pursuant to the following income and asset ceiling amounts:

CAL GRANT PROGRAM INCOME CEILINGS

| | Cal Grant A, C, and T | Cal Grant B |
|---|--------------------------|-------------|
| Dependent and Independent students with dependents* | | |
| Family Size | | |
| Six or more | \$74,100 | \$40,700 |
| Five | \$68,700 | \$37,700 |
| Four | \$64,100 | \$33,700 |
| Three | \$59,000 | \$30,300 |
| Two | \$57,600 | \$26,900 |
| Independent | | |
| Single, no dependents | \$23,500 | \$23,500 |
| Married | \$26,900 | \$26,900 |

*Applies to independent students with dependents other than a spouse.

CAL GRANT PROGRAM ASSET CEILINGS

| | Cal Grant A, C, and T | Cal Grant B |
|-------------------|--------------------------|-------------|
| Dependent** _____ | \$49,600 | \$49,600 |
| Independent _____ | \$23,600 | \$23,600 |

**Applies to independent students with dependents other than a spouse.

(2) The commission shall annually adjust the maximum household income and asset levels based on the percentage change in the cost of living within the meaning of paragraph (1) of subdivision (e) of Section 8 of Article XIII B of the California Constitution. The maximum household income and asset levels applicable to a renewing recipient shall be the greater of the adjusted maximum household income and asset levels or the maximum household income and asset levels at the time of the renewing recipient's initial Cal Grant award. For a recipient who was initially awarded a Cal Grant for an academic year before the 2011–12 academic year, the maximum household income and asset levels shall be the greater of the adjusted maximum household income and asset levels or the 2010–11 academic year maximum household income and asset levels. An applicant or renewal recipient who qualifies to be considered

under the simplified needs test established by federal law for student assistance shall be presumed to meet the asset level test under this section. Before disbursing any Cal Grant funds, a qualifying institution shall be obligated, under the terms of its institutional participation agreement with the commission, to resolve any conflicts that may exist in the data the institution possesses relating to that individual.

(I) (1) "Qualifying institution" means an institution that complies with paragraphs (2) and (3) and is any of the following:

(A) A California private or independent postsecondary educational institution that participates in the Pell Grant Program and in at least two of the following federal student aid programs:

(i) Federal Work-Study Program.

(ii) Federal Stafford Loan Program.

(iii) Federal Supplemental Educational Opportunity Grant Program.

(B) A nonprofit institution headquartered and operating in California that certifies to the commission that 10 percent of the institution's operating budget, as demonstrated in an audited financial statement, is expended for purposes of institutionally funded student financial aid in the form of grants, that demonstrates to the commission that it has the administrative capacity to administer the funds, that is accredited by the Western Association of Schools and Colleges, and that meets any other state-required criteria adopted by regulation by the commission in consultation with the Department of Finance. A regionally accredited institution that was deemed qualified by the commission to participate in the Cal Grant Program for the 2000-01 academic year shall retain its eligibility as long as it maintains its existing accreditation status.

(C) A California public postsecondary educational institution.

(2) (A) The institution shall provide information on where to access California license examination passage rates for the most recent available year from graduates of its undergraduate programs leading to employment for which passage of a California licensing examination is required, if that data is electronically available through the Internet Web site of a California licensing or regulatory agency. For purposes of this paragraph, "provide" may exclusively include placement of an Internet Web site address labeled as an access point for the data on the passage rates of recent program graduates on the Internet Web site where enrollment information is also located, on an Internet Web site that provides centralized admissions information for postsecondary educational systems with multiple campuses, or on applications for enrollment or other program information distributed to prospective students.

(B) The institution shall be responsible for certifying to the commission compliance with the requirements of subparagraph (A).

(3) (A) The commission shall certify by November 1 of each year the institution's latest official three-year cohort default rate and graduation rate as most recently reported by the United States Department of Education. For purposes of this section, the graduation rate is the percentage of full-time, first-time degree or certificate-seeking undergraduate students who graduate in 150 percent or less of the expected time to complete degree requirements as most recently reported publicly in any format, including preliminary data records, by the United States Department of Education.

(B) For purposes of the 2011-12 academic year, an otherwise qualifying institution with a three-year cohort default rate reported by the United States Department of Education that is equal to or greater than 24.6 percent shall be ineligible for initial and renewal Cal Grant awards at the institution.

(C) For purposes of the 2012-13 academic year, and every academic year thereafter, an otherwise qualifying institution with a three-year cohort default rate that is equal to or greater than 15.5 percent, as certified by the commission on October 1, 2011, and every year thereafter, shall be ineligible for initial and renewal Cal Grant awards at the institution.

(D) (i) An otherwise qualifying institution that becomes ineligible under this paragraph for initial and renewal Cal Grant awards shall regain its eligibility for the academic year for which it satisfies the requirements established in subparagraph (B), (C), or (F), as applicable.

(ii) If the United States Department of Education corrects or revises an institution's three-year cohort default rate or graduation rate that originally failed to satisfy the requirements established in subparagraph (B), (C), or (F), as applicable, and the correction or revision results in the institution's three-year cohort default rate or graduation rate satisfying those requirements, that institution shall immediately regain its eligibility for the academic year to which the corrected or revised three-year cohort default rate or graduation rate would have been applied.

(E) An otherwise qualifying institution for which no three-year cohort default rate or graduation rate has been reported by the United States Department of Education shall be provisionally eligible to participate in the Cal Grant Program until a three-year cohort default rate or graduation rate has been reported for the institution by the United States Department of Education.

(F) For purposes of the 2012–13 academic year, and every academic year thereafter, an otherwise qualifying institution with a graduation rate of 30 percent or less, as certified by the commission pursuant to subparagraph (A), shall be ineligible for initial and renewal Cal Grant awards at the institution, except as provided for in subparagraph (H).

(G) Notwithstanding any other law, the requirements of this paragraph shall not apply to institutions with 40 percent or less of undergraduate students borrowing federal student loans, using information reported to the United States Department of Education for the academic year two years before the academic year in which the commission is certifying the three-year cohort default rate or graduation rate pursuant to subparagraph (A).

(H) Notwithstanding subparagraph (F), an otherwise qualifying institution that maintains a three-year cohort default rate that is less than 15.5 percent and a graduation rate above 20 percent for students taking 150 percent or less of the expected time to complete degree requirements, as certified by the commission pursuant to subparagraph (A), shall be eligible for initial and renewal Cal Grant awards at the institution through the 2016–17 academic year.

(I) The commission shall do all of the following:

(i) Notify initial Cal Grant recipients seeking to attend, or attending, an institution that is ineligible for initial and renewal Cal Grant awards under subparagraph (C) or (F) that the institution is ineligible for initial Cal Grant awards for the academic year for which the student received an initial Cal Grant award.

(ii) Notify renewal Cal Grant recipients attending an institution that is ineligible for initial and renewal Cal Grant awards at the institution under subparagraph (C) or (F) that the student's Cal Grant award will be reduced by 20 percent, or eliminated, as appropriate, if the student attends the ineligible institution in an academic year in which the institution is ineligible.

(iii) Provide initial and renewal Cal Grant recipients seeking to attend, or attending, an institution that is ineligible for initial and renewal Cal Grant awards at the institution under subparagraph (C) or (F) with a complete list of all California postsecondary educational institutions at which the student would be eligible to receive an unreduced Cal Grant award.

(iv) (I) Establish an appeal process for an otherwise qualifying institution that fails to satisfy the three-year cohort default rate and graduation rate requirements in subparagraphs (C) and (F), respectively.

(II) The commission may grant an appeal for an academic year only if the commission has determined the institution has a cohort size of 20 individuals or less and the cohort is not representative of the overall institutional performance.

(m) "Satisfactory academic progress" means those criteria required by applicable federal standards published in Title 34 of the Code of Federal Regulations. The commission may adopt regulations defining "satisfactory academic progress" in a manner that is consistent with those federal standards.

(Amended (as amended by Stats. 2014, Ch. 667, Sec. 2) by Stats. 2015, Ch. 613, Sec. 1. Effective January 1, 2016.)

69432.8. The commission may determine that an advance payment is essential to ensure that funds provided pursuant to this chapter to assist students to enroll in postsecondary education are available at the time students enroll. Upon making that determination, the commission may, on the basis of institutional academic calendars, advance, per term to authorized postsecondary educational institutions, the funds for eligible students who have indicated they will attend those institutions, less an amount based on historical claim enrollment attrition information. Each institution shall disburse the funds in accordance with the provisions set forth in the institutional agreement between the commission and the institution.

(Added by Stats. 2000, Ch. 403, Sec. 4. Effective September 12, 2000.)

69432.9. (a) A Cal Grant applicant shall submit a complete official financial aid application pursuant to Section 69433 and applicable regulations adopted by the commission. Each pupil enrolled in grade 12 in a California public school, including a charter school, other than pupils who opt out as provided in subdivision (d), shall be deemed to be a Cal Grant applicant.

(b) Financial need shall be determined to establish an applicant's initial eligibility for a Cal Grant award and a renewing recipient's continued eligibility using the federal financial need methodology pursuant to subdivision (a) of Section 69506 and applicable regulations adopted by the commission, and as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

(1) "Expected family contribution," with respect to an applicant or renewing recipient, shall be determined using the federal methodology pursuant to subdivision (a) of Section 69506 (as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.)) and applicable rules and regulations adopted by the commission.

(2) "Financial need" means the difference between the student's cost of attendance as determined by the commission and the expected family contribution. The calculation of financial need shall be consistent with Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

(3) (A) The minimum financial need required for receipt of an initial and renewal Cal Grant A or C award shall be no less than the maximum annual award value for the applicable institution, plus an additional one thousand five hundred dollars (\$1,500) of financial need.

(B) The minimum financial need required for receipt of an initial and renewal Cal Grant B award shall be no less than seven hundred dollars (\$700).

(c) (1) The commission shall require that a grade point average be submitted to it for all Cal Grant A and B applicants, except for those permitted to provide test scores in lieu of a grade point average.

(2) The commission shall require that a grade point average be submitted to it electronically on a standardized form for all grade 12 pupils at public schools, including charter schools, no later than October 1 of each academic year, except for pupils who have opted out as provided in subdivision (d). Social security numbers shall not be included in the information submitted to the commission. However, if the commission determines that a social security number is required to complete the application for financial aid, the school, school district, or charter school may obtain permission from the parent or guardian of the pupil, or the pupil, if he or she is 18 years of age, to submit the pupil's social security number to the commission.

(3) The commission shall require that each report of a grade point average include a certification, executed under penalty of perjury, by a school official, that the grade point average reported is accurately reported. The certification shall include a statement that it is subject to review by the commission or its designee.

(4) The commission shall adopt regulations that establish a grace period for receipt of the grade point average and any appropriate corrections, and that set forth the circumstances under which a student may submit a specified test score designated by the commission, by regulation, in lieu of submitting a qualifying grade point average.

(5) It is the intent of the Legislature that high schools and institutions of higher education certify the grade point averages of their students in time to meet the application deadlines imposed by this chapter.

(6) It is the intent of the Legislature that the commission make available to each high school and school district a report identifying all grade 12 pupils within the high school or school district, respectively, who have and have not completed the Free Application for Federal Student Aid or the California Dream Act Application.

(d) (1) The school district or charter school shall, no later than January 1 of a pupil's grade 11 academic year, notify, in writing, each grade 11 pupil and, for a pupil under 18 years of age, his or her parent or guardian that, pursuant to subdivision (a), the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days. The required notice shall indicate when the school will first send grade point averages to the commission and the submission deadline of October 1. The school district or charter school shall provide an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant.

(2) Until a pupil turns 18 years of age, only a parent or guardian may opt the pupil out. Once a pupil turns 18 years of age, only the pupil may opt himself or herself out and, if prior to the conclusion of the notice period, the pupil may opt in over the prior decision of a parent or guardian to opt out.

(Amended by Stats. 2016, Ch. 82, Sec. 3. Effective January 1, 2017.)

69432.92. (a) The commission may require verification of high school graduation or its equivalent to be electronically submitted for all former grade 12 pupils who graduated from public schools, including charter schools, in the prior academic year, except for pupils who have opted out as provided in subdivision (d) of Section 69432.9.

(b) If the commission requires verification of high school graduation or its equivalent pursuant to subdivision (a), the commission shall provide guidance to high schools or high school districts to ensure that high schools and high school districts verify the graduation of their pupils as soon as possible upon a pupil's graduation and no later than August 31 of the academic year following the pupils' graduation. This subdivision also applies to pupils who graduate during the summer following the grade 12 academic year.

(Amended by Stats. 2016, Ch. 351, Sec. 1. Effective January 1, 2017.)

69433. (a) (1) A Cal Grant Program award shall be based upon the financial need of the applicant, and shall not exceed the calculated financial need for any individual applicant. The minimum level of financial need of each applicant shall be determined by the commission pursuant to Section 69432.9. The commission may provide renewal awards.

(2) A student attending a nonpublic institution shall receive a renewal award for tuition or fees, or both, in an

amount not to exceed the maximum allowable award amount that was in effect in the year in which the student first received a new award.

(b) A Cal Grant award authorized pursuant to this chapter shall be defined as a full-time equivalent grant. An award to a part-time student shall be a fraction of a full-time grant, as determined by the commission.

(c) (1) The commission shall prescribe the use of standardized student financial aid applications for California. These applications shall be simple in nature, and collect common data elements required by the federal government and those elements needed to meet the objectives of state-funded and institutional financial aid programs.

(2) The applications prescribed in paragraph (1) shall be utilized for the Cal Grant Program, all other programs funded by the state or a public institution of postsecondary education (except for the Financial Assistance Program of the Board of Governors of the California Community Colleges authorized by Chapter 1118 of the Statutes of 1987, for which a simplified application designed for that sole purpose may be used), and all federal programs administered by a public postsecondary education institution.

(3) Supplemental application information may be utilized if the information is essential to accomplishing the objectives of individual programs. All supplemental application information used for the purposes of commission-administered programs shall be subject to approval by the commission, and applications shall be identical for programs with similar objectives, as determined by the commission.

(4) Public postsecondary institutions are encouraged to use, but may decide whether to use, the standard applications for funds provided by private donors.

(5) The Legislature finds and declares that it is in the best interest of students that all postsecondary education institutions in California participating in federal and state-funded financial aid programs accept the standard applications prescribed by the commission.

(d) Nothing in this chapter shall prevent an individual public postsecondary institution from processing, with its own staff and fiscal resources, the standard financial aid applications specified in subdivision (c) for student aid programs for which it has legal responsibility.

(e) The commission may enter into contracts with a public agency or a private entity to improve the processing and distribution of grants, fellowships, and loans through the use of electronic networks and unified data bases.

(Added by Stats. 2000, Ch. 403, Sec. 4. Effective September 12, 2000.)

69433.2. (a) As a condition for its voluntary participation in the Cal Grant Program, each Cal Grant participating institution shall, beginning in 2012, annually report to the commission, and as further specified in the institutional participation agreement, both of the following for its undergraduate programs:

(1) Enrollment, persistence, and graduation data for all students, including aggregate information on Cal Grant recipients.

(2) The job placement rate and salary and wage information for each program that is either designed or advertised to lead to a particular type of job or advertised or promoted with a claim regarding job placement.

(b) Commencing the year after the commission begins to receive reports pursuant to subdivision (a), the commission shall provide both of the following on its Internet Web site:

(1) The information submitted by a Cal Grant participating institution pursuant to subdivision (a), which shall be made available in a searchable database.

(2) Other information and links that are useful to students and parents who are in the process of selecting a college or university. This information may include, but not be limited to, local occupational profiles available through the Employment Development Department's Labor Market Information Data Library.

(Amended by Stats. 2012, Ch. 273, Sec. 1. Effective January 1, 2013.)

69433.5. (a) Only a resident of California, as determined by the commission pursuant to Part 41 (commencing with Section 68000), is eligible for an initial Cal Grant award. The recipient shall remain eligible for award renewal only if he or she is a California resident, in attendance, and making satisfactory academic progress at a qualifying institution, as determined by the commission.

(b) A part-time student shall not be discriminated against in the selection of Cal Grant Program award recipients, and an award to a part-time student shall be approximately proportional to the time the student spends in the instructional program, as determined by the commission. A first-time Cal Grant Program award recipient who is a part-time student shall be eligible for a full-time renewal award if he or she becomes a full-time student.

(c) Cal Grant Program awards shall be awarded without regard to race, religion, creed, sex, sexual orientation, gender identity, gender expression, or age.

(d) An applicant shall not receive more than one type of Cal Grant Program award concurrently. An applicant shall not:

(1) Receive one or a combination of Cal Grant Program awards in excess of the amount equivalent to the award level for a total of four years of full-time attendance in an undergraduate program, except as provided in Section 69433.6.

(2) Have obtained a baccalaureate degree before receiving a Cal Grant Program award.

(e) A Cal Grant Program award, except as provided in Section 69440, may only be used for educational expenses of a program of study leading directly to an undergraduate degree or certificate, or for expenses of undergraduate coursework in a program of study leading directly to a first professional degree, but for which no baccalaureate degree is awarded.

(f) The commission shall, for students who accelerate college attendance, increase the amount of award proportional to the period of additional attendance resulting from attendance in classes that fulfill requirements or electives for graduation during summer terms, sessions, or quarters. In the aggregate, the total amount a student may receive in a four-year period may not be increased as a result of accelerating his or her progress to a degree by attending summer terms, sessions, or quarters.

(g) The commission shall notify Cal Grant award recipients of the availability of funding for the summer term, session, or quarter through prominent notice in financial aid award letters, materials, guides, electronic information, and other means that may include, but not necessarily be limited to, surveys, newspaper articles, or attachments to communications from the commission and any other published documents.

(h) The commission may require, by the adoption of rules and regulations, the production of reports, accounting, documents, or other necessary statements from the award recipient and the college or university of attendance pertaining to the use or application of the award.

(i) A Cal Grant Program award may be utilized only at a qualifying institution.

(j) A recipient who initially qualified for both a Cal Grant A award and a Cal Grant B award, and received a Cal Grant B award, may be awarded a renewal Cal Grant A award if that recipient subsequently became ineligible for a renewal Cal Grant B award and meets the applicable Cal Grant A financial need and income and asset criteria.

(Amended by Stats. 2012, Ch. 38, Sec. 62. Effective June 27, 2012.)

69433.6. (a) Cal Grant A awards and Cal Grant B awards may be renewed for a total of the equivalent of four years of full-time attendance in an undergraduate program provided that minimum financial need as defined in paragraph (3) of subdivision (b) of Section 69432.9 continues to exist. Commencing with the 2001–02 academic year, the total number of years of eligibility for grants pursuant to this section shall be based on the student’s educational level in his or her course of study as designated by the institution of attendance when the recipient initially receives payment for a grant.

(b) (1) Commencing with the 2014–15 academic year, a recipient who was determined to be ineligible for a renewal award in the 2012–13 or 2013–14 academic year because he or she exceeded the maximum household income or asset level established by subdivision (k) of Section 69432.7, or failed to meet the minimum need threshold established by paragraph (3) of subdivision (b) of Section 69432.9, shall be eligible to receive a renewal award if the recipient meets all program eligibility requirements for the program from which he or she was previously disqualified and the recipient has remaining renewal award eligibility. For purposes of determining a student’s remaining renewal award eligibility, an academic year during which a student was ineligible shall reduce his or her renewal award eligibility by one full-time equivalent year.

(2) Commencing with the 2015–16 academic year, a recipient who is determined to be ineligible for a renewal award because, during the immediately preceding academic year, he or she exceeded the maximum household income or asset level established by subdivision (k) of Section 69432.7, or failed to meet the minimum need threshold established by paragraph (3) of subdivision (b) of Section 69432.9, shall be eligible to receive a renewal award if the recipient meets all program eligibility requirements for the program from which he or she was previously disqualified and the recipient has remaining renewal award eligibility. For purposes of determining a student’s remaining renewal award eligibility, an academic year during which a student was ineligible shall reduce his or her renewal award eligibility by one full-time equivalent year.

(c) For a student enrolled in an institutionally prescribed five-year undergraduate program, Cal Grant A awards and Cal Grant B awards may be renewed for a total of five years of full-time attendance, provided that minimum financial need, as defined in paragraph (3) of subdivision (b) of Section 69432.9, continues to exist.

(d) (1) A Cal Grant Program award recipient who has completed a baccalaureate degree, and who has been admitted to and is enrolled in a program of professional teacher preparation at an institution approved by the California Commission on Teacher Credentialing is eligible for, but not entitled to, renewal of a Cal Grant Program

award for an additional year of full-time attendance, if minimum financial need, as defined in paragraph (3) of subdivision (b) of Section 69432.9, continues to exist.

(2) Payment for an additional year is limited to only those courses required for an initial teaching authorization. An award made under this subdivision may not be used for other courses.

(3) A student's Cal Grant Program renewal eligibility shall not have lapsed more than 15 months before the payment of an award for purposes of this subdivision.

(Amended by Stats. 2014, Ch. 34, Sec. 3. Effective June 20, 2014.)

69433.7. The commission shall adopt regulations necessary to implement this chapter. Notwithstanding any other provision of law, the commission may adopt emergency regulations pursuant to Section 11346.1 of the Government Code in order to ensure that the program enacted by this chapter may function in its first academic year.

(Added by Stats. 2000, Ch. 403, Sec. 4. Effective September 12, 2000.)

69433.8. An award under this chapter does not guarantee admission to an institution of higher education or admission to a specific campus or program.

(Added by Stats. 2000, Ch. 403, Sec. 4. Effective September 12, 2000.)

69433.9. To be eligible to receive a Cal Grant award under this chapter, a student shall be all of the following:

(a) A citizen of the United States, or an eligible noncitizen, as defined for purposes of financial aid programs under Title IV of the federal Higher Education Act of 1965 (20 U.S.C. Secs. 1070 et seq., as from time to time amended).

(b) In compliance with all applicable Selective Service registration requirements.

(c) Not incarcerated.

(d) Not in default on any student loan within the meaning of Section 69507.5.

(e) (1) For purposes of Article 2 (commencing with Section 69434), Article 3 (commencing with Section 69435), and Article 4 (commencing with Section 69436), except as provided in subdivision (d) of Section 69436, at the time of high school graduation or its equivalent, be a resident of California.

(2) A student who does not meet the requirements for a high school diploma or its equivalent in the academic year immediately preceding the award year, but who meets the requirements for a high school diploma or its equivalent by December 31 of the academic year immediately following the date of application, satisfies any requirement for obtaining high school graduation or its equivalent for the purposes of this chapter as of the first day of the academic term immediately following the term in which the requirements for the high school diploma or its equivalent are met.

(3) No student shall receive an award for a term that begins prior to satisfying any requirement for obtaining high school graduation or its equivalent.

(Amended by Stats. 2006, Ch. 652, Sec. 1. Effective September 29, 2006.)

7. DOCUMENTATION

(B) The executive order, identified by its effective date, alleged to impose or impact a mandate:

1. There are no executive orders that pertain to this mandate.

(C) The relevant portions of state constitutional provisions, federal statutes, and executive orders, that may impact the alleged mandate:

1. There are no state constitutional provisions, federal statutes, or executive orders that impact this mandate.

(D) Administrative decisions and court decisions cited in the narrative. Published court decisions arising from a state mandate determination by the Board of Control or the Commission are exempt from this requirement:

1. There are no state constitutional provisions, federal statutes, or executive orders that impact this mandate.

(E) Statutes, chapters or original legislatively determined mandate and any amendments:

1. There are no statutes, chapters or original legislatively determined mandates or amendments related to this mandate.

8. CLAIM CERTIFICATION

*Read, sign, and date this section and insert at the end of the test claim submission.**

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and complete to the best of my own knowledge or information or belief.

Kris Corey

Print or Type Name of Authorized Local Agency
or School District Official


Signature of Authorized Local Agency or
School District Official

Superintendent

Print or Type Title

7-31-17
Date

** If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the test claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On August 10, 2017, I served the:

- **Notice of Complete Test Claim Filing, Tentative Hearing Date, and Schedule for Comments issued August 10, 2017**
- **Test Claim filed by Fairfield-Suisun Unified School District on June 26, 2017**

Cal Grant: Grade Point Average and Graduation Certification, 16-TC-02
Education Code Sections 69432.9(c)(2), 69432.9(c)(3), 69432.9(c)(5),
69432.9(d)(1)(d)(2)(A); Statutes 2014, Chapter 679 (AB 2160); Education Code Sections
69432.92(a) and 69432.92(b); Statutes 2015, Chapter 637 (AB 1091); and Education
Code Sections 69432.9(c)(2) and (d)(1); Statutes 2016, Chapter 82 (AB 2908)
Fairfield-Suisun Unified School District, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 10, 2017 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 8/10/17

Claim Number: 16-TC-02

Matter: Cal Grant: Grade Point Average and Graduation Certification

Claimant: Fairfield-Suisun Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

Edmundo Aguilar, Chief Counsel, *Department of Education*

1430 N Street, Sacramento, CA 95814-5901

Phone: (916) 319-0860

EAguiar@cde.ca.gov

Amber Alexander, *Department of Finance*

915 L Street, Sacramento, Ca

Phone: (916) 445-0328

Amber.Alexander@dof.ca.gov

Michael Ambrose, Acting General Counsel, CSBA Director, *California School Boards Association*

3251 Beacon Boulevard, West Sacramento, CA 95691

Phone: (916) 669-3270

mambrose@csba.org

Socorro Aquino, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

Harmeet Barkschat, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

lbaysinger@sco.ca.gov

Mike Brown, *School Innovations & Advocacy*

5200 Golden Foothill Parkway, El Dorado Hills, CA 95762
Phone: (916) 669-5116
mikeb@sia-us.com

J. Bradley Burgess, *MGT of America*
895 La Sierra Drive, Sacramento, CA 95864
Phone: (916)595-2646
Bburgess@mgtamer.com

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

Carolyn Chu, Senior Fiscal and Policy Analyst, *Legal Analyst's Office*
925 L Street, Sacramento, CA 95814
Phone: (916) 319-8326
Carolyn.Chu@lao.ca.gov

David Cichella, *California School Management Group*
3130-C Inland Empire Blvd., Ontario, CA 91764
Phone: (209) 834-0556
dcichella@cscentral.com

Kris Corey, Superintendent, *Fairfield Suisun Unified School District*
2490 Hilborn Road, Fairfield, CA 94534
Phone: (707) 399-5009
KrisC@fsusd.org

Anita Dagan, Manager, Local Reimbursement Section, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 324-4112
Adagan@sco.ca.gov

Marieta Delfin, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-4320
mdelfin@sco.ca.gov

Andra Donovan, *San Diego Unified School District*
Legal Services Office, 4100 Normal Street, Room 2148, , San Diego, CA 92103
Phone: (619) 725-5630
adonovan@sandi.net

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Chris Ferguson, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, 915 L Street, 7th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Ferguson@dof.ca.gov

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814

Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Heather Halsey, Executive Director, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
heather.halsey@csm.ca.gov

Rebecca Hamilton, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814
Phone: (916) 445-0328
Rebecca.Hamilton@dof.ca.gov

Ed Hanson, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814
Phone: (916) 445-0328
ed.hanson@dof.ca.gov

Mark Ibele, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Mark.Ibele@sen.ca.gov

Jill Kanemasu, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-9891
jkanemasu@sco.ca.gov

Dan Kaplan, Fiscal & Policy Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8353
Dan.Kaplan@lao.ca.gov

Anne Kato, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-5919
akato@sco.ca.gov

Jennifer Kuhn, Deputy, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8332
Jennifer.kuhn@lao.ca.gov

George Landon, Deputy Superintendent, Admin. Fiscal Support, *Lake Elsinore Unified School District*
545 Chaney Street, Lake Elsinore, CA 92530
Phone: (951) 253-7095
George.Landon@leusd.k12.ca.us

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Yazmin Meza, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
Yazmin.meza@dof.ca.gov

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Robert Miyashiro, *Education Mandated Cost Network*
1121 L Street, Suite 1060, Sacramento, CA 95814
Phone: (916) 446-7517
robertm@sscal.com

Keith Nezaam, *Department of Finance*
915 L Street, 8th Floor, Sacramento, CA 95814
Phone: (916) 445-8913
Keith.Nezaam@dof.ca.gov

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

Christian Osmena, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
christian.osmena@dof.ca.gov

Arthur Palkowitz, *Artiano Shinoff*
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@as7law.com

Keith Petersen, *SixTen & Associates*
P.O. Box 340430, Sacramento, CA 95834-0430
Phone: (916) 419-7093
kpbsixten@aol.com

Mark Rewolinski, *MAXIMUS*
808 Moorefield Park Drive, Suite 205, Richmond, VA 23236
Phone: (949) 440-0845
markrewolinski@maximus.com

Sandra Reynolds, *Reynolds Consulting Group, Inc.*
P.O. Box 894059, Temecula, CA 92589
Phone: (951) 303-3034
sandrareynolds_30@msn.com

Carla Shelton, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 327-6490
carla.shelton@csm.ca.gov

Camille Shelton, Chief Legal Counsel, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
camille.shelton@csm.ca.gov

Steve Shields, *Shields Consulting Group, Inc.*
1536 36th Street, Sacramento, CA 95816

Phone: (916) 454-7310
steve@shieldscg.com

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-5849
jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
DSpeciale@sco.ca.gov

Amy Tang-Paterno, Educational Fiscal Services Consultant, *California Department of Education*
Government Affairs, 1430 N Street, Suite 5602, Sacramento, CA 95814
Phone: (916) 322-6630
ATangPaterno@cde.ca.gov

Thomas Todd, Assistant Program Budget Manager, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814
Phone: (916) 445-0328
Thomas.Todd@dof.ca.gov

Jolene Tollenaar, *MGT of America*
Claimant Representative
2251 Harvard Street, Suite 134, Sacramento, CA 95815
Phone: (916) 243-8913
jolenetollenaar@gmail.com

Marichi Valle, *San Jose Unified School District*
855 Lenzen Avenue, San Jose, CA 95126
Phone: (408) 535-6141
mvalle@sjusd.org