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**AB-2722 Student financial aid: California Military Department GI Bill Award Program.** (2017-2018)

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Date Published: 09/19/2018 09:00 PM

**Assembly Bill No. 2722**

**CHAPTER 547**

An act to amend Sections 69999.10, 69999.12, 69999.14, 69999.16, 69999.18, 69999.20, and 69999.24 of, to amend the heading of Article 20.7 (commencing with Section 69999.10) of Chapter 2 of Part 42 of Division 5 of Title 3 of, and to repeal Sections 69999.26 and 69999.30 of, the Education Code, relating to student financial aid.

[ Approved by Governor September 19, 2018. Filed with Secretary of State September 19, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2722, Medina. Student financial aid: California Military Department GI Bill Award Program.

Existing law establishes various student financial aid programs under the administration of the Student Aid Commission, and establishes eligibility requirements for the receipt of awards under those programs for participating students attending qualifying institutions. Existing law establishes the Military Department, which includes the California National Guard, the California State Military Reserve, and the Naval Militia, to perform various duties regarding the state militia.

Existing law establishes the California National Guard Education Assistance Award Program on behalf of qualifying members of the California National Guard, the California State Military Reserve, and the Naval Militia under the administration of the commission. Existing law requires the Student Aid Commission to report annually to the Legislature regarding program participation and also requires the Legislative Analyst, on or before January 1, 2016, to prepare and submit to the Legislature a report on the program. Existing law further provides that the program becomes operative only if funds are appropriated for the purposes of the program. The program becomes inoperative on July 1, 2019, and is repealed on January 1, 2020.

This bill would change the name of the program to the California Military Department GI Bill Award Program. The bill would provide that the award could be used to obtain one baccalaureate, graduate, or doctoral degree or a certificate, degree, or diploma that leads to a baccalaureate, graduate, or doctoral degree if the person agrees to serve 2 years in the California National Guard, the Naval Militia, or the California State Military Reserve, as specified. The bill would delete the obsolete provision requiring the submission of a report by the Legislative Analyst. The bill would also delete the provision rendering the program inoperative on July 1, 2019, and repealing the program on January 1, 2020, thereby extending the program indefinitely.

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

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

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

**Article 20.7. California Military Department GI Bill Award Program**

**SEC. 2.** Section 69999.10 of the Education Code is amended to read:

**69999.10.** This article shall be known, and may be cited, as the California Military Department GI Bill.

**SEC. 3.** Section 69999.12 of the Education Code is amended to read:

**69999.12.** There is hereby established the California Military Department GI Bill Award Program.

**SEC. 4.** Section 69999.14 of the Education Code is amended to read:

**69999.14.** The Legislature finds and declares all of the following:

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

(b) The California Military Department performs an essential public purpose in protecting the health, safety, and property of California's citizens and, in order to fulfill its objectives, it is necessary for the California Military Department to have sufficient service members to deal with natural or human-caused disasters and emergencies.

(c) The state-sponsored education benefit is an important tool used to ensure that the California Military Department attracts and retains highly competent and capable service members who stand ready to immediately respond to the state's call.

(d) The California Military Department GI Bill is an investment in the men and women who serve California faithfully. This incentive ensures that members of the California National Guard and the California State Military Reserve are not placed at an educational disadvantage when compared to their active duty or reserve component counterparts.

(e) The Legislature and the California Military Department believe that every service member who takes the oath to serve this great state needs to be afforded the best opportunity to achieve a higher education.

**SEC. 5.** Section 69999.16 of the Education Code is amended to read:

**69999.16.** (a) Commencing January 1 of the 2009–10 academic year, and each academic year thereafter, any qualifying member of the California National Guard, the State Military Reserve, or the Naval Militia may apply for an award under the California Military Department GI Bill.

(b) (1) A qualifying member shall meet all of the following conditions to be eligible to receive a California Military Department GI Bill award:

(A) The person is a resident within the meaning of Section 68017.

(B) The person is an active member of the California National Guard, the State Military Reserve, or the Naval Militia.

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

(D) The person agrees to use the award to obtain a certificate, degree, or diploma that he or she does not hold at the time he or she applies for the award, and enrolls in at least three academic units per semester, or the equivalent thereof. The award may be used to obtain one baccalaureate, graduate, or doctoral degree. The award may be used for a certificate, degree, or diploma that leads to a baccalaureate, graduate, or doctoral degree.

(E) The person agrees to serve two years in the California National Guard, the Naval Militia, or the California State Military Reserve upon completion of the last academic period that he or she uses educational assistance under this program.

(F) The person agrees to complete his or her course of study within 10 years of the person's initial acceptance into the program. If a person is unable to complete his or her course of study in the 10-year period due to federal military activation or other unexpected circumstance, the Adjutant General of the California Military Department may extend that person's participation in the program for a period of up to five additional years.

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

(2) To be eligible for an award for a summer session term, a qualifying member who meets the conditions in paragraph (1) shall submit a letter from his or her unit commander that states that the member's enrollment in that summer session will not adversely impact the member's attendance at mandatory military training.

(c) Each person applying for a California Military Department GI Bill award shall submit an application for an award to the Adjutant General.

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

- (1) Annually identify the skills most needed by the California National Guard to retain members who possess, or seek to possess, those identified skills.
- (2) Prioritize those applicants who qualify for an award pursuant to subdivision (b) based on the skills most needed by the California National Guard, as identified pursuant to paragraph (1).
- (3) Select award recipients from among eligible applicants pursuant to subdivision (e).
- (4) Certify the eligibility of applicants to the Student Aid Commission.
- (5) Notify recipients of their selection for an award.

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

- (1) The Military Occupational Specialty Code or the Air Force Specialty Code.
- (2) An annual noncommissioned officer evaluation report or officer evaluation report of the preceding two years.
- (3) A memorandum from the applicant's commander recommending the applicant for the award.
- (4) Commendations the applicant has received.
- (5) An essay, written by the applicant, explaining why education is important to the applicant.

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

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

**SEC. 6.** Section 69999.18 of the Education Code is amended to read:

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

(b) The amount of an award issued pursuant to this article shall be as follows:

- (1) For a recipient attending the University of California or the California State University, the maximum amount of the Cal Grant A award, pursuant to Section 66021.2, as adjusted in the annual Budget Act.
- (2) For a recipient attending a community college, the maximum amount of the Cal Grant B award, pursuant to Section 66021.2, as adjusted in the annual Budget Act.
- (3) For a recipient attending a nonpublic institution, the maximum amount of a Cal Grant A award for a student attending the University of California pursuant to Section 66021.2, as adjusted in the annual Budget Act.

(c) An award used for graduate studies shall not exceed the maximum amount of a Cal Grant A award, as specified in paragraph (1) of subdivision (b).

(d) The award amount under subdivisions (b) and (c) shall not exceed the difference between the recipient's cost of attendance and any other student financial aid and educational benefits pursuant to the federal Montgomery GI Bill (38 U.S.C. Sec. 3001 et seq.) or any other federal educational benefits program for veterans.

(e) California Military Department GI Bill awards may be renewed for each new academic year, for a maximum of the greater of either (1) four years of full-time equivalent enrollment or (2) the duration for which the qualifying member would otherwise be eligible pursuant to the Cal Grant Program (Chapter 1.7 (commencing with Section 69430)), if the Adjutant General certifies the qualifying member's eligibility and the qualifying member maintains at least a 2.0 cumulative grade point average.

**SEC. 7.** Section 69999.20 of the Education Code is amended to read:

**69999.20.** Qualifying members shall not receive both a California Military Department GI Bill award and any Cal Grant award for the same academic year. A qualifying member under this article who is also eligible for a Cal Grant award may elect between an award under this article and any Cal Grant award for the same academic year.

**SEC. 8.** Section 69999.24 of the Education Code is amended to read:

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

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

(b) The number of participants who receive a California Military Department GI Bill award, classified by academic year.

**SEC. 9.** Section 69999.26 of the Education Code is repealed.

**SEC. 10.** Section 69999.30 of the Education Code is repealed.