



Digest

Digest means an item that has been through internal review of the Chancellor's Office and the review entities. The item now has form and substance, and is officially "entered into Consultation." The Council reviews the item and provides advice to the Chancellor.

CONSULTATION

Title: Revised Proposed Regulations to Implement Academic and Progress Standards for BOG Fee Waiver Eligibility, pursuant to SB 1456 (2012)

Date: October 17, 2013

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Information

At its June and August meetings the Consultation Council reviewed and discussed proposed changes to the Board of Governors (BOG) Fee Waiver program regulations as required by Senate Bill (SB) 1456. The proposed draft regulations have been updated to respond to specific concerns identified by stakeholders, and to adjust the timeline for implementation. Those changes include:

- Expanding the "extenuating circumstances" language in the appeals section to include specific factors effecting Veterans, CalWORKs, EOPS and DSPS students.
- Postponing the implementation date from fall 2015 to fall 2016.

The regulations are presented today for further discussion. Barring any significant changes being identified today the regulations will be presented to the Board of Governors for first reading in November 2013 and for adoption in January 2014.

ATTACHMENT 1

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES PROPOSED REVISIONS TO TITLE 5 REGULATIONS: FINANCIAL ASSISTANCE AWARDS

1. Section 58601 of subchapter 7 of chapter of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 58601. Definitions.

As used in this subchapter:

Board of Governors ~~Grant~~Fee Waiver. An instrument used by a community college district to process the financial assistance provided to ~~a low-income~~ eligible students pursuant to the terms of this subchapter.

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

2. Section 58612 of subchapter 7 of chapter of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 58612. Financial Assistance Awards.

(a) A community college district shall provide Board of Governors ~~Grants~~Fee Waivers to all students who are eligible and who apply for this assistance.

~~(b) A student who is determined to be eligible for a Board of Governors Grant may be presumed to be eligible for that assistance for the remainder of the academic year and until the beginning of the following fall term.~~

~~(c)~~ Nothing in this subchapter shall prohibit a community college district from establishing a date beyond which it will not accept applications for this financial assistance.

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

3. Section 58620 of subchapter 7 of chapter of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 58620. Student Eligibility: Board of Governors ~~Grant~~Fee Waiver.

To be eligible for a Board of Governors ~~grant~~Fee Waiver, a student must:

(a) Be a California resident ~~or meet an exception, authorized by law, to the resident requirement; so long as a person qualifies for a military exception pursuant to Education Code section 68074 or section 68075, he or she shall be deemed a California resident for purposes of this section.~~

(b) Meet one of the following criteria:

(1) Income Standards.

(A) Be a single and independent student having no other dependents and whose total income in the prior year was equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of one; or be a married, independent student, or an independent student in a registered domestic partnership (RDP), having no dependents other than a spouse, whose total income of both student and spouse or RDP in the prior year was equal to or less than 150% of the U.S.

Department of Health and Human Services Poverty Guidelines for a family of two.

(B) Be a student who is dependent in a family having a total income in the prior year equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of that size, not including the student's income, but including the student in the family size.

(C) Provide documentation of taxable or untaxed income.

(D) Be a student who is married, in a registered domestic partnership, or a single head of household in a family having a total income in the prior year equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of that size.

(E) Be an independent student whose Estimated Family Contribution as determined by federal methodology is equal to zero or a dependent student for whom the parent portion of the Estimated Family Contribution as determined by federal methodology is equal to or less than zero.

(F) For purposes of this subdivision, U.S. Department of Health and Human Services Poverty Guidelines used each year shall be the most recently published guidelines immediately preceding the academic year for which a fee waiver is requested.

(2) Current recipient of benefits described in Education Code section 76300(g).

(A) At the time of enrollment be a recipient of benefits under the Temporary Assistance for Needy Families (TANF) program. A dependent student whose parent(s) or guardian(s) are recipients of TANF shall be eligible if the TANF program grant includes a grant for the student or if the TANF grant is the sole source of income for the parent or guardian.

(B) At the time of enrollment be a recipient of benefits under the Supplemental Security Income (SSI) program. A dependent student whose parent(s) or guardian(s) are recipients of SSI shall be eligible if the SSI program grant is the sole source of income for the parent(s) or guardian(s).

(C) At the time of enrollment be a recipient of benefits under the General Assistance program.

(D) Provide documentation that the student is a recipient of benefits under one of the programs identified in Education Code section 76300(g) and (h) at the time of enrollment. Documentation sufficient to meet the requirements of this subdivision shall provide official evidence of these benefits.

(3) Need-Based Financial Aid Eligibility. Any student who has been determined financially eligible for federal and/or state needed-based financial aid.

Note: Authority cited: Sections 66700, 68044, 70901 and 76300, Education Code. Reference: Sections ~~68074, 68075 and~~ 76300(g) and (h), Education Code; 20 USC Section 1070(a); and 34 CFR Section 674.12.

4. Section 58621 of subchapter 7 of chapter of division 6 of title 5 of the California Code of Regulations is added to read:

58621. Loss of Eligibility.

(a) (1) Districts shall adopt policies providing that a student who is otherwise eligible for a Board of Governors (BOG) Fee Waiver shall become ineligible if the student is placed on academic or progress probation, as defined in section 55031(a) or (b), or any combination thereof for two consecutive primary terms. Loss of eligibility shall become effective at the first registration opportunity after such determination is made. (2) Foster Youth, as defined in Education Code 66025.9(b), shall not be subject to loss of BOG Fee Waiver under this section. This exemption is effective until the date specified in Education Code 66025.9(c).

(b) For purposes of this section, primary terms are fall and spring semesters for colleges on a semester system and fall, winter and spring quarters for colleges on a quarter system. Terms shall be considered consecutive on the basis of the student's enrollment so long as the break in the student's enrollment does not exceed one primary term.

(c) Districts shall adopt, prominently display, and disseminate policies ensuring that students are advised about the student support services available to assist them in maintaining and reestablishing

BOG Fee Waiver eligibility. Dissemination includes but is not limited to information provided in college catalogs and class schedules.

(d) Students placed on academic or progress probation pursuant to section 55031(a) or (b) shall be notified of their status no later than thirty days following the end of the term that resulted in the student being placed on academic or progress probation. This notice shall clearly state that two consecutive primary terms of probation will lead to loss of the BOG Fee Waiver until the student is no longer on probation pursuant to section 55031(a) or (b). This notice shall also advise students about the available student support services to assist them in maintaining eligibility. Pursuant to Section 55523(c) colleges shall ensure that students shall have the opportunity to receive appropriate counseling, assessment, advising, or other education planning services on a timely basis to mitigate potential loss of the fee waiver.

(e) Each community college district shall establish written procedures by which a student may appeal the loss of the BOG Fee Waiver due to extenuating circumstances, or where a student with a disability applied for, but did not receive reasonable accommodation in a timely manner. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances that might include documented changes in the student's economic situation or evidence that the student was unable to obtain essential student support services. Essential student support services include, but are not limited to, services identified in the student education plan developed under section 55524, and any services to which the student was referred pursuant to section 55520. Extenuating circumstances includes special consideration of the specific factors associated with Veterans, CalWORKs, EOPS and DSPS student status. Districts may allow students who have demonstrated significant academic improvement to retain or appeal the loss of the BOG Fee Waiver. Significant academic improvement is defined as achieving no less than the minimum grade point average and progress standard established in section 55031 (a) and (b). A student who successfully appeals the loss of enrollment priority shall also have BOG Fee Waiver eligibility restored.

(f) Districts shall begin notifications to students following the spring 2015 term and ensure that the requirements of this section are fully operational for registration for the fall 2016 term. Loss of BOG Fee Waiver eligibility pursuant to this section shall not occur prior to the fall 2016 term. Districts shall ensure that all board policies and course catalogs reflect the requirements of this section and that appropriate and timely notice is provided to students.

(g) Districts shall not impose requirements for BOG Fee Waiver eligibility other than the requirements of this section and section 58620.

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Sections 66025, 76300, Education Code.