



The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS

DATE: November 12-13, 2013

SUBJECT: Financial Assistance Awards (PUBLIC HEARING)		Item Number: 3.1	
		Attachment: Yes	
CATEGORY:	Student Services and Special Programs	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Linda Michalowski, Vice Chancellor	Consent/Routine	
		First Reading	X
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	
		Information	

ISSUE: To implement the fee waiver provisions of Senate Bill 1456 through proposed changes to California Code of Regulations, title 5, section 58601 et seq.

BACKGROUND: Senate Bill 1456, signed by Governor Brown on September 27, 2012, provides a foundation to implement several recommendations from the Student Success Task Force. The bill requires that a student qualifying for a Board of Governors Enrollment Fee Waiver meet minimum academic and progress standards adopted by the Board of Governors, and provides detailed requirements regarding the content, adoption and application of those standards.

RECOMMENDATION: The proposed regulations are presented to the Board of Governors for a first reading. It is recommended that the Board of Governors hold a public hearing for receipt of comments, both written and oral, which are offered concerning the proposed action. It is anticipated that the regulations will be presented to the Board for adoption at its January 2014 meeting.

ANALYSIS: Recommendation 3.2(B) from the Student Success Task Force was adopted into law with the passage of Senate Bill 1456. The law provides that the Board of Governors adopt minimum academic and progress standards for BOG Fee Waiver eligibility. While it does not prescribe what those standards are, it establishes significant limitations and requirements, including that a student shall not lose fee waiver eligibility unless he or she has not met established standards for a period of no less than two consecutive terms. The law also requires adequate consumer information about the policies, a process for re-establishing eligibility, and notification and appeals processes. It also includes several “intent” statements that have helped to shape the proposed regulations.

The Chancellor’s Office convened a Fee Waiver Workgroup to begin implementation discussions when Senate Bill 1456 was still undergoing revisions through the legislative process. The workgroup, which included representatives of faculty, students, chief student services officers, financial aid administrators, EOPS directors, admissions and records officers and institutional researchers, met a total of five times over an extended period. Its work interacted with that of the Enrollment Priorities Workgroup at several junctures, reflecting the intent of the Student Success Task Force that requirements for getting and retaining enrollment priority and requirements for BOG Fee Waiver eligibility work together to incentivize students to approach their education in ways most likely to lead to success.

The proposed regulations add section 58621. Loss of Eligibility, to title 5. This section immediately follows current regulations regarding eligibility for fee waivers. The proposed regulations:

- Establish two consecutive primary terms of not meeting academic and/or progress standards as the trigger for loss of eligibility for the fee waiver.
- Provide an exemption for Foster Youth, who are recognized as having severe educational and financial barriers to success.
- Rely on existing probation regulations in section 55031(a) and (b) to define minimum academic and progress standards.
- Require districts to adopt and disseminate policies that ensure students are informed about the new requirements and about the student support services available to assist them.
- Contain references to new Student Success and Support Program regulations regarding essential student support services that must be provided by districts to at-risk students.
- Require that students be notified of their probation status within 30 days of the end of the term for which the student did not meet academic or progress standards.
- Require that districts establish and publish written policies and procedures for appeals. Specify that valid appeals include changes in economic situations or evidence that the student was unable to obtain essential student support services from the campus.
- Tie the appeal process to that of the new Enrollment Priority regulations; a successful appeal of the loss of enrollment priority shall result in the restoration of fee waiver eligibility.
- Require that districts begin notification to students following the spring 2015 term and that all requirements are fully operational by fall 2016. The first loss of fee waiver eligibility shall not occur prior to fall 2016.

The regulation package also includes some technical clean-up language to address unrelated BOG Fee Waiver changes since the last rewrite of these sections. The proposed regulation changes are included as Attachment 1.

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.~~

(eb) 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.