

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

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**NOTICE OF PROPOSED RULEMAKING****AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING FINANCIAL ASSISTANCE AWARDS**

Notice published October 31, 2013

NOTICE IS HEREBY GIVEN that, pursuant to Standing Order 200, the Board of Governors of the California Community Colleges proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors meeting on November 12-13, 2013, at 1102 Q Street, Sacramento, California. The Board meeting will commence at the hour of 12:00 p.m. on November 12, 2013, or as soon thereafter as the business of the Agency will permit. The room is wheelchair accessible. Other disability-related accommodations such as materials in alternate media, sign language interpreters, or real time transcription will be provided to persons with disabilities upon request. Parking accessible for persons with disabilities is available near the facility. Persons requesting such accommodations should notify Njeri Griffin, 1102 Q Street, Suite 4554, Sacramento, CA 95811-6549, ngriffin@ccco.edu, 916-445-8508, no less than five working days prior to the meeting. The Chancellor's Office will make efforts to meet requests made after such date, if possible.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. The Board of Governors requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their comments. No oral comments will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. To ensure that your comments have the maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations. Please send your comments to:

Linda Michalowski, Vice Chancellor
Student Services and Special Programs
California Community Colleges Chancellor's Office
1102 Q Street, Suite 4554
Sacramento, CA 95811-6549

Comments may also be submitted by facsimile at 916-322-9030 or by email at regcomments@cccco.edu. Comments must be received by Linda Michalowski prior to 5:00 p.m. on December 17, 2013.

MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from Steven Bruckman and will be mailed to those persons who submit written comments relevant to the proposed regulatory action, or who provide oral comments at the public hearing, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Education Code sections 66700, 68044, 70901, 70901.5, 76300.

Reference: 20 U.S.C. Section 1070(a); 34 C.F.R. Section 674.12; Education Code sections 66025, 70901, 70901.5

INFORMATIVE DIGEST

Senate Bill 1456, signed by Governor Brown on September 27, 2012, requires that a student qualifying for a Board of Governors 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.

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 of the fee waiver.

- Provide an exemption for foster youth, who are recognized as having severe educational and financial barriers to success.
- Rely on existing 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 Support and Service 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 college.
- 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.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

Mandate on local agencies or community college districts: Yes

Cost or savings to state agencies: None

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code: Possible

Other non-discretionary cost or savings imposed on community college districts: None

Cost or savings in federal funding to state agencies: None

The effect of the adoption of the proposed regulations will potentially impose increased costs or new costs to community college districts. Such determination will be made a formal part of the public hearing at the time and place described above. The regulations could result in a reduction in the number of fee waivers awarded, resulting in net savings to the state. However, such savings may be offset by increased enrollment of fee waiver eligible students. There are no

direct costs or indirect costs, or savings to any state agency, no costs or savings in federal funding to the state and no non-discretionary costs or savings to local agencies.

CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to:

Linda Michalowski, Vice Chancellor
Student Services and Special Programs
California Community Colleges Chancellor's Office
1102 Q Street, Suite 4554
Sacramento, CA 95811-6549
Telephone: 916-445-0102
E-mail: lmichalo@cccco.edu

Inquiries concerning the regulatory process may be directed to Steven Bruckman, General Counsel, at 916-445-9328, or sbruckman@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, and all of the information upon which the proposal is based, may be obtained online at:

<http://extranet.cccco.edu/SystemOperations/BoardofGovernors/Meetings.aspx>
or <http://tinyurl.com/7o6hpn8>

Those who receive the Board of Governors Agenda package for the November 12-13, 2013, meeting can find a further description of the proposal and the full text of the regulations in agenda item number 3.1.

You may also request a copy of the proposal from Linda Michalowski using the contact information provided above.

LM/II