



The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS

DATE: July 7-8, 2014

SUBJECT: BOG Fee Waiver – Ineligible Student Regulations (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: A change is proposed to add section 58629 to the California Code of Regulations, title 5, to permit a district that erroneously awarded a Board of Governors Fee Waiver to an ineligible student to waive that student’s repayment of the waived enrollment fee under specified conditions.

BACKGROUND: It has been brought to the attention of the Chancellor’s Office that there are circumstances where students were erroneously awarded BOG Fee Waivers in a prior term and those students cannot afford to pay back the waived enrollment fee. It is anticipated that the occurrence of these errors may increase as the new BOG Fee Wavier eligibility requirements adopted by the Board of Governors in January 2014, are implemented by districts.

RECOMMENDATION: The proposed regulations are presented to the Board of Governors for a first reading. The Board of Governors must 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 of Governors for adoption at its November 5-6, 2014, meeting.

ANALYSIS: All students enrolling for college credit are required to pay an enrollment fee of \$46 per semester unit of credit or \$31 per quarter unit of credit, unless exempted from that requirement. (Education Code, § 76300(a) and (c).) The Board of Governors is required to reduce by up to ten percent the apportionment of any district that fails to collect the enrollment fee. (Education Code, § 76300(d).) In addition, students who are not classified as residents are required to pay a nonresident tuition fee, unless exempted from that requirement. (Education Code, § 68050.) Current regulations permit a district to waive collection of the nonresident tuition fee if the fees were not collected as a result of the district’s error and not through the fault of the student, and

retroactive collection of the fees would cause the student an undue hardship. (California Code of Regulations, title 5, § 54072.) If a district does waive the nonresident tuition fee pursuant to this section, the district may not claim state apportionment for the attendance of the student for whom the fees were waived. (California Code of Regulations, title 5, § 54072.)

Proposed section 58629 would permit districts under similar circumstances to waive the enrollment fee where the district had erroneously awarded a student a BOG Fee Waiver. The waived enrollment fee would still have to be reported to the Chancellor's Office for purposes of state apportionment offset pursuant to Education Code, section 76300(c). The attendance of the student for whom the enrollment fees are waived pursuant to the proposed section would be claimable for state apportionment purposes if all applicable apportionment eligibility requirements are otherwise met. (See, California Code of Regulations, title 5, § 58000 et seq.)

The proposed regulatory change is included as Attachment 1.