

ATTACHMENT 2

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES ANALYSIS OF PROPOSED ADDITION OF SECTION 58629 TO TITLE 5 REGULATIONS: BOARD OF GOVERNORS FEE WAIVER – INELIGIBLE STUDENT: DISTRICT ERROR

Proposed (a):

This subdivision is proposed to permit districts to waive enrollment fees which were not collected in a prior session if the conditions specified in (a)(1) and (a)(2) have been met. Districts are not required to waive the enrollment fee, even if all the conditions are met.

Proposed (a)(1):

This subsection of subdivision (a) specifies the first condition a district must meet to waive the enrollment fee. The failure to collect the enrollment fee must have been as a result of the district erroneously awarding the student a BOG Fee Waiver; however that error cannot be the student's fault. Essentially, there are three elements to meet this condition: 1) a BOG Fee Waiver was awarded to the student, 2) the student was subsequently determined to not be eligible for the BOG Fee Waiver, and 3) the district's error in awarding the BOG Fee Waiver was not the student's fault.

Proposed (a)(2):

This subsection of subdivision (a) imposes the additional requirement that before a district can waive the enrollment fee it must determine that collection of the enrollment fee would cause the student an undue hardship. It is within the discretion of the district to establish rules and procedures for individual students to demonstrate an undue hardship for purposes of this enrollment fee waiver.

Proposed (b):

Existing law requires the Chancellor's Office to reduce a district's apportionment by the 98 percent of the total of enrollment fees charged by the district. The district maintains two percent for administrative costs. When a district awards a BOG Fee Waiver, the district does not reduce its apportionment claim by the amount of the enrollment fee not collected as a result of the awarding of the BOG Fee Waiver. Proposed subdivision (b) requires a district to report to the Chancellor's Office enrollment fees waived pursuant to this section for purposes of the 98 percent apportionment reduction, notwithstanding the fact that the district will be "out" the amount of the enrollment fee not collected. This subdivision helps ensure that districts do not waive collection of the enrollment fee except under the conditions set forth above.

Proposed (c)

Education Code section 76300(d) requires the Board of Governors to reduce the apportionment of a district that fails to collect enrollment fees. This reduction can be up to ten percent. Proposed subdivision (c) advises districts that notwithstanding Education Code section 76300(d) their apportionment will not be reduced for failing to collect the enrollment fees of students provided all the requirements of this regulation have been met.