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 student pursuant to the terms of this chapter.

§ 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.

§ 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 or RDP, 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 if 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 need-based financial aid.

58621. Loss of Eligibility.

(a) 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.

(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 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.

(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 campus support services. Districts may allow students who have demonstrated significant academic improvement to 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 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 2014 term and ensure that the requirements of this section are fully operational for registration for the fall 2015 term. Loss of BOG Fee Waiver eligibility pursuant to this section shall not occur prior to the Fall 2015 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.

June 11, 2013