Title: Proposed Regulations to Implement Academic and Progress Standards for BOG Fee Waiver Eligibility, pursuant to Senate Bill 1456 (2012)

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Information

Senate Bill 1456, signed by Governor Brown on September 27, 2012, provides a foundation to implement several recommendations from the Student Success Task Force (SSTF), including the recommendation that recipients of the Board of Governors (BOG) Fee Waiver meet minimum academic and progress standards for continued eligibility. This item presents draft regulations to implement the BOG Fee Waiver provisions of Senate Bill 1456. These regulations will not be presented to the Board of Governors for First Reading until September 2013 to ensure ample time for review by system constituencies and other interested parties.

The Chancellor’s Office convened a Fee Waiver Work Group to begin implementation discussions when Senate Bill 1456 was still undergoing revisions through the legislative process. The work group, 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 SSTF 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.

SSTF Recommendation and Senate Bill 1456

The SSTF called for the following:

Recommendation 3.2

Require students receiving Board of Governors (BOG) Fee Waivers to meet various conditions and requirements, as specified below.

(A) Identify a degree, certificate, transfer, or career advancement goal
(B) Meet institutional satisfactory progress standards to be eligible for fee waiver renewal; and
(C) Have a transcript that reflects no more than 110 units, not including Basic Skills and ESL courses.
Recommendation 3.2(A) was addressed in Senate Bill 1456 and is being implemented within the proposed regulations for the Student Success and Support Program for all students, not just BOG Fee Waiver recipients.

Recommendation 3.2(C) was initially included in Senate Bill 1456 as a condition for the continued receipt of the BOG Fee Waiver. The bill was amended during legislative negotiations and includes a provision that “these standards shall not include a unit cap.”

Recommendation 3.2(B) 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. The law also includes several “intent” statements that have helped to shape the proposed regulations.

Proposed Regulations

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.
- Rely on existing probation regulations in section 55031(a) and (b) to define minimum academic and progress standards. Districts are not allowed to have standards for BOG Fee Waiver eligibility that differs from the standards noted in these specific sections of the regulations.
- Provide that loss of eligibility will be effective at the student’s first registration opportunity after the determination of two consecutive terms of not meeting academic and/or progress standards has been made.
- Clarify that primary terms for the purpose of these regulations are fall and spring for colleges on the semester system, and fall, winter and spring for colleges on the quarter system.
- Establish that stopping out for two consecutive primary terms has the effect of re-setting the clock to re-establish eligibility.
- Require districts to adopt and disseminate policies that ensure students are informed about the new requirements and about the campus support services available to assist them.
- 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.
- Clarify that the loss of fee waiver eligibility will be in effect until the student is no longer on probation.
- Require that districts establish and publish written policies and procedures for appeals.
- 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 2014 term and that all requirements are fully operational by fall 2015. The first loss of fee waiver eligibility shall not occur prior to fall 2015.
The regulation package also includes some technical clean-up language to address unrelated BOG Fee Waiver changes since the last rewrite of these sections.

These regulations are presented to Consultation Council today for preliminary discussion and will be brought back in August 2013 if there are significant changes needed. The regulations will be presented to the Board of Governors for first reading in September 2013, and for adoption in November 2013.