Title: Proposed Regulation: BOG Fee Waiver – Ineligible Student

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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 retroactively pay back the waived enrollment fees. It is anticipated that the occurrence of these errors may increase as the new BOG Fee Waiver eligibility requirements adopted by the Board of Governors in January 2014, are implemented by districts.

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. (Ed. 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. (Ed. 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. (Ed. 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. (Cal. Code Regs., tit. 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. (Cal. Code Regs., tit. 5, § 54072.)

Proposal

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. (Ed. Code, § 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, Cal. Code Regs., tit. 5, § 58000 et seq.)

The proposed regulation is attached for review and discussion.