NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING BOG FEE WAIVER – INELIGIBLE STUDENTS

Notice published June 26, 2014

NOTICE IS HEREBY GIVEN that, pursuant to Standing Order 200, the Board of Governors of the California Community Colleges proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors meeting on July 7-8, 2014, at 1102 Q Street, Sacramento, California. The Board meeting will commence at the hour of 12:00 p.m. on July 7, 2014, or as soon thereafter as the business of the Agency will permit. The room is wheelchair accessible. Other disability-related accommodations such as materials in alternate media, sign language interpreters, or real time transcription will be provided to persons with disabilities upon request. Parking accessible for persons with disabilities is available near the facility. Persons requesting such accommodations should notify Clarissa Rangel, 1102 Q Street, Suite 4554, Sacramento, CA 95811-6549, crangel@cccco.edu, 916/445-8508, no less than five working days prior to the meeting. The Chancellor’s Office will make efforts to meet requests made after such date, if possible.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. The Board of Governors requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their comments. No oral comments will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. To ensure that your comments have the maximum effect in developing the final regulations, we urge you to identify clearly the specific subdivision of the proposed regulation that each of your comments addresses and to arrange your comments in the same order as the proposed regulation. Please send your comments to:
INFORMATIVE DIGEST

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.)
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.)

**ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS**

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

- **Mandate on local agencies or community college districts:** None
- **Cost or savings to state agencies:** None
- **Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code:** None
- **Other non-discretionary cost or savings imposed on community college districts:** None
- **Cost or savings in federal funding to state agencies:** None

The effect of the adoption of the proposed regulations will not impose increased costs or new costs to community college districts that are required to be reimbursed under section 17561 of the Government Code. Such determination will be made a formal part of the public hearing at the time and place described above. Furthermore, there are no direct costs or indirect costs, or savings to any state agency, no costs or savings in federal funding to the state and no non-discretionary costs or savings to local agencies.

**CONTACT PERSON**

Inquiries concerning the content of these regulations may be directed to:

- Linda Michalowski, Vice Chancellor
  Student Services and Support Division
  California Community Colleges
  Chancellor's Office
  1102 Q Street, Suite 4554
  Sacramento, CA 95811-6549
  Telephone: 916/445-0102
  E-mail: kaustinn@cccco.edu

Inquiries concerning the regulatory process may be directed to Michelle Goldberg at mgoldberg@cccco.edu.
TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, and all of the information upon which the proposal is based, may be obtained online at:
http://extranet.cccco.edu/SystemOperations/BoardofGovernors/Meetings.aspx
or http://tinyurl.com/7o6hpn8

Those who receive the Board of Governors Agenda package for the July 7-8, 2014 meeting can find a further description of the proposal and the full text of the regulations.

You may also request a copy of the proposal from Michelle Goldberg, using the contact information provided above.

MG/jg