STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE
N/A

2. NAME OF ENTITY
Board of Governors of the California Community Colleges

3. NOTICE TYPE
Notice re Proposed

4. AGENCY CONTACT PERSON
N/A

5. TELEPHONE NUMBER
N/A

6. FAX NUMBER (Optional)
N/A

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)
Financial Assistance Awards

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES AND SECTIONS (Including title 26, if texts are related)

3. SECTION(S) AFFECTED
(List all section number(s) individually. Attach additional sheet if needed.)

4. TITLE(S)

5. TYPE OF FILING

6. EFFECTIVE DATE OF CHANGES (Gov. Code §§ 11343.4, 11346.1(b) Cal. Code Regs., Title 1, §100)

7. CONTACT PERSON
Julia Blair, Senior Attorney

8. SIGNATURE OF AGENCY HEAD OR DESIGNEE
Erik Skinner, Deputy Chancellor

(See instructions on reverse)

For use by Secretary of State only

ENDORSED - FILED
In the office of the Secretary of State of the State of California
FEB 18 2015
12:33 PM

CHANCELLOR
Erik Skinner
OAL FILE NUMBERS
2-018-01P
NOTICE FILE NUMBER
2015-02-18-01P
REGULATORY ACTION NUMBER
0
EMERGENCY NUMBER

NOTICE OF
APPLICATION TO MAKE A CHANGE IN THE ADMINISTRATIVE LAW REGULATIONS

0

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1/3/15

PRINT

For use by Office of Administrative Law (OAL) only
1. Section 58601 of subchapter 7 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 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 subchapter.


2. Section 58612 of subchapter 7 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 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.


3. Section 58620 of subchapter 7 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 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; so long as a person qualifies for a military statutorily required exception to residence determination pursuant to Education Code section 68074, or section 68075, or section 68075.5, or is statutorily required to be exempted from paying nonresident tuition pursuant to Education Code section 68130.5, he or she shall be deemed a California resident for purposes of this section; and
(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, 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.

Note: Authority cited: Sections 66700, 68044, 70901, and 76300, and 76300.5, Education Code. Reference: Sections 68074, 68075 and 156300(g) and (h), Education Code; 20 USC. U.S.C. Section 1070(a); and 34 CFR F.R. Section 674.12.
4. Section 58621 of subchapter 7 of chapter 9 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 58621. Loss of Eligibility.

(a) (1) 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 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. (2) Foster Youth, as defined in Education Code 66025.9(b), shall not be subject to loss of BOG Fee Waiver under this section. This exemption is effective until the date specified in Education Code 66025.9(c).

(b) For purposes of this section, primary terms are fall and spring semesters for colleges on a quarter basis 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, prominently display, 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. Pursuant to Section 55523(c) colleges shall ensure that students shall have the opportunity to receive appropriate counseling, assessment, advising, or other education planning services on a timely basis to mitigate potential loss of the fee waiver.

(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 student support services. Essential student support services include, but are not limited to, services identified in the student education plan developed under section 55524, and any services to which the student was referred pursuant to section 55520. Extenuating circumstances also includes special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, and DSPS student status. Districts may allow students who have demonstrated significant academic improvement to retain or 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) and (b). 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 2015 term and ensure that the requirements of this section are fully operational for registration for the fall 2016 term. Loss of BOG Fee Waiver eligibility pursuant to this section shall not occur prior to the fall 2016 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.