



**Extended Opportunity Programs and  
Services (EOPS)  
and  
Cooperative Agencies Resources for  
Education (CARE)**

**Frequently Asked  
Questions & Answers**

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## ELIGIBILITY QUESTIONS:

### **E1) Can a student who has only taken non-credit courses be accepted into EOPS/CARE?**

**ANSWER:** Since non-credit courses do not have units attached to them, the student has accumulated zero degree applicable units and is under the 70 unit/6 semester limit. Therefore, yes, the student may be accepted as long as the other EOPS eligibility criteria are met.

### **E2) Can a student with an associate degree be accepted into EOPS/CARE?**

**ANSWER:** Yes, if the student has not reached the 70 unit/6 semester limit and if the EOPS program does not have a local written policy that prohibits the acceptance of students with associate degrees.

### **E3) Can EOPS implement a policy that requires students to be at a minimum level of English as a Second Language (ESL) coursework in order to be accepted into EOPS?**

**ANSWER:** No. It is not be permissible for EOPS to set an ESL “floor” to determine student eligibility for acceptance into EOPS. The intent of the program is to target and assist those very students who would be unlikely to find higher education accessible and who have been identified as financially and educationally disadvantaged. For these very reasons, Title 5 regulations require that EOPS discount all semesters that are at least 50% remedial level coursework, including remedial ESL, in the six semester limit for EOPS.

### **E4) A student who recently graduated with a degree from a proprietary school has been informed by the college Admissions Office that none of the units on his transcript will be counted toward an associate degree in his major. If he has already earned a college degree, is he eligible for EOPS?**

**ANSWER:** Degrees and certificates awarded by unaccredited proprietary schools are not always equivalent to those offered by the community colleges. Therefore, some or all units earned from unaccredited schools may not be counted as degree-applicable, so students are often required to take the classes again at the college to fulfill the major requirements for graduation and/or transfer. In this case, the college Admissions Office is not counting any of the proprietary school units as degree-applicable and therefore, EOPS doesn't count them either.

### **E5) For students who attended now-closed educational institutions such as Corinthian Colleges (Heald College) and as a result do not have access to official or unofficial transcripts, can they be accepted into EOPS?**

**ANSWER:** Yes but they should sign an EOPS affidavit certifying that they are not transferring any units and that they will inform their EOPS counselor if they are able in the future to access transcripts and transfer units; if these units cause the student to no longer be EOPS eligible, then the student understands that s/he will be immediately exited from EOPS.

**E6) Under what circumstances can a new student be accepted into EOPS/CARE at less than 9 units?**

**ANSWER:** Student with certified disabilities that prevent them from taking 9 units and/or students in majors or programs with defined full-time-equivalent course loads at less than 9 units. These students are not counted towards the 10% allowance for new students accepted at 9-11.5 units; rather they are considered full-time equivalent. For the term in which they are accepted as new into EOPS, the college DSPS program must report them in the DSPS MIS data elements, even if the student does not participate in the DSPS program, to ensure that they are coded correctly in the annual EOPS MIS unduplicated students served report.

**E7) If an EOPS student drops out of college for one full term and then returns to college the following term, can the EOPS program reinstate the student as a continuing EOPS student?**

**ANSWER:** No. EOPS students who are exited from EOPS for at least one full term are now considered new and must meet all of the EOPS eligibility criteria in Title 5, section 56220 to be accepted back into EOPS.

**E8) Can a 16-year-old student who is concurrently enrolled in high school and a community college be eligible for EOPS and CARE?**

**ANSWER:** A 16-year-old student is not eligible for CARE because the minimum age requirement for CARE is 18 years, in accordance with the Education Code, Section 79152. There is no minimum age requirement for EOPS; therefore, a 16-year-old student may be eligible for EOPS if he/she meets all of the EOPS eligibility criteria as outlined in Title 5, Section 56220. In determining the educational disadvantage in subsection 56220(e), please note that factor #2 (i.e. "not have graduated from high school or obtained the General Education Diploma") may **not** be used for a student who is simply too young to have graduated from high school.

**E9) Does a continuing EOPS student need to re-qualify for a Board of Governors Fee Waiver (BOGFW)-A or B or C with \$0 Expected Family Contribution (EFC each academic year)?** **ANSWER:** No. A student is only required to meet the EOPS eligibility criteria including BOGFW-A, B, or C with \$0 EFC eligibility as outlined in Title 5, Section 56220, at the time of acceptance into EOPS.

**E10) Is an EOPS student who has met his educational goal and who is under the 70-unit/6-semester limit still eligible for EOPS? Can a student with an AA degree be accepted into EOPS?**

**ANSWER:** An EOPS student who has met his educational goal and who is under the 70 unit/6 semester limit may still be eligible for EOPS in accordance with Title 5, Section 56226, unless the EOPS program has a written policy stating otherwise or unless the program's Mutual Responsibility Contract stipulates otherwise. A student with an AA degree and who is under the 70 unit limit may be accepted into EOPS unless the program has a written policy stating that students with degrees are not eligible for the EOPS program.

**E11) You have a student who is concurrently taking 8 units at your college and 6 at Community College X. His/her federal financial aid packaging is being**

**processed from College X. Which college serves the student in EOPS and CARE and counts the student as served for MIS purposes?**

**ANSWER:** Assuming the student meets the EOPS and CARE eligibility criteria, the college that is responsible for processing his/her federal financial aid packaging is the one that serves the student in EOPS and CARE and counts him/her as served for MIS purposes. Therefore, in this case, College X serves the student in EOPS/CARE, provides the EOPS/CARE services for all 14 units, and counts him/her as served. Note: Only one Financial Aid Office can process the student's financial aid award and a signed consortium agreement between the two colleges is required. A concurrently-enrolled student should obtain information on a consortium agreement at the Financial Aid Office to permit all classes at both colleges to be counted in the student's financial aid award.

**E12) Is there a limit to the number of remedial level course units that may be deducted for EOPS/CARE students?**

**ANSWER:** In accordance with Board of Governors policy, all community college students are limited to no more than 30 semester units or 45 quarter units earned from all remedial education coursework as determined by the district/college. However, per Title 5, Section 55756.5, two groups of students are exempted from the 30 unit remedial limit: a) students enrolled in one or more courses of English as a second language and b) students identified by the district as having a learning disability.

**E13) You have an EOPS student who is called to active military duty. Upon his return to college after one year of military service, is the student considered a "continuing" EOPS student or a "new" student who must meet the EOPS eligibility criteria to be accepted back into EOPS? The student withdrew from classes in March 2010. The student was in the military during the period of March 2010 through March 2011. In fall 2011, the student resumes in classes and contacted EOPS.**

**ANSWER:** Provided the student returns to the EOPS program, shortly after his/her release from military duty the student should be considered a **continuing EOPS student**. The student's EOPS file should be updated, but the student does not need to re-apply for EOPS. The Admission and Records Office recorder should verify that the student withdrew from classes because he/she was called for military duty (MW).

**E14) Is a Study Abroad student eligible for EOPS/CARE? If yes, what services would they receive and how would the services be delivered? If no, why not?**

**ANSWER:** Yes, a Study Abroad student is eligible for EOPS/CARE. At minimum, they must receive their three mandated counseling contacts that term via phone, e-mail or face-time as done for a distance education student unless there is a qualified counselor on-site who is available for face-to-face contacts.

**E15) For the purposes of Chancellor's Office MIS reporting, what must be in place in the student's EOPS file for the student to be counted as "served" in EOPS?**

**ANSWER:** To be counted as served, the student's file must contain at minimum the EOPS application, Mutual Responsibility Contact and Educational Plan. Along with these documents, the student must attend at least one class meeting during the term,

before or after first census, in which s/he is being counted as served by EOPS/CARE and receive appropriate service(s) from the EOPS program during that same term.

**E16) In fall 2010, a student received a certificate at a college award ceremony recognizing his earning a 3.4 GPA. He was accepted into EOPS in spring 2011. He received a \$175 EOPS textbook voucher for spring, but insisted that he is entitled to be awarded a \$175 textbook voucher for the previous semester. Can EOPS give him a textbook voucher for the previous semester?**

**ANSWER:** Unfortunately, the answer is no. It is not possible for EOPS to award grants to students retroactively or prior to the term in which they were accepted into the program. The student applied for and was accepted into EOPS in spring 2011. EOPS grants and services can be awarded to students only during the period in which they are eligible for the program.

**E17) How does “professional judgment” affect EOPS student eligibility?**

**ANSWER:** The use of “professional judgment” may be used to change a student’s dependent/independent status and/or to change their income level, based on a student’s circumstances that warrant such consideration. This “professional judgment” may only be done by the Financial Aid Office on a case-to-case basis, provided it is done so in the context of a broader determination of a student’s eligibility for all types of financial assistance and may result in a BOGFW–B referral to EOPS.

Additionally, a BOGFW–C eligible student with a zero EFC (expected family contribution) calculated by the Financial Aid Office is eligible for a Part B referral to EOPS. This also includes a dependent student whose parent contribution (PC) is zero.

Professional judgment determination may be used to identify potential student for EOPS program participation, at the discretion of the EOPS Director.

**E18) You accept a student into EOPS based in part on your Financial Aid Office’s determination that she is eligible for a Board of Governors Fee Waiver B (BOGFW-B). You provide the student with EOPS orientation and counseling services, along with a book service voucher. You then learn from Financial Aid that due to an error, the student was actually never eligible for a BOGFW-B (or A). What do you do now?**

**ANSWER:** Unless the student is determined to have zero (0) Expected Family Contribution (EFC) and therefore eligible for a BOGFW-B, you must immediately cease providing EOPS services to the student and you may not count the student as served for MIS purposes. However, the student is not required to return any EOPS grant award or book service voucher that he/she received.

**E19) Your Financial Aid Office codes all students as BOGFW–C. What are the steps that need to be taken to determine if the student is BOGFW–A or BOGFW–B eligible?**

**ANSWER:** The EOPS program should work with the Financial Aid Office to determine the best way to collect the data necessary to determine the income source and level of the students. This may be done two ways:

The EOPS program may be provided with read-only access to the financial aid screens where they would be able to see the income and EFC or PC. If you use this method, be sure to be trained by the Financial Aid Office to identify additional fields that you will need to determine BOGFW A and BOGFW B eligibility. Include the field if the student has been selected for verification and then check if verification is complete. Then if the student meets the income eligibility criteria, the program may print the screen to in the student's file.

The Financial Aid Office may provide the EOPS program with a system-generated list of all students who are potentially EOPS based on income or EFC (or PC) of zero. The EOPS program would then cross-reference the list with their EOPS applications. This should be done periodically to provide the most up-to-date information.

In addition, if professional judgment determination was made that identifies potential EOPS the financial aid office may provide a referral list for BOGFW–B eligible students.

**E20) Is an 18 year old who hasn't passed the California High School Exit Exam (CAHSEE) eligible for EOPS?**

**ANSWER:** As indicated by our legal office, a person who has left high school and not passed the CAHSEE and meets all of the other eligibility criteria is eligible for EOPS. The student would meet the educationally disadvantaged criteria - not having graduated from high school or obtained the General Education Diploma. Students who have been awarded a certificate of completion under section 51412 are also considered to not have graduated from high school for purposes of Title 5, section 56220 and are eligible for EOPS provided that all other eligibility criteria has been met.

However, there are those certificates of completion issued pursuant to Ed Code section 33033, which are legally considered to have the same standing as a high school diploma, and students who have these would not be eligible for EOPS under the educationally disadvantaged criteria - not having graduated from high school or obtained the General Education Diploma.

Reference: Ed Code section 33033.

The State Board of Education may:

- (a) Establish at the request of the governing authorities of any state institution, courses of instruction for the inmates of the institution.
- (b) Examine under arrangements with the governing authorities of the institution the progress of students taking the courses and grant high school diplomas to students meeting the requirements for high school graduation. Certificates of completion previously awarded by the State Board of Education to students who, at the time of the award of a certificate of completion, met the requirements for high school graduation, shall be deemed for all purposes to be the equivalent of diplomas of high school graduation.

**E21) If a student who has not passed the California High School Exit Exam (CAHSEE) is accepted into EOPS, what additional barriers might they encounter?**

**ANSWER:** Students who do not have a high school diploma or GED may not be eligible for state and federal financial aid, including Cal Grant Entitlement. The student would

need to take and pass a federally approved Ability To Benefit (ATB) test before being eligible for financial aid. There are some experimental pilot programs, which are able to allow students that have shown successful completion of 6 or more units to become eligible for financial assistance. It is important that EOPS recognize these barriers and assist the student in completing their GED requirements. Once the student has their GED they would be eligible to apply for a Cal Grant Entitlement as well as other financial aid.

**E22) Is a student with a foreign degree eligible for EOPS? If yes, how is eligibility determined?**

**ANSWER:** If a student discloses on the EOPS application that s/he has a foreign degree, the student is not eligible for EOPS unless and until the student has his/her transcripts evaluated. The college will then determine whether it will accept any or all of the courses in the degree as equivalent to college credit, per the EOPS Implementing Guidelines, page 13. If the college accepts the units in question toward the completion of any degree requirements offered at the college, then those designated units must be included in the computation of units towards the 70-unit restriction for EOPS eligibility. There may be cases in which the student's transcripts are unavailable for legitimate reasons. In these cases, the EOPS program, as a matter of written administrative policy, may allow exceptions for those cases in which the student is unable to obtain transcripts, i.e., student attended college in a war torn country. Such a policy, approved by the EOPS advisory committee, must be applied consistently with all students.

**E23) A student had his foreign transcript evaluated and then submitted the transcript to the admissions office, which certified "98.25 CSU elective transferrable units." He has taken 40+units but is still at the intermediate ESL level. Is he EOPS eligible? What I have heard in the past is that if the units are "not applicable" at the institution we do not have to count them. I have also heard, units are units and we need to count them.**

**ANSWER:** What often occurs after a foreign transcript is evaluated is that many of the units that the student has earned at a foreign college or university are determined not equivalent to degree-applicable coursework offered at the college. As the result of the evaluation, the admissions office posted the student's foreign transcript as including 98.25 degree-applicable, CSU transferable units. If so, unfortunately, the student is not EOPS-eligible, because he has exceeded the 70 degree-applicable unit limitation for EOPS.

**E24) Under what conditions may the 70 unit/6 semester limit be waived? Can the 70 unit limit be exceeded for a disabled student in EOPS/CARE?**

**ANSWER:** Per Title 5, Section 56226(a), the EOPS director may waive this limitation only in cases where students are enrolled in programs which require more than 70 units, or which require prerequisites that would exceed the limitations. The EOPS Implementing Guidelines further state in part on page 24 that the limitation may be waived "in cases where the limit would be exceeded by the units required for a student's associate degree or specific transfer program...." The waiver applies only to those students who continue to make academic progress and who have not changed their majors and/or education goals. The 70 unit limit may not be exceeded for an EOPS/CARE student simply because he/she has a disability. However, in providing

reasonable accommodations, an EOPS director may waive the six-semester limit for a disabled EOPS/CARE student whose full-time load is less than nine units due to a certified disability. (Reference: EOPS Implementing Guidelines, section 56226.)

**E25) Can a student in a high unit major who has completed over 70 degree-applicable units be accepted as a new student into EOPS?**

**ANSWER:** No. All students, at the time of acceptance into EOPS, must meet all of the EOPS eligibility criteria in Title 5, section 56220 including “not have completed more than 70 units of degree-applicable credit coursework in any combination of postsecondary higher education institutions.”

**E26) An EOPS student has completed 25 units in ESL and vocational ESL classes, but is two levels below English 1A and has yet to enroll in classes in her major. She seeks an A.S. degree in computer sciences, which requires 40 units plus an additional 39 units to fulfill the CSU general education transfer requirements. Will she lose her EOPS eligibility when she completes 70 units?**

**ANSWER:** No, not all units are counted toward the EOPS 70-unit limitation. For example, the student’s ESL classes do not count toward the 70 degree-applicable units, because some ESL courses are considered in the same category as basic skills and therefore are not counted as degree-applicable. Only the degree-applicable units count towards the allowable 70 units.

In this scenario, EOPS may continue to serve the student after she completes 70 degree-applicable units, because her degree program (A.S. transfer degree in computer science) is considered a high unit major, which requires 79 units of completion.

**E27) If a student is taking more than half of his units every semester in non-collegiate level coursework, does the student ever need to take a six semester break? The student is making adequate progress but is moving from such a low level that he is taking many semesters to work his way into a majority of collegiate-level courses.**

**ANSWER:** Title 5, section 56226, page 25 of the EOPS Implementing Guidelines states: "The time limit associated with six consecutive semesters of enrollment may be extended or waived if a student was enrolled in remedial ESL courses...If the number of units enrolled in remedial ESL, Basic Skills, and remedial courses, are over 50% or more of the student's coursework in any given term, then that term is not included in calculating the six consecutive semesters."

The Chancellor's Office has interpreted the limitations on EOPS eligibility as addressed in Section 56226 to apply specifically to primary terms in which a student is enrolled in a preponderance of degree-applicable units (more than 6 of 12 units). Therefore, the semester terms in which students take more than half of their units in non-collegiate level coursework are not counted toward the six consecutive semesters for EOPS eligibility.

**E28) Is an EOPS student required to complete a FAFSA to be eligible for EOPS?**

**ANSWER:** No. Completing a FAFSA is not one of the eligibility requirements listed in Title 5, Section 56220. The income eligibility factor is based on the Board of Governors

Fee waiver. Title 5, section 56222 (a) states to remain eligible for EOPS, the students must apply for state and/or federal financial aid pursuant to the applicable rules and procedures of the college of attendance. The BOGFW application meets this requirement. The EOPS office should encourage all students to complete a FAFSA to maximize their financial aid benefits.

**E29) Can a student who is transferring to your college from an EOPS program at another California community college be accepted into your program?**

**ANSWER:** Yes. Title 5, Section 56226 states in part that a student who participates without term-to-term interruption in EOPS shall continue to be eligible for EOPS until a) the 70 unit/six semester limit is reached and b) has failed to meet the terms, conditions and follow-up provisions of his/her educational plan and/or mutual responsibility contract. Therefore, you may accept the transferring EOPS student as continuing, with appropriate information from the first EOPS program on an "EOPS Student Transfer Information Form". Information may include the number of degree applicable units accumulated, the educationally disadvantaged criteria used at the time of acceptance, term of acceptance into EOPS, other comments regarding special needs, compliance with Mutual Responsibility Contract, etc, and also a statement, with the student's signature/date, indicating that the student authorizes the release of this information to the second EOPS program. The degree-applicable units and the semesters in the EOPS program transfer with the student and are counted towards the 70 unit/six semester limit. **As continuing EOPS students, EOPS transfer students are not required to requalify for the Board of Governors fee waiver A, B or C with \$0 Expected Family Contribution.** If you have a policy to not accept transferring EOPS students as continuing or if the student was originally accepted into EOPS through an educationally disadvantaged factor that you do not use, then the student may be accepted into your program as new if he/she meets all of the EOPS eligibility criteria at the time of acceptance into your program. If accepted as new, the student's degree-applicable units are counted but the six EOPS semesters limit starts over.

**E30) Can EOPS accept a student with a disability at less than 9 units?**

**ANSWER:** Yes. However, if a new EOPS student has a disability that limits the student's unit load, the disability must be verified by the DSPS program. To verify the disability, DSPS may require the new student to submit a letter from his/her personal physician or Department of Rehabilitation to substantiate the disability. With the documentation provided by the student, DSPS is responsible for determining the student's full-time equivalent unit load. In order for EOPS to count the student as served for MIS purposes, DSPS staff must complete the DSPS MIS data elements for the term in which the student is being accepted into EOPS. In addition, EOPS staff must complete the appropriate EOPS and CARE data elements.

**E31) A teacher at a nearby state prison has contacted the EOPS director to request free textbooks for inmate students. However, the inmates are not enrolled in any classes at your college, but are taking distance education classes at another community college several hundred miles away. Can EOPS at your college serve these students?**

**ANSWER:** No. If the students are not enrolled in any classes at your college, EOPS cannot serve them. The EOPS director should therefore refer the teacher to the EOPS

program at the college in which the inmates are enrolled. However, if the incarcerated students are concurrently enrolled at both colleges, it is possible for one EOPS program to provide services and count them as served, but not both. If the students have approved EOPS education plans on file that includes the classes at both colleges, EOPS can award book services for textbooks required for the classes, regardless of where the classes are taught. EOPS must provide the students with the mandated orientation, three counseling contacts per semester, and education plan along with other supportive services as appropriate.

**E32) Several students applying to CARE have indicated that they receive cash aid from Tribal TANF, but not through the county welfare department CalWORKs program. Are these students eligible for CARE? What documentation is needed to verify their eligibility?**

**ANSWER:** Yes. Tribal TANF students are eligible for CARE if they meet all EOPS and CARE eligibility requirements. Tribal TANF assists Native American sovereign nations with the provision and coordination of federal TANF funds and services. With authority similar to the county welfare department CalWORKs program, the Tribal TANF Program Administrator may provide agency certification to verify that the student meets certain eligibility requirements for CARE. In California, individuals who receive Tribal TANF must meet the same TANF eligibility and work participation requirements as CalWORKs recipients.

**E33) A single father with two children ages 2 and 8 wants to major in graphic arts and web design. His children receive CalWORKs cash aid under his name, but the county denied him cash aid for himself because he served time several years ago for a drug felony. How can this student be assisted?**

**ANSWER:** If the student meets EOPS eligibility criteria, he may be CARE-eligible because his children are receiving cash aid. As long as someone (the student, children or both) in the student's family unit (household) currently receives CalWORKs cash aid, CARE can provide an educational safety net for students who are sanctioned, time-expired or otherwise ineligible for CalWORKs. Because of his prior drug felony conviction, the student is not eligible for federal financial aid, but he may be eligible for state-funded financial aid and support programs, like EOPS and CARE, BOG fee waiver, some grants and scholarships. CARE can assist him in locating child care in the campus child development center or with child care providers in the community. EOPS and CARE can also provide him with other supportive services

**E34) Must the EOPS orientation and each of the three mandated EOPS counseling contacts take place during the academic term?**

**ANSWER:** The Chancellor's Office will permit the orientation and the first mandated EOPS counseling contact to take place within a reasonable time prior to the first day of the academic term in which a new student is officially accepted by EOPS. The second mandated EOPS counseling contact must occur at an appropriate interval during the academic term to allow an EOPS counselor to offer timely advice, assistance and intervention, if needed, regarding a student's academic performance. The third mandated EOPS counseling contact should occur prior to the end of the academic term or, if needed, soon after the last day of the term. The first and third counseling contacts should not cross over from one semester into another semester. For example, the first

mandatory counseling contact of the fall 2016 term should not take place during the prior spring 2016 term.

**E35) A student is officially accepted as new to EOPS for fall term and is provided the EOPS orientation and first mandated EOPS counseling contact a month prior to the start of fall classes. The student enrolled in 12 units and attends two classes on the first day of fall term, but withdraws from college on the second day of the term. Can EOPS count this student as served for fall term?**

**ANSWER:** Yes, but regardless of when the first and third mandated EOPS counseling contacts are provided, an EOPS student must attend at least one class session during the term for which they are being reported as served by EOPS/CARE. District/college MIS and EOPS/CARE should collaborate to determine the appropriate method for verifying class attendance of a student who withdraws prior to first census.

*Reference: EOPS Implementing Guidelines, page 7.*

**E36) What is the minimum number of units that a continuing EOPS student must be enrolled in to remain eligible for EOPS?**

**ANSWER:** Each college EOPS program makes that determination with input from the EOPS advisory committee. Any policy related to required minimum units for continuing students must be included in the EOPS Mutual Responsibility Contract.

**E37) At the time of acceptance into CARE, must a student have one child under the age of 14?**

**ANSWER:** No. Although this was a CARE eligibility requirement up through 2016-17, this is no longer a requirement for acceptance into the CARE program beginning in 2017-18.

**E38) One of the CARE eligibility criteria is “single head of household”. How is this criteria determined?**

**ANSWER:** The county welfare department (CWD) must certify single head of household status. This can be documented with a certification from CWD or the student’s Notice of Action. Self-certification is not acceptable. Note that a student may be married but defined by CWD as single head of household because the spouse has either abandoned the household or is incarcerated.

**E39) I have a student who started out in our program as a “single head of household,” but is now considered a “dual household” by the county. If she started with CARE as “single,” can CARE serve her still (even though it’s a brand new semester)? She just turned in her proof of aid, and I happened to notice the change.**

**ANSWER:** If the county has certified that the student is in a two-parent assistance unit (“dual household”), then the student is no longer eligible for CARE. If a student’s CARE eligibility changes during the school term (semester), s/he may be served by CARE through the end of the term. If the student was not CARE-eligible on the first day of the term, then s/he must be dropped from CARE, but remains eligible for EOPS and probably county and campus CalWORKs.

**E40) A student applying for CARE is the caretaker of two children receiving cash aid. The student does not receive aid for herself and, although a single parent, is not the legal parent of the two children. Does she not qualify for CARE because the children are not hers (and she receives no aid for herself)?**

**ANSWER:** If the student is receiving cash aid on behalf of the children (this will be verified by the county), then it is possible for her to be served by CARE if she is a caretaker relative. A student who is a caretaker relative is eligible for CARE if the county welfare department or Tribal TANF Program Administrator provides verification that the student or dependent child currently receives CalWORKs/TANF cash aid and all other CARE eligibility requirements are met.

Certain relatives can be a CalWORKs caretaker, i.e., those related by blood, marriage or adoption within at least the fifth degree of kinship to the eligible child. Those relatives are: parents, stepparents, siblings, step-siblings, half-siblings, grandparents, great-grandparents, great-great-grandparents, great-great-great-grandparents, aunts, great aunts, uncles, great uncles, first cousins, first cousins once removed, nieces and nephews, step-relatives, and/or spouses of any divorced or deceased relative listed above.

**E41) If a student is receiving CalFresh/SNAP (i.e., food stamps) or SSI assistance only, but not CalWORKs/TANF/Tribal TANF cash aid for him/herself, is the student eligible for CARE?**

**ANSWER:** CalFresh/SNAP and SSI assistance are not the same as CalWORKs/TANF cash aid. If the county verifies that the student is in a one-parent assistance unit and receives CalWORKs/TANF/Tribal TANF cash aid on behalf of his/her dependent child(ren), the student is eligible for CARE as long as the child(ren) receive CalWORKs/TANF/Tribal TANF cash aid.

**E42) How often should a student's CalWORKs cash aid status be verified for CARE eligibility?**

**ANSWER:** CARE requires that students: a) Provide a written verification from the county welfare department at least once a year that student and/or dependent child(ren) is currently receiving CalWORKs cash aid. EOPS/CARE should keep a copy of the verification in the student's EOPS/CAR file, and b) Inform the EOPS/CARE program during each of the student's mandatory EOPS/CARE counseling contacts every semester of any changes that may affect their CARE eligibility. EOPS/CARE may request verification of the student's active CalWORKs cash aid status from CalWIN screens, Notice of Action (NOA) or other official source and then update the student's eligibility status in their EOPS/CARE contact record.

**E43) A CARE student was directed by her county CalWORKs case manager to drop out of school immediately to work at least 35 hours per week, because California must comply with the changes in the TANF Reauthorization. The student will be graduating with honors in June 2006 and is scheduled to take her state licensing board examination as a Radiation Therapy Technician in September 2006. What should the student do?**

**ANSWER:** The student should be advised to stay in school, because current laws regulating TANF and CalWORKs remain in place until October 1, 2006, the date when TANF Reauthorization is officially implemented. Federal regulations have not yet been finalized nor has California drafted its regulations to conform with TANF Reauthorization. If the county attempts to pull her out of school, the student should immediately file for a state hearing.

**E44) At her second counseling appointment, a continuing CARE student informs her counselor that she just got married. Because CARE assists students who are single parents, should the student be immediately dropped from the program?**

**ANSWER:** No. The student is eligible to receive all CARE grants, services and assistance through the end of the current semester/quarter term. However, she will not be eligible for CARE the following term. If the student continues to receive CalWORKs cash aid for herself and meets all eligibility requirements, she may be eligible to receive supportive services from county CalWORKs, college CalWORKs and possibly EOPS.

**E45) How long should the EOPS program retain the EOPS applications of students who were not accepted into EOPS?**

**ANSWER:** Absent a district policy, this is a local decision by the EOPS program.

### **BUDGET QUESTIONS:**

**B1) How would you define categories A, B and C? Please give some examples of the kinds of activities and services that fall under each category?**

**ANSWER:** The *“Instructions for Completing EOPS Reports”* define category A as *“program development and maintenance”*, B as *“student services”* and C as *“direct aid to students”* based on unmet financial need.

**Examples:**

**Category A** - ongoing EOPS program oversight by the director, EOPS assistant director functions (i.e. managing the program in the director's absence, representing the director as needed, etc.), CARE coordinator functions (i.e. ongoing oversight of the CARE program, setting CARE operational policies and implementing them, determining CARE budget and service requirements, preparing CARE sections of the annual EOPS program plan, supervising staff, etc.), preparing EOPS program plan, supervising staff, participating in state and regional meetings, administrative clerical functions, budget and payroll functions, EOPS/CARE advisory committee functions, production of newsletters and fliers, outcome data and analysis functions, program eligibility determination functions;

**Category B** - recruitment, outreach, orientation services, pre-entry services, instructional services, counseling, paraprofessional advisement, testing/assessment services, tutoring, book services functions, transfer services, job/career transitions services, child care services, cultural enrichment activities, program staff development and training, college staff in-service functions;

**Category C** – EOPS/CARE grants, including book grants, EOPS work-study, EOPS emergency loans.

Reference: Appendix B of the *“Instructions for Completing EOPS Reports”*

**B2) Can EOPS or CARE funds be used to pay for EOPS/CARE staff to attend an out-of-state conference? Does the Chancellor's Office need to approve the expenditure?**

**ANSWER:** CARE funds may not be used for any out-of-state conferences. EOPS funds may be used for out-of-state conferences if the event is considered EOPS-related and the information directly benefits the EOPS program and the students served. The college is not required to obtain prior written approval from the Chancellor's Office.

**B3) Can EOPS and CARE funds pay for EOPS/CARE employees' involvement with campus governance, advisory boards, task forces, work groups and committees?**

**ANSWER:** Yes, if EOPS/CARE employees are representing the interests of the EOPS/CARE programs and/or information obtained through these activities is directly relevant to the EOPS/CARE programs.

**B4) How is the minimum district contribution requirement (district required match) calculated?**

**ANSWER:** Per Title 5, Section 56210, the minimum requirement is calculated by taking the average district contribution reported in the previous three academic years or 15% of the average EOPS allocation to that college for the same three base years, whichever is greater. In 2009-10, the minimum district contribution requirement for each college was reduced by 40% to be in alignment with the 40% reduction to EOPS funds in 2009-10. The minimum district contribution requirement for each college will remain at the 2009-10 level through 2013-14 in accordance with the September 16, 2009 Chancellor's Office "Administrative Relief" memo. Although the minimum district contribution requirements were reduced by 40% in 2009-10, the actual district contribution for each college, in general, will be greater than the pro-rated figure determined by the Chancellor's Office because the district contribution must include at minimum the salary and benefits of the EOPS director's assigned time in EOPS and CARE. In addition, the actual district contribution must also address the supportive services needs of the EOPS program, the number of EOPS students being served, and be in compliance with Chancellor's Office mandates, policies, and guidelines.

**B5) Since your college's minimum district contribution requirement was reduced in 2009-10, does that give your college permission to begin using EOPS or CARE to pay for services and activities previously paid for by the district?**

**ANSWER:** No. Using EOPS or CARE funds to pay for services and activities previously paid for by the district would constitute supplanting and supplanting is strictly prohibited by the California Education Code.

**B6) Were there any changes to the district contribution requirement in 2014-15?**

**ANSWER:** Yes. The district contribution requirements for each college increased by 23% over the minimum requirements in 2013-14. This 23% increase was in proportion to the 23% increase to EOPS funds in 2013-14 and was in accordance with the September 16, 2009 "Administrative Relief" memo.

**B7) Will there be any changes to the district contribution requirement ("district required match") in 2016-17?**

**ANSWER:** Yes. The district contribution requirement for each college will increase by 35.7% over the minimum requirements in 2015-16. This 35.7% increase is in proportion to the 35.7% increase to EOPS funds in 2015-16.

**B8) If the EOPS allocations formula is used, how is your current year EOPS allocation affected if you were unable to meet your student cap in the prior fiscal year?**

**ANSWER:** The student cap determines at minimum the number of students to be funded in any given year. If a program reports serving less than their student cap, the lower figure will be used in the allocation formula. This is one element of the formula. For each student not served below cap, the formula would not provide funding (2005-06 = \$813 per student). In addition, the program would not be eligible for any growth funds. Depending on the number below cap, the maximum reduction to the EOPS allocation would be 5 percent.

**B9) When will the EOPS and CARE allocation formulas be reinstated?**

**ANSWER:** They will be reinstated in 2016-17 based on approved recommendations by the Chancellor's Office EOPS Allocation Task Group, which met four times between September 2015 and January 2016. In 2016-17, the CARE formula will be reinstated as is with the 95% guarantee. In 2016-17, the EOPS formula will be reinstated with the 95% guarantee and no student cap. In 2017-18, the EOPS student cap will be based on the highest number of students served in one of the following academic year: 2014-15, 2015-16 and 2016-17. In 2018-19 and beyond, the EOPS student cap will remain at the prior year student cap or be the number of EOPS students served in the prior year, whichever is less.

**B10) EOPS funds are being used to pay for an EOPS counselor to teach a class designated for EOPS students. Is this an appropriate use of EOPS funds?**

**ANSWER:** Yes, this is an appropriate use of EOPS funds. However, if the instruction generates college full-time equivalent student (FTES) funding, then EOPS funds may not be used to pay for the instruction because double-dipping by the college is prohibited per the Education Code, Section 84752.

**B11) What types of EOPS/CARE expenditures does the Chancellor's Office allow to be encumbered past June 30th? Is a district required to allow encumbrances?**

**ANSWER:** EOPS/CARE funds may be encumbered for summer grants, summer book service, and for the purchase of equipment, supplies, etc. if the student awards letters, book service vouchers, and/or purchase orders are dated on or before June 30<sup>th</sup>. EOPS funds may also be encumbered for services if the contract for services is dated on or before June 30<sup>th</sup> and state the specific requirements of the service. Note that EOPS/CARE funds may **not** be encumbered for salary/benefit costs past June 30<sup>th</sup>. Districts may choose to prohibit the encumbrance of funds past June 30<sup>th</sup>.

**B12) What must a college do if it wants to use EOPS or CARE funds to purchase a computer, related equipment and software?**

**ANSWER:** Per Title 5, Section 56295(b), a college is required to submit a written request to the Chancellor's Office for review and approval. The letter must include the items to be purchased, the total cost, appropriate justification and the college

president's original signature signifying his/her approval of the request. Note, however, that the Chancellor's Office "September 16, 2009 Administrative Relief" memo provides to colleges a blanket waiver for the use of EOPS funds for computer related hardware and software. The blanket waiver is currently still in effect for 2016-17; there is no waiver for the use of CARE funds.

**B13) How much may colleges spend in EOPS object codes 4000A/B-6000A/B? How about CARE?**

**ANSWER:** Per Title 5, Section 56295(a), colleges may not exceed 10% of the college's EOPS allocation or \$50,000, whichever is less, in these three object codes combined. CARE does not have a written limitation on expenditures in object codes 4000-6000.

**B14) Is there a penalty for returning unspent EOPS or CARE funds? If yes, under what circumstances?**

**ANSWER:** Colleges incur a penalty for returning more than 5% of their total EOPS or CARE allocations after the end of that fiscal year, i.e. June 30th. The one-time penalty is dollar-for-dollar on the amount returned that is over the 5% level and the penalty is typically applied in two fiscal years.

**B15) What are the four priorities for requesting EOPS reallocated funds? Must a college be in good standing to be eligible for EOPS reallocated funds? If yes, please define "good standing".**

**ANSWER:** The four priorities are: #1) EOPS grants/EOPS work-study in category C, EOPS book services in object code 7000B and EOPS textbook lending library in object code 4000B, #2) EOPS services (counseling, tutoring, recruitment, etc. in object codes 1000-3000 and other 7000B), #3) EOPS discretionary expenses in object codes 4000-6000, and #4 CARE grants and services.

Yes, a college must be in good-standing to be eligible. Good-standing is defined as: a) having an approved prior fiscal year proposed EOPS budget, b) having submitted the prior fiscal year EOPS final expenditure report, c) having submitted the current fiscal year EOPS program plan/budget, d) not returning in excess of five percent of its prior fiscal year EOPS allocation after the close of that fiscal year, and e) not returning the amount of EOPS reallocated funds received or more for that same year after the close of that fiscal year.

**B16) How must CARE reallocated funds be expended?**

**ANSWER:** CARE reallocated funds must be expended specifically for grants and direct assistance to eligible students in object codes 7000B and 7000C.

**B17) Your district has recently determined that several 2011-12 EOPS grant checks, totaling \$300, were never cashed by the students. What does the Chancellor's Office require from the district at this point in time in 2013-14?**

**ANSWER:** EOPS should first make the effort to locate the students and, if necessary, re-issue the checks to them, since the college has already reported that the funds were spent. If it is not possible to locate the students, then the Chancellor's Office requires that the unspent funds be returned to the State in the form of a check from the district,

made payable to the Board of Governors-California Community Colleges, along with a revised 2011-12 EOPS final expenditure report that includes signatures.

**B18) Can EOPS and CARE funds be used to pay for retroactive EOPS/CARE salary increases?**

**ANSWER:** Current year EOPS and CARE funds may not be used to pay for retroactive salary increases in a prior fiscal year because State budget act language stipulates that categorical funds must be used in the fiscal year in which they were allocated.

**B19) In the Student Services Automated Reporting for Community Colleges (SSARCC) EOPS budget plan, why is activity 110 separate from the rest of component 100/category A duty description box in the position detail screen?**

**ANSWER:** Activity 110 is separated out to help the Chancellor's Office keep track of each program's EOPS administrative costs. EOPS administrative costs are salaries, benefits and discretionary costs related to the direct administration of the EOPS program and are defined as a) the EOPS-paid salary/benefits in activity 110, and b) EOPS discretionary costs in category A (i.e. object codes 4000A, 5000A, 6000A). The Department of Finance applied a statewide allowance of 7% (of the EOPS allocation) on EOPS administrative costs. SSARCC automatically tallies the EOPS administrative costs at the bottom of the EOPS budget plan screen.

**B20) Is it possible for CARE funds to pay for the salaries/benefits of student workers employed in the CARE program?**

**ANSWER:** Yes, CARE may pay for CARE students assigned to work in the CARE program. CARE students may be assigned as office workers, peer advisors, peer tutors, outreach workers, recruiters, etc., in the CARE program. As a supplemental funding source, CARE may pay up to 100 percent of the salary and benefits for any professional or student employees assigned to work in the CARE program, beginning in the 2017-18 fiscal year.

**B21) In the last fiscal year, the EOPS program at College Y included an EOPS/CARE counselor position that was assigned 50% time to EOPS and 50% time to CARE, with EOPS paying 100% of the salary and benefits. In the current fiscal year, the same position (with 50% time in EOPS and 50% in CARE) is now being paid 50% by EOPS and 50% by CARE. Is this an allowable use of current year EOPS and CARE funds?**

**ANSWER:** Yes. This is an allowable use of CARE funds because, commencing in 2017-18, CARE may pay up to 100% of the time assigned to CARE for new and existing, full-time and part-time CARE positions, including student workers.

**B22) Does the EOPS book service count against a student's unmet need?**

**ANSWER:** Yes. The EOPS book service does affect and reduce a student's unmet need. While the book service is considered a service and not a grant, the EOPS program is still required to forward the student's name to the campus Financial Aid Office in a timely manner because if a student files a Free Application for Federal Student Aid (FAFSA), then Financial Aid will need to use the EOPS book service

information in its calculations of the student's budget and unmet need. If a student has been fully-packaged by Financial Aid prior to receiving the book service, the book service could cause the student to be over-awarded.

**B23) Are there any exceptions to the EOPS book service only being used for required textbooks and workbooks? If yes, please explain the circumstances.**

**ANSWER:** Yes, if the required "textbook" is an instructional DVD or CD, etc., that is not available in textbook-format, then the EOPS book service may be used to cover the cost of the item. Also, if the required textbook is packaged (or "bundled") with computer CDs or other materials, then the EOPS book service may be used to pay for the textbook bundle.

**B24) How is the EOPS Part C (category C) obligation calculated? For what reasons may the EOPS Part C obligation be reduced?**

**ANSWER:** Per Title 5, Section 56298, the current year EOPS Part C obligation is calculated by taking the amount spent in Part C from the prior year EOPS final report, minus any prior year EOPS reallocated funds in Part C. The obligation is also calculated to reflect any reduction in your current year EOPS allocation, if applicable. The obligation may only be reduced to use in category B for an EOPS book service program and/or to meet the requirements of Title 5, Article 3. Article 3 covers the core EOPS services: outreach, orientation, recruitment, registration, assessments, counseling, peer advising, basic skills instruction, tutoring, transfer and career employment services.

**B25) Are colleges still required to submit an EOPS or CARE budget transfer request form when moving EOPS or CARE funds between categories?**

**ANSWER:** No, in accordance with the September 16, 2009 Chancellor's Office "Administrative Relief" memo. However, if the transfer of EOPS funds out of category C causes a college to drop below its EOPS Part C obligation, then the director is required to submit a Part C obligation waiver request in accordance with Title 5, Section 56298(a) and (c).

**B26) If an EOPS program requests to reduce its EOPS category C obligation for book services, is the minimum book expenditure requirement affected? If yes, how is it affected?**

**ANSWER:** If a director requests to reduce his program's category C obligation in order to augment book services, then the amount now required in book services supersedes the college's standing minimum EOPS book expenditure requirement for that year. For example, a program's current year minimum book expenditure requirement is \$100,000 and they spent \$150,000 in book services the previous year. This year they want to reduce their category C obligation from \$200,000 to \$0 to put the \$200,000 in their book services. They must spend at least \$350,000 in their current year book services even though their minimum book expenditure requirement is only \$100,000.

**B27) Can an EOPS program waive its book expenditure requirement?**

**ANSWER:** No. Each fiscal year, the program must at least meet its book expenditure requirement from EOPS funds, or return the unused EOPS book funds to the State, in accordance with the State Budget Act.

**B28) If an EOPS program spends more than what is required on textbooks from EOPS funds, will that increase the book expenditure requirement the following fiscal year?**

**ANSWER:** No. The Chancellor's Office expects the current book expenditure requirement for each college to remain unchanged unless and until the State Budget Act includes additional funds for EOPS that are specifically earmarked for required textbooks.

**B29) The student is taking an on-line distance education class. The textbook is optional, but a CD-ROM is required in order to take the on-line course. Can EOPS or CARE funds be used to purchase the CD-ROM?**

**ANSWER:** Yes, for both EOPS and CARE.

**B30) A course which is part of the student's approved Educational Plan requires a fee in addition to the textbook. Can EOPS or CARE funds be used to pay the fee?**

**ANSWER:** Yes, as long as the fee is permissible according to the Chancellor's Office Student Fee Handbook. The handbook is posted on the Chancellor's Office Legal Affairs Division website at: <http://extranet.cccco.edu/Divisions/Legal.aspx>

**B31) An EOPS student has been invited to become a member of an Honor Society that recognizes student academic achievement. Can EOPS and CARE funds be used to pay the membership fees for the honor society?**

**ANSWER:** Yes.

**B32) Can EOPS or CARE funds be used to purchase food and beverages?**

**ANSWER:** A district may, absent a specific prohibition to the contrary, use public funds, including EOPS and CARE funds, to purchase food and beverages for non-employees, including students, at district-sponsored functions, per a February 21, 1989 Chancellor's Office legal opinion. In addition, a district may, absent a specific prohibition to the contrary, use EOPS funds to purchase food and beverages for EOPS employees at district-sponsored functions, per a June 25, 1991 Chancellor's Office legal opinion.

**B33) Can EOPS and CARE funds be used to purchase school supplies that will not be disbursed to eligible students until the following fiscal year?**

**ANSWER:** Yes. "Consumable" items purchased with current year EOPS and CARE funds may be disbursed to eligible students after the close of the current fiscal year, as long as the items are not time-expired. Examples of consumable items include but are not limited to: flash drives, backpacks, pens, pencils, paper, binders, gas cards and bus passes.

**B34) It is two weeks into Spring term, you have just been notified that the EOPS Program has overspent the budget by \$80,000, because of the books that were issued to new and continuing EOPS students. It's no mistake! What are your options to balance the EOPS budget?**

**ANSWER:** First, determine if you have any unspent funds in other areas, which may be used to cover the over-expenditure. Then you may consider submitting a request for EOPS reallocated funds if your college meets the "good standing" criteria. (Please note that reallocated funds may or may not be available.) Otherwise, your district will be

required to use its funding to cover the over-expenditure of books for your EOPS students who are first and foremost students of the college. This amount may be added as part of your district contribution for that fiscal year.

**B35) Can EOPS and CARE funds be used to pay the post-employment health benefits for staff (GASB 45)? Can funds be used to pay for staff no longer working in the program?**

**ANSWER:** Yes, EOPS and CARE funds may be used to pay post-employment health benefits for eligible staff. Funds may not be used to pay for staff no longer working in the EOPS/CARE program.

Governmental Accounting Standards Board Statement 45 (GASB 45) establishes the standards for the measurement, recognition, and display of Other Post-employment Benefits (OPEB) expenses and related liabilities, and requires governmental entities to calculate their obligations for post-employment healthcare and other retiree benefits utilizing an actuarially determined valuation and recognize a liability for the cost of the benefits in the periods when the employer receives the related services. OPEB may only be included if the district has a contractual obligation to provide health benefits upon and during retirement. This obligation may vary from district to district and employment classifications. GASB 45 does not contain any provisions to require funding of the liability.

The appropriateness of charging the EOPS program and other categorical programs for post-employment benefits other than pensions has previously been addressed in a Chancellor's Office Accounting Advisory (No. 96-02, issued June 27, 1996) which authorized the districts to charge categorical programs for post-employment benefits for employees who are working in categorical funded programs, provided that the district has adopted the accrual basis of accounting.

Accounting Advisory No. 96-02 states: "On the accrual basis of accounting, the expenditure is recognized in the period in which the benefit is earned, not in the period in which the benefit is paid. If a district recognizes the post-employment costs on the accrual basis, such costs are generally recognized as employees rendering the service to earn or to be eligible to receive the post-employment benefit. Such benefits then are viewed as a form of deferred compensation that would be an appropriate current year cost when services are rendered. If a district has adopted the accrual basis of accounting, categorical programs may be charged for the cost of providing the future benefit to employees who are working in categorical funded programs. However, in order to determine the appropriate cost associated with a district's post-employment benefit(s), an actuarial study should be conducted on a periodic basis to determine the total district's future post-employment cost for all eligible district employees and the related costs associated with an individual employee(s)."

The advisory further states: "As long as the costs and the liabilities for the entire program are recorded on the district's books in accordance with the adopted actuarial methodology, the related annual post-employment benefits costs for categorically funded employees, including prior service costs of these current employees, may be charged to the categorical funds."

**B36) Can EOPS or CARE funds be used to pay for the extended leave (including but not limited to medical and administrative leave) of EOPS/CARE employees?**

**ANSWER:** In general, if EOPS and CARE employees are using sick leave or vacation time that was earned while working in EOPS and CARE, then EOPS and CARE may cover the expense. However, if the employee is using a district-offered leave plan that the district provides as an employee benefit, then the district shall cover the time off and it is not counted as district match.

**B37) Can EOPS or CARE funds be used to pay for the unused vacation time of an EOPS/CARE retiree?**

**ANSWER:** No. Retired EOPS/CARE employees are not actively employed in the program and not providing “over and above” EOPS and CARE services to eligible students. The district is responsible for paying for the unused vacation time.

**B38) What is college “double-dipping” and how does it apply to EOPS/CARE?**

**ANSWER:** Double-dipping is strictly prohibited by colleges and is defined in the California Education Code, section 84752(a), as “districts may not receive full-time equivalent students (FTES) funding for activities fully funded through another source.” For example, EOPS funds may pay for an instructor to teach EOPS-gearred Guidance and English development courses if the college is not collecting FTES for the courses. If the college is collecting FTES, then EOPS and CARE funds may not be used to pay for the instruction.

**B39) Who controls the EOPS/CARE budgets at the district/college level?**

**ANSWER:** The designated EOPS director is expected to control the EOPS/CARE budgets, including having final approval on all program expenditures, setting operational policies and implementing those policies and procedures.

**B40) What is the “95% guarantee”?**

**ANSWER:** The 95% guarantee is included in the Board of Governors-approved EOPS and CARE allocation formulas. Through the formulas, each EOPS and CARE program is guaranteed at least 95% of their prior year allocations in the current fiscal year, even if programs served less students in the prior fiscal year.

## **SERVICES TO STUDENTS:**

**S1) Can an EOPS/CARE counselor be used for general counseling?**

**ANSWER:** No. An EOPS/CARE counselor may only provide “over and above” counseling services to EOPS/CARE students. An EOPS/CARE counselor may only be used for general counseling if that general counseling time is not paid by EOPS or CARE and if district contribution is not claimed towards EOPS.

**S2) Is there an established counselor-to-student ratio for EOPS?**

**ANSWER:** No. The Chancellor’s Office has no written established counselor-to-student ratio. One option for determining number of counselors needed: determine the number of counseling hours needed per student; divide that number into the number of

available counseling hours to equal the number of students for which each counselor can provide counseling services; then multiple that number by the number of available counselors to determine how many students can be served.

**S3) One of our EOPs counselors has retired and the college will not fill the vacancy. We do not have any funds (categorical or others) to pay for a part-time counselor. The two remaining counselors want to keep the contact appointments to 45 minutes each, including the group counseling. Having 45 minute appointments means that we will not be able to see all students for their three mandatory EOPS contact requirements per semester. The counselors believe that the group counseling will cover this shortage.**

**ANSWER:** There are no specific requirements for providing group counseling, except that student privacy and confidentiality be maintained in the student(s)' best interests and that the EOPS counseling requirements are met. In general, small group counseling is offered in many EOPS programs to advise continuing EOPS students who share the same or similar majors for the first and third contacts, but rarely to new EOPS students. There are no specific limits with regard to the number of students provided assistance through group counseling, although 20 students is probably the upper limit in terms of size; there is no minimum number of students required for small group counseling. The primary concern is ensuring student privacy and confidentiality as well as the effectiveness of the services provided within this context.

**S4) Who can provide the second mandatory EOPS counseling contact? Must the contact be provided by a certificated counselor? Is it possible for an academic advisor, paraprofessional or graduate student/ counseling intern to provide the services?**

**ANSWER:** Non-certificated academic advisors or paraprofessionals may offer academic advisement to EOPS/CARE students, but only under the direct supervision of EOPS certificated counselors. Pages 34-35 of the EOPS Implementing Guidelines cites an example of the role of peer advisors and paraprofessionals: "Peer-advisors and paraprofessionals may provide follow-up contacts and preliminary progress checks to eligible EOPS students along with informal advising." Therefore, a graduate student or intern may assist the EOPS counselor in monitoring academic progress and suggest appropriate intervention strategies, but the EOPS director or EOPS counselor is required to review the intern's work and officially approve the intervention recommendations. The supervision of the graduate student or intern's work is especially important, because s/he is fulfilling a requirement for completion of the Master's program.

**S5) All EOPS counseling contacts in my program are 45 minutes each. Counseling is the most important EOPS service that is provided to the students. Due to retirements and lay-off of adjunct counselors, there are not enough counselors to provide the required EOPS counseling contacts each semester. Can the counseling requirement be waived? What options are available?**

**ANSWER:** Title 5 does not require that all counseling contacts be 45 minutes each. Each college program determines the duration of the counseling contacts. In keeping with the over-and-above mandates, EOPS counseling contacts are usually longer than general counseling appointments. Statewide, the average appointment is probably 25

to 30 minutes, but may vary from 75 minutes for the first contact to 20 minutes for subsequent contacts. The second contact is usually the shortest, unless the student needs specific assistance from the EOPS counselor. Title 5 does not permit a waiver for this section.

**S6) Which Title 5, Article 3 program standards may be waived?**

**ANSWER:** The following Article 3 program standards may be waived only if the college meets the established EOPS waiver criteria for those standards: full-time EOPS director, priority registration services, assessments, basic skills instruction, tutoring services, transfer and career employment services. EOPS counseling services may not be waived. EOPS priority registration services may be waived only if the college certifies that all EOPS students are able to enroll in all of their counselor-approved, required classes without the benefit of priority registration services.

**S7) Must every mandated counseling contact be conducted one-on-one between the EOPS/CARE student and an EOPS counselor?**

**ANSWER:** No. For any of the three required contacts, the Chancellor's Office prefers individual counseling contacts but will allow small group counseling sessions to address the realities and concerns of the larger EOPS programs in the State. To be counted as one of the required counseling contacts, group counseling sessions must meet the requirements of Title 5, Section 56236 and also be optimally beneficial to EOPS students. The groups should have similar majors. Please note that workshops and orientations must not be counted as one of the three required counseling contacts. One of the three mandated counseling contacts may be done by a paraprofessional or peer advisor.

**S8) Are EOPS and CARE required to keep hard-copy educational plans for current students or are electronic educational plans acceptable?**

**ANSWER:** Both hard-copy and electronic educational plans are acceptable as long the educational plans are accessible upon request during a district audit, on-site categorical program review, or other type of program evaluation. A hard-copy educational plan shall be signed by both student and counselor as verification that both reviewed and agreed to the sequence of courses. Any updates should be at least initialed and dated by student and counselor. On-line educational plans do not require "wet" or electronic signatures. The college EOPS/CARE program is still responsible for ensuring that sufficient interaction about the development of and updates to the educational plan is still taking place between the student and the EOPS/CARE counselor.

**S9) The EOPS program at College X provides EOPS book service vouchers to EOPS students who are non-CARE, and provides CARE book service vouchers only to CARE students. Is this an allowable use of CARE funds?**

**ANSWER:** No. CARE students are first equally entitled to the EOPS book service vouchers and then also to any supplemental CARE book service vouchers. CARE funds may not be used to supplant and federal, state (including EOPS funds) and local assistance or services, to which CARE students are entitled.

**S10) Is there a dollar limit on EOPS grants?**

**ANSWER:** Yes. Title 5, section 56254 imposes a limit on EOPS grant and EOPS workstudy awards. EOPS grants are limited to \$900 per student in an academic year or the amount of unmet need, whichever is less. EOPS workstudy is limited to \$1,800 per student in an academic year or the amount of unmet need, whichever is less. No combination of EOPS grants and EOPS workstudy awards may exceed \$1,800 per student in an academic year or the unmet need, whichever is less. EOPS textbook services from category B funds are not included in the \$900 limit on EOPS grants.

**S11) An EOPS/CARE student is not eligible for federal financial aid because s/he has defaulted on a loan and has not rehabilitated the loan (i.e. made monthly payments to repay the loan that are agreed upon between the student and the holder of the loan). Is the student still eligible for an EOPS or CARE grant?**

**ANSWER:** Yes, unless there is a district/college policy that prohibits students in default from receiving State aid, including EOPS and CARE grants.

**S12) The EOPS/CARE Office is located in the One Stop Service Center. There is always a person stationed at the reception desk to greet and direct students to the appropriate office, i.e. Admissions & Records, Financial Aid, DSPS, General Counseling, CalWORKs, EOPS and CARE. Can an EOPS staff person work as a receptionist to greet and direct students to the appropriate office? Can EOPS pay a portion of the receptionist's salary/benefits?**

**ANSWER:** The EOPS staff person may not work as the receptionist because he/she would be serving non-EOPS students. EOPS may not pay a portion of the salary/benefits, nor may district contribution be claimed towards EOPS.

**S13) Please describe each of the following: EOPS book grant; EOPS book Service; EOPS book loan; and EOPS book rental. Include the relative elements of each (financial aid, student eligibility, budget reporting).**

**ANSWER:**

EOPS Book Grant – is considered direct aid to the student and is part of the student's financial aid package to help reduce unmet need. Student must have completed their financial aid processing and have been determined to have unmet need.

- EOPS director determines the level of grant.
- EOPS book grant may be given in the form of a check or a voucher to the bookstore.
- May be used to purchase required textbooks, workbooks or other related materials such as CD for language classes or DVD of prepared classroom lectures.
- Books are property of the student and they cannot be required to return the books to the EOPS Office.
- To be eligible for a book grant, new student at minimum must be accepted into EOPS, have signed the Mutual Responsibility Contract, and have a counselor- approved class schedule for the term in which book grant is being issued, plus have documented unmet need.
- Expenses shown in object code 7000, category C.

EOPS Book Service – is considered a service to the student and provides EOPS students with books necessary for their success in reaching their educational goals and objectives.

- EOPS director determines the level of service.
- Students must be EOPS eligible and may or may not have completed the financial aid application process.
- EOPS must notify the campus Financial Aid Office in a timely manner of any student who receives a book service because the book service is considered a resource by the Financial Aid Office when calculating a student's total aid eligibility.
- EOPS book services may be given in the form of a voucher, but not as a grant check.
- EOPS may reimburse student for purchased required textbooks.
- May only be used to purchase required textbooks and workbooks for classes enrolled in. May not be used for other class/program related materials or supplies.
- Books are property of the student and they cannot be required to return the books to the EOPS Office.
- To be eligible for book service, new student at minimum must be accepted into EOPS, have signed the Mutual Responsibility Contract, and have a counselor- approved class schedule for the term in which book service is being issued.
- Expenses shown in object code 7000, category B.

EOPS Book Loan – is an alternative to the book grant or book service. This is similar to a library for the EOPS students.

- EOPS director determines how and where the book loan program will be established and implemented.
- EOPS book loan is only available for EOPS students.
- Book may be purchased by the EOPS program for student use.
- Expenses shown in object code 4000, category B.
- Discretionary cost limit of 10% of the EOPS budget or \$50,000, whichever is less applies to these expenditures.
- Books are property of the EOPS program and students are required to return the books to the EOPS Office.
- Books may be obtained by student donations (EOPS and non-EOPS students). Students may not be required to donate books.
- To be eligible for the book loan program, a new student at minimum must be accepted into EOPS, have signed the Mutual Responsibility Contract, and have a counselor- approved class schedule for the term in which book loan is being provided.

EOPS Book Rental – this is something new and would be considered a direct service to EOPS students. Students rent the required textbook for the term.

- EOPS director determines the level of service.

- Students must be EOPS eligible and may or may not have completed their financial aid application process.
- EOPS must notify the campus Financial Aid Office in a timely manner of any student who receives a book rental because the book rental is considered a resource by the Financial Aid Office when calculating a student's total aid eligibility.
- EOPS book rental may be given in the form of a voucher, but not in the form of a grant check.
- EOPS may reimburse student for rented, required textbooks.
- May only be for required textbooks for classes enrolled in.
- Books are property of the rental entity (bookstore) and must be returned in the same condition as rented.
- Student is responsible for any damages.
- To be eligible for the book rental program, a new student at minimum must be accepted into EOPS, have signed the Mutual Responsibility Contract, and have a counselor- approved class schedule for the term in which book rental service is being provided.
- Expenses shown in object code 7000, category B.

Additional research is being completed regarding all that may be allowed with EOPS funds.

*Note: the term "book voucher" describes the process for providing the book service, book grant and/or book rental to EOPS students and, in itself, is not considered a program (service or grant).*

**S14) An EOPS student is enrolled in distance education courses. The student states he/she cannot come into the EOPS office for the mandatory counseling/advising contact. How would you handle this situation?**

**ANSWER:** A distance education student is not necessarily required to receive the mandatory counseling contacts through face-to-face contact. The EOPS Implementing Guidelines on page 35 state, *"For those students taking distance education courses in which the proximity of the student's residence in relation to the EOPS Office prevents in person contacts with the counselor, the EOPS program may choose to provide counseling in another format other than face-to-face, such as documented telephone conversations, online contact, email or teleconference, but not by correspondence through the U.S. mail or FedEx, etc."* Between the student and his/her counselor, a mutually agreeable arrangement should be worked out (and reflected in the Mutual Responsibility Contract) to ensure that the student receives the mandatory counseling contacts.

**S15) The college is charging all students a mandatory fee for health services. Can EOPS and/or CARE funds be used to pay for student health fees? If this is an allowable expenditure, please identify where this expense would be shown in the EOPS and/or CARE budget?**

**ANSWER:** EOPS and CARE funds may be used to pay the health fees for EOPS and CARE students. However, there are restrictions. If EOPS funds are used, then the health fees of all EOPS students, including CARE students, would be paid. EOPS cannot pay for EOPS-only students and CARE pay for the CARE students. CARE students are EOPS first. If only CARE students are having the health fees paid, then only CARE funds can be used, not EOPS funds. This fee should be charged to object code 7000, category B.

**S16) Can EOPS and CARE pay for the Spring 2016 graduation ceremony cap and gown of a student who graduated in December 2015?**

**ANSWER:** Yes. For students who were served by EOPS/CARE for at least one term during the 2015-16 academic year (i.e., Summer 2015, Fall 2015, Winter 2016 or Spring 2016), EOPS/CARE may pay for the caps and gowns for commencement exercises taking place in 2015-16.

**S17) How many University of California (UC) and California State University (CSU) admissions application fee waivers are EOPS students entitled to as delineated in the California Education Code, Article 8?**

**ANSWER:** Each EOPS student is entitled to four UC fee waivers and four CSU fee waivers. Additional fee waivers may be paid for by EOPS, as funds are available.

**S18) Can EOPS and CARE pay for the admissions application fees for students applying to private in-state or out-of-state colleges and universities?**

**ANSWER:** Yes, as an “over and above” transfer service.

**S19) The EOPS/CARE program at College Z is holding its end-of-the-year academic recognition ceremony to honor those EOPS/CARE students who have earned a Certificate of Achievement, Associates degree, are transfer-bound or who have reached the 70 degree-applicable unit/six EOPS semesters limit. May the program include EOPS/CARE students who achieved one of these goals prior to the spring term but in the current academic year?**

**ANSWER:** Yes. For EOPS/CARE students who achieved these goals during the current academic year, EOPS/CARE may include them at this event.

**S20) May EOPS and CARE grants be awarded as “incentives” for reaching and maintaining a specific Grade Point Average (GPA) or for completing a specific number of units?**

**ANSWER:** No. EOPS and CARE are not scholarship programs. To be eligible for EOPS and/or CARE grants, students must be program eligible and have “unmet need”, according to Financial Aid records and in accordance with Title 5 regulations. Grants should be awarded equitably to all eligible students. For example, each student may be awarded the same percentage of their unmet need, up to the \$900 limit on EOPS grants per student in an academic year, or the same dollar amount per student up to “unmet need”. CARE does not have a similar dollar limit per student. Although EOPS/CARE programs are allowed to require students to maintain a 2.0 GPA to be in line with federal financial aid academic requirements, a 2.0 GPA criteria should not be used in programs that serve students who are genuinely trying but unable to maintain a 2.0. Additional, higher GPA requirements may not be implemented as this would be contrary

to the intent of Title 5 of serving struggling students with educational and financial disadvantages and it will have the effect of further limiting access to grants for eligible students with unmet need.

**S21) Students enrolled in distance education classes at your college are incarcerated in a nearby correctional facility. They have heard that EOPS provides free textbooks for low-income students. Can EOPS offer them book services? Does EOPS have to provide the students with any other services?**

**ANSWER:** Yes. EOPS book services may be awarded to incarcerated students if they meet EOPS eligibility criteria (i.e., California residency requirements prior to date of incarceration, educational disadvantage as per Title 5, BOGFW-A and BOGFW-B status, and full-time enrollment at time of acceptance into EOPS). To receive EOPS services, students must abide by the terms stipulated in the EOPS Mutual Responsibility Contract and therefore must be provided with the mandated orientation, three counseling contacts per semester, and education plan. Incarcerated students do not receive grants, but can be provided essential non-cash supportive services, such as orientation, academic planning and counseling, tutoring and textbooks.

**S22) How can EOPS offer counseling and other services to incarcerated students if they are locked up in a correctional facility? Inmates in county jails, prisons and other correctional facilities generally have restricted, limited or no access to those vehicles of communications that we take for granted. They do not have access to the Internet, e-mail, teleconferencing, videoconferencing or unrestricted telephone use. Written communications and mail are screened, monitored and sometimes censored; timely delivery of mail is problematic.**

**ANSWER:** Although incarcerated, these students must be provided with the same or comparable services that are offered to all other EOPS students at the college. EOPS programs that provide counseling and other services to incarcerated students must therefore arrange with correctional facility staff to schedule one-on-one counseling appointments with the students on the premises, which are monitored under secure conditions. To the best of its ability under these circumstances, EOPS must ensure the privacy and confidentiality of academic counseling sessions conducted with incarcerated EOPS students. EOPS orientation may be conducted one-on-one or in small group sessions as appropriate.

**S23) At College X, the CARE program requires that its CARE students attend two workshops per semester to receive their CARE grants. During Spring 2012, one CARE student attended one workshop before dropping all of her classes mid-semester, and then attended the second workshop after dropping all classes. Is this student eligible to receive the full amount of the CARE grant for Spring 2012, or does she receive half of it only? What is the correct procedure? (Question added in March 2013)**

**ANSWER:** The EOPS/CARE Mutual Responsibility Contract should stipulate the conditions under which a student is eligible to receive EOPS and CARE grants and services. Standard requirements may include that they fulfill all mandatory counseling contacts, use EOPS priority registration, maintain reasonable academic progress towards an educational goal and achieve a 2.0 GPA at minimum. Many MRC's also require participation in "x" of workshops for CARE students. If the EOPS/CARE MRC at College

X states similar requirements, then the student is *not* eligible to receive any supportive services, including CARE grants, because she withdrew from all classes mid-semester. As of the withdrawal date documented by the college, she was no longer eligible for EOPS and CARE or any EOPS/CARE services and grants, because she failed to comply with the minimum requirements to receive services and grants.

If, however, EOPS/CARE has pro-rated the awarding of grants in the past to students who partially fulfilled MRC requirements, then it should continue to do so, but it is not good policy and unfair to the other students who dutifully complied with the MRC and the intent of EOPS and CARE.

In the best interest of the program, the staff and EOPS/CARE advisory committee members should consider discussing changes to the MRC. Once agreed upon, the policy changes should be in writing, included in the updated MRC, and shared with all students during orientation and mandatory counseling contacts. It is important for EOPS/CARE to be consistent in applying the program policies, so there is no misunderstanding about program expectations and responsibilities.

**S24) A student applying for CARE has been told by her county CalWORKs case manager that the county won't pay for books and child care, because she is required to use her college financial aid, including EOPS and CARE. The student is a nursing major in good academic standing and has five children ages 1 to 10. Should EOPS and CARE pay for the student's books and child care? How should the student be advised?**

**ANSWER:** A student is not required to use her college financial aid. The county cannot force the student to use her financial aid to pay for educational costs or supportive services in her approved Welfare-to-Work plan. Under state law, CalWORKs Welfare-to-Work pays for items that are needed to fulfill assigned Welfare-to-Work activities or to work. These supportive services are child care, transportation, ancillary expenses (such as tools, uniforms, books or school supplies) and personal counseling. At the time that she gives the agency verification form to her case manager, the student should also submit a signed WTW 8 form – Student Financial Aid Statement that indicates one of the following: 1) NO, she does not want to use her financial aid to pay for supportive services; 2) YES, she voluntarily agrees to use her financial aid to pay for supportive services; or 3) STOP, she no longer want to use her student financial aid to pay for supportive services. The county must abide by the student's wishes. Otherwise, the student may request a state hearing.

**S25) County CalWORKs is paying for all of the required supportive services (child care, books, supplies, uniforms, monthly bus pass) for a CARE student attending your college. The county does not pay for child care during study time as part of the Welfare-to-Work program. Can CARE assist with child care services for study time? Is this “over, above and in addition to” county-paid services?**

**ANSWER:** Yes. CARE can pay for services if they are not provided by any other federal, state and local programs that assist the student. Title 5 regulations, Section 56252 and CARE Program Guidelines clearly delineate the order of who pays first. In this student's situation, county CalWORKs pays first, then college financial aid, then

college CalWORKs, then EOPS, and lastly CARE. Because no other resource will pay for study time child care, CARE can provide this valuable service to the student.

**S26) I have a student who is applying to EOPS and/or CARE, but at the same time is going through the CalWORKs process. So I might have a student who qualifies for an EOPS book voucher, but tells us that she is also in the process to get CalWORKs services. Do I wait until her CalWORKs process is completed so that the county pays for the books or can I give her an EOPS book voucher?**

**ANSWER:** In the interest of getting the required textbooks to the student as early in the term as possible, give the EOPS book voucher now. Who knows when the county will conclude the student's CalWORKs contract? It could be tomorrow or next week or later. The student should also give the county caseworker a copy of the WTW 8 form to request that the county pay for all ancillary services (textbooks, school supplies, child care, transportation, uniforms, etc.). Here is a link to a fillable PDF of the WTW 8 form. <http://www.cdss.ca.gov/cdssweb/entres/forms/English/WTW8.pdf>

**S27) If an EOPS/CARE/CalWORKs student is receiving CalWORKs services and her mileage is paid by the county, can she be awarded a gas card from EOPS/CARE?**

**ANSWER:** No, because the county would consider this double-dipping and therefore sanction the student. Award the student a supportive service that is not already paid by the county, e.g., campus parking permit, auto maintenance service (oil change or tune-up for less than \$100 per semester), etc.

**S28) A CARE student receives cash aid for his oldest son (5 years old) only. The county covers child care expenses for that son. A second son was born 16 days ago, but the baby is ineligible for cash aid because the student did not realize that he had to stop all cash aid 60 days before the birth for the baby to qualify. The student has a full class schedule this fall and his wife is incarcerated, so he needs child care for the infant. If the student receives cash aid for his one son, does that allow him to receive CARE child care services for the other?**

**ANSWER:** CARE may award child care assistance for the student's infant, even if the baby does not receive cash aid, because the student's eligibility for CARE was determined by his oldest son receiving cash aid.

#### **OTHER:**

**O1) How long should EOPS student files be retained at the college?**

**ANSWER:** For at least three fiscal years after the student exits EOPS or five fiscal years if there has been an audit exception or longer than five years if your district has a policy that requires longer retention.

**O2) Describe at least one situation in which you would want the input of your EOPS advisory committee.**

**ANSWER:** Situations may include recommendations in policy decisions/changes relating to program eligibility (whether to use educational disadvantage criteria #5; limiting number of completed units upon acceptance) or development of new services previously not offered; advocacy for staffing changes/additions; contacts with community for referrals for students; other.

**O3) How should EOPS and CARE dispose of old equipment?**

**ANSWER:** The Chancellor's Office legal counsel has indicated that equipment with monetary value, whether purchased with EOPS funds or pledged as district match, should continue to be devoted to the support of the EOPS program. If the EOPS program no longer has need for the equipment, then the district may dispose of it based on its rules for sale or disposal of used equipment and devote any money generated to support the EOPS program. These funds are to be held in an account that is separate from the current year state EOPS allocation. If the district wishes to transfer the equipment to another campus program, then they need to assess its remaining value and increase its contribution to the EOPS program in an amount equal to that residual value. Obsolete or damaged EOPS equipment with no monetary value should be disposed of by the district in accordance with its policy for the surplus of old campus equipment. CARE equipment should be handled in the same manner as EOPS equipment.

**O4) College X provides summer session classes that begin on June 20, 2017 (i.e., before the end of the 2016-17 fiscal year). The EOPS program will provide one summer EOPS counseling contact for EOPS students attending summer classes. Do these students get reported in the 2016-17 or 2017-18 MIS EOPS data elements?**

**ANSWER:** EOPS students enrolled in summer 2017 class(es) are reported in the 2017-18 MIS EOPS data elements. For MIS purposes, the summer term, even if it begins before the end of the fiscal year, is the first term of the academic year.