

CALIFORNIA COMMUNITY COLLEGES

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DATE: May 3, 2017

SS 17-07
VIA E-MAIL

TO: Chief Executive Officers
Chief Business Officers
Chief Instructional Officers
Chief Student Services Officers
Academic Senate Presidents
Financial Aid Officers

FROM: Pamela D. Walker, Ed.D.
Vice Chancellor, Educational Services

SUBJECT: Clarification of Assembly Bill 801 and Senate Bill 906 Requirements

On September 21, 2016, Governor Brown signed [Assembly Bill \(AB\) 801](#), (Bloom) The Success for Homeless Youth in Higher Education Act, into law. California Education Code sections [66025.9](#), [67003.5](#), [69514.5](#), [69561](#) and [76300](#) were modified to define and prescribe certain services to foster youth, former foster youth and homeless youth. That same day, the governor also signed [Senate Bill \(SB\) 906](#) (Beall) Public Postsecondary Education: Priority Enrollment Systems to refine the definition of foster youth and remove prior sunset provisions regarding the eligibility for foster youth to receive enrollment priority at California Community Colleges, California State University (CSU), and University of California (UC).

The purpose of this memorandum is to identify the required actions and provide clarification and guidance on the implementation of changes to existing law based on the passage of AB 801 and SB 906. These changes are described herein and became effective January 1, 2017.

Eligibility for Priority Enrollment

SB 906 amended Education Code section 66025.9(a) to rescind the prior sunset provision for foster youth enrollment priority.

Homeless youth receive enrollment priority through January 1, 2020.

Foster Youth and Former Foster Youth

SB 906 amended Education Code section 66025.9(b)(1) to state that foster youth and former foster youth mean persons whose dependency was established or continued by the court on or after the youth's 16th birthday and who are no older than 25 years of age at the commencement of the academic year.

Determination of Homeless Youth Status

AB 801 amended Education Code section 66025.9(b)(2) to state that “homeless youth” means a student under 25 years of age, who has been verified at any time during the 24 months immediately preceding the receipt of his or her application for admission by at least one of the following as a homeless child or youth as defined in subsection (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2).)

- (i) A homeless services provider, as defined in the Health and Safety Code, section 103577(b)(3).
- (ii) The director of a federal TRIO program or Gaining Early Awareness and Readiness for Undergraduate Programs program, or a designee of that director.
- (iii) A financial aid administrator for an institution of higher education.

For priority enrollment purposes, a student who is verified as a homeless youth within 24-months prior to their admission application shall retain that status for a period of six years from the date of admission to the postsecondary educational institution or until the age of 25, whichever comes first. The priority enrollment would be equal to that which is provided to California Work Opportunity and Responsibility to Kids (CaWORKs), Disabled Student Programs and Services (DSPS), Extended Opportunity Programs and Services (EOPS), Foster Youth, and Veteran students.

Once homeless youth status is verified, it will remain in place as long as the student attends in that district, even with breaks in enrollment, until the student reaches the age of 25. However, if a student applies and receives homeless youth status verification in one district, and subsequently applies in another district, they may risk losing their homeless youth status in the new district if they are unable to verify the student as having been a homeless youth within the 24 months prior to their application in the new district.

Designation of Homeless and Foster Student Liaison

Per AB 801, Education Code section 67003.5 was added to require an institution to designate a staff member to serve as the Homeless and Foster Student Liaison. That person is responsible for understanding the provisions of the federal Higher Education Act pertaining to financial aid eligibility of current and former foster youth and homeless youth, including unaccompanied homeless youth. The liaison must also identify and inform students of available and appropriate services, including student financial aid and other assistance, and their eligibility as independent students under section 1087vv of the federal Higher Education Act.

Note that no requirement is made that a single individual serve both groups and there is no requirement the liaison(s) work in any specific campus office. In selecting appropriate persons as liaisons, remember that the overarching goal of the law is to ensure that homeless youth and current and former foster youth receive appropriate services to support their success in college. Accordingly, please carefully examine rules governing the specific students who may be served by staff of varying categorical programs, if considering categorical program staff for these roles.

Additionally, in keeping with recently issued guidance regarding the integration of programs and resources including the Basic Skills Initiative (BSI), Student Equity Program (SE), and Student Success and Support Program (SSSP), it is recommended that colleges look across multiple programs and funding streams to ensure these students receive appropriate services. All students, including students identifying as current and former foster youth and homeless youth, have multiple supportive touch points along their educational pathway. Identifying one or more staff persons who are familiar with, and can effectively refer students to available services, to serve as the primary points of contact, will ensure the best outcomes for these students.

Eligibility for a Board of Governor's Fee Waiver

AB 801 amended Education Code section 76300(g) to state that a student verified as homeless at their time of enrollment is eligible for a Board of Governor's (BOG) fee waiver. For fee waiver eligibility, homeless youth means a student under 25 years of age, who has been verified at any time during the 24 months immediately preceding the receipt of his or her application for admission. These students must meet the minimum academic and progress standards.

Use of Professional Judgement

The use of professional judgment authorized for the BOG Fee Waiver B and C in the [Board of Governors Fee Waiver Program and Special Programs Manual](#), section 4.4.2, does not extend to the determination of a student's homeless status.

Application of professional judgment may be exercised only to change data elements germane to the determination of a student's Expected Family Contribution and Cost of Attendance, and to change a student's dependency status from dependent to independent. No professional judgment authority is extended to modifying the definition of a homeless student or the time periods for which verification is made under AB 801.

Which Designation is Best for the Student?

With no specific means testing or need analysis or reference to waivers of other fees, homeless youth would not automatically qualify for those additional waivers. Be aware that homeless youth may be better off if determined for a BOG Fee Waiver eligibility under methods A, B or C. Students who qualify for method A, B or C with \$0 Expected Family Contribution may be eligible for the Extended Opportunity Programs and Services (EOPS) if they meet the additional EOPS eligibility criteria and the student may qualify for other federal, state and campus programs. We recommend that colleges determine whether the student meets the homeless definition even if the student qualifies for a fee waiver under methods A or B and that the student can complete the FAFSA or Dream Act Application for other student financial aid.

Detailed federal guidance regarding serving homeless youth and unaccompanied minors is available in this [Dear Colleague letter issued by the U.S. Department of Education](#). This guidance includes an expansive explanation of the definition of "homeless children and youth" per the McKinney-Vento Homeless Assistance Act and information and may be helpful regarding the provision of financial aid support to students who do not qualify under the provisions of AB 801.

Additional Requirements in the Law:

Education Code section 69514.5 adds homeless youth, as defined in section 66025.9, to the students to be served by the Community College Student Financial Aid Outreach Program administered by the Student Aid Commission to provide financial aid training to high school and community college counselors and advisers who work with students planning to attend or attending a community college.

Education Code section 69561 adds homeless youth, as defined in section 66025.9, to the students to be served by the [Student Opportunity and Access Program](#) (CalSOAP) administered by the Student Aid Commission.

You may wish contact the [Student Aid Commission](#) regarding products, services and messaging for homeless youth through the Community College Student Financial Aid Outreach Program and CalSOAP.

It is imperative that districts fully review all of the provisions of Assembly Bill (AB) 801 and the changes applicable to foster youth. The Chancellor's Office will provide districts with updated information as it becomes available and if it results in any changes from the guidance provided in this memorandum.

Contact: Please contact Bryan Dickason for questions concerning homeless youth determinations and fee waiver eligibility at bdickason@cccoco.edu or (916) 323-5952.

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