CHANCELLOR’S OFFICE

BOARD OF GOVERNORS
FEE WAIVER PROGRAM
AND
SPECIAL PROGRAMS

MANUAL

Revised October 2015
California Community Colleges Chancellor’s Office
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1. INTRODUCTION

This manual is produced to assist community colleges in the administration of the Board of Governor’s Fee Waiver program.

This manual is not designed to be a universal policy manual for campuses. The development of campus policies is a campus responsibility developed specifically to serve the students at that college. All campus policies must be in compliance with this manual, federal or state laws or regulations and are published in the college’s financial aid office Policy and Procedures Manual.

In the event of an audit of the colleges Financial Aid Office, auditors will look to see whether the campus have been following its own policies and procedures in the administration of the Board of Governor’s Fee Waiver Program.

1.1 Program Purpose

The waiver of student fees provided by the Board of Governors (BOG) Fee Waiver Program is designed to ensure that the fee policies of the California Community Colleges (CCC) are not a financial barrier to education for any California resident or eligible non-resident. Enrollment fees for CCC students are determined annually by the Legislature and the Governor and can be adjusted whenever it is deemed appropriate. These fees are waived for needy students as defined by the BOG Fee Waiver program through appropriations assessed in the annual state Budget Act.

1.2 Program Description

1.2.1 Several paths to eligibility

Students can be determined eligible in one or more of the following three primary parts of the BOG Fee Waiver program authorized in the California Education Code (CEC). The CEC also authorizes BOG Fee Waivers for students in the special situations as described starting in Section 6.1 of this manual.

The California Code of Regulations (CCR) in Title 5 (see Appendix 2). refers to the three primary parts in the following manner:

- Part A = CCR Section 58620(b)(2)
- Part B = CCR Section 58620(b)(1)
- Part C = CCR Section 58620(b)(3)
**Note:** In addition to parts A - C above, there are 5 other Special Eligibility classifications mandated in CEC Section 76300(h – l) which are described in Section 6 of this manual.

Part A eligibility is for students receiving TANF, SSI/SSP and/or General Assistance, as well as those identified under the Special Eligibility categories listed in Section 6 of this manual. Note that eligibility for Part A benefits is confirmed if SSI benefits are received by the student in his or her name. SSI received in the parent’s name for a dependent student would not automatically qualify the student. In addition, please note the potential eligibility of these students for other student services programs as discussed in Section 6.1 of this manual.

Part B eligibility is for students who meet strict low-income criteria. The income levels are adjusted annually and are listed in Appendix 11.

Part C eligibility is for students whose demonstrated financial need is at least equal to the enrollment fees for a full-time student (12 units per term). Based on $46 per unit, for 2015-16 the minimum need is $1,104. Students will remain eligible for a BOGFW to cover any number of units as long as they demonstrate financial need equal to or greater than the minimum.

At the discretion of the campus, students enrolled in 12 units total for an academic year may participate with only $552 in financial need if otherwise eligible.

### 1.2.2 Handling of parking services

Colleges may charge students and employees for parking services. These are not to exceed fifty dollars ($50) per semester and twenty-five dollars ($25) per intersession. The fee shall only be required of students and employees using parking services and shall not exceed the actual cost of providing parking services.

Students who receive fee waivers are exempt from the portion of parking fees that exceeds thirty dollars ($30) per semester.

Eligibility for partial parking as described in CEC 76360(a) would require that Part C Fee Waiver applicants meet the aforementioned “minimum need” standard for these additional benefits.

### 1.2.3 Handling of health fees

A college may require students to pay a fee in the total amount of not more than $19 per semester, $16 per summer session or each intersession of at least four weeks, or $16 for each quarter for health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, or both. See CEC 76355(a) in Appendix 15.

Eligibility for health fee waivers, when permitted under local board policy (see CEC 76355) would require that CCR Section 58620(b)(3)
Fee Waiver Applicants meet the minimum need standard for these additional benefits. The college has the authority to determine whether health fees will be waived and for whom (see Appendix 2).

1.2.4 Additional program eligibility and fee provisions

**Extended Opportunity Program and Services (EOPS):** Students who are eligible under CCR Section 58620(b)(2), except as noted in Section 6.1 of this manual, or under CCR Section 58620(b)(1) are eligible to be referred to the EOPS to be considered for support services such as counseling and tutoring. If a student is determined to have a zero EFC based upon the completion and analysis of the FAFSA or Dream Act Application, the student qualifies for CCR Section 58620(b)(1) referral to EOPS. CCR Section 58620(b)(3) recipients who as of the date of referral also meet CCR Section 58620(b)(2) or CCR Section 58620(b)(1) criteria are eligible for referral.

**Other Fee Exemptions:** Eligibility for a BOG Fee Waiver may relate to other factors, (e.g., partial parking exemption) of the community colleges.

The treatment of veterans education benefits for financial aid purposes is handled in Section 1.5.4 of this manual.

Please refer to the Student Fee Handbook on the CCCCO Legal Department web page at [http://extranet.cccco.edu/Divisions/Legal.aspx](http://extranet.cccco.edu/Divisions/Legal.aspx)

1.3 Program Authority

1.3.1 The law

The BOG Fee Waiver Program is authorized in California Education Code (CEC) Section 76300 (see Appendix 1).

Student equity plans are authorized in CEC Section 78220.

Many sections of the CEC are available in the appendices as referenced above and throughout this manual.

1.3.2 The regulations

The BOG Fee Waiver program is regulated through Title 5 of the California Code of Regulations (CCR), Sections 58600-58630 (see Appendix 2).

Many sections of the CCR are available in the appendices as referenced above and referenced throughout this manual.
1.3.3 Sub-regulatory guidance

Additional guidance on the administration of the BOG Fee Waiver Program is offered by the California Community Colleges Chancellor’s Office through this manual, program updates, and training materials.

This manual supersedes previously published manuals and Q and A documents, as well as any previous information disseminated through memorandums or correspondence prior to the effective date of this manual.

Going forward, subsequent Q and A documents, memorandums and correspondences may supersede portions of this manual until the next BOGFW manual revision. Colleges are responsible to retain, and assure compliance with, these superseding directives.

1.4 Multi-Campus Districts

Districts are free to adopt district-wide policies or campus specific policies in the BOG Fee Waiver program as long as those policies do not conflict with this manual, federal or state laws or regulations and are published in the college’s financial aid office Policy and Procedures Manual.

1.5 Definitions

1.5.1 Income included in eligibility determinations

In determining Part B eligibility, if an applicant for the BOG Fee Waiver is classified as an independent student, only the applicant’s income and the income of his/her spouse or registered domestic partner is counted. If the student is classified as a dependent student, only the student’s parent(s)’ income and the income of the parent’s registered domestic partner is counted.

Starting with the 2017-18 application year, the FAFSA application will ask for student and parent income data from the “prior prior” year which, for 2017-18, will be the 2015 tax year. Federal tax returns for the 2015 year should be available since, even with a filing extension, the student and parent’s tax return would have been filed by the time of application.

1.5.2 Total Income for independent students

The Total Income for an independent student is the same as the "Total Income" figure which is a sub-calculation used in federal needs analysis except in cases where the student has a California registered domestic partner. In this instance, both the student’s and their registered domestic partner’s income is included.

As prescribed in the federal methodology, the Total Income is the sum of the taxable and non-taxable income less any "Additional Financial Information as taken from the student’s FAFSA or Dream Act Application. These three income categories are described below.
Total Income = Taxable income or wages + untaxed income – additional Financial Information

Taxable income or wages for independent students is:

- the student’s, and the student’s spouse or registered domestic partner’s, Adjusted Gross Income (AGI) as taken from the student’s submitted IRS 1040 form (any version); or
- for students who do not file a tax return, the total of their earned income and the earned income of their spouse or registered domestic partner

Untaxed income for independent students includes:

- payments to tax-deferred pension and retirement savings plans, such as 401k plans
- IRA deductions and payments to self-employed SEP, SIMPLE, Keogh and other qualified plans
- child support received for any of the student’s children.
- tax exempt interest income from IRS Form 1040
- untaxed portions of IRA distributions from IRS Form 1040
- untaxed portions of pensions from IRS Form 1040
- untaxed portions of health savings accounts
- housing, food and other living allowances paid to members of the military, clergy and others
- veterans non-education benefits, such as Disability, Death Pension, or Dependency & Indemnity Compensation
- other untaxed income, such as workers’ compensation and disability payments
- money received, or paid on the student’s behalf (e.g., bills), not reported elsewhere on the FAFSA or Dream Act Application. This would include money that the student received from a parent whose financial information is not reported on the FAFSA or Dream Act Application and that is not part of a legal child support agreement.

Untaxed income does not include the following. These are not to be reported anywhere on the FAFSA or Dream Act Application or included in calculating the Total Income:

- extended foster care benefits
- untaxed student financial aid
- earned income credits
- additional child tax credit
- welfare payments
- untaxed Social Security benefits
- Supplemental Security Income
- Workforce Investment Act educational benefits
- on-base military housing or a military housing allowance
- combat pay – untaxed combat pay is not counted
- benefits from flexible spending arrangements (e.g., cafeteria plans)
• foreign income exclusion
• credit for federal tax on special fuels

Additional Financial Information for independent students is:

• education credits taken on the student’s IRS 1040 form such as the American Opportunity Tax Credit and Lifetime Learning Tax Credit.
• child support payments paid
• taxable earnings from need-based employment programs, such as Federal Work-Study
• taxable student grant and scholarship aid reported to the IRS in the student’s adjusted gross income
• combat pay – taxable combat benefits are listed here. Untaxed combat pay is not included
• earnings from work under a cooperative education program offered by a college
• additional Child Tax Credits as reported on a tax form for the student, and where applicable, the student’s spouse or registered domestic partner, or a student’s parent(s) or a parent’s registered domestic partner.

1.5.3 Total Income for dependent students

The Total Income for a dependent student is calculated from the student’s parents’ data and is the same as the parents’ “Total Income” figure calculated for federal needs analysis purposes except in cases where the parent has a California registered domestic partner. In this instance, both the parent’s and their registered domestic partner’s income is included.

Following the federal methodology, the Total Income would be the sum of the parent’s taxable and non-taxable income less any “Additional Financial Information.” These categories are described below.

Total Income = Taxable income or wages + untaxed income – Additional Financial Information

Taxable income or wages for dependent students is:

• the parent’s, and the parent’s spouse or registered domestic partner’s, Adjusted Gross Income (AGI) as taken from the parents’ submitted IRS 1040 form (any version); or
• for those who do not file a tax return, the total of the earned income for parents and their spouse or registered domestic partner.

Untaxed income for dependent students includes the parents’:

• payments to tax-deferred pension and retirement savings plans, such as 401k plans
• IRA deductions and payments to self-employed SEP, SIMPLE, Keogh and other qualified plans
• child support received for any of the parents’ children.
• tax exempt interest income from IRS Form 1040
• untaxed portions of IRA distributions from IRS Form 1040
• untaxed portions of pensions from IRS Form 1040
• untaxed portions of health savings accounts
• housing, food and other living allowances paid to members of the military, clergy and others
• veterans non-education benefits, such as Disability, Death Pension, or Dependency & Indemnity Compensation
• other untaxed income, such as workers’ compensation and disability payments

Untaxed income does not include the following and the following items are not reported anywhere on the FAFSA or Dream Act application or included in calculating the Total Income:

• extended foster care benefits
• untaxed student financial aid
• earned income credits
• additional child tax credit
• welfare payments
• untaxed Social Security benefits
• Supplemental Security Income
• Workforce Investment Act educational benefits
• on-base military housing or a military housing allowance
• combat pay
• benefits from flexible spending arrangements (e.g., cafeteria plans)
• foreign income exclusion
• credit for federal tax on special fuels

Additional Financial Information for dependent students is:

• education credits taken on the parents’ IRS 1040 form such as the American Opportunity Tax Credit and Lifetime Learning Tax Credit.
• child support payments paid, not including support for children in the parents’ household
• taxable earnings from need-based employment programs, such as Federal Work-Study
• taxable student grant and scholarship aid reported to the IRS in the parents’ adjusted gross income
• combat pay or Special Combat Pay that was taxable and included in the student’s adjusted gross income
• earnings from work under a cooperative education program offered by a college

1.5.4 Treatment of veterans education benefits

Federal veterans education benefits, as defined under Section 480(c) of the HEA, are not treated as estimated financial assistance (EFA). Veterans benefits are also not to be counted as income, and therefore are not reported as income on the FAFSA or Dream Act Application.
1.5.5 **Academic year**

The academic year is the period during which school is in session and consists of at least 30 weeks of instructional time. The school year, which is generally divided into semesters or quarters, typically runs from the beginning of the fall term through the end of May at most community colleges. A campus may choose to make summer sessions part of the prior academic year or coming academic year as described in Section 3.1 of this manual.

1.5.6 **Base year**

Through the 2016-17 application year, the base year is the tax year prior to the academic year (award year) for which financial aid is requested. The base year runs from January 1 through December 31. Financial information from the base year is used to determine eligibility for financial aid for the current academic year.

For example:

- If a student receives financial aid during the 2015-2016 academic year, the base year is January 1, 2014, through December 31, 2014.
- If a student receives financial aid during the 2016-2017 academic year, the base year is January 1, 2015, through December 31, 2015.

Note: Starting with the 2017-18 application year, the base year will be the tax year from two years before the award year. This is called “prior prior” year data.

“Prior prior” year example:

- If a student receives financial aid during the 2017-2018 academic year, the base year is January 1, 2015, through December 31, 2015.
- If a student receives financial aid during the 2018-2019 academic year, the base year is January 1, 2016, through December 31, 2016.

1.5.7 **Award year**

The award year means the period of funding, usually the academic year for which financial aid is received.

2. **APPLICATION PROCESS**

2.1 **Application for the BOG Fee Waiver Program**

Students may apply for a BOG Fee Waiver using the Free Application for Federal Student Aid (FAFSA) or Dream Act Application or a separate BOG Fee Waiver application sometimes called the “short form.” The FAFSA is the basic
application for all student aid programs, including the BOG Fee Waiver. Students should not be required to complete additional forms to receive a fee waiver. However, it may be in the student’s best interest to do so. The BOG Fee Waiver application may be completed in lieu of, or in addition to, the FAFSA or Dream Act Application to qualify for the BOG Fee Waiver and/or other student service programs and benefits (EOPS/CARE, etc.).

2.2 **The BOG Fee Waiver Application**

2.2.1 **The Chancellor’s Office BOG Fee Waiver application**

Annually, in the fall, the Chancellor’s Office produces a BOG Fee Waiver application in PDF format suitable for printing that that may be used by the colleges as a short form only for the BOG Fee Waiver. English and Spanish versions are produced. Colleges may reformat or design and utilize their own forms, as long as all the information on the Chancellor’s Office form is included.

2.2.2 **The use of the BOG Fee Waiver application**

The BOG Fee Waiver application may be used to facilitate the eligibility determination, and as such, may be the sole application for students who choose not to, or cannot, file a FAFSA or Dream Act Application. The FAFSA or Dream Act Application is preferable, because the student’s eligibility will be evaluated for a greater range of financial assistance.

Colleges may use a locally developed supplemental form to determine the source of allowable untaxed income to demonstrate Part A eligibility, since that eligibility determination information might not be specifically identified on the FAFSA or Dream Act Application. A separate BOG Fee Waiver application is not required for this information collection.

If a student applies with the BOG Fee Waiver application, the student should be strongly urged to complete a FAFSA or Dream Act Application as well. The BOG Fee Waiver application advises students to consider filing a FAFSA or Dream Act Application and colleges are encouraged to publicize use of the FAFSA or Dream Act Application as a means of improving access to funding broader range of assistance for students.

If the FAFSA or Dream Act Application demonstrates Part A and/or Part B eligibility, no additional BOG Fee Waiver application form is required.

2.2.3 **The paper BOG Fee Waiver application**

The pdf version of the BOG Fee Waiver application is typically updated in the fall and may be downloaded from the Chancellor’s Office website at:

http://extranet.cccco.edu/Divisions/StudentServices/FinancialAid/BOGFeeWaiverProgram.aspx

The application is also included in this manual as Appendix 10.
2.2.4 CCCApply on-line BOG Fee Waiver application

CCCApply is a secure, on-line information and application system for California Community Colleges. From this site, students can apply at no cost, for admissions and fee waivers at participating California Community Colleges by completing the on-line application(s) and electronically submitting them to the college or colleges of their choice. This system now includes the BOG Fee Waiver application.

If you would like to subscribe to CCCApply or to get additional information, call: 877.247.4836 or e-mail support@openccc.net. The new CCC Apply requires a new system wide account. Accounts from the previous application system are not available.

If your campus subscribes to CCCApply and has purchased the BOG Fee Waiver application component of CCCApply, your students may apply for a BOG Fee Waiver electronically through CCCApply at www.CCCApply.org

2.2.5 Applications in languages other than English

If the BOG Fee Waiver application is translated into other languages by a campus, the college is urged to share the application with the Chancellor’s Office so that it may be made available to other colleges. All translations shared with the Chancellor’s Office will be posted on the Chancellor’s Office website at: http://extranet.cccco.edu/Divisions/StudentServices/FinancialAid/BOGFeeWaiverProgram.aspx

2.2.6 Acceptable media

Colleges may provide students with a BOG Fee Waiver application in any format, including online and other formats, as long as a paper format remains available for those students who do not have access to electronic media.

A college may maintain a record in an imaged media format only if the format is capable of reproducing an accurate, legible and complete copy of the original application or required data to verify BOG Fee Waiver eligibility.

2.2.7 Utilizing electronic signatures on the BOG Fee Waiver application

Electronic signatures in lieu of manual signatures may be used on any documents requiring a signature, providing the electronic signature meets the following standards, unless otherwise required to meet a higher standard under federal or state regulation or law:

1. It is unique to the person using it.
2. It is capable of verification.
3. It is under the sole control of the person using it.
4. It is linked to data in such a manner that if the data are changed, the digital signature is invalidated.
5. It conforms to regulations adopted by the Secretary of State.

Prior to the electronic submission of any information, districts will inform applicants and students of the relative security of the information they submit electronically.

**Note:** If your college is accepting residency questionnaires electronically, the college must use the digital signature method.

A copy of applicable state statute(s) and information addressing electronic/digital signatures compliance requirements is available at the following websites:

Digital Signature Regulations:  
https://www.sos.ca.gov/digsig/digital-signature-regulations.htm  
Digital Signature Frequently Asked Questions:  
https://www.sos.ca.gov/digsig/digital-signature-faq.htm

Regulations on digital signatures can be found in Sections 22000 through 22005 of the California Code of Regulations.

### 2.2.8 BOG Fee Waiver application records retention requirements

The BOG Fee Waiver Application records retention requirements conform to those currently in effect for federal Title IV Student Financial Assistance Programs. Colleges must retain records for a minimum of 3 years. For specific compliance requirements, please refer to the 2015-16 Federal Student Aid Handbook, Volume 2, Chapter 7 “Record Keeping, Electronic Processes, & Privacy,” at http://ifap.ed.gov/fsahandbook/attachments/1516FSAHbkVol2Ch7.pdf or in the most current Federal Student Aid Handbook.

### 2.3 Use of the FAFSA or Dream Act Application Output Documents

#### 2.3.1 Federal ISIR/Cal ISIR available

A campus may use a processed federal ISIR or California Dream Act ISIR (Cal ISIR) to determine and document Parts B or C eligibility.

#### 2.3.2 Federal ISIR/Cal ISIR unavailable

A campus may use a copy of the completed and signed paper FAFSA or paper Dream Act Application to evaluate and document eligibility for a fee waiver, without actually having the application processed, or, if processed, waiting for the receipt of the federal ISIR or Cal ISIR.

Be sure to retain the paper application if using this method.
3. ELIGIBILITY: NON-FINANCIAL

3.1 Annual Cycle of the Academic Year: Header or Trailer

For eligibility purposes, a campus may choose to make summer session a “header” or a “trailer” to fit other financial aid program packaging decisions. For example, for the 2015-16 academic year, a campus may apply the eligibility criteria for summer 2015 through spring 2016 or for fall 2015 through summer 2016.

For MIS reporting purposes, however, summer must always be reported as a header. For example, reports for 2015-2016 must include summer 2015 as a header, regardless of how students are packaged for other student financial aid assistance. Summer 2016 would be reported through MIS data submission as a header in 2016-2017.

3.2 Residency

For fee purposes, the college’s Admissions or Registrar’s Office must determine whether a student meets the California residency requirements.

Section 68062 (h) of the CEC allows aliens to establish residency in California unless precluded by the Immigration and Nationality Act (8 U.S.C. 1101, et seq.) from establishing domicile in the United States.

This provision allows aliens residing in the United States under certain immigration classifications to establish domicile because they are considered “permanent” residents.

These immigration classifications include all of those used on the FAFSA to describe “eligible non-citizens.” These are:

- permanent U.S. residents with a Permanent Resident Card (I-551)
- conditional permanent residents with a Conditional Green Card (I-551C)
- holders of an Arrival-Departure Record (I-94) from the Department of Homeland Security showing any one of the following designations:
  - Refugee
  - Asylum Granted
  - Parolee (I-94 confirms parole for a minimum of one year and status has not expired)
  - T-Visa holder (T-1, T-2, T-3, etc.)
  - Cuban-Haitian Entrant
- holders of a valid certification or eligibility letter from the Department of Health and Human Services showing a designation of “Victim of human trafficking.”

Persons residing in or visiting the United States on visas other than the above are not eligible for federal financial aid. These persons, since they are not considered permanent residents, cannot establish domicile and, hence, cannot be treated as residents or receive state or federal financial aid except as described below.
Students residing in the United States without any documentation (this does not include persons who have DACA status) cannot establish domicile or be considered residents although eligibility for in-state tuition and state financial aid is established in CEC Sections 68130.5 and 66021.6.

Students who have been granted Deferred Action for Childhood Arrivals (DACA) status are not eligible for federal financial aid. However, the Chancellor’s Office has concluded that students granted DACA status have taken appropriate steps to obtain a classification which does not preclude establishing domicile. Therefore, these students are eligible for residency status and, accordingly, may receive benefits allowed to residents such as BOG Fee Waivers. For more on DACA, see part 3.2.8 of this manual.

3.2.1 Military residency

On February 18, 2015, the state Office of Administrative law approved changes to Section 58620 of the CCR. The pertinent change stated that to be eligible for a BOG Fee Waiver a student must:

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

(b) Meets the eligibility requirements for either parts A, B or C (see Appendix 9).

These provisions mean an active member of the military stationed in California not just to attend college shall be charged the resident fees.

However, active military personnel in active service stationed in California only for purposes of education may not establish residency.

Active Military personnel stationed in California for purposes other than education may establish residency if they are in compliance with Education Code Sections 68074 or 68075

3.2.2 Resident fees for “Covered Individuals” – VACA Act

In August 2014 the Veterans Access, Choice, and Accountability Act of 2014 ("VACA Act") was approved into law. VACA requires the U.S. Department of Veterans Affairs (VA) to disapprove programs of education under the Montgomery GI Bill-Active Duty (MGIB-AD) and the Post-9/11 GI Bill education benefit programs at institutions of higher learning if the school charges qualifying veterans and dependents, hereafter referred to as “covered individuals,” tuition and fees in excess of the in-state rate for resident students for terms beginning after July 1, 2015. A covered individual is defined in the VACA Act as:
1. A veteran who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of discharge from a period of active duty service of 90 days or more.

2. A spouse or child entitled to transferred education benefits who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within 3 years of the transferor’s discharge from a period of active duty service of 90 days or more.

3. A spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (provides Post-9/11 GI Bill benefits to the children and surviving spouses of service members who died in the line of duty while on active duty) who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of the Service member’s death in the line of duty following a period of active duty service of 90 days or more.

4. After expiration of the three year period following discharge or death as described in 38 U.S.C. 3679(c), a student who initially qualifies under the applicable requirements above will maintain “covered individual” status as long as he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at the institution, even if they enroll in multiple programs and shall continue to be exempt from paying nonresident tuition and other fees as described in the updated fee policy described below.

Please note that the VA cannot require a public university or college to charge covered individuals the in-state resident rate for tuition and fees; however, it will disapprove funding from the above noted education benefit programs for all beneficiaries if in-state tuition and fee rates are not offered to every covered individual. To prevent VA disapproval from occurring, and to align state statutes with federal law, Assembly Bill 13 (Conway-Stats. 2014) was approved by Governor Brown in September of 2014 and added Education Code Section 68075.5(c).

Specifically, CEC section 68075.5(c) requires public colleges to adopt policies to conform to the VACA Act. Policies must be updated by July 1, 2015, the day immediately preceding the effective date for section 702 of the VACA Act. Although there is pending state legislation to clarify implementation aspects of AB 13 (2014), the May 5, 2015 memorandum was provided to districts as interim guidance and also constitutes the updated fee policy required by CEC section 68075.5(c) for the California Community Colleges to put into effect the intent of AB 13 (2014), which we believe to be that the Legislature intended that California’s public institutions of higher education update fee policies to
conform to the VACA Act in a way that the covered individuals attending their respective colleges and universities would continue to receive VA educational benefits consistent with the VACA Act education benefit provisions (i.e., by offering in-state tuition and fee rates to all covered individuals as opposed to opting out of these federal programs by not doing so).

Therefore, to fulfill this legislative intent, and towards ensuring compliance with the VACA Act, it is the Chancellor's Office updated fee policy that community college districts are required by CEC Section 68075.5(c) to grant a full exemption from the nonresident fee for all students verified to be covered individuals per the above criteria and that qualify to use Montgomery GI Bill-Active Duty or Post-9/11 GI Bill education benefits (Chapters 30 and 33, respectively, of Title 38, U.S. Code) while living in California. Students granted such an exemption should not be charged any other fee that is otherwise also exclusively chargeable of nonresident students, such as the “capital outlay fee” under CEC Section 76140 or the “processing fee” under EC 76142. This updated fee policy for the California Community Colleges is effective for terms beginning after July 1, 2015.

Contact: For questions concerning attendance accounting and reporting for apportionment purposes, contact Elias Regalado at eregalad@cccco.edu or 916.445.1165. For questions concerning federal education benefits for veterans or questions specific to VACA Act compliance, contact David Lawrence at dlawrence@cccco.edu or at 916.327.0749. For admissions questions, please contact Mia Keeley at mkeelely@cccco.edu or 916.323.5953.

3.2.3 Classification of covered individuals

Unless otherwise indicated through subsequent legislation, exempted nonresident covered individuals should be classified as nonresident students unless and until they meet applicable physical presence and intent requirements for resident status re-classification. However, like AB 540 students who retain their nonresident status, districts may claim apportionment for credit courses taken by the nonresident covered individuals who are exempted from the payment of nonresident tuition in accordance with the updated fee policy.

Note: For the purpose of determining the Full-Time Equivalent Student (FTES) figures generated for these exempted students, these should be reported as “resident FTES” on the Apportionment Attendance Report (CCFS-320). To be clear, districts are only permitted to claim state apportionment for properly exempted nonresident students in accordance with this updated fee policy and that meet the requirements to be considered a covered individual as prescribed by the VACA Act and as outlined above.

Be aware that veterans who pay in-state fees due to the VACA Act requirements do not automatically receive a BOG fee waiver. To have their fees waived they would have to meet California residency requirements, qualify for a CalVet fee waiver or possibly qualify under...
AB 540/AB 131. To be best able to serve our veterans students, we would, ideally, always inquire further with any student who indicates they are a veteran or the child of a veteran since the FAFSA does not capture veteran status.

### 3.2.4 Immigrant student eligibility for non-resident tuition and fee exemption (AB 540)

CEC Section 68130.5 allows immigrant students residing in California to be exempt from paying non-resident tuition and fees and makes them eligible to pay resident tuition and fees, provided they meet the following requirements:

The student must:

- Attend a California high school for a combined total of 3 or more years
- Graduate from a California high school or receive the equivalent general education diploma (GED).
- Register or be currently enrolled in a California in an accredited and qualifying California college or university
- Sign a statement with the college or university (stating that he/she has or will apply for legal residency as soon as he/she is eligible to do so.

### 3.2.5 Alternate criteria for immigrant student eligibility for non-resident tuition and fee exemption

AB 2000, passed in 2014, allows an alternative to the three years of high school attendance for students eligible under CEC 68130.5.

In lieu of the three full years of high school attendance, a student may:

1. attain credits earned in California from a California high school equivalent to three or more years of full-time high school coursework;

   and

2. attend a total of three or more years in California elementary schools, California secondary schools, or a combination of those schools.

Students qualifying under these alternate criteria would still be required to meet the high school graduation and signed statement requirements of CEC 68130.5.

### 3.2.6 Immigrant student eligibility for state student financial aid

A student who meets the requirements of CEC 68130.5 is eligible to receive state student financial aid. This includes BOG Fee Waivers, Entitlement Cal Grants and Cal Grant C.
However, a student who meets the requirements of CEC 68130.5, is not eligible for Competitive Cal Grant A and B Awards unless funding remains available after all California students not exempt pursuant to Section 68130.5 have received Competitive Cal Grant A and B Awards for which they are eligible.

CEC section 66021.7 authorizes a student who meets the requirements of CEC 68130.5 to receive scholarships derived from non-state funds at the community colleges, the University of California and the California State Universities.

### 3.2.7 Special immigrant student eligibility for in-state fees and state student financial aid

Students meeting the requirements of CEC Section 68122 are exempt from paying nonresident tuition at community colleges to the same extent as individuals who are admitted to the United States as refugees under Section 1157 of Title 8 of the United States Code.

These students are victims of human trafficking, domestic violence, and other serious crimes who have been granted a status under Section 1101(a)(15)(T)(i) or (ii) (T visa), or Section 1101(a)(15)(U)(i) or (ii)(U visa), of Title 8 of the United States Code.

These students are also eligible for BOG Fee Waivers and state student financial aid.

To apply for financial aid, T Visa holders would complete the FAFSA since they can participate in both the federal and state financial aid programs. U Visa holders are not eligible for federal financial aid. Therefore, they would complete the California Dream Act Application.

### 3.2.8 Deferred Action for Childhood Arrivals (DACA)

The Deferred Action for Childhood Arrivals (DACA) program was established by the U.S. Department of Homeland Security (DHS) in June 2012. Under this program, individuals meeting specified requirements can apply to have a deportation action deferred for two years, subject to renewal for an additional two years. Students under DACA are considered by the DHS to be lawfully present in the United States during the period of deferred action.

On June 5, 2014, the United States Citizenship and Immigration Services (USCIS) updated its Frequently Asked Questions regarding consideration of persons with DACA status. Of significance, the USCIS clarified that individuals granted deferred action are not precluded from establishing domicile in the United States. Based on this clarification, the Chancellor’s Office has concluded that students who have been granted DACA status have taken appropriate steps to obtain a change in status from the applicable federal agency to a classification which does not preclude establishing domicile.
Thus, for residency determinations made on or after June 5, 2014, if the student otherwise meets the requirements of California law related to physical presence and the intent to make California home for other than a temporary purpose, the student can be classified as a resident for purposes of assessing tuition, awarding Board of Governor’s Fee Waivers, and determining eligibility for services that require California residency.

While DACA status is conferred for only two years per certification, as a general rule residency classification will not be impacted by the DACA renewal requirement. Once a student has been classified as a resident, colleges are not required to determine the student’s classification again unless the student has not been in attendance for more than one semester or quarter.

Students who have successfully completed the DACA process must still use only state applications for financial aid, even if they have a Social Security number. They should not complete the FAFSA. Rather, they should complete the California Dream Act Application.

Due to a federal court order, USCIS has not begun to accept requests for the expansion of DACA authorized by the President. The court’s temporary injunction, issued February 16, 2015, did not affect the existing DACA. Individuals may continue to come forward and request an initial grant of DACA or renewal of DACA under the guidelines established in 2012.

3.2.9 Special part-time students and U.S. citizens who reside in a foreign country

Effective in 2014, SB 141 and SB 150 amended CEC Section 76140 to provide two new exemptions from nonresident tuition for specified students. Both of the new exemptions became effective January 1, 2014, so students determined to be eligible for either exemption who paid nonresident tuition for terms or sessions starting on or after that date (i.e., students who enrolled for a 2014 term prior to January 1, 2014) are entitled to a refund of those fees.

SB 150 Community college districts are permitted to exempt nonresident special part-time students from the requirement to pay nonresident tuition for community college credit courses. The term “special part-time student” refers to students who have been recommended by the principal of the pupil’s school and have parental permission to attend a community college during any session or term and who enroll in 11.99 or fewer units per semester, or the quarter equivalent, in accordance with CEC Section 76001. The exemption does not apply to special full-time students.

Districts that elect to provide this exemption should develop, adopt, and publish a policy for consistently granting the exemption. As it relates to the development of the local policy, this exemption is not intended to apply to categories of students who would be precluded from qualifying for the AB 540 nonresident tuition exemption; i.e., a)
students who actually reside outside of California and enroll via Distance Education and b) students on most nonimmigrant visas.

It is important to note that this exemption does not authorize districts to claim apportionment funding for nonresident special part-time students who are exempted from nonresident tuition under this provision.

A student receiving a nonresident tuition exemption under SB 150 does not receive resident status for the purpose of fees or financial aid. Rather they are exempt from nonresident tuition fees under this law. These students do not qualify for the BOG Fee Waiver or any other financial aid. However, please note that districts are permitted to exempt special part-time students, including those that have nonresident status, from the per unit enrollment fee pursuant to CEC Section 76300(f).

SB 141: Districts are required to exempt from nonresident tuition a nonresident student who is a U.S. citizen and who resides in a foreign country, if that student meets all of the following requirements:

1. Demonstrates a financial need for the exemption.
2. Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act.
3. Moved abroad as a result of the deportation or voluntary departure.
4. Lived in California immediately before moving abroad.
5. Attended a public or private secondary school in California for three or more years.
6. Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education.
7. Will be living in California and will file an affidavit with the community college stating that he or she intends to establish residency in California as soon as possible.
8. Documentation shall be provided by the student as required by statute as specified in CEC Section 76140(a)(5).

A student receiving a nonresident tuition exemption under SB 141 does not receive resident status for the purpose of fees or financial aid. Rather they are exempt from nonresident tuition fees under this law. These students do not qualify for the BOG Fee Waiver or any other state financial aid until they establish California residency. As citizens, SB 141 students may apply and qualify for federal financial assistance such as Pell, FSEOG and federal student loans.

Note that there is also an exception for “T” and “U” nonimmigrant visa holders who are eligible for nonresident tuition exemption under CEC Section 68122 (see Section 3.2.7 of this manual). Therefore, a district policy could permit students holding either of these two nonimmigrant visa types to also qualify for this non-resident tuition exemption.
3.3 Enrollment in Credit Coursework

The BOG Fee Waiver is available for enrollment in credit coursework only. Students are not entitled to fee waivers for non-credit coursework; however, students are entitled to fee waivers for credit coursework for which the student requested a “grading” option of “credit/no credit.” The requested grading option is not relevant to fee waiver eligibility.

3.3.1 Audit fee

CEC Section 76370 authorizes districts to charge students a fee of up to $15 per unit per semester to audit courses. This audit fee is not considered an enrollment fee and, as such, is not eligible for a BOG Fee Waiver. For more information, please refer to the Fee Policy Manual available on the Chancellor’s Office Student Services webpage at http://extranet.cccco.edu/Divisions/StudentServices/FinancialAid/resources.aspx

3.3.2 Challenging a class

Students challenging coursework by examination to obtain credit may be charged the standard per-unit enrollment fees for taking the examination. Nonresident and international students may also be required to pay the appropriate nonresident/international student tuition. BOG fee waivers do not cover challenge fees. Since the fee pays for the examination, the institution is under no obligation to refund the fee if the credit challenge is unsuccessful.

Districts that incur additional verifiable expenses in connection with offering credit by examination may be able to demonstrate reasonable fees beyond the fee established by CEC Section 76300.

3.3.3 K-12 special students/enrollment and fees

K-12 students admitted as special full-time or part-time students pursuant to CEC Section 76001 and are enrolled for college credit in community college courses are subject to the enrollment fee.

However, CEC Section 76300(f) permits the district governing board to exempt special part-time students (but not special full-time students) from paying the fee. There is nothing that precludes a K-12 student who is subject to the enrollment fee and meets all eligibility criteria, both financial and nonfinancial, from applying for a BOG Fee Waiver. Special full-time or part-time K-12 students enrolled in college courses for only high school credit are not subject to the enrollment fee; so no waiver or exemption is necessary.

3.3.4 Baccalaureate degree pilot program differential fee

As of August 2015, the following are the baccalaureate degree differential fee regulations for those campuses that will be offering these programs.
In March 2015, 12 community colleges were approved to offer selected baccalaureate degree programs. Subsequently, baccalaureate degree programs at three additional campuses were approved in May, 2015.

For the baccalaureate degree programs, the 15 campuses shall charge a fee to students for upper division coursework in a baccalaureate degree pilot program of eighty-four dollars ($84) per regular semester credit unit or fifty-six dollars ($56) per regular quarter credit unit. These fees are in addition to the fees charged all community college students. The fees for upper division coursework charged for courses with fractional unit value shall be computed by multiplying the fraction times the applicable semester or quarter unit rate and rounding off to the nearest dollar.

Revenue generated from the fee for upper division coursework in a baccalaureate degree pilot program in subdivision (a) shall be local revenues and not to be included in the apportionment adjustments described in Education Code Section 76300.

For those campuses selected to offer baccalaureate degrees, be aware that the current BOG Fee Waiver will not be covering the differential fees to be charged to students enrolled in a baccalaureate program, only the current base amount at the prescribed per unit amount.

Although the implementation date for those programs is in the future, this information is provided here as a reminder to campuses to include language regarding the baccalaureate fees at the appropriate time in promotional materials and catalog information in advance of when the programs are actually offered.

3.4 Relationship to Federal Non-Financial Requirements

There is some overlap between the BOG Fee Waiver eligibility criteria and federal Title IV student financial aid eligibility. The following federal eligibility information is provided to clarify the differences between the programs.

In the circumstances noted below, students are generally precluded from participation in federal Title IV programs but may still be eligible for BOG Fee Waiver assistance only. If it is possible for the student to overcome a particular obstacle (e.g., provide a Social Security number), the student should be counseled to do so to be considered for additional financial aid funds.

3.4.1 Social Security Number

A student may receive a BOG Fee Waiver without providing a Social Security number (SSN) as long as the college permits students to receive regular services without providing the SSN.

Many undocumented students will not have an SSN although they may have obtained an SSN as a result of successfully completing the DACA process.
Also, students who had been legally admitted into the United States under a visa allowing employment may have a valid Social Security number even though their visa has now expired. These students may be eligible under the provisions of CEC 68103.5 but may have submitted a FAFSA that has been flagged for confirmation of immigration status. Although fee waiver eligibility could be confirmed, the student would want to check with the Student Aid Commission to see if a Dream Act Application should be submitted for Cal Grant eligibility purposes.

3.4.2 High school graduation and federal financial aid eligibility

A student may not receive federal student aid funds if the student does not have a high school diploma or the recognized equivalent as described below.

However, a student’s federal financial aid status does not affect a student’s eligibility for a fee waiver. A student who has not earned a high school diploma or a recognized equivalent of a high school diploma, but is otherwise eligible, may receive a fee waiver.

Federal program compliance regarding high school completion or the equivalent may be documented using at least one of these options:

- **A high school diploma**

  Note that possessing only a certificate of high-school completion is not sufficient for a student to be Title IV aid eligible. Such a certificate may be issued without a student having completed all of the academic graduation requirements. Due to the passage of SB 172, students do not have pass the California High School Exit Examination (CAHSEE) to earn a high school diploma in California.

  SB 172 retroactively back to 2003-04 high school districts are allowed to award high school diplomas if the only reason one could not be issued was that the student did not pass the CAHSEE.

  This new legislation may present some new situations since previously ineligible students may now gain eligibility.

- **A recognized equivalent of a high school diploma:**

  The following examinations have been approved by the State Board of Education for the purpose of receiving a California High School Equivalency Certificate.

  - The General Educational Development Test (GED) provided by the GED Testing Service (GEDTS)
  - The High School Equivalency Test (HiSET) provided by the Educational Testing Service (ETS)
- The Test Assessing Secondary Completion (TASC) provided by CTB/McGraw–Hill
- The California High School Proficiency Examination (CHSPE)

The CHSPE is a test for students at least 16 years old who need to verify high school level skills and exit high school. Students take the test and are then allowed to leave high school early to work or attend college. Those who pass the test receive a Certificate of Proficiency from the State Board of Education, which is equal by law to a California high school diploma. Further information on the CHSPE from the California Department of Education can be found at [http://www.cde.ca.gov/ta/tg/sp/](http://www.cde.ca.gov/ta/tg/sp/)

- An academic transcript of a student who has successfully completed at least a two-year program that is acceptable for full credit toward a bachelor's degree; or
- For a person who is seeking enrollment in an educational program that leads to at least an associate degree or its equivalent and who has not completed high school, but who excelled academically in high school, documentation that the student excelled academically in high school and has met the formalized, written policies of that postsecondary institution for admitting such students.

Further information on the high school equivalency tests from the California Department of Education can be found at [http://www.cde.ca.gov/ta/tg/gd/](http://www.cde.ca.gov/ta/tg/gd/)

- **Homeschooling**

  Though homeschooled students are not considered to have a high school diploma or the equivalent, they are eligible to receive FSA funds if their secondary school education was in a homeschool that state law treats as a home or private school. Some states issue a secondary school completion credential to homeschoolers. If this is the case in the state where the student was homeschooled, she must obtain this credential to be eligible for FSA funds. She can include in her homeschooling self-certification that she received this state credential.

- **No CAHSEE graduation requirement**

  Previously, most California public high school students were required to pass the California High School Exit Examination (CAHSEE) to receive a high school diploma.

  Due to the passage of SB 172 in 2015, students do not have to pass the California High School Exit Examination (CAHSEE) to earn a high school diploma in California. This includes students with disabilities.
SB 172 also removed the CAHSEE requirement for high school graduates from the year 2003-04 forward.

3.4.3 Eligibility of students in career pathway programs

The Consolidated and Further Continuing Appropriations Act of 2015 provides that a student in an eligible career pathway program, who does not have a high school diploma or an equivalent such as a GED certificate can become eligible for Title IV, HEA student assistance using one of the following ATB alternatives below. An “eligible career pathway program” is defined in section 484(d)(2) of the HEA.

As yet, no California community colleges have established eligible career pathway programs. Nonetheless, information on this topic is included here since the California Community Colleges Chancellor’s Office Division of Workforce and Economic Development is currently working to establish programs of this type.

ATB alternatives:

- Pass an independently administered Department of Education approved ATB test.
- Complete at least 6 credit hours or 225 clock hours that are applicable toward a degree or certificate offered by the postsecondary institution.
- Complete a state process approved by the Secretary of Education. Note: To date, no State process has ever been submitted for the Secretary’s approval.

 Eligible Career Pathway Programs

Career pathway programs refer to a combination of rigorous and high-quality education, training, and support services that are aligned with the skill needs of industries in State or regional economies, preparing individuals to be successful in secondary or postsecondary education programs and the labor market. In recent years, the Federal government has worked to identify the elements of a high-quality career pathway program. Under Pub. L. 113-235, Congress provided an opportunity for students who are enrolled in eligible career pathway programs, but who lack a high school diploma or its recognized equivalent, or who did not complete a secondary school education in a homeschool setting, to become eligible for Title IV aid using one of the ATB alternatives.

To become eligible for Title IV aid under one of the ATB alternatives described above, the student must be enrolled in an eligible career pathway program, as defined in section 484(d)(2) of the HEA. Any institution, whether public, nonprofit, or for-profit, may offer an eligible career pathway program.
California has yet to approve any Eligible Career Pathways Programs. Chancellor’s Office staff and campuses are currently working to develop these programs. This information is presented because approval of these programs is expected in the near future.

An eligible career pathway program must:

- Concurrently enroll students in connected adult education and eligible postsecondary programs;
- Provide students with counseling and supportive services to identify and attain academic and career goals;
- Provide structured course sequences that—
  - Are articulated and contextualized; and
  - Allow students to advance to higher levels of education and employment;
- Provide opportunities for acceleration for students to attain recognized postsecondary credentials, including degrees, industry relevant certifications, and certificates of completion of apprenticeship programs;
- Be organized to meet the needs of adults;
- Be aligned with the education and skill needs of the regional economy; and
- Have been developed and implemented in collaboration with partners in business, workforce development, and economic development.

As stated above, an eligible career pathway program contains two components: an adult education component and a Title IV eligible postsecondary program component. In this context, “adult education” has the same definition as it does under the Adult Education and Family Literacy Act, Title II of the Workforce Innovation and Opportunity Act (Pub. L. 113-128) and includes academic instruction and education services below the postsecondary level that increase an individual’s ability to:

- Read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;
- Transition to postsecondary education and training; and
- Obtain employment.

The Title IV eligible postsecondary program component of an eligible career pathway program must meet the definition of an eligible program under 34 CFR 668.8 in order for students enrolled in the eligible career pathway program to be eligible for Title IV aid.

An eligible career pathway program, as defined in section 484(d)(2) of the HEA, is not itself an eligible program under 34 CFR 668.8 because it contains an adult education component that includes, by definition, coursework that is below the postsecondary level. Therefore, an institution may not include the cost of the adult education component of an eligible career pathway program in a student’s cost of attendance as
defined in section 472 of HEA and may not pay for the cost of the adult education component using Title IV aid. The only costs that can be included in a student’s cost of attendance are those associated with the Title IV eligible postsecondary program component. For more information on remedial coursework, please see Volume 1, Chapter 1 of the FSA Handbook.

Under the statute, a student is not eligible for federal Title IV aid if the student is enrolled in elementary or secondary school. However, while the adult education component of an eligible career pathway program includes instruction below the postsecondary level, adult education is not secondary school education. Therefore, a student enrolled in an eligible career pathway program does not lose eligibility because the student is not considered to be enrolled in secondary school.

**Approved ATB Tests**

As of June 24, 2015, the tests below can be used to establish ATB eligibility for students enrolled in eligible career pathway programs.

These tests were last updated in the general Federal Student Aid Electronic announcement released in June, 2015. Refer to that announcement for further information.

- Test: Wonderlic Basic Skills Test (WBST)
- Test: Spanish Wonderlic Basic Skills Test (Spanish WBST)
- Test: Combined English Language Skills Assessment (CELSA)
- Test: ACCUPLACER (Reading Comprehension, Sentence Skills and Arithmetic)

**3.4.4 High school diploma from a foreign country**

High school diplomas or transcripts from other countries are acceptable for meeting the federal high school graduation requirement. However, due to language and varying nomenclature and grading scales, schools may have to use credential evaluation services to confirm the documents are the equivalent of high school graduation. Schools may evaluate the documents on their own if they are qualified to do this.

Schools that pay a service to perform transcript or diploma evaluation may pay this cost or have the student pay the cost. Students may only be required to pay the cost if you require the evaluation as part of your admission process for all students who have a foreign credential. An institution cannot require only students who are applying for federal student aid to pay to have their credential evaluated because that would amount to a fee being charged to complete the FAFSA or Dream Act Application which is prohibited under HEA 483(a)(6).

Because the cost of evaluating a foreign credential must be incurred as a charge of admission prior to enrollment in an eligible program, it cannot be included in the student’s Cost of Attendance (COA).
Evaluation of foreign transcripts and credentials will oftentimes be required as a result of a student being selected for Verification in the V4 or V5 verification groups.

3.4.5 Eligible program and educational goal

Some students receiving a fee waiver for enrollment in any type of credit coursework might not be required to have an educational plan. However, the student’s enrollment priority could be affected if they do not have an educational plan. Enrollment priority is described in Section 8 of this manual.

3.4.6 High school enrollment

High school students enrolling in community college courses are generally not charged fees (see 3.3.3 K-12 Special Students Enrollment and Fees); however, in cases where high school students are charged enrollment fees and otherwise meet all financial and non-financial eligibility criteria, the fees may be waived under the BOG Fee Waiver Program.

3.4.7 Enrollment status

A student may receive a BOG Fee Waiver for enrollment in any number of credit units during a term. There is no minimum or maximum unit requirement.

3.4.8 Citizenship

As long as the college admits a student as a California resident, or the student is eligible under the various provisions described in 3.2.4 through 3.2.7 of this manual, the student may be considered for a BOG Fee Waiver. Federal financial aid rules regarding citizenship do not apply to BOG Fee Waivers.

Some students who are US citizens but not California residents will meet the requirements described in 3.2.2 or 3.2.3. These non-California residents may pay the in-state fees charged residents but may not participate in the BOG Fee Waiver program and state financial aid programs unless they are otherwise eligible. As US citizens, these students would complete the FAFSA to receive consideration for federal student financial assistance.

3.4.9 Selective Service

Unless there are college policies that prohibit the student from receiving such services, students who fail to register for the U.S. Selective Service in accordance with federal law (50 USC App 451 et seq.) may receive a BOG Fee Waiver.

Under Section 66500 of the CEC, each college must inform students of their obligation to register for Selective Service and must provide additional information access to the Selective Service System.
Students who are not registered in accordance with the law should be referred to the college office that provides such information.

3.4.10 Drug convictions

If the student is ineligible for federal Title IV financial aid as a result of drug conviction regulations, the student is not disqualified from the BOG Fee Waiver program. If all eligibility requirements are met, the student may apply for, and receive, a BOG Fee Waiver.

3.4.11 Loan default and grant repayment

Per CEC Section 66022, the governing board of each college must adopt policies regarding the withholding of services from students in default on a loan under the Federal Family Education Loan Program (see Appendix 3). Per Legal Opinion E 2000-01 (see Appendix 4) of the Chancellor’s Office, the BOG Fee Waiver is not an institutional service that may be withheld from students pursuant to CEC Section 66022.

Colleges are encouraged to counsel students regarding the consequences of student loan default and the procedures necessary to reestablish a student’s good standing.

3.4.12 Academic and progress standards

Regardless of a student’s status under federal satisfactory academic progress standards, students can continue to receive the BOG Fee Waiver. For information on when students can lose academic eligibility for a fee waiver, refer to Section 5 of this manual.

4. ELIGIBILITY: FINANCIAL

4.1 Dependency Status

4.1.1 Determination of eligibility

The college may accept the information on a signed BOG Fee Waiver application, the FAFSA or Dream Act Application without requiring additional documentation. Any documentation requirements should comply with state and federal laws and should be included in the Financial Aid Office’s Policy and Procedures Manual.

4.1.2 Independent student criteria

For the 2015-16 financial aid award year, students may qualify as financially independent for a BOG Fee Waiver by meeting one or more of the federal Title IV independent student criteria:

• Was the student born before January 1, 1992?

• As of today, is the student married or in a Registered Domestic Partnership (RDP)?
• Is the student a veteran of the U.S. Armed Forces or currently serving on active duty for purposes other than training?

• Does the student have children who will receive more than half of their support from the student between July 1, 2015 - June 30, 2016, or other dependents who live with the student (other than the student’s children or spouse/RDP) who receive more than half of their support from the student, now and through June 30, 2016?

• At any time since the student turned age 13, were both of the student’s parents deceased, was the student in foster care, or was the student a dependent or ward of the court?

• Is or was the student an emancipated minor as determined by a court in California?

• Is or was the student in legal guardianship as determined by a court in your state of legal residence?

• At any time on or after July 1, 2014, did the student’s high school or school district homeless liaison determine that the student was an unaccompanied youth who was homeless?

• At any time on or after July 1, 2014, did the director of an emergency shelter or transitional housing program funded by the U.S. Department of Housing and Urban Development determine that the student was an unaccompanied youth who was homeless?

• At any time on or after July 1, 2014, did the director of a runaway or homeless youth basic center or transitional living program determine that the student was an unaccompanied youth who was homeless or was self-supporting and at risk of being homeless?

Students who do not qualify through these criteria may be considered independent of parent or a parent’s registered domestic partner support for a BOG Fee Waiver only if:

• they do not live with their parent(s); or
• their parent’s registered domestic partner and were not claimed as a tax exemption by either or both parents or a parent’s registered domestic partner in the base year.

Students may also qualify as financially independent if they themselves are in a registered domestic partnership.

4.1.3 Dependency overrides

The discretion provided in Article 480(d)(7) of the HEA of 1965, as amended, to override the dependency status of an otherwise dependent student (see Appendix 6), also applies to dependency status for the
BOG Fee Waiver program, including Parts A, B, and C, and subsequent EOPS eligibility.

In making such determinations, the college may apply more lenient or different criteria than might be applied for federal purposes for the same student, as long as the determination is made on a case-by-case basis and includes supporting documentation.

Other student services program staff, such as those in EOPS, Counseling, DSPS, etc., should be encouraged to refer students to the Financial Aid Office for consideration for dependency override if there is evidence that dependent status is inappropriate in a particular case. The determination of a dependency override, and maintaining the supporting documentation, is a function and responsibility of the Financial Aid Office.

### 4.1.4 Documentation of independent student status

Any requirement for documentation should be included in the Financial Aid Office’s Policy and Procedures Manual and should comply with state and federal laws.

- The college may accept the self-certified information on the signed application without requiring additional documentation, as provided in the Financial Aid Office’s Policy and Procedures Manual.

- If the student is independent under the federal criteria, the normal verification procedures and documentation, as defined in the Financial Aid Office’s Policy and Procedures Manual of the college, are sufficient.

- If the student is independent under state eligibility criteria resulting from their participation in a registered domestic partnership, evidence of the registered domestic partnership may be required, as provided in the Financial Aid Office’s Policy and Procedures Manual.

- If the student is independent only under the BOG Fee Waiver application criteria, the college may, at its discretion, require the student to prove the student was not claimed by submitting a signed copy of the base year Federal Income Tax return (or other federal tax documentation such as IRS tax transcripts) of his or her parents or his or her parent’s registered domestic partner or from both parents, if the parents or the parent’s registered domestic partner did not file jointly.

- If one or both of the parents or the parent’s registered domestic partner did not file a base year Federal Income Tax Return, the parent(s) or the parent’s registered domestic partner who did not file may be required to submit a Statement of Non-Filing.
4.1.5 Registered Domestic Partners (RDP)

The California Domestic Partner Rights and Responsibilities Act (AB 205), which went into effect in January 2005, extended the same rights, protections, responsibilities, obligations and benefits to registered domestic partners as those extended to married couples. These provisions include eligibility for state student financial aid.

If a student informs the campus Financial Aid Office that he or she is in an RDP, or that the student’s parents are in an RDP, the Financial Aid Office should re-evaluate the student’s BOG Fee Waiver eligibility. Eligibility for aid may increase or decrease.

For the purposes of federal student financial aid programs, California’s recognition of registered domestic partnerships does not apply.

Same-sex marriages are legal in California. They are accepted as valid marriages for state and federal financial aid purposes. Where required, a married student’s spousal income would be considered when considering BOG Fee Waiver eligibility. For a dependent student, the incomes of both married parents would be included as parental income when considering eligibility.

4.2 Financial Eligibility for Part A

4.2.1 Qualifying Types of public benefits

A dependent student is eligible for Part A if the parent(s) or registered domestic partners required to complete the FAFSA or Dream Act Application receive the public benefits listed below at the time of enrollment, or if the dependent student receives the public benefits listed below at the time of enrollment.

An independent student is eligible if the student (not the spouse) receives the public benefits listed below:

- **TANF**: Temporary Assistance to Needy Families (TANF). The monthly cash grant must include the dependent student or be the sole source of income for the family. Students/families receiving CalFresh (food stamps) or CalWORKs services but no TANF cash grant are not eligible under Part A.

- **SSI/SSP**: The SSI Program is a federally funded program which provides income support to persons who are 65 or older, blind or disabled. SSI benefits are also available to qualified blind or disabled children. The SSP Program is a California state program which augments SSI. Both SSI and SSP benefits are administered by the Social Security Administration (SSA). Eligibility for both programs is determined by SSA using federal criteria. Persons who qualify for SSI also qualify for SSP.
A dependent or independent student who is receiving SSI/SSP benefits directly in his/her name is automatically eligible for a Part A fee waiver. CCR §58620(b)(2)(B)

A dependent student whose parent(s) or guardian(s) are a recipient of SSI is eligible if the SSI program grant is the sole source of income for the parent(s) or guardian(s). CCR §58620(b)(2)(B) Otherwise, the dependent student’s family income would have to meet the income standards established for BOGFW Part B or the student would have to demonstrate the minimum financial need established for Part C.

Other associated public benefits such as Social Security Disability Income (SSDI) and regular Social Security retirement benefits do not automatically qualify students under Part A. To qualify, the student or parents would have to meet the criteria established for BOGFW Part B or C.

- **GA:** General Assistance (GA). The receipt of General Assistance qualifies the student for a BOG Fee Waiver. In some counties, additional aid may be available that may come “under the umbrella” of General Assistance. If questions arise, contact your local Department of Public Assistance for a determination of whether that aid can be considered as General Assistance. Again, CalFresh eligibility alone is not sufficient to qualify for Part A.

- **PAES:** Personal Assisted Employment Services (PAES). The PAES program, currently offered only in San Francisco county, comes “under the umbrella” of General Assistance. Accordingly, a PAES client would qualify for a BOG Fee Waiver under Part A.

For additional PAES information, or if questions arise regarding the PAES program, contact San Francisco County’s Welfare Department.

**NOTE:** Students who do not qualify under the above criteria will often qualify under Part C. Always encourage students to complete the FAFSA or Dream Act Application so that they may be considered for a BOG Fee Waiver under Part C as well as other financial aid programs.

### 4.2.2 Documentation for Part A

In order to qualify under Part A, the Financial Aid Office must document the public benefits listed above per Title 5 of the CCR (see Appendix 2). The type of documentation is to be determined by local financial aid procedures and should be included in the Financial Aid Office’s Policy and Procedures Manual.

Appropriate third party documentation may include a benefits statement/letter, bank statement, copy of benefits check or check stub, etc., and should document the amount, time frame, and the individual(s) for whom benefits are being paid. The documentation
must be sufficient to prove the individual(s) received the type of benefit listed above within 60 days from the time of BOG Fee Waiver application.

4.3 Financial Eligibility for Part B

4.3.1 Income standards for BOG Fee Waiver B eligibility

The Part B Income Standards equal 150 percent of the federal poverty guidelines for the base year and, consequently, are subject to change each year. The 2015-2016 income standards are provided on the Chancellor’s Office Student Financial Assistance Programs (COSFAP) web page and in Appendix 11. Students are eligible for Part B fee waivers if the total annual base year income is equal to or less than the amount on the chart for the relevant family size. Check the COSFAP web page for the updated income standards for the most current academic year.

http://extranet.cccco.edu/Divisions/StudentServices/FinancialAid.aspx takes you to the COSFAP web page. Look for the Board of Governor’s Fee Waiver link.

For all students, “Part B Total Income” is thoroughly defined in Section 1.5 of this manual.

- For a dependent student, “Total Income” includes the income of the parent(s) or registered domestic partners, who are required to complete the FAFSA or Dream Act Application. Income received by the dependent student counts toward the calculation of an EFC but not toward the income standards for Part B.

- For a single independent student with no dependents, “Total Income” includes only the student’s income.

- For a married independent student or an independent student in a registered domestic partnership, “Total Income” includes the income of the student and the student’s spouse or registered domestic partner.

- For an independent student with dependents other than a spouse or registered domestic partner, “Total Income” includes the student’s income but not income received by the dependent(s).

In calculating the income level of all households for BOG Fee Waiver eligibility, any negative Adjusted Gross Income (AGI) amount reported on a federal tax return should be treated as “zero.” For example, a student may report a negative AGI of $5,000 (-$5,000) on the federal tax return and $12,000 in Other Income received by the household during the base year. The household’s Total Income for BOG Fee Waiver eligibility will be $12,000.
NOTE: Students who do not qualify under the criteria described above will often qualify under Part C. Colleges should encourage the student to complete a FAFSA or California Dream Act Application.

4.3.2 Zero Expected Family Contribution (EFC)

If a student is determined to have a zero EFC based upon the completion and analysis of the FAFSA or Dream Act Application, the student qualifies for a Part B fee waiver and referral to EOPS regardless of the income standards described above.

If the college chooses, a dependent student may also qualify for a Part B fee waiver and EOPS referral based only on the parent contribution (PC) of zero. (Federal Methodology calculates the parental and student contribution portions separately.) This procedure should be included in the Financial Aid Office’s Policy and Procedures Manual. Note that the student must still have necessary remaining need (i.e. $1,104 in 2015-16) to receive a BOG Fee Waiver of any type.

4.3.3 Professional judgment for Part B (EOPS) eligibility

A Part C eligible student with a zero EFC calculated as a result of the exercise of professional judgment (as provided for in Section 479(a) of the HEA of 1965) is also eligible for a Part B fee waiver and referral to EOPS (see Appendix 7).

A Part C eligible student with a zero parental contribution (PC) calculated as a result of the exercise of professional judgment (as provided for in Section 479(a) of the HEA of 1965) may be eligible for a Part B fee waiver referral to EOPS. (See below)

A Financial Aid Office may use professional judgment to adjust the student’s income for Part B BOG Fee Waiver eligibility, provided it does so in the context of a broader determination of a student’s eligibility for all types of financial assistance as provided for in Section 4.4.2 of this manual. This professional judgment may be used to identify potential students for EOPS program participation, at the discretion of the EOPS Director or other Student Services offices.

EOPS staff should be encouraged to refer students to the Financial Aid Office for consideration of professional judgment if they believe a student’s circumstances warrant such consideration and that the student would be best served by the referral. The determination of professional judgment and the maintenance of supporting documentation continue to remain a function of the Financial Aid Office.

4.3.4 Documentation for Part B

Title 5 of the CCR requires documentation of those who are eligible under Part B (see Appendix 2). Whether using the short form, FAFSA or Dream Act Application, the college shall determine the method of documentation, which may include such methods such as self-certification, sampling, or 100% verification. This method of
documentation should be included in the Financial Aid Office’s Policy and Procedures Manual.

When initially qualifying a student for eligibility for Part B fee waiver for a summer term, a college must use the appropriate income year documentation. For example, if the college’s summer term is used as a trailer, use the documentation required for the trailer year. If the college’s summer term is a header, use the documentation required for the header year.

A student may establish eligibility for a Part B BOG Fee Waiver using the paper or online BOG Fee Waiver application. Since this is a self-certification, a campus may accept the statement of student income on the application as is, if their campus policy does not require further documentation. However, if additional information is obtained, then the eligibility may have to be reevaluated.

For example, a student completes a paper application and based on that reported income, appears eligible for a Part B BOG Fee Waiver. If campus policy does not require further documentation, then the student may receive the fee waiver. However, should that student complete a FAFSA or Dream Act Application which is then selected for Verification, the student’s eligibility would be subject to review based on any income verification received through that process. This is because the campus cannot ignore any conflicting information that comes into their possession.

4.4 Financial Eligibility for Part C

4.4.1 Financial eligibility for need-based aid

Any student who demonstrates the minimum financial eligibility for federal or state need-based student aid is eligible for a Part C fee waiver. Minimum financial eligibility means at least $1,104 in financial need based on full-time attendance and using the student’s 9 month EFC and 9 month Cost of Attendance as determined for that individual student (e.g. “at home” or “off campus”).

4.4.2 Use of discretion or “professional judgment” for Part C eligibility

If the Financial Aid Office exercises the discretionary authority allowed in Section 479(a) of the HEA of 1965 to change the data elements of the student’s EFC or Cost of Attendance, the amended amounts used for federal funding must be used for Part C fee waiver eligibility as well, whether that action increases or decreases eligibility.

At the discretion of the campus, students enrolled for only 1 semester in 12 units may be need-based eligible based on only $552 in need using a 1 semester cost of attendance.
4.4.3 Documentation for Part C

To be eligible for Part C, a student must complete a FAFSA or Dream Act Application. No other applications are required.

Part C eligible students, with eligibility based on the FAFSA or Dream Act Application, may come under scrutiny if the student is selected for federal or state verification. Campuses should establish a procedure on how to handle situations where a student’s fees are waived (for example for the Fall term) then is found to be ineligible based on the results of the verification.

When initially qualifying a student for eligibility for Part C fee waiver for a summer term, use the appropriate income year documentation. For example, if your college’s summer term is used as a trailer, use the documentation required for the trailer year. If the summer term is a header, use the documentation required for the header year.

4.5 BOG Fee Waiver as an Award in Packaging

The Cost of Attendance for each student shall include the enrollment fee, as assessed per the CEC. The BOG Fee Waiver is considered an award in the package of financial aid to meet that cost. The amount listed on the offer letter is determined per college policy.

4.6 Federal Statute and Regulation Regarding Need Analysis

In the absence of specific program guidance to the contrary, federal rules for need analysis shall be used in the BOG Fee Waiver program. Use of “prior prior” year income data will be gin with the 2017-18 award year.

4.7 Eligibility for Members of Religious Orders

Per regulations governing the awarding of federal financial aid, members of any religious order, society, agency, community, or other organization are not considered to have financial need if the order (1) has as a primary objective the promotion of ideals and beliefs regarding a Supreme Being, (2) requires its members to forego monetary or other support substantially beyond the support it provides, or (3) directs the member to pursue the course of study or provides subsistence support to its members. Members of these religious orders cannot receive subsidized Direct Loans, Pell Grants, or campus based aid. However, they may receive unsubsidized Direct Loans. 34 CFR 674.9(c), 675.9(c), 676.9(c), 682.301(a)(2), 685.200(a)(2)(ii), 690.75(d).

Following the Federal Methodology regulations, the above persons would not be eligible for the BOG Fee Waiver.
5. LOSS OF FEE WAIVER AND FINANCIAL AID ELIGIBILITY

5.1 Academic and Progress Standards

Districts shall adopt policies providing that a student who is otherwise eligible for a BOG Fee Waiver shall become ineligible based on:

- An academic standard: if the student is placed on academic probation due to not having a cumulative GPA of at least 2.0,
- A progress standard: not having cumulative satisfactory completion of more than 50% of coursework
- or any combination thereof for two consecutive primary terms.

The loss of eligibility shall become effective at the first registration opportunity after such determination is made. Loss of eligibility cannot occur until the student has completed 12 units.

Foster youth & former foster youth up to 24 years of age are not subject to the loss of fee waiver eligibility under the regulations. These persons are still eligible to receive support services. This exemption is extended to Enrollment Priority as well.

Primary terms are fall and spring semesters for colleges on a semester system and fall, winter, and spring quarters for colleges on a quarter system. Terms shall be considered consecutive on the basis of the student's enrollment so long as the break in the student's enrollment does not exceed one primary term. For example, this means that a student who attends for the fall semester, sits out for spring semester then attends for fall would be considered as attending consecutive terms (fall and fall).

5.3 Adoption and Display of Policies

Districts shall adopt, prominently display, and disseminate policies ensuring that students are advised about the student support services available to assist them in maintaining and reestablishing BOG Fee Waiver eligibility. Dissemination includes but is not limited to information provided in college catalogs and class schedules.

5.4 Loss of Fee Waiver Notifications

The notice to the student shall clearly state that two consecutive primary terms of probation will lead to loss of the BOG Fee Waiver until the student is no longer on probation. Any combination of two consecutive terms of cumulative GPA below 2.0, and/or cumulative course completion of 50% or less may result in loss of fee waiver eligibility.
The above notice shall also advise students about the available student support services to assist them in maintaining eligibility. Colleges shall ensure that students have the opportunity to receive appropriate counseling, assessment, advising, or other education planning services on a timely basis to mitigate potential loss of the fee waiver.

Notification to the student must be made within 30 days of the end of a term.

Districts shall begin notifications to students following the spring 2015 term and ensure that the requirements of this section are fully operational for registration for the fall 2016 term. Loss of BOG Fee Waiver eligibility pursuant to this section shall not occur prior to the fall 2016 term. Districts shall ensure that all board policies and course catalogs reflect the requirements of this section and that appropriate and timely notice is provided to students.

The timing of the notification affects when the actual loss of eligibility will occur. The loss of eligibility becomes effective at the first registration opportunity after the eligibility determination is made. If a student registers for a term after the determination of two terms probation loss, the loss of eligibility would occur with the very next term. If a student registers for a term before he or she has two terms of probation, the loss would occur for the term following the one for which he or she just registered.

The system status takes precedent over the notification date when determining 2-term probation. This means that if the term ends and the student loses eligibility based on that term’s grades, that date is when the student loses eligibility, not the date the notification is sent.

5.4 Appeals

Each community college district shall establish written procedures by which a student may appeal the loss of the BOG Fee Waiver. Appeals may be approved for:

- Students with extenuating circumstances, such as verified cases of accidents, illnesses, or other circumstances beyond the student’s control
- Situations where a student with a disability applied for, but did not receive, reasonable accommodation in a timely manner.
- Students who have demonstrated significant academic improvement

The above three appeals reasons are also applied to loss of priority registration.

Students may also appeal for the following three reasons but only for the BOG Fee Waiver program:

- Changes to student’s economic situation
- Evidence student was unable to obtain essential support services
• Special consideration of factors for CalWorks, EOPS, DSPS and veteran students

Because the appeal process for federal financial aid (SAP) can take a long time due to many requirements that must be met, colleges are encouraged to have a distinct and separate BOGFW appeal process. The BOGFW Appeal options are similar to the Enrollment Priority appeal options and should be processed in a similar manner. In order to avoid a cumbersome process, Financial Aid Offices are encouraged to think about the following:

• Consider having fee waiver appeals read and determined in Admissions and Records, in conjunction with Enrollment Priority appeals to avoid confusion with federal SAP appeals.
• Due to the lower level of scrutiny and requirements as compared to federal SAP appeals, BOG Fee Waiver appeals will be a more straightforward process.
• Students will never lose their fee waiver during the middle of a term. The loss of the fee waiver is determined at the time the student registers for classes. Therefore, if the student registers for fall term in May 2016 and then finds out he will lose his fee waiver in June 2016, the loss won’t actually happen until he next goes to register for classes which would be in October or November for spring term 2017).
• Students who don’t register for classes until after they have lost the fee waiver should already know of the loss before they sign up for the next term. There may be some very rare timing issues but we don’t anticipate many of those.

5.5 Restriction on Additional Requirements

Districts shall not impose requirements for BOG Fee Waiver eligibility other than the requirements of this section and Section 58620.

5.6 Collection of Fees Erroneously Waived

The California Code of Regulations (CCR) in Section 58629 was updated May 23, 2015 regarding the collection of fees from students found ineligible for a BOG Fee Waiver after a campus erroneously waives the fees.

The CCR reads:

a) The community college district may waive enrollment fees which were not collected in a previous session where:

(1) the enrollment fees were not collected as a result of the district’s error in awarding a Board of Governors Fee Waiver to an ineligible student and not through the fault of the student, and
(2) to collect the enrollment fees would cause the student undue hardship.

(b) Enrollment fees waived pursuant to this section are to be included in the FTES adjustments described in CEC Section 76300(c) for purposes of computing apportionments.
(c) The Board of Governors shall not reduce the apportionment of a district pursuant to CEC Section 76300(d) for enrollment fees that are waived by a district provided all the requirements for the waiver have been met.

6. SPECIAL ELIGIBILITY AND FEE WAIVERS FOR VETERANS

State law has established that fees will be waived for students under certain special fee eligibility situations as described in section 6.1.

Whereas the BOG Fee Waiver will cover fees for students meeting the eligibility criteria for parts A, B, or C as described in Section 1.2.1 of this manual, three of the following special categories are California Department of Veterans (CalVet) programs. The waiver of fees under the CalVet Fee Waiver Programs are covered in Section 6.2.

Tuition and fee benefits available through the US Department of Veterans Affairs are discussed in Section 6.6.

6.1 Eligibility under the Special Categories

The special categories are:

1 - Dependents of California National Guard members
2 - Dependents of veterans
3 - Congressional Medal of Honor recipients and their dependents
4 - Surviving dependents of the September 11, 2001 attacks
5 - Dependents of law enforcement or fire suppression personnel

A student determined eligible for a fee waiver under a special fee eligibility category and classified in the categories above is not automatically eligible for EOPS or other student services programs, unless the student otherwise meets the criteria for those programs.

Be aware that eligibility under the special classifications will only waive the enrollment fee. To be eligible for the parking fee and/or the health fee exemption, the student must demonstrate means tested, low income or need based eligibility and complete the BOGFW application, FAFSA or Dream Act Application. However, districts/colleges are allowed to determine which students can have their health fees waived. For additional information, see Sections 1.2.2 and 1.2.3.

Also, please note that although most of the CalVet fee waivers are for the dependents of veterans, a state funded fee waiver is provided for Congressional Medal of Honor recipients.

Veterans can receive tuition and fee benefits through the GI Bill administered by the US Department of Veterans Affairs as described in Section 6.6 of this manual.
6.2 College Fee Waivers for Dependents of Veterans

Through the California Department of Veterans Affairs (CalVet), the College Tuition Fee Waiver for Veteran Dependents benefit waives mandatory system-wide tuition and fees at any State of California Community College, California State University, or University of California campus. This program does not cover the expense of books, parking or room and board. There are four plans under which dependents of veterans may be eligible. For more information on Cal-Vet fee waivers and other California Veteran educational benefits go to https://www.calvet.ca.gov/veteran-services-benefits/education.

6.2.1 Dependents of veterans

CalVet refers to the following as being eligible under plan A:

- The child of a veteran who is totally disabled due to service-connected disabilities or whose death was officially rated as service-connected is eligible. The child must be over 14 years old and under 27 years old to be eligible. If the child is a veteran, then the age limit is extended to age 30;
- The spouse or Registered Domestic Partner (RDP) of a wartime veteran who has been rated as service-connected totally disabled is eligible. There are no age limit restrictions;
- The unmarried surviving spouse or RDP of a wartime veteran whose death has been rated as service-connected is eligible. There are no age limit restrictions;
- Any dependent of any veteran who has been declared missing in action, captured in the line of duty by hostile forces, or forcibly detained or interned in the line of duty by a foreign government or power is eligible.

The veteran must have served at least one day of active duty during a period of war as declared by the U.S. Congress, or during any time in which the veteran was awarded a campaign or expeditionary medal. Concurrent receipt of benefits under Plan A and VA Chapter 35 benefits is prohibited. To receive benefits under Plan A, a dependent must sign an "election" statement acknowledging this fact. There are no income restrictions under this plan. To be eligible, the event which caused basic entitlement to benefits (i.e., the date the veteran died of service-connected causes or the date the VA rated the veteran as totally disabled as a result of service-connected disabilities) must have occurred prior to the child's 21st birthday.

6.2.2 The child of a veteran who has a service-connected disability

CalVet refers to the following as being eligible under plan B.

- The child of a veteran who has a service-connected disability
- The child of a veteran who had a service-connected disability at the time of death
- The child of a veteran who died of service-related causes

The child's annual income, which includes the child's adjusted gross income, plus the value of support provided by a parent, may not exceed the annual national poverty level. The current academic year entitlement is based upon the previous calendar year's annual income. Under Plan B, wartime service is
not required and there are no specific age requirements. Children are the only dependents eligible under this plan. There is no prohibition against the student also receiving concurrent VA Chapter 35 (Survivors' and Dependents' Educational Assistance Program) benefits.

The Department of Veterans Affairs (i.e., the local county Veterans Services Offices) shall determine eligibility of the applicant and will provide documentation. No additional application form is required.

To contact the California Association of County Veterans Service Officers, Inc. and locate your local County Veterans Services Office log on to: http://www.cacvso.org. For benefit information or fee waiver applications, click on “College Fee Waiver,” or call 800.827.1000.

The Bureau of the Census of the United States Department of Commerce located in Los Angeles at 800.992.3530, shall determine the national poverty level. The annual poverty level thresholds can be found on the Bureau of Census website at http://www.census.gov/hhes/www/poverty/threshld.html

Since fees are waived under Section 66025.3 are based, in part, on information demonstrating low income or need based eligibility criteria, this fee waiver also qualifies the student for health and parking fee exemptions. For additional information, see Sections 1.2.2 and 1.2.3.

6.2.3 Dependents of any member of the California National Guard

CalVet refers to the following as being eligible under plan C

Any dependent of any member of the California National Guard, who in the line of duty while on active service to the state, was:

- killed
- died of a disability resulting from an event that occurred while in active service to the state, or
- is permanently disabled as a result of an event that occurred while in the service to the state is eligible.

Surviving spouses or RDPs who have not remarried are also eligible.

"Active service to the state," for the purpose of this benefit, means a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code. A copy of those orders pursuant to Section 146, not Section 143, must be furnished to establish eligibility.

The Department of Veterans Affairs shall determine eligibility of the applicant and will provide documentation. No additional application, scrutiny or documentation is required. To contact the California Association of County Veterans Service Officers, Inc. and locate your local County Veterans Services Office visit: http://www.cacvso.org

For benefit information or fee waiver applications, click on “College Fee Waiver,” or call 800.827.1000.
Although fees are waived regardless of financial circumstances, students who meet the requirements in Section 6.2.3 of this manual are not eligible for a health or parking fee exemption unless they also qualify for a fee waiver under either BOG Fee Waiver Parts A, B or C. For additional information, see Section 1.2.2 of this manual.

Eligibility for partial parking (see CEC 76360(a)) and health fee waivers, when permitted under local board policy (see CEC 76355) would require that Part C fee waiver applicants meet the “minimum need” standard described in Section 4.4.1 of this manual to be eligible for these additional benefits. This determination requires the student to submit a FAFSA or Dream Act Application.

6.2.4 Medal of Honor recipients and children of under the age of 27

CalVet refers to the following as being eligible under plan D

Section 66025.3 of the CEC provides that Medal of Honor recipients and children of Medal of Honor recipients under the age of 27 may qualify. Benefits under Plan D are limited to undergraduate studies only.

To be eligible, the applicant’s annual income, including the value of any support received from a parent, cannot exceed the national poverty level (see Appendix 8). There is no prohibition against the student also receiving concurrent VA Chapter 35 (Survivors' and Dependents' Educational Assistance Program) benefits.

The Department of Veterans Affairs (i.e., the local county Veterans Services Offices) shall determine eligibility of the applicant and will provide documentation. No additional application form is required.

The Bureau of the Census of the United States Department of Commerce located in Los Angeles, 818.904.6393 or 800.992.3530, determines the national poverty level.

For the Department of Veterans Affairs Service Office in your area logon to: http://www.cacvso.org/county-contacts/ or call 800.827.1000.

Since fees are waived under CEC Section 66025.3 based in part on information demonstrating low-income or need-based eligibility criteria, this fee waiver also qualifies the student for health and parking fee exemptions. For additional information, see Sections 1.2.2 and 1.2.3.

6.3 Surviving Dependents of an Individual Killed in the September 11, 2001 Terrorist Attacks

CEC Sections 68121 and 76300 provide that fees shall be waived for dependent children of any individual killed in the September 11 terrorist attacks or the crash of United Airlines Flight 93 in Pennsylvania if the dependent meets the financial need requirements set forth in CEC Section 69432.7 for the Cal Grant A Program and either of the following applies:

- The dependent was a resident of California on September 11, 2001.
- The individual killed in the attacks was a resident of California on September 11, 2001.

The waiver continues until the surviving dependent child reaches the age of 30 (see Appendix 8). Annual Cal Grant A income maximums can be found here: http://csac.ca.gov/doc.asp?id=1122

The California Victim Compensation and Government Claims Board located at www.vcgcb.ca.gov in Sacramento, 916.322.4426, shall confirm the eligibility of the applicant and will provide documentation. No additional application form is required.

Since fees waived under CEC Section 76300 based in part on information demonstrating low-income or need-based eligibility criteria, this fee waiver also qualifies the student for health fee and parking fee exemptions. For additional information, see Sections 1.2.2 and 1.2.3.

6.4 Dependents of Law Enforcement or Fire Suppression Personnel Killed in the Line of Duty

The CEC provides in Section 76300, subsection (i) that fees will be waived for any student who is the surviving spouse, or the child, natural or adopted, of a deceased person who met all of the requirements of CEC Section 68120. This section requires documentation that his or her annual income, including the value of any support received from a parent, does not exceed the maximum household income and asset level for an applicant for a Cal Grant B award, as set forth in CEC Section 69432.7 (see Appendix 8). Annual Cal Grant B income maximums can be found here: http://csac.ca.gov/doc.asp?id=1122

CEC Section 68120 includes the following requirements for the deceased person:

1. He or she was a resident of California.
2. He or she was employed by a public agency.
3. His or her principal duties consisted of active law enforcement service or active fire suppression and prevention.
4. He or she was killed in the performance of active law enforcement or active fire suppression and prevention duties.

6.4.1 Determination of eligibility

The public agency that employed the decedent should provide documentation that the student is eligible for this special eligibility fee waiver and that the statutory requirements in CEC Section 68120 have been met.

The Financial Aid Office may request evidence to establish any other fact reasonably necessary to determine eligibility for exemption from tuition.
6.4.2 Eligibility for health and parking fee exemptions

Since fees are waived under CEC Section 68120 based in part on information demonstrating low-income or need-based eligibility criteria, this fee waiver also qualifies the student for health and parking fee exemptions. For additional information, see Sections 1.2.2 and 1.2.3 of this manual.

6.5 Presenting Documentation for CalVet Fee Waivers

The BOG Fee Waiver does not provide fee waivers specifically for students who are veterans although some veterans might meet the standards for a waiver under BOG A, B or C Fee Waiver criteria. Some veterans and their dependents will qualify for the CalVet Fee Waiver Program offered through California Veterans Services Offices. CalVet Fee Waiver Program is not a program of the Community College Chancellor’s Office.

To demonstrate eligibility for the CalVet Fee Waivers, the student or their dependent must provide a “College Fee Waiver Authorization” letter issued by a County Veterans Certification Office. This letter is good for one academic year. Information on this program including eligibility information, application forms, instructions on how to apply and locations of County Veterans Services Offices can be found at: http://www.cacvso.org

Be aware that the College Fee Waiver Authorization may not have sufficient student information, such as a student ID number, to successfully process the fee waiver request and set up the student for reporting to the Chancellor’s Office via the MIS reporting.

This being the case, some campuses have been requiring the student to complete the BOG Fee waiver application to obtain sufficient inform to process the student’s eligibility for the CalVet Fee Waiver and also to gather additional information required to determine the student’s eligibility for waiver of other fees, such as health, student center, parking fees, etc.

Whereas this is an acceptable method of getting the information necessary to process the student or dependent for CalVet Fee Waivers, a campus cannot require a student receiving a waiver a fees through a CalVet program to complete the BOG Fee Waiver application. To best assist the student, however, campuses should explain to the student that they may be eligible for other financial aid. If the student refuses to complete the BOG Fee Waiver application or other forms, a campus should simply obtain enough additional information from the student to meet the MIS processing requirements for the CalVet Fee Waiver Program. This additional information could be obtained on a short form that collects only the required information or even could be provided in a hand written note.

If a BOG Fee Waiver application is collected, campuses should carefully process the application. This is due to the fact that the BOG Fee waiver application information may not demonstrate eligibility under the BOG Fee waiver program yet, under the CalVet Fee Waiver Program, the student is eligible for waiver of fees.
6.6 Tuition and Fee Assistance through the GI Bill

The US Department of Veterans Affairs (VA) administers several benefit programs created to assist veterans of US wars as well as peacetime service. These programs are referred to as the GI Bill. Some of these programs will pay all, or a portion, of a veteran’s tuition and fee expenses. The existence of these programs explains why, for the most part, state law does not provide fee waivers to veterans since the VA programs will pay the fees.

Application for VA education benefits can be made in the following ways:

- online at www.ebenefits.va.gov,
- at the nearest VA regional office, or
- using a paper application

Each campus will have a VA Certifying Official, usually in the Registrar’s or Financial Aid office who will have hardcopy application forms and can certify the veteran’s attendance as well as assist in the application process. Students should call the VA at 888.442.4551 with any questions or to have an application form mailed to them.

Information of the VA education programs can be found on the VA website at http://www.va.gov/

6.7 Note on Veterans In-state Fee Eligibility through the VACA ACT

Veterans who qualify to pay in-state fees due to the provisions of the VACA Act do not automatically receive a fee waiver. To have their fees waived, they would have to meet California residency requirements, qualify for a CalVet fee waiver or qualify under AB 540/AB 131. For more information on the VACA Act, see Appendix 23.

To be best able to serve our veteran students, we ideally would always inquire further with any student who indicates they are a veteran or the child of a veteran since the FAFSA does not capture veteran status.

7. Full Time Student Success Grant (FTSSG)

7.1 Description

Senate Bill 97, the 2015 Budget Act, was signed by the Governor on June 24, 2015, initiating a new grant program for California Community College students. The new program provides funding to the California Community College Chancellor's Office (CCCCO) to support supplemental grants for the 2015-16 year (with anticipated ongoing funding) to community college Cal Grant B recipients who have already received a full time Cal Grant B award payment. All 113 California Community Colleges will be participating.

Because of the inherent connection to Cal Grant B awards administered by the California Student Aid Commission (CSAC), and in order to avoid any student or college staff confusion regarding this program, we have chosen to name it the “Full Time Student Success Grant” (FTSSG) program.
7.2 Intent

The intent of the FTSSG funding was expressed by the Legislature as a desire to support student persistence, retention and success by providing students an incentive to attend and complete full-time. In addition the desire to increase grant aid to community colleges and strengthen the value of the Cal Grant B Access award for the lowest income students was also of paramount concern.

As we roll out the new grant program, we anticipate colleges focusing on paying Cal Grant B Access awards sooner in order to get the FTSSG delivered to students at the same time as the Cal Grant B payment, or very shortly thereafter. To those ends, $39 million was provided to leverage the existing Cal Grant B program with supplemental grant funding. To assist community colleges in implementing the new grant program, an additional $3 million was provided to be released to college districts.

Great effort has been focused on keeping this program simple to administer within the confines of community college FA operations ensuring maximum benefit to students with minimal administrative bureaucracy.

7.3 Budget Act Control Language: SB 97 Annual Budget Act 2015

Approved by Governor June 24, 2015
Filed with Secretary of State June, 24, 2015.

6870-102-0001—For local assistance, Board of Governors of the California Community Colleges (Proposition 98) $39,000,000

Schedule:
1. 5675019-Student Financial
   $39,000,000

Provisions:
3. The funds appropriated in Schedule 1 of this item shall be distributed to students who are receiving the Cal Grant B Access Award and are taking 12 units or more. The Office of the Chancellor of the California Community Colleges shall determine the number of students eligible for this funding, and distribute an equal amount of funding to each student as funding allows

7.4 Information and Communications

7.4.1 CFAO-all list program guidance

All guidance and information regarding FTSSG policy, processes, reporting and cash management will be distributed through the CFAO-all List. You may want to add additional pointers to the list to include staff who will be working with the FTSSG program. Please refer to the Alias List instructions web page for instructions to add subscribers: http://extranet.cccco.edu/Divisions/TechResearchInfoSys/Telecom/ListservInstructions.aspx
7.4.2 Program mailbox

In order to track and respond to inquiries regarding the new FTSSG program, a new email box has been established. Please address any questions or comments to the following email address: FTSSG@cccco.edu.

7.4.3 Chronicling inquiries

By centralizing and chronicling the inquiries we will be able to categorize and aggregate the inquiries and response and update a statewide Q&A document to provide the most comprehensive source of information on the grant program.

7.5 Definitions

7.5.1 Full-time = 12 or more units in a term, and/or 24 or more units in an academic year

7.5.2 Eligibility:

1. Enrollment Status: Full-time linked to Cal Grant B Award Payment
2. All Cal Grant B award and payment eligibility standards are applicable, including:
   a. Be a U.S. citizen or an eligible noncitizen
   b. Be a California resident or be California Dream Act eligible (AB 540, AB 131)
   c. Attend a Cal Grant participating California college or university
   d. Demonstrate financial need at his or her college
   e. Have family income and assets below the annual ceilings
   f. Have met U.S. Selective Service requirements
   g. Be in a program leading to an undergraduate degree, certificate or first professional degree
   h. Not have a bachelor’s or professional degree before receiving a Cal Grant (except for extended Cal Grant A or B awards, teaching credential programs or Cal Grant T)
   i. Have a valid Social Security number (except some AB 540, AB 131)
   j. Maintain satisfactory academic progress
   k. Not owe a refund on any state or federal educational grant
   l. Not be in default on any student loan
   m. Not be incarcerated

7.6 Disbursements to Students:

7.6.1 Term awards

At the time a student receives their first Cal Grant B payment at a full-time status in the fall or spring term, they are then eligible for a FTSSG of $300 for that term.

1. Semester payments are $300 per primary term not to exceed $600 annually
2. Quarter payments are $200 per primary term not to exceed $600 annually
3. Awards are not to be split, with the funds disbursed in-full for each term.

### 7.6.2 Full-time attendance is required

Full-time attendance is determined at the date at which a school determines full-time payment status for Cal Grant B. If this is a freeze date, then use the same date. If another date is used; use the same date and enrollment level as used for the Cal Grant B payment.

### 7.6.3 Payment rules

1. Annual payment maximum of $600 for any combination of primary terms, intersessions and summer.
2. Participants who start a term at less than 12 units but pick up units later in the term and reach 12 units may be paid if a full-time Cal Grant B payment is reported for the term.

#### 7.6.3.1 Over-payments

The resolution of over-payments is not required providing that a change in enrollment status was made after the term payment if:

1. The FTSSG term payment was made for the full term amount ($300 for semesters and $200 for Quarters); and
2. The student also received a Cal Grant B term payment for 12 or more units at the time of disbursement of the FTSSG.
3. Enrollment drops that result in less than full-time attendance after term payment will not require repayments by students or by schools.

#### 7.6.3.2 Over-awards

Need based over-awards must be prevented:

1. Award payments may not exceed unmet need
2. Awards payments for other aid (loans, work-study, other rationed and reusable grant aid (ie. FSEOG) should be adjusted to prevent over award.

### 7.7 Funding System

#### 7.7.1 Initial allocation

For the 2015-16 year, each school will have an allocation of FTSSG funds, based on 13-14 MIS data. A limited amount of funds have been held back, to accommodate changes in size of enrollments at various
colleges. Once a school has paid out their allotted funds, they can submit a payment record (see the “FTSSG file layout” attached) to the Chancellor’s Office and request additional funds for additional, qualified students.

a) Semester calendars will receive fall advance in late September and spring advance in late January.
b) Quarter calendars will receive fall advance in late September and winter/spring advance in late January.

a. September fall advance based on MIS Cal Grant B payments (adjusted for projected growth in 2014-15 and 2015-16) with periodic reconciliation for actual payments resulting in (+) funding adjustments to meet total fall obligations
b. January winter/spring advance based on MIS Cal Grant B payments (adjusted for projected growth in 2014-15 and 2015-16) minus any cash on hand from fall advance with periodic reconciliation for actual payments resulting in (+) funding adjustments to meet total spring obligations
1) Mandatory Term/Annual Reconciliation to get any subsequent advance
2) CO-FA will establish a calendar of monthly reporting deadlines for reconciliation reporting and subsequent funding adjustments.

7.7.2 Surplus Grant Funding - Possible Solutions

The following may be implemented but only if surplus grant funds are available and awards are authorized by the Chancellor’s office:

a) Summer payments (FT equivalency to be determined)
b) Annual maximum for any combination of primary terms, intersessions, summer of 24 or more semester units annual (36 or more quarter units)
c) Premium Supplemental payments for 15 or more semesters units in a term or the equivalent in quarter units or 30 or more semesters units in a year or the equivalent in quarter units
d) Supplemental payments prioritizing students with the greatest unmet need.

7.8 Fiscal Reporting

7.8.1 Osher Scholarship style reporting
California Community College Scholarship Endowment (CCCSE)/Osher Scholarship style reporting for cash management and recipient data with “true and accurate” certification to be signed by FAO/Fiscal Officer.
7.8.2 Prior term reconciliation

Fall term reconciliation required prior to Spring Advance (due December) with recipient ID and term payments. Additional reconciliation(s) as cash flow is needed for term disbursements. Reconciliation required prior to Spring Advance (December) includes recipient IDs and term payments. Additional reconciliations as cash is needed for term disbursements.

7.8.3 Annual Reconciliation

Annual Reconciliation of cash ($) and recipients (MIS) with year-end closing adjustments (+/-) in R-1.

7.9 Data

7.9.1 New reportable value in COMIS

The Chancellor’s Office Management Information System (COMIS) has been amended to include a new reportable value (GD) for the FSSIG under data element SF21 to facilitate reporting for the 2015-16 award year and forward.

7.9.2 Subject to group A edits

In the COMIS, these awards will be subject to group “A” edits the same as Cal Grant B awards.

7.9.3 Requirement for full-time Cal Grant B payment

The FTSSG requires a full-time Cal Grant B payment in the term/year reported. If the student is not eligible for full-time Cal Grant B payment, the student cannot receive the FTSSG.

7.10 Other Guidance

Over award resolution is not required provided that:

- The FTSSG term payment was made for the full term amount ($300 for semesters and $200 for Quarters); and the student also received a Cal Grant B term payment for 12 or more units at the time of disbursement of the FTSSG. Enrollment drops that result in less than full-time attendance will not generate repayments by students nor by schools.

- Portability would be equivalent to Cal Grant portability. A student receiving a Cal Grant B Award with enrollment status equal to or greater than 12 units would be eligible and should be paid their FTSSG provided they have not exceeded their annual limit of $600.

- Students attending multiple colleges in a term should receive an FTSSG award based upon their receipt of a Cal Grant B Award payment reflecting a cumulative enrollment status of 12 or more units per term.
7.11 Possible Campus IT Issues

7.11.1 School Based Software Issues:
- Programming to make awards and payments
- Programming for reporting using the file layout protocol

7.12 COMIS

7.12.1 Reconciliation and corrections
Mapping to MIS for new award code, SF-21 +GD, and reporting and edit requirements

7.12.2 Chancellor’s Office accounting
These awards will be accounted for and reported on to the Chancellor’s Office, not to CSAC. Because of this, they will require a new award code in IT systems, payable for both fall and spring terms (and possible summer awards).

7.13 Business Office Issues

7.13.1 New program and Ledger Accounts
Funds need to be accounted for in a subsidiary ledger, backed up with detailed payment records per the “FTSSG record layout” reporting protocol.

7.13.2 Lag time for fund reimbursement
There may be a lag in time between identifying eligible students, and receipt of funds from the Chancellor’s Office. It is suggested that Financial Aid Directors speak with their fiscal offices and college foundations to discuss the possibilities on managing cash flow during these times. At least one school has been able to secure a cash “float” for these grants for up to 3 weeks, and for up to $50,000.

7.13.3 Timing of advances and supplemental advances

7.13.4 Cash flow for payments

7.13.5 Reconciliation and reporting and liability

7.13.6 Account recommendation
Although it is not required, we encourage colleges to maintain funds in an interest-yielding account or investment sweep accounts.

7.14 Foundation Involvement

7.14.1 Possibly assist with cash flow
7.14.2 Possibly make supplemental Awards
7.15 Implementation funding guidance and allowable uses

Each district will be receiving an additional one-time amount of $41,667 to cover implementation costs such as system set-up, file layout programming, etc. Funds were allocated on a district allocation formula under the assumption that most colleges would utilize these resources to modify and update their school based software to award, pay and report FTSSG recipients. Under all circumstances the funding is subject to BFAP/SFAA expenditure guidelines and restrictions.

Funds provided for implementation expenses will be accounted for in the 2015-16 SSARCC reporting.

7.16 Marketing and Awareness

In the first year of implementation the ICAN campaign has developed a bi-fold brochure collateral piece for distribution to college FA offices communicating the opportunity and requirements. We recommend you share this publication with Cal Grant B students whose enrollment status is less than FT (12 Units per term).

In addition social media channels for the ICAN campaign will be featuring messages regarding the FTSSG opportunity and requirements.

Any local district/college efforts to identify and communicate with this Cal Grant eligible population (especially the new awards in the March and September cycles would positively support the roll out of the program.

7.17 As we embark on this Endeavor

We realize that this program, with new awards paid for this Fall 2015 term, is being implemented with very short notice. However, the needs of our low-income students are vast, and additional grant aid is always welcome. It is incumbent upon us to deliver these grants as quickly as possible, to make as much of a difference with them as possible, and quickly.

Please contact FTSSG@cccco.edu with any additional questions you may have about the details. Thank you for your efforts and attention to this new grant program!

8. STUDENT EQUITY

Student equity is a concept that recognizes that some students need more assistance to complete their educational goals.

In 2012, SB 1456, the Student Success and Support Act, laid the statutory cornerstones of the Student Success Task Force. The legislation also laid the groundwork for the Student Equity Program which provides state resources for colleges to develop and implement programs to improve educational outcomes for students with additional disadvantages and challenges, thereby closing achievement gaps.
SB-860, the education omnibus trailer bill passed in 2014 requires each community college district to maintain a Student Equity Plan as a condition for receiving Student Success and Support Program funding. The plans are to ensure equal educational opportunities and to promote student success for all students regardless of race, gender, age, disability, or economic circumstances.

8.1 Student Equity Plan Considerations

Student equity plans shall consider many different student categories, including low-income students. In preparing the plans, the adoption of evidenced models of remediation are required in coordination with student equity-related categorical programs or campus-based programs. Also, creation of the plan should involve the active involvement of all groups on campus as required by law, including, but not limited to, the academic senate, academic faculty and staff, student services, students, and with the involvement of appropriate people from the community.

Campuses are required to:

- establish criteria for calculating the number of high-need and disadvantaged students in a community college district. For this purpose, “high-need students” mean students who have an expected family contribution, as defined in subdivision (g) of CEC Section 69432.7, at any time during those students’ matriculation at the institution, that would qualify those students to receive federal Pell Grants and students from ZIP codes in the bottom two quintiles of college attainment.

- use the calculation of a student’s expected family contribution based on the Free Application for Federal Student Aid (FAFSA) or Dream Act Application.

- establish a list of eligible and ineligible expenditures and activities to ensure that funding is used to support the implementation of student equity plan goals and the coordination of services for the targeted student populations.

9. Enrollment Priority

Section 58108 of the California Code of Regulations (CCR) defined the enrollment priority standards to be used by community colleges that use priority enrollment. These priority requirements are tied to academic progress standards, unit limits and other requirements.

9.1 Priority Tier 1

First priority for enrollment each term is provided to students participating in the following programs or situations:

- CalWorks
- DSPS
- EOPS
• Foster Youth & Former Foster Youth (up to 24 years of age)
• Veterans

These five groups must be scheduled to enroll first and at the same time for priority registration. No one group in this first tier may go ahead of another. If a campus uses priority enrollment, the above criteria must be used.

Each District shall establish written procedures by which a student may appeal their loss of Enrollment Priority.

9.2 Appeal of Loss of Priority Enrollment

Students may appeal the loss of their enrollment priority. Campuses may consider three circumstances when reviewing an appeal.

• Verified cases of accidents, illnesses, or other circumstances beyond the student's control
• Students with disabilities who applied for but didn’t receive accommodation in a timely manner
• Students demonstrating significant academic improvement

The three enrollment priority appeal circumstances above are also approved BOG Fee Waiver appeal reasons. A student who successfully appeals the loss of enrollment priority for the reasons above shall also have BOG Fee Waiver eligibility restored.

10. DEFAULT PREVENTION INITIATIVE

10.1 Background

Under Section 435(a)(7) of the HEA, an institution that has a 3-Year Cohort Default Rate of 30 percent or greater for any one federal fiscal year is required to establish a Default Prevention Task Force to reduce defaults and prevent the loss of institutional eligibility.

10.2 Preparing a Default Prevention Plan

The HEA’s implementing regulations at 34 CFR 668.217 require that a school’s Default Prevention Task Force create a program of default prevention and submit a written Default Prevention Plan to the Department of Education (the Department).

10.2.1 A school’s default prevention plan must have the following:

• Identify the factors causing the default rate to exceed the threshold
• Establish measureable objectives and the steps the institution will take to improve its cohort default rate
• Specify the actions the institution will take to improve student loan repayment
10.3 Chancellor’s Office Default Prevention Efforts

The Chancellor’s Office has established a ranking of schools by their 3-year default rate to best provide support in the campuses default prevention efforts.

10.3.1 Selection of a Private Consultant

Through a carefully planned selection process, Parker, Pierson and Associates (PPA) was selected as the program default prevention consultant. The services provided included the following:

- Full analysis of current and projected cohort default rates
- Assistance with Incorrect Data Challenge (IDC) and Participation Rate Index (PRI) appeal Institutional consulting
- Third party services selection and monitoring
- Financial literacy and in-house default prevention product selection
- System level consulting

10.3.2 Tiered prevention approach

The establishment of default rate tiers allowed a focused approach based on the school’s default rate. The tiers are:

- Tier 1 – Default rate in excess of 30%
- Tier 2 – Default rate between 20 and 30%
- Tier 3 – Default rate 20% or below

Tier 1 schools must submit a default prevention plan. Tier 2 and 3 schools are encouraged to participate. Keeping on top of your CDR is less stressful than waiting until your rate gets into the high risk category.

10.3.3 Tier 1 – Default rate in excess of 30%

As a school most in jeopardy of losing Title IV program participation, the tier 1 schools are provided the following services:

- Free default prevention consulting
- Recommended third party servicers
- Default prevention software
- Financial literacy
- Default prevention recommendations and strategies
- Help with required:
  - Default prevention team on campus
  - Default Prevention Management Plan
  - Review of third party servicer contract
  - IDC/PRI help
  - CDR projections
10.3.4 Tier 2 – Default rate between 20% and 30%

Schools in Tier 2 are not required to take any actions but should pay attention to their CDR. These schools CDRs may be on the way up or on the way down.

10.4 Financial Literacy

10.4.1 Partnership with NEFE

The Chancellor’s Office partners with the National Endowment for Financial Education to provide financial literacy information to students.

10.4.2 CashCourse

CashCourse is a free, online resource designed to provide students with financial education information for every stage of college life.

CashCourse is able to co-brand with schools to display the college logo, colors, and, optionally, links to social media profiles

For colleges, CashCourse also:

- Provides unbiased, commercial-free content
- Provides customizable promotional materials, although schools using the materials cover the printing costs.
- Allows multiple campus departments to use the website.

For students, CashCourse provides the following:

- Free, online financial literacy information
- Articles
- Videos
- Worksheets
- Quizzes
- Calculators
- Budget Wizard

11. Fee Waiver PAYMENT POLICIES

11.1 Eligibility Established Prior to Start of the Term

If the student establishes eligibility prior to the start of a term and the college has sufficient time to notify the appropriate offices of that eligibility, the student should not be required to make payment of fees at the time of enrollment.
11.2 Eligibility Established After the Start of the Term or Eligibility Pending

If the student establishes eligibility after the start of a term or if the college does not have sufficient time to notify the appropriate offices of eligibility established before the start of the term, the college may:

- require the student to pay fees and later reimburse the student for fees paid; OR
- waive the student’s fees pending completion of eligibility determination, with a student acknowledgement of the obligation to pay if the student is found to be ineligible; OR
- require the student to pay fees and set a date beyond which fees will not be reimbursed if eligibility is not yet established.

The adopted policy must be extended in the same manner for all students and must be included in the Financial Aid Office’s Policy and Procedures Manual.

11.3 Reimbursement of Fees Paid and Retroactive Reimbursement

If a student retroactively demonstrates eligibility for a fee waiver at any time during the academic year, the college may (but is not required to) reimburse the student for fees paid, even if one or more terms has been completed. Reimbursements may be paid to students only within the current academic year. There shall be no reimbursements after June 30 of the academic year unless specifically required by law. The institutional policy must be included in the Financial Aid Office’s Policy and Procedures Manual.

11.3.1 Retroactive reimbursement processing fee

Colleges/districts are not authorized in statute to charge a fee for processing retroactive fee reimbursement requests.

11.4 Repayment of a BOG Fee Waiver

If a student becomes ineligible after receiving a BOG Fee Waiver, the college has the option of pursuing recovery of the ineligible waived fees. The policy adopted must be included in the Financial Aid Office’s Policy and Procedures Manual.

12. CATEGORICAL FUNDING FOR STUDENT FINANCIAL AID ADMINISTRATION

12.1 Board Financial Assistance Program (BFAP) Student Aid Administrative Allowance

12.1.1 BFAP-SFAA Base allocation formula

Under CEC Section 76300, colleges are provided an administrative allowance to administer the BOG Fee Waiver Program. The statewide aggregate allowance for all colleges is determined by multiplying ninety-one cents ($0.91) times the current enrollment fee per credit unit for each student for whom fees are waived through the BOG Fee Waiver program during the academic year.
From the statewide aggregate allowance, each college is allocated a sum proportional to the number of students served by fee waivers in the last year for which verifiable data are available. Allocations will not be less than 90 percent of the previous year’s allocation (if funding permits). No college receives less than $12,500.

An allocation and apportionment timeline is available in Appendix 14.

12.1.2 BFAP-SFAA capacity funding allocation formula

The BFAP-SFAA augmentation will be allocated as follows:

- $50,000 per college as a minimum allocation;
- The balance will be distributed using a fair share formula, weighing FTES for each college as a percentage of system-wide FTES and BOG Fee Waiver participant volume by college as a percentage of the system-wide BOG Fee Waiver participant volume equally, based on the most recently reported MIS data.

This provides incentive for colleges to quickly and strategically develop and implement plans to achieve increased participation in Student Financial Assistance programs by rewarding success with increases to a college’s future year BFAP-SFAA funding. It also provides for enrollment growth in the allocation formula for future year BFAP-SFAA funding.

12.1.3 Allowable use of funds

Funds cannot be used for district operations, nor may they be divided among colleges within a district in a manner that differs from the annual allocation to each campus.

The BFAP administrative allowance funding must be spent specifically on the directives listed below. Exceptions to these guidelines are not allowed without written approval of the Chancellor’s Office Student Financial Assistance Programs Coordinator.

BFAP administrative allowance funds may be expended only for financial aid professional, technical, clerical and/or temporary staff (including student help) who report directly to the financial aid director. Funds may not be used for salaries for personnel at the level of financial aid manager or above.

In addition to these specific personnel costs, funds may also be expended for costs associated with staff training and for the development and production of financial aid outreach materials. Funds may only be expended for computer hardware or software necessary for and solely dedicated to the delivery of student financial aid. Funds may not be used for capital outlay or office supplies. The funds may not cover expenditures made or liabilities incurred prior to July 1 of the applicable fiscal year.
Funds must supplement, not supplant, on-going college expenditures for the administration of student aid.

Funds are also provided as part of the $2.8 million for the statewide “I Can Afford College” financial aid awareness media campaign. These funds can be used:

- To increase awareness and participation in student financial aid programs through direct contact with potential students, current students, and families by the California Community Colleges Chancellor’s Office.

- To increase low-income and disadvantaged student participation in postsecondary education, by providing access to information, application completion assistance, and expanding the number of funded financial aid awards.

12.2 Board Financial Assistance Program (BFAP) Allocations – “2% Fund”

To help ensure that colleges are not disadvantaged in fee revenue by enrolling needy students, each year colleges receive an amount equal to 2 percent of the total fees waived to be used in their college general fund. This is similar funding to the 2 percent of fees actually paid that is kept by the college. These funds do not have to be spent on the administration of student aid.

12.3 Additional Allocations

From time to time, the Legislature may allot additional administrative funds to the community colleges. These funds may be released to implement new programs, for example, the Full-time Student Success Grant.

Funding may be allotted at the district level or campus-by-campus. These funds are to be considered one-time funding unless the augmentation is statutorily appropriated.

12.4 3 Percent of the “2% Fund” Set-Aside

In 2001, the Board of Governors adopted a proposal to establish a set-aside of 3 percent of the “2% Fund.” The “2% Fund” allocation for each college is reduced by 3 percent to generate funds to be used by the Chancellor’s Office to fund the Financial Aid Regional Representatives meetings and to allow the Chancellor’s Office to undertake special financial aid related projects of vital interest to the system. The amount of the set-aside will vary each year based upon the amount of the Chancellor’s Office’s “2% Fund” in the annual budget. See Appendix 14 for an allocation timeline.

12.5 BOG Fee Waivers are Entitlement Funding

There are no allocations for the actual student fee waivers. The waivers are simply a transaction for which no money is received (other than the eventual “2% Fund” noted above). The waivers are available to all students who
qualify, regardless of the amount of fees waived and are thus an “entitlement” throughout the year.

12.6 Financial Aid and Fee Waivers

Student financial aid, including BOG Fee Waivers, is a critical component in the success of community college students. Financial aid plays an important role in student success and student equity.

13. CHANCELLOR’S OFFICE AUDIT AUTHORITY

13.1 Chancellor’s Office Audits

The Chancellor’s Office may require a campus to provide documentation of compliance with statutory and regulatory requirements in the BOG Fee Waiver and Special Programs. In performing such an audit, a campus may be requested to provide the findings of any federal and state audits by other agencies. These may include, but are not limited to U.S. Department of Education and California Student Aid Commission Compliance audits as well as other federal and state audits.

13.2 Auditor Findings and Possible Actions

13.2.1 First time findings

District Action - If no questioned cost is identified, the district will submit a corrective action plan (CAP) to the Chancellor’s Office (CO) Program staff for approval. The auditor will retest in the next annual audit cycle to see if the issue is resolved.

Chancellor’s Office Action - If a questioned cost is identified, CO Fiscal staff will notify the district and CO Program staff of categorical apportionment adjustment in the next fiscal year.

13.2.2 Systemic/significant Findings

District Action - District submits CAP to the CO Program Staff for approval. Auditors perform a special review (AUP) in the current year on implementation of CAP and report the results to the CO immediately.

Chancellor’s Office Action - If a questioned cost is identified, CO Fiscal staff will notify the district and CO Program staff of categorical apportionment adjustment in the next fiscal year.

13.2.3 Repeat findings

District Action - Auditor to perform a special review (AUP) in the current year to see if issue is now resolved with report to CO immediately.

Chancellor’s Office Action - If AUP finds issue unresolved, CO Fiscal staff will notify the district and CO Program staff of a 10% categorical apportionment adjustment in the next fiscal year.
14. **CAMPUS REPORTING REQUIREMENTS**

14.1 **MIS Data: Annual October 1st Submission**

Annually, each college is required to electronically report statistical data on the number of recipients and the dollar amount of financial aid awarded for the academic year completed. The MIS data reporting requirements are located at [http://extranet.cccco.edu/Divisions/TechResearchInfoSys/MIS.aspx](http://extranet.cccco.edu/Divisions/TechResearchInfoSys/MIS.aspx) and are submitted through your campus MIS office. The MIS reporting of the Financial Aid data elements is due October 1 each year.

Please refer to Section 14 for more specific information regarding MIS DATA Submission requirements for the Student Financial Aid program.

14.2 **Estimates of Fee Waiver Activity**

In preparation for the development of each year’s state budget, the Chancellor’s Office is asked to provide an estimate of the total BFAP program activity for the current year. This includes an estimate of the number of students to be served in summer, fall, (winter), and spring, as well as an estimate of the total dollar amount of fees to be waived during that time period. This information is used by the Department of Finance to develop estimates for the Governor’s January Budget and for the May Revision of the Governor’s Budget. The data used in the estimates are derived from the Annual Financial Aid MIS Data Report that is due on October 1 of each year. It is important that the college reports accurate data since future allocations will be based on the data.

14.3 **Reallocation of Unused Administrative Allowance: BFAP Administrative Allowance Release of Funds/Request for Funds (BFAP Report 2)**

Each Spring, the Chancellor’s Office will send each campus a reminder in the form of the Board Financial Assistance Program - Student Financial Assistance Administration (BFAP-SFAA) Form. With this notice, campuses are asked to indicate anticipated expenditures by June 30 for the BFAP-SFAA funds allocated to the college.

Typically, these funds may not be spent or encumbered beyond the fiscal year and any funds that will not be encumbered by the end of the fiscal year can be released to the Chancellor's Office for reallocation.

Campuses should carefully review their BFAP administrative allowance balance and expenditure plans. The decision to return anticipated unused funds through a timely filing of BFAP-SFAA form will have no bearing on future allocations. However, colleges that fail to utilize any amount in excess of one percent of their allocation after the end of the fiscal year will receive a penalty against future year allocations.
The form also allows colleges to request additional funds for expenditure in the authorized spending period, should they have need in excess of their current allocation. While we do not anticipate the return of any funds, should any funds be returned, they will be reallocated.

Failure to release or utilize the BFAP administrative allowance will result in an allocation penalty. The penalty will equal unutilized funds in excess of one percent of the total final adjusted allocation for the applicable year and will be taken from the allocation for the fiscal year immediately following the year in which the underutilization is reported. This report is called “BFAP Report 2”.

14.4 Maintenance of Administrative Effort: BFAP Administrative Allowance Expenditure Report (BFAP Report 3)

Colleges are required to report annually on the amount of money spent to administer the student financial aid programs. The amount must be equal to or greater than the maintenance of effort required under the CEC (see Appendix 1) and the provisional language in the annual Budget Act. For BFAP-SFAA purposes, the maintenance of effort (MOE) is equal to the 1992/93 level of administrative effort updated for cost of living adjustments. For augmentation purposes, the MOE must be equal to or greater than district/college financial aid spending in 2001-02. This same report also provides information on the college’s final expenditures of the BFAP Administrative Allowance. This report is called “BFAP Report 3.”

Any college that fails to meet the maintenance of effort requirement will have their BFAP allocation (“2 Percent” Fund) reduced dollar-for-dollar based upon the amount of their MOE not fully met. The penalty can be assessed up to the full amount of the college’s BFAP “2 Percent” Fund allocation for the next funding cycle. A college may appeal any assessment by providing the Chancellor’s Office with a detailed explanation for the shortfall and an accompanying MOE Correction Plan to resolve the problem.

14.4.1 MOE/match requirements

- The State allocates categorical program funding for Student Financial Aid administration (SFAA) specifically to supplement and not supplant existing institutional resources to enhance access to postsecondary education for low income and disadvantaged populations.

- Maintenance of Effort (MOE)/match expenditures qualify an institution to receive SFAA categorical funding in each corresponding future fiscal year and as such must be satisfied in each fiscal reporting year.

- MOE/matching expenditures must directly benefit the Student Financial Aid (SFA) program administration

- Refund, Overpayment, and R2T4 liabilities are not considered operational expenses for MOE reporting and should not be included in general fund expenditures identified for purposes of complying with MOE requirements.
• Audit findings and associated audit/reconstruction liabilities are not considered operational expenses for MOE reporting and should not be included in general fund expenditures identified for purposes of complying with MOE requirements.

• Contracted disbursement services (such as HigherOne, or Blackboard) that replace the disbursement functions previously performed by a bursars office, business office, or fiscal services unit may be included in the institution’s MOE but are not allowable uses for categorical funding as this could create a supplanting issue.

• Administrative costs of doing business (such as Legal services, segregated duties such as residency determinations and disbursement functions) as well as indirect overhead assessments or allocated expenses such as, information and technology support, business services, fiscal services, legal services, personnel services etc. are not considered allowable uses of categorical funding and may not be included in the MOE/match unless all expenditures for such services are charged proportionately to all cost centers on campus.

• Salaries and benefits for staff organizationally superior to the FA Director (the institution’s designated coordinating official) are not to be included in the MOE/match nor are they allowable uses for SFAA categorical funding.

• Only general fund or “other source” expenditures (including those for staffing and benefits) which are included in the SFA programs operating budget and that are under the oversight and control (subordinates in the case of staff) of the FA Director (designated coordinating official) may be included in the MOE/match.

  o “Other Source” expenditures would likely include federal Pell and Campus Based Administrative Cost Allowances (ACA). Other sources might also include grant funding from outside sources.

• Colleges failing to meet SFAA MOE/match in any fiscal year(s) are subject to a dollar for dollar penalty against the college/district’s BFAP 2% funding (unrestricted) in current and future years.

  o Mitigating circumstance appeals will be considered but are at the sole discretion of the Chancellor’s Office.

14.5 FTSSG Reporting

The Full-time Student Success Grant requires student payment reporting to reconcile funds advanced and paid to the institution. Although initial payment for a year is sent at the beginning of the fall term, funds are sent for subsequent terms taking into consideration the amount of reported fall term payments.

These awards will be accounted for and reported to the Chancellor’s Office, not to CSAC. Because of this, they will require a new award code in campus IT
systems, payable for both fall and spring terms (and possible summer awards).

Funds need to be accounted for in a subsidiary ledger, backed up with detailed payment records per the “FTSSG file layout” reporting protocol.

14.6 Ad Hoc Reports

From time to time, the Chancellor’s Office may request additional information regarding the administration of student aid or the student population served. Cooperation with special requests is appreciated.

14.7 Reporting to the Student Aid Commission

GPA and enrollment data is sent to the California Student Aid Commission (CSAC) several times a year. This data maximizes Cal Grant program participation for community college students as well as students transferring from a community college to a baccalaureate degree granting institution.

The GPA reporting requirements for the Cal Grant program are described in an annual CSAC operations memo. As a service to community college students, the Grade Point Averages (GPAs) of all recent community college students are sent to the Commission prior to each of the March 2 and September 2 filing deadlines.

Enrollment data, separate from the SB 70 enrollment data, is submitted twice yearly for semester schools and three times-a-year for quarter schools.

File Record layouts are available on the CSAC WebGrants site.

Through SB 70, CEC Section 69433.2 was updated to require Cal Grant participating institutions to annually report to the CSAC the following data for their undergraduate programs:

- Enrollment, persistence, and graduation data for all students, including aggregate information on Cal Grant recipients.
- The job placement rate and salary/wage information for students in programs that are either designed or advertised to lead to a particular type of job, or advertised or promoted with any claim regarding job placement.

Enrollment, persistence, and graduation data is reported to CSAC using file import specifications available at http://www.csac.ca.gov/doc.asp?id=1427

Community Colleges will not be required to submit any job placement rate and salary/wage information as CSAC will be providing a link to the currently available CCC “Salary Surfer”.

Information on SB 70 reporting can be found at http://www.csac.ca.gov/doc.asp?id=1427
14.8 Reporting Federal Gainful Employment Data

The Higher Education Act provides that institutions participating in the federal Title IV programs must submit data on all of their programs that lead to gainful employment. At public institutions and not-for-profit institutions, all Title IV eligible, non-degree programs are Gainful Employment Programs except for:

- Programs of at least two years in length that are designed to be fully transferable to a bachelor’s degree program
- Preparatory coursework necessary for enrollment in an eligible program

The first reporting of this gainful employment data was due July 31, 2015 for 2008-2009 to 2013-2014 data. Data for 2014-2015 is due October 1, 2015, thereafter with subsequent years due each October 1.

Federal Title IV eligibility is tied to this data so it is critical that all campuses take all steps necessary to report the data on time.

A link to the federal gainful employment reporting requirements is found on the Information for Financial Aid Professionals (IFAP) website at http://ifap.ed.gov/ifap/

14.9 Clery Act Reporting

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. For this reason, Congress passed the Clery Act.

The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the United States Department of Education, which can impose civil penalties, up to $35,000 per violation, against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.

The Clery Act has been amended several times, most recently by the Violence Against Women Reauthorization Act of 2013 (VAWA) enacted March 7, 2013. Among other provisions, VAWA requires institutions to compile statistics for certain crimes that are reported to campus security authorities or local police agencies, including incidents of sexual assault, domestic violence, dating violence, and stalking. These crime statistics must be reported to the Department through the web-based data collection. Schools must also include certain policies, procedures, and programs pertaining to these crimes in their annual security reports. Final regulations to implement these statutory changes to the Clery Act were published on October 20, 2014, and went into effect on July 1, 2015. Review Dear Colleague Letter (DCL) GEN-15-15 for a summary of major changes to the Clery Act regulations.

The following information is presented because of the link between reporting this data and campus financial aid program eligibility.
14.9.1 Annual security report

By October 1 of each year, institutions must publish and distribute their Annual Campus Security Report to current and prospective students and employees. Institutions are also allowed to provide notice of the report, a web address if available, and how to obtain a paper copy if desired. This report is required to provide crime statistics for the prior three years, policy statements regarding various safety and security measures, campus crime prevention program descriptions, and procedures to be followed in the investigation and prosecution of alleged sex offenses.

14.9.2 Crime log

The institution’s police department or security departments are required to maintain a public log of all crimes reported to them, or those of which they are made aware. The log is required to have the most recent 60 days' worth of information. Each entry in the log must contain the nature, date, time and general location of each crime and disposition of the complaint, if known. Information in the log older than 60 days must be made available within two business days. Crime logs must be kept for seven years, three years following the publication of the last annual security report.

14.9.3 Timely warnings

The Clery Act requires institutions to give timely warnings of crimes that represent a threat to the safety of students or employees. Institutions are required to publish their policies regarding timely warnings in their Annual Campus Security Report. The institution is only required to notify the community of crimes which are covered by the Clery statistics.

14.9.3 Crime statistics

An institution must keep the most recent eight years of crime statistics that occurred: on campus, in institution residential facilities, in non-campus buildings, or on public property. Offenses are defined by the Uniform Crime Reporting Handbook and use federal, not state, crime definitions. For information on the requirements of the Clery Act, refer to Volume 2 of the Federal Student Aid Handbook.

15 MIS DATA SUBMISSION AND USE

15.1 Chancellor’s Office Management Information System

The Chancellor’s Office Management Information System database collects data from all 72 community college districts in a uniform format. The information collected is used as a key research and fund allocation tool by the Department of Finance, a reporting source, and an informal decision support system.
BFAP-SFAA and BFAP “2% Fund” money is allocated to campuses based upon Chancellor’s Office MIS data submissions. In addition, VTEA funds for campuses rely heavily on this data. Timely and accurate data submission will help to ensure that your district/college receives their “fair share” of funds.

**15.1.1 MIS data submission**

Districts/colleges must report a record for each student who applies for financial aid and meets the Student Basic (SB) data reporting domain requirements in at least one term during the academic year. If the student received financial aid, an SB record must be submitted for each term the financial aid was received.

**15.1.2 Data submission timelines**

The Chancellor’s Office must receive student financial aid data annually each October. Data reported must be based on information from the prior academic year. To review data submission timelines, visit: [http://extranet.cccco.edu/Divisions/TechResearchInfoSys/MIS.aspx](http://extranet.cccco.edu/Divisions/TechResearchInfoSys/MIS.aspx)

Important MIS and Perkins Career Technical Education (Perkins) Reporting Dates at a Glance:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 1</td>
<td>Financial Aid CCCCO MIS data are due to the Chancellor’s Office</td>
</tr>
<tr>
<td>December 2 thru</td>
<td>IPEDS Winter/Spring Collection</td>
</tr>
<tr>
<td>April 14</td>
<td></td>
</tr>
<tr>
<td>January 1 thru 8</td>
<td>Preliminary VTEA (now referred to as Perkins IV) allocation count reports produced</td>
</tr>
<tr>
<td>January 10</td>
<td>Deadline for data resubmissions for Financial Aid report to the Legislature</td>
</tr>
<tr>
<td>February 14 thru</td>
<td>Deadline for data resubmissions for VTEA (now referred to as Perkins IV) allocation</td>
</tr>
<tr>
<td>20</td>
<td></td>
</tr>
<tr>
<td>February 21 thru</td>
<td>Final VTEA (now referred to as Perkins IV) allocation count reports produced</td>
</tr>
<tr>
<td>26</td>
<td></td>
</tr>
<tr>
<td>March 1 thru 9</td>
<td>Final VTEA (now referred to as Perkins IV) allocation</td>
</tr>
</tbody>
</table>

To determine Perkins IV Title I-C allocations for the succeeding year, financial aid data from the previous year must be loaded into the Chancellor’s Office MIS database by December of the current year. Failure to submit financial aid data by December may lead to a negative effect on your district/college Perkins allocation. Districts/colleges may correct data submitted for Perkins funding purposes until approximately the second week of February of the current academic year.
**Note:** Resubmissions after the February cutoff are not used for Perkins allocation purposes. Actual dates may change based on calendar year and Chancellor’s Office resources. The Perkins IV Master Calendar is available on the Chancellor’s Office website at: http://extranet.cccco.edu/Divisions/WorkforceandEconDev/CareerEducationPractices.aspx

Contact your district/college Management Information System (MIS) staff to ensure proper reporting and processing of financial aid data.

For CCCCO MIS General and Website Inquiries Contact: cccmisedit@cccco.edu

### 15.1.3 Data Element Dictionary (DED)

The Data Element Dictionary (DED) contains definitions and coding structures for each of the elements collected through the COMIS. The Chancellor’s Office also provides an overview of the design of the system, and the structure of the various records to be submitted.

Review the Student Financial Aid Data Elements identified in the User’s Manual and coordinate with your local campus and/or district Management Information System (MIS) staff to ensure proper reporting and processing of financial aid data. To access the data elements, go to the CCCCO webpage at: http://extranet.cccco.edu/Divisions/TechResearchInfoSys/MIS.aspx

### 15.1.4 Reports and reconciliations

The syntactical and referential edit programs interpret MIS submission data files and report syntactical errors and data field violations. It is highly recommended that you review the referential and syntactical edit rules and pre-edit your data prior to the District Data Submission process. Submit any questions to cccmisedit@cccco.edu.

**To access and review the syntactical and referential edit rules:**
Go to the CCCCO Management Information Systems page at: http://extranet.cccco.edu/Divisions/TechResearchInfoSys/MIS.aspx and click on “Data Submission.” Both sets of rules are listed under the subheading, “General Submission Information.”

**To access campus/district reports:** Contact your Chief Information Systems Officer to obtain the username and password or request a copy of your report through your IT office.

If your IT office would like to send test files prior to sending actual MIS data, please contact CCCCO Management Information Systems at cccmisedit@cccco.edu

### 15.1.5 Data use and accuracy

The financial aid data collected are utilized by the Chancellor’s Office and the Department of Finance (DOF) as a basis for calculating the amount the Chancellor’s Office will receive to reimburse districts and
colleges for the number of fee waivers processed and the amount of fees waived. The financial data are also used to measure enrollment, accountability, student demographics, student success/outcomes, etc. Consequently, it is critical that districts and colleges provide accurate and timely information.

15.1.6 Data Mart

The Chancellor’s Office MIS Data Mart is designed to monitor the latest MIS database information via a series of structured surveys to collect district/college-level data in areas such as enrollments, student financial aid awards, program outcomes, faculty, staff, funding, and is the main data collection program for the California Community College Chancellor’s Office. Data Mart is a public site that can be accessed without a user ID or password and can be used to aggregate data, create queries, download queries to spreadsheets, etc. Campuses will find the interface to be relatively straightforward to use. It is recommended that you visit the Data Mart site and create a sample report to familiarize yourself with the data that can be retrieved and the report formats that can be produced.

Student financial aid award data, along with recipient demographics, can be accessed at http://datamart.cccco.edu/

Additional community college data queries can be accessed at http://extranet.cccco.edu/Divisions/TechResearchInfoSys.aspx

15.1.7 MIS reporting contacts

Contact your campus and/or district Management Information Systems (MIS) staff to ensure proper reporting and processing of financial aid data.

For information regarding online submissions, data quality and/or timelines, contact the Chancellor’s Office MIS staff at: cccmisedit@cccco.edu

15.2 Integrated Postsecondary Education Data System (IPEDS)

IPEDS consists of institution-level data that can be used to describe trends in postsecondary education at the institution, state and/or national levels. Researchers can use IPEDS to analyze information on student enrollments, institutional revenue, and expenditure patterns by source of income and type of expense, etc.

15.2.1 IPEDS reporting timelines

The annual Financial Aid data is due October 1 at the Chancellor’s Office. The first data upload from the Chancellor’s Office MIS unit to IPEDS will occur between October 1 and October 19. It is the responsibility of your local MIS coordinator to submit annual financial aid data to the Chancellor’s Office MIS unit.
Title I, Section 103, the Student Right-to-Know (SRTK) Act requires institutions eligible for Title IV funding to disclose their institutions’ transfer and completion rates for first-time freshmen enrolled full-time beginning in the fall term. Section 104 further requires each institution that participates in Title IV programs to report students receiving athletically related student aid.

To comply with Title I, Section 103 and Section 104, districts/colleges must report first-time enrolled degree-seeking students, and students receiving athletically-related student aid any time during the academic year or during the 12-month reporting period. SRTK rates are reported yearly on the IPEDS.

For additional information pertaining to the reporting requirements for Student Right-to-Know, log on to: http://nces.ed.gov/ipeds/pdf/webbase2004/grs_2yr_inst.pdf

15.2.2 Penalties for noncompliance

The completion of all IPEDS surveys in a timely and accurate manner is mandatory for all institutions that participate in or are applicants for participation in any federal financial assistance program authorized by Title IV of the Higher Education Act of 1965, as amended. The completion of the surveys is mandated by 20 U.S.C. 1094, Section 487(a)(17).

A college’s failure to complete and submit all surveys is a serious violation of its obligations under Section 490 of the Higher Education Amendments of 1992 (P.L. 102-325.)

15.2.3 IPEDS reporting contacts

For additional information regarding IPEDS reporting, contact the following:

**IPEDS help desk:**
email: ipedshelp@rti.org
877.225.2568

**CCCCO IPEDS timelines:**
email: mcooc@cccco.edu
916.327.5883

**IPEDS website:**
www.nces.ed.gov/ipeds/

16. PARTICIPATION BY NEW COLLEGES

Whenever a new college or district is officially approved by the Board of Governors, the students attending that college become eligible for BOG Fee Waivers, and the student services division of that college becomes eligible to receive the minimum annual administrative allowance allocation of $50,000 during the next available award cycle. Larger allocations will not be made until MIS data are available that support a
greater share and until the college has at least one full-time employee devoted exclusively to the management of student financial aid (see Appendix 13).

17. SPECIAL PROGRAM: CHANCELLOR’S OFFICE TAX OFFSET PROGRAM (COTOP)

17.1 Program Description

The Chancellor’s Office can act on behalf of local community college districts for the purpose of collecting outstanding student financial aid and specific non-financial aid obligations owed to the districts by former students through participation in the Franchise Tax Board’s Interagency Tax Offset Program. The Chancellor’s Office Tax Offset Program (COTOP) requests the Franchise Tax Board to offset (deduct) the amount owed to a community college district from the student/debtor’s personal state income tax, lottery winnings, or other state refund.

Some of the types of outstanding liabilities recoverable under this program are defaulted Perkins loans, financial aid overpayments, campus emergency loans, EOPS grants and loans, non-resident tuition, enrollment fees, library fines, and personal checks written with non-sufficient funds.

17.2 Participation Agreement

Each community college district interested in participating in COTOP must execute a contract with the Chancellor’s Office. The contract is available within the COTOP contract packet, which is distributed by early June of each year. Also included in the packet are the data format specifications and the forms that are used throughout the processing year.

Debtor data is due to the Chancellor’s Office by mid-November of each year. If necessary, colleges may submit additional data by the following January 15.

17.3 COTOP Staff Contact

Contact COTOP staff for additional information or questions. Terence Gardner, Coordinator, may be reached via e-mail at tgardner@cccco.edu or by phone at 916.322.7412. For further information visit http://extranet.cccco.edu/Divisions/StudentServices/COTOP.aspx

18. MISCELLANEOUS INFORMATION

18.1 Student Financial Aid Disbursement Contracts

SB 845 added Section 69505.8 to the CEC. In that new section, guidance was provided on the language of contracts for student financial aid disbursement contracts. No mandate was created but it is recommended that campuses review the sample contract elements and advise other campus offices on the issue of student unfriendly disbursement agreements and egregious access fees.

Institutions are requested to develop one or more model contracts for use for the disbursement of a financial aid award, scholarship, campus-based aid award, or school refunds onto a debit card, prepaid card, or other preloaded
card issued by a financial institution. Each model contract shall be developed in consultation with stakeholders including statewide student associations, individual campuses, and financial institutions that issue debit cards, prepaid cards, and preloaded cards and shall not be finalized before public comment is sought and considered.

When developing each model contract, educational institutions are requested to consider all of the following:

- The number of on-campus locations and proximity of off-campus locations where a fee-free withdrawal could be made by a student using a debit card, prepaid card, or preloaded card.
- The type and size of fees a student would incur from debit, prepaid, or preloaded card use and whether provisions of the model contract ensure that the educational institution is provided information by the card-issuing financial institution to evaluate the costs of these fees to students.
- The impact, if any, that offering a card displaying the name or mascot of a campus or educational system would have on students, that campus, or that educational system.
- Whether provisions of the model contract ensure that the educational institution monitors compliance by the financial institution with federal Title IV requirements governing the disbursement of financial aid.
- Whether provisions of the model contract ensure a process for the tracking and resolution of student complaints about the card-issuing financial institution’s credit delivery, customer service, and debit, prepaid, or preloaded cards.
- The impact, if any, of the content of a dispute resolution clause on students, their campus, and their educational system, if a conflict were to arise between a student and the card-issuing financial institution.
- Whether provisions of the model contract ensure that the educational institution does not disclose student information to the card-issuing financial institution beyond what is necessary to perform the contracted financial aid award, scholarship, campus-based aid award, or school refund disbursement function.
- Whether provisions of the model contract ensure that the card-issuing financial institution does not solicit or collect information from a student that is not necessary to perform the contracted financial aid award, scholarship, campus-based aid award, or school refund disbursement function as a condition of allowing the student to access a financial aid award, scholarship, campus-based aid award, or school refund through a debit card, prepaid card, or preloaded card.

18.2 AB 2160 Requires Cal Grant GPA Submission from Public High Schools

AB 2160 amended CEC Section 69432.9 to require public high schools, including charter schools, to electronically submit a Cal Grant GPAs for all grade 12 pupils. Private high schools are not required to submit all senior GPAs although it would benefit their students.

This requirement will likely increase the number of community college students who are eligible for financial aid assistance. Community colleges should work with their feeder high schools to emphasize the importance of their seniors
submitting the FAFSA or Dream Act Application to assure consideration for federal and state financial aid.

18.3 Selection of Osher Scholars

Community college students can receive consideration for Osher Scholarships. Scholarship funds from the California Community Colleges Scholarship Endowment are distributed annually to individual colleges by the Foundation for California Community Colleges. To benefit as many California Community College students as possible, a minimum floor of 5 percent of the invested principal is used in determining scholarship payouts for colleges, with a minimum of five full-time scholarships provided to each California Community College.

Osher Scholarship recipients can receive up to $500 per semester for a total of $1,000 per year and part-time students can receive prorated scholarships.

To be considered for a scholarship, students are required to undergo an application process, which is administered by the local college. Colleges must choose scholarship recipients for the Osher funds based on pre-established criteria, with financial need receiving top priority.

Additional information about how the Endowment works and specifics regarding the spending policy are available at www.SupporttheEndowment.org in the “Resources for Colleges” section, or by contacting endowment@foundationccc.org.

19 CHANCELLOR’S OFFICE STUDENT FINANCIAL AID STAFF CONTACTS AND COMMUNICATIONS

19.1 Financial Aid Staff Contacts

Any Financial Aid Office employee or other college staff person may contact the Chancellor’s Office, Student Financial Assistance Programs Unit for help.

- Tim Bonnel
  916.445.0104  tbonnel@cccco.edu
- Ruby Nieto
  916.322.4300  rnieto@cccco.edu
- Bryan Dickason
  916.323.5952  bdickason@cccco.edu
- Terence Gardner
  916.322.7412  tgardner@cccco.edu

Policy inquiries may also be directed to those who supervise the Student Financial Assistance Unit:

- Denise Noldon, Interim Vice Chancellor of Student Services:
  916.327.5361, dnoldon@cccco.edu
- Rhonda Mohr, Dean: COTOP, DSPS, Foster Youth Success Initiative, Health Services, Mental Health Services, COSFAP, Veterans Services
  916.323.6894, rmoehr@cccco.edu
19.2 Communications from the Chancellor’s Office

Regular program updates and special notices are sent to each college using the Chancellor’s Office "cfao-all" list. Each district MIS person establishes the names of the district/colleges contacts, or "pointers" for this list. The "pointers" for the financial aid list should include all persons interested in financial aid policy and must include the director or manager of financial aid. If there are staff changes, please contact the MIS office at the district level and ask for a change in “pointers” for the “cfao-all.”

Campus financial aid staff may also use this listserv to communicate statewide with the “pointers” or financial aid staff. To post a message, send to cfao-all@cccco.edu.

19.3 Training

New directors/managers/coordinators/officers (whatever the title of the person in charge of the day-to-day operations of the financial aid office) are required to attend training offered by the Chancellor’s Office within the first year of their appointment. Financial Aid Management Training is held twice per year in the fall and spring. Assistant Directors and other management or lead, supervisory or professional staff are encouraged to attend.

In association with the annual CCCSFAAA spring conference, the Chancellor’s Office holds All-Director training. CCC Directors are invited, as well as financial aid directors from the CSU and UC.

In addition, financial aid personnel are strongly encouraged to attend the periodic training offered by USDE, NASFAA, WASFAA, CASFAA, CCCSFAAA and CSAC.

CCCSFAAA, CASFAA, WASFAA and NASFAA all hold annual conferences where financial aid training is provided. The US Department of Education holds an annual Student Financial Aid (SFA) Conference.

19.4 Other Financial Aid Resources

Any financial aid personnel who are members of CCCSFAA are encouraged to use the CCCSFAA listserv to communicate with one another on financial aid topics. The CCCSFAA Listserv is for use only by CCCSFAA members.

To post a message to the CCCSFAA listserv, go to the CCCSFAA website at http://www.cccsfaaa.org/ and click on “LISTSERV” in the left hand column and follow the instructions provided.

Financial aid personnel may also want to be on the following financial aid lists:

CSAC To subscribe to the CSAC lists, go to http://www.csac.ca.gov/prosubscription.asp
Further lists:

FINAID-L (Financial Aid Administrators)

The FINAID-L mailing list is a discussion list for issues facing financial aid offices. Appropriate topics include financial aid administration, FAO job announcements, discussions of changes in federal aid regulations and similar topics. To subscribe to the list, send email to finaid-l-subscribe-request@lists.psu.edu

SFATECH (US Department of Education Technical Software)

SFATECH is a mailing list for technical questions about US Department of Education Student Financial Aid systems and software. To subscribe to the list, go to: http://www2.ed.gov/offices/OSFAP/services/fsatechsubscribe.html

Legislative Analyst’s Office

The Legislative Analyst’s Office (LAO) maintains policy area e-mail notification lists that include publications, handouts or budget recommendations in a particular subject area, including higher education. To sign up for LAO notifications, go to http://www.lao.ca.gov/Notifications

The following websites may be of value:

www.casfaa.org (California Association of Financial Aid Administrators)
www.cccsfaaa.org (California Community Colleges Financial Aid Administrators Association)
www.cccco.edu (California Community Colleges Chancellor’s Office)
The Student Financial Assistance Programs Unit is listed under Student Services and Special Programs Division
www.csac.ca.gov (California Student Aid Commission)

Information for Financial Aid Professionals (IFAP) is a website which consolidates guidance, resources, and information related to the administration and processing of Title IV federal student aid into one online site for use by the entire financial aid community. The address is: http://ifap.ed.gov/ifap/

Information on pending state legislation can be found at http://leginfo.legislature.ca.gov. This site also allows easy access to the California Education Code and other California Codes.

19.5 Comments

All community college financial aid and student service personnel are invited to make comments and suggestions about the contents of this manual, BOG Fee Waiver program policies and procedures, or other student aid programs. Please contact the Chancellor’s Office with any comments.
CALIFORNIA EDUCATION CODE
Sections 76300, 76300.5 and 76301
BOG Fee Waiver Program Law

Section 76300

(a) The governing board of each community college district shall charge each student a fee pursuant to this section.

(b) (1) The fee prescribed by this section shall be forty-six dollars ($46) per unit per semester, effective with the summer term of the 2012 calendar year.

(2) The board of governors shall proportionately adjust the amount of the fee for term lengths based upon a quarter system, and also shall proportionately adjust the amount of the fee for summer sessions, intersessions, and other short-term courses. In making these adjustments, the board of governors may round the per unit fee and the per term or per session fee to the nearest dollar.

(c) For the purposes of computing apportionments to community college districts pursuant to Section 84750, the board of governors shall subtract, from the total revenue owed to each district, 98 percent of the revenues received by districts from charging a fee pursuant to this section.

(d) The board of governors shall reduce apportionments by up to 10 percent to any district that does not collect the fees prescribed by this section.

(e) The fee requirement does not apply to any of the following:

(1) Students enrolled in the noncredit courses designated by Section 84757.

(2) California State University or University of California students enrolled in remedial classes provided by a community college district on a campus of the University of California or a campus of the California State University, for whom the district claims an attendance apportionment pursuant to an agreement between the district and the California State University or the University of California.

(3) Students enrolled in credit contract education courses pursuant to Section 78021, if the entire cost of the course, including administrative costs, is paid by the public or private agency, corporation, or association with which the district is contracting and if these students are not included in the calculation of the full-time equivalent students (FTES) of that district.

(f) The governing board of a community college district may exempt special part-time students admitted pursuant to Section 76001 from the fee requirement.

(g) (1) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a recipient of benefits under the Temporary Assistance to Needy Families program (TANF), the Supplemental Security Income/State Supplementary Program, or a general assistance program or has demonstrated financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.
(2) The governing board of a community college district also shall waive the fee requirements
of this section for any student who demonstrates eligibility according to income standards
established by regulations of the board of governors.

(3) Paragraphs (1) and (2) may be applied to a student enrolled in the 2005-06 academic year
if the student is exempted from nonresident tuition under paragraph (3) of subdivision (a) of
Section 76140.

(h) The fee requirements of this section shall be waived for any student who, at the time of
enrollment, is a dependent, or surviving spouse who has not remarried, of any member of the
California National Guard who, in the line of duty and while in the active service of the state,
was killed, died of a disability resulting from an event that occurred while in the active service
of the state, or is permanently disabled as a result of an event that occurred while in the active
service of the state”. “Active service of the state,” for the purposes of this subdivision, refers to a
member of the California National Guard activated pursuant to Section 146 of the Military and
Veterans Code.

(i) The fee requirements of this section shall be waived for any student who is the surviving
spouse or the child, natural or adopted, of a deceased person who met all of the requirements
of Section 68120.

(j) The fee requirements of this section shall be waived for any student in an undergraduate
program, including a student who has previously graduated from another undergraduate or
graduate program, who is the dependent of any individual killed in the September 11, 2001,
terrorist attacks on the World Trade Center and the Pentagon or the crash of United Airlines
Flight 93 in southwestern Pennsylvania, if that dependent meets the financial need
requirements set forth in Section 69432.7 for the Cal Grant A Program and either of the
following applies:

(1) The dependent was a resident of California on September 11, 2001.

(2) The individual killed in the attacks was a resident of California on September 11, 2001.

(k) A determination of whether a person is a resident of California on September 11, 2001, for
purposes of subdivision (j) shall be based on the criteria set forth in Chapter 1 (commencing
with Section 68000) of Part 41 for determining nonresident and resident tuition.

(l) (1) "Dependent," for purposes of subdivision (j), is a person who, because of his or her
relationship to an individual killed as a result of injuries sustained during the terrorist attacks
of September 11, 2001, qualifies for compensation under the federal September 11th Victim
Compensation Fund of 2001 (Title IV (commencing with Section 401) of Public Law 107-42).

(2) A dependent who is the surviving spouse of an individual killed in the terrorist attacks of
September 11, 2001, is entitled to the waivers provided in this section until January 1, 2013.

(3) A dependent who is the surviving child, natural or adopted, of an individual killed in the
terrorist attacks of September 11, 2001, is entitled to the waivers under subdivision (j) until
that person attains the age of 30 years.

(4) A dependent of an individual killed in the terrorist attacks of September 11, 2001, who is
determined to be eligible by the California Victim Compensation and Government Claims
Board, is also entitled to the waivers provided in this section until January 1, 2013.

(m) (1) It is the intent of the Legislature that sufficient funds be provided to support the
 provision of a fee waiver for every student who demonstrates eligibility pursuant to
 subdivisions (g) to (j), inclusive.
(2) From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to 2 percent of the fees waived pursuant to subdivisions (g) to (j), inclusive. From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to ninety-one cents ($0.91) per credit unit waived pursuant to subdivisions (g) to (j), inclusive. It is the intent of the Legislature that funds provided pursuant to this subdivision be used to support the determination of financial need and delivery of student financial aid services, on the basis of the number of students for whom fees are waived. It also is the intent of the Legislature that the funds provided pursuant to this subdivision directly offset mandated costs claimed by community college districts pursuant to Commission on State Mandates consolidated Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15 (Enrollment Fee Waivers). Funds allocated to a community college district for determination of financial need and delivery of student financial aid services shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 1992-93 fiscal year.

(n) The board of governors shall adopt regulations implementing this section.

Section 76300.5

(a) A district shall waive the fees of a student who is exempt from paying nonresident tuition under Section 68130.5, and who otherwise qualifies for a waiver under Section 76300, under regulations and procedures adopted by the board of governors. The Legislature finds and declares that this section is a state law within the meaning of Section 1621(d) of Title 8 of the United States Code.

(b) This section shall become operative on January 1, 2013.

(Added by Stats. 2011, Ch. 604, Sec. 4. Effective January 1, 2012. Section operative January 1, 2013, by its own provisions.)

Section 76301

Notwithstanding any other law, a community college district shall waive the fees of a student who is a victim of trafficking, domestic violence, and other serious crimes who has been granted a status under Section 1101(a)(15)(T)(i) or (ii), or Section 1101(a)(15)(U)(i) or (ii), of Title 8 of the United States Code to the same extent as individuals who are admitted to the United States as refugees under Section 1157 of Title 8 of the United States Code.

(Added by Stats. 2012, Ch. 509, Sec. 3. Effective January 1, 2013.)

Section 76370

The governing board of a community college district may authorize a person to audit a community college course and may charge that person a fee pursuant to this section.

(a) If a fee for auditing is charged, it shall not exceed fifteen dollars ($15) per unit per semester.

The governing board shall proportionately adjust the amount of the fee for term lengths based upon a quarter system or other alternative system approved pursuant to regulations of the
board of governors, and shall also proportionately adjust the amount of the fee for summer sessions, intersessions, and other short-term courses. In making these adjustments, the governing board may round the per unit fee and the per term or per session fee to the nearest dollar.

(b) Students enrolled in classes to receive credit for 10 or more semester credit units shall not be charged a fee to audit three or fewer semester units per semester.

(c) No student auditing a course shall be permitted to change his or her enrollment in that course to receive credit for the course.

(d) Priority in class enrollment shall be given to students desiring to take the course for credit towards a degree or certificate.

(e) Classroom attendance of students auditing a course shall not be included in computing the apportionment due a community college district.

Section 78040

For purposes of this article, “district” means any community college district identified by the Chancellor of the California Community Colleges as participating in the statewide baccalaureate degree pilot program. Each participating district may establish one baccalaureate degree pilot program pursuant to Section 78041.

(Added by Stats. 2014, Ch. 747, Sec. 2. Effective January 1, 2015. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 78043.)

Section 78041

Notwithstanding Section 66010.4, and commencing January 1, 2015, the Board of Governors of the California Community Colleges, in consultation with the California State University and the University of California, may authorize the establishment of district baccalaureate degree pilot programs that meet all of the eligibility requirements set forth in Section 78042. A district pilot program established pursuant to this article shall commence no later than the 2017–18 academic year. A student participating in a baccalaureate degree pilot program shall complete his or her degree by the end of the 2022–23 academic year. For purposes of this section, a pilot program commences when the first class of students begins the program. The statewide baccalaureate degree pilot program shall consist of a maximum of 15 districts, with one baccalaureate degree program each, to be determined by the Chancellor of the California Community Colleges and approved by the Board of Governors of the California Community Colleges.
APPENDIX 2

TITLE 5. Education
California Code of Regulations
Sections 54300, 58600-58630
Electronic Signature and BOG Fee Waiver Program Regulations

Section 54300  Electronic Applications and Electronic Signatures

(a) Community college districts may authorize the electronic submission of any admission form or student form or document.
(b) Electronic signatures in lieu of manual signatures may be used on any documents requiring a signature, providing the electronic signature meets the standards for electronic signatures in electronic student loan transactions adopted by the U.S. Department of Education to implement the Electronic Signatures in Global and National Commerce Act (15 U.S.C. §§ 7001 et seq.).
(c) Applications for admission and residency questionnaires submitted electronically are valid only if they include electronic signatures that satisfy the requirements of subdivision (b).
(d) Prior to the electronic submission of any information, districts will inform applicants and students of the relative security of the information they submit electronically.

Section 58600  Scope

This subchapter governs the administration of student financial aid allocated by the Board of Governors to community college districts

Section 58601  Definition

As used in this chapter: Board of Governors Grant. An instrument used by a community college district to process the financial assistance provided to a low-income student pursuant to the terms of this subchapter.

Section 58610  Allocations

a) The Chancellor shall estimate each community college district’s need for Board of Governors Grants, and shall allocate funds to districts based on that anticipated need (b) In estimating each district’s need for these financial assistance funds the Chancellor shall consider the following factors: (1) The number of Pell Grant recipients in the district in the previous fiscal year; (2) The estimated number of students in the district who are eligible pursuant to Education Code section 76300. 3) The estimated number of low-income students in the district who are enrolled for fewer than six units. (c) The Chancellor shall apportion the allocations in the advanced apportionment certified by the Chancellor.
Section 58611   Adjustments

Districts shall report the number of and amounts provided for Board of Governors Grants. The Chancellor shall then adjust the financial assistance allocation in the first and second principal apportionments to reflect each district’s actual expenditure of funds allocated pursuant to this subchapter. Any necessary additional adjustments shall be made in the applicable fiscal year recalculations.

Section 58612   Financial Assistance Awards

a) A community college district shall provide Board of Governors Grants to all students who are eligible and who apply for this assistance. (b) A student who is determined to be eligible for a Board of Governors Grant may be presumed to be eligible for that assistance for the remainder of the academic year and until the beginning of the following fall term. (c) Nothing in this chapter shall prohibit a community college district from establishing a date beyond which it will not accept applications for this financial assistance.

Section 58613   Award Amounts

Board of Governors Grants shall be made in the amount of the enrollment fee calculated pursuant to section 58507.

Section 58620   Student Eligibility: Board of Governors Grant

To be eligible for a Board of Governors grant, a student must:
(a) Be a California resident; so long as a person qualifies for a military exception pursuant to Education Code section 68074 or section 68075, he or she shall be deemed a California resident for purposes of this section.
(b) Meet one of the following criteria:
   (1) Income Standards.
      (A) Be a single and independent student having no other dependents and whose Total Income in the prior year was equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of one; or be a married, independent student having no dependents other than a spouse, whose Total Income of both student and spouse in the prior year was equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of two.
      (B) Be a student who is dependent in a family having a Total Income in the prior year equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of that size, not including the student's income, but including the student in the family size.
      (C) Provide documentation of taxable or untaxed income.
(D) Be a student who is married or a single head of household in a family having a Total Income in the prior year equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of that size.

(E) Be an independent student whose Estimated Family Contribution as determined by federal methodology is equal to zero or a dependent student for whom the parent portion of the Estimated Family Contribution as determined by federal methodology is equal to or less than zero.

(F) For purposes of this subdivision, U.S. Department of Health and Human Services Poverty Guidelines used each year shall be the most recently published guidelines immediately preceding the academic year for which a fee waiver is requested.

(2) Current recipient of benefits described in Education Code section 76300(g).

(A) At the time of enrollment be a recipient of benefits under the Temporary Assistance for Needy Families (TANF) program. A dependent student whose parent(s) or guardian(s) are recipients of TANF shall be eligible if the TANF program grant includes a grant for the student or if the TANF grant is the sole source of income for the parent or guardian.

(B) At the time of enrollment be a recipient of benefits under the Supplemental Security Income (SSI) program. A dependent student whose parent(s) or guardian(s) are recipients of SSI shall be eligible if the SSI program grant is the sole source of income for the parent(s) or guardian(s).

(C) At the time of enrollment be a recipient of benefits under the General Assistance program.

(D) Provide documentation that the student if a recipient of benefits under one of the programs identified in Education Code section 76300(g) and (h) at the time of enrollment. Documentation sufficient to meet the requirements of this subdivision shall provide official evidence of these benefits.

(3) Need-Based Financial Aid Eligibility. Any student who has been determined financially eligible for federal and/or state needed-based financial aid.

**Section 58630   District Reporting and Accountability**

(a) Dollars allocated for financial assistance pursuant to this chapter shall be identified separately in district accounts.

(b) The governing board of each community college district shall adopt procedures that will document all financial assistance provided on behalf of students pursuant to this chapter. Authorized procedures shall include rules for retention of support documentation which will enable an independent determination regarding accuracy of the district’s certification of need for financial assistance.
Section 66022

(a) The governing board of every community college district, the Trustees of the California State University, the Regents of the University of California, and the Board of Directors of the Hastings College of the Law shall adopt regulations providing for the withholding of institutional services from students or former students who have been notified in writing at the student’s or former student’s last known address that he or she is in default on a loan or loans under the Federal Family Education Loan Program. “Default,” for purposes of this section, means the failure of a borrower to make an installment payment when due, or to meet other terms of the promissory note under circumstances where the guarantee agency finds it reasonable to conclude that the borrower no longer intends to honor the obligation to repay, provided that this failure persists for 180 days for a loan repayable in monthly installments, or 240 days for a loan repayable in less frequent installments.

(b) The regulations adopted pursuant to subdivision (a) shall provide that the services withheld may be provided during a period when the facts are in dispute or when the student or former student demonstrates to either the governing board of the community college district, the Trustees of the California State University, the Regents of the University of California, or the Board of Directors of the Hastings College of the Law, as appropriate, or to the Student Aid Commission, or both the Student Aid Commission and the appropriate entity or its designee, that reasonable progress has been made to repay the loan or that there exists a reasonable justification for the delay as determined by the institution. The regulations shall specify the services to be withheld from the student and may include, but are not limited to, the following:

1. The provision of grades.
2. The provision of transcripts.
3. The provision of diplomas.

The adopted regulations shall not include the withholding of registration privileges.

(c) When it has been determined that an individual is in default on a loan or loans specified in subdivision (a), the Student Aid Commission shall give notice of the default to all institutions through which that individual acquired the loan or loans.

(d) This section shall not impose any requirement upon the University of California or the Hastings College of the Law unless the Regents of the University of California or the Board of Directors of the Hastings College of the Law, respectively, by resolution, make this section applicable.

(e) Guarantors, or those who act as their agents or act under their control, who provide information to postsecondary educational institutions pursuant to this section, shall defend, indemnify, and hold harmless the governing board of every community college district, the Trustees of the California State University, the Regents of the University of California, and the Board of Directors of the Hastings College of the Law from action resulting from compliance with this section when the action arises as a result of incorrect, misleading, or untimely information provided to the postsecondary educational institution by the guarantors, their agents, or those acting under the control of the guarantors.
Can a community college district deny or withhold a Board of Governors grant to an otherwise eligible student because the student is in default on student loans?

As a form of student financial aid, Education Code, Section 76300(g) requires that the enrollment fee charged to each student attending a community college “shall be waived for any student who, at the time of enrollment” is a recipient of CalWORKs (formerly AFDC), SSI, public assistance, or has demonstrated financial need in the manner set forth in the statute and in Title 5, California Code of Regulations, Section 58620.

The Chancellor’s Office provides the funds for the grant to each community college district through the apportionment process. (§§ 58610, 58611.) Section 58612 provides that “A community college district shall provide Board of Governors Grants to all students who are eligible and who apply for assistance.”

Because the Education Code and Title 5 use the mandatory language, “shall be waived” and “shall be granted,” a community college district is required to provide a waiver to all eligible students who apply for it. There is no provision that would deny an eligible student a Board of Governors grant because they were in default on student loans or had not repaid a federal or state student grant.

Education Code, Section 66022 requires a community college district governing board to adopt regulations “providing for the withholding of institutional services” from students who are in default on loans under the Federal Family Education Loan Program. Among the services mentioned which may be withheld are the provision of grades, transcripts, or diplomas. There may be other services withheld as well. However, Section 66022 specifically prohibits withholding registration privileges.

In addition, Education Code, Section 69507.5 prohibits students from receiving a grant or fellowship administered by the Student Aid Commission if the student has “previously defaulted on any student loan, or failed to repay a federal or state grant where required to do so.”

Education Code, Section 69507.5 is in Part 42, Chapter 2, Article 1.5 of the Education Code. Education Code, Section 69504 provides that this article applies to all need-based student grants that are funded by the state or a public postsecondary educational institution. We previously opined that the provisions of Article 1.5 apply to the Board of Governors programs. (O 89-34.)
However, Section 69507.5 is a specific statute limited by its own terms to grants and fellowships administered by the Student Aid Commission. Under general principles of statutory construction, the specific provisions of a statute will control over a statute containing general provisions. As a result, because the Board of Governors grant is administered by the Board of Governors and not the Student Aid Commission, Section 69507.5 does not apply. Under the same principles, the specific requirements of Section 76300(h) prevail over the general requirements of Section 66022. As a result, while the districts actually award the grants to the students, and have some discretion in determining whether or not a student meets the need requirements for eligibility as specified in the code and regulations, they are otherwise required to award the grants to “all students who are eligible and who apply for this assistance.”

CONCLUSION

The districts do not have the discretion to deny a grant on any basis other than eligibility as defined in the code and regulations. As a result, the Board of Governors grant is not part of a district’s institutional services that may be withheld from students pursuant to Education Code, Section 66022.
Guarantee Transfer Option/Dual Admissions Program

Section 66744

(a) (1) Commencing with the 2004-05 academic year, and each academic year thereafter, the Trustees of the California State University shall establish a dual admissions program for eligible freshman applicants. Under this program, eligible freshman applicants may be offered the opportunity to enter into a dual admissions agreement with the California State University.

(2) Student participation in the dual admissions program under this subdivision is voluntary. It is the intent of the Legislature that the incentives provided in paragraph (3) shall encourage students otherwise eligible for admission to the California State University to attend a campus of the California Community Colleges for their lower-division coursework.

(3) The agreement shall include, but is not necessarily limited to, all of the following incentives:

(A) A guarantee that the student will be admitted to a California State University campus during a future academic year, provided that the student successfully completes lower-division transfer requirements at a campus of the California Community Colleges.

(B) Notwithstanding Section 76300, for each student who enrolls under this subdivision at a campus of the California Community Colleges pursuant to the dual admissions program in the 2004-05 academic year, a guarantee that any campus of the California Community Colleges shall waive fees for up to two academic years, irrespective of financial need, while that student is enrolled at that campus.

(C) For each student who enrolls, under this subdivision, at a campus of the California Community Colleges pursuant to the dual admissions program in the 2005-06 academic year, or any academic year thereafter, a guarantee that any campus of the California Community Colleges shall waive fees for each financially needy student. For the purposes of this paragraph, financial need shall be determined by the standards established by the Board of Governors of the California Community Colleges in Section 58620 of Title 5 of the California Code of Regulations or in a successor regulation.

(D) A guarantee that the student will receive counseling services from the California State University to ensure that the student is informed of the appropriate course requirements to be eligible for transfer to the California State University, and is also informed of the various financial aid options.

(4) The Chancellor of the California State University shall annually submit to the Director of Finance, as part of the budget preparation process, an estimate of the number of students expected to participate, under this subdivision, in the dual admissions program in the succeeding academic year.

(b) (1) Commencing with the 2004-05 academic year, and each academic year thereafter, the Legislature requests that the Regents of the University of California establish a dual admissions program for eligible freshman applicants. Under this program, eligible freshman
applicants may be offered the opportunity to enter into a dual admissions agreement with the University of California.

(2) Student participation in the dual admissions program under this subdivision is voluntary. It is the intent of the Legislature that the incentives provided in paragraph (3) shall encourage students otherwise eligible for admission to the University of California to attend a campus of the California Community Colleges for their lower-division coursework.

(3) The agreement shall include, but is not necessarily limited to, all of the following incentives:

(A) A guarantee that the student will be admitted to a University of California campus during a future academic year, provided that the student successfully completes lower-division transfer requirements at a campus of the California Community Colleges.

(B) Notwithstanding Section 76300, for each student who enrolls under this subdivision at a campus of the California Community Colleges pursuant to the dual admissions program in the 2004-05 academic year, a guarantee that any campus of the California Community Colleges shall waive fees for up to two academic years, irrespective of financial need, while that student is enrolled at that campus.

(C) For each student who enrolls, under this subdivision, at a campus of the California Community Colleges pursuant to the dual admissions program in the 2005-06 academic year, or any academic year thereafter, a guarantee that any campus of the California Community Colleges shall waive fees for each financially needy student. For the purposes of this paragraph, financial need shall be determined by the standards established by the Board of Governors of the California Community Colleges in Section 58620 of Title 5 of the California Code of Regulations or in a successor regulation.

(D) A guarantee that the student will receive counseling services from the University of California to ensure that the student is informed of the appropriate course requirements to be eligible for transfer to the University of California, and is also informed of the various financial aid options.

(4) The President of the University of California is requested to annually submit to the Director of Finance, as part of the budget preparation process, an estimate of the number of students expected to participate, under this subdivision, in the dual admissions program in the succeeding academic year.
APPENDIX 6

Higher Education Act of 1965
Section 480(d)(7) [20 USC 1087vv]
Federal Law Regarding Dependency Overrides

(d) INDEPENDENT STUDENT –
(1) The term “independent”, when used with respect to a student, means any individual who:

(A) is 24 years of age or older by December 31 of the award year;
(B) is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
(C) is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual’s State of legal residence;
(D) is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1)) or is currently serving on active duty in the Armed Forces for other than training purposes;
(E) is a graduate or professional student;
(F) is a married individual;
(G) has legal dependents other than a spouse;
(H) has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act), or as unaccompanied, at risk of homelessness, and self-supporting, by—
   (i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;
   (ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
   (iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
   (iv) a financial aid administrator; or
(I) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

(2) SIMPLIFYING THE DEPENDENCY OVERRIDE PROCESS.—A financial aid administrator may make a determination of independence under paragraph (1)(I) based upon a documented determination of independence that was previously made by another financial aid administrator under such paragraph in the same award year.
Section 479a. Discretion of Student Financial Aid Administrators

Nothing in this part shall be interpreted as limiting the authority of the financial aid administrator, on the basis of adequate documentation, to make adjustments on a case-by-case basis to the cost of attendance or the values of the data items required to calculate the expected student or parent contribution (or both) to allow for treatment of an individual eligible applicant with special circumstances. However, this authority shall not be construed to permit aid administrators to deviate from the contributions expected in the absence of special circumstances. Special circumstances may include tuition expenses at an elementary or secondary school, medical, dental, or nursing home expenses not covered by insurance, unusually high child care or dependent care costs, recent unemployment of a family member or an independent student, a student or family member who is a dislocated worker (as defined in section 2801 of title 29), the number of parents enrolled at least half-time in a degree, certificate, or other program leading to a recognized educational credential at an institution with a program participation agreement under section 1094 of this title, a change in housing status that results in an individual being homeless (as defined in section 11302 of title 42), or other changes in a family’s income, a family’s assets, or a student’s status. Special circumstances shall be conditions that differentiate an individual student from a class of students rather than conditions that exist across a class of students. Adequate documentation for such adjustments shall substantiate such special circumstances of individual students. In addition, nothing in this subchapter and part C of subchapter I of chapter 34 of title 42 shall be interpreted as limiting the authority of the student financial aid administrator in such cases (1) to request and use supplementary information about the financial status or personal circumstances of eligible applicants in selecting recipients and determining the amount of awards under this subchapter and part C of subchapter I of chapter 34 of title 42, or (2) to offer a dependent student financial assistance under section 1078–8 of this title or a Federal Direct Unsubsidized Stafford Loan without requiring the parents of such student to file the financial aid form prescribed under section 1090 of this title if the student financial aid administrator verifies that the parent or parents of such student have ended financial support of such student and refuse to file such form. No student or parent shall be charged a fee for collecting, processing, or delivering such supplementary information.
Section 66025.3

(a) No campus of the University of California, the California State University, or the California Community Colleges shall charge any mandatory system wide tuition or fees, including enrollment fees, registration fees, differential fees, or incidental fees, to any of the following:

(1) Any dependent eligible to receive assistance under Article 2 (commencing with Section 890) of Chapter 4 of Division 4 of the Military and Veterans Code.

(2) (A) Any child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability, where the annual income of the child, including the value of any support received from a parent, does not exceed the national poverty level as defined in subdivision (c).

(B) Notwithstanding Section 893 of the Military and Veterans Code, the Department of Veterans Affairs may determine the eligibility for fee waivers for a child described in subparagraph (A).

(3) Any dependent, or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty, and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state. For the purposes of this paragraph, “active service of the state” refers to a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

(4) (A) Any undergraduate student who is a recipient of a Medal of Honor, commonly known as a Congressional Medal of Honor, or any undergraduate student who is a child of a recipient of a Medal of Honor and who is no more than 27 years old, if both of the following requirements are met:

(i) His or her annual income, including the value of any support received from a parent, does not exceed the national poverty level as defined in subdivision (c).

(ii) The recipient of the Medal of Honor who is or was the parent of the undergraduate student is, or at the time of his or her death was, a California resident as determined pursuant to Chapter 1 (commencing with Section 68000) of Part 41.

(B) The Department of Veterans Affairs shall determine the eligibility of any applicant for a fee waiver under this paragraph.

(b) A person who is eligible for a waiver of tuition or fees under this section may receive a waiver for each academic year during which he or she applies for that waiver, but an eligible person may not receive a waiver of tuition or fees for a prior academic year.

(c) As used in this section, the “national poverty level” is the poverty threshold for one person, as most recently calculated by the Bureau of the Census of the United States Department of Commerce.
(d) The waiver of tuition or fees under this section shall apply only to a person who is determined to be a resident of California pursuant to Chapter 1 (commencing with Section 68000) of Part 41.

(e) This section shall not apply to a dependent of a veteran within the meaning of paragraph (4) of subdivision (a) of Section 890 of the Military and Veterans Code.

(f) No provision of this section shall apply to the University of California except to the extent that the Regents of the University of California, by appropriate resolution, make that provision applicable.

Section 68120

(a) Notwithstanding any other provision of law, no mandatory system wide fees or tuition of any kind shall be required of or collected by the Regents of the University of California, the Board of Directors of the Hastings College of the Law, or the Trustees of the California State University from any surviving spouse or surviving child of a deceased person who met all of the following requirements:

(1) He or she was a resident of this state.

(2) He or she was employed by a public agency, or was a contractor, or an employee of a contractor, performing services for a public agency.

(3) His or her principal duties consisted of active law enforcement service or active fire suppression and prevention. This section shall not apply to a person whose principal duties were clerical, even if he or she was subject to occasional call or was occasionally called upon to perform duties within the scope of active law enforcement or active fire suppression and prevention.

(4) He or she was killed in the performance of active law enforcement or active fire suppression and prevention duties, or died as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his or her active law enforcement or active fire suppression and prevention duties.

(b) Notwithstanding subdivision (a), a person who qualifies for the waiver of mandatory system wide fees and tuition under this section as a surviving child of a contractor, or of an employee of a contractor, who performed services for a public agency shall, in addition to the requirements set forth in subdivision (a), meet both of the following requirements:

(1) Enrollment as an undergraduate student at a campus of the University of California or the California State University.

(2) Documentation that his or her annual income, including the value of any support received from a parent, does not exceed the maximum household income and asset level for an applicant for a Cal Grant B award, as set forth in Section 69432.7.

(c) As used in this section:

(1) “Contractor” or “employee of a contractor” does not include a security guard or security officer, as defined in Section 7582.1 of the Business and Professions Code.

(2) “Public agency” means the state or any city, city and county, county, district, or other local authority or public body of or within the state.

(3) “Surviving child” means either of the following:

(A) A surviving natural or adopted child of the deceased person.
(B) A surviving stepchild who meets both of the following requirements:
(i) He or she was living or domiciled with the deceased person at the time of his or her death.
(ii) He or she was claimed on the tax form most recently filed by the deceased person prior to that person’s death, or he or she received 50 percent or more of his or her support from that deceased person in the tax year immediately preceding the death of the deceased person, or both.

Section 68121

(a) Notwithstanding any other provision of law, no mandatory system wide fees or tuition of any kind shall be required or collected by the Regents of the University of California or the Trustees of the California State University, from a student who is in an undergraduate program and who is the surviving dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center in New York City, the Pentagon building in Washington, DC, or the crash of United Airlines Flight 93 in southwestern Pennsylvania, if he or she meets the financial need requirements set forth in Section 69432.7 for the Cal Grant A Program and either of the following apply:
(1) The surviving dependent was a resident of California on September 11, 2001.
(2) The individual killed in the attacks was a resident of California on September 11, 2001.
(b) (1) The California Victim Compensation and Government Claims Board shall identify all persons who are eligible for tuition and fee waivers pursuant to this section or subdivision (j) of Section 76300. That board shall notify these persons or, in the case of minors, the parents or guardians of these persons, of their eligibility for tuition and fee waivers under these provisions. This notification shall be in writing, and shall be received by all of the appropriate persons no later than July 1, 2003.
(2) The Trustees of the California State University, the Regents of the University of California and the governing board of each community college district in the state shall waive tuition and fees, as specified in this section and in subdivision (j) of Section 76300, for any person who can demonstrate eligibility. If requested by the California State University, the University of California, Hastings College of the Law, or a California Community College, the California Victim Compensation and Government Claims Board, on a case-by-case basis, shall confirm the eligibility of persons requesting the waiver of tuition and fees, as provided for in this section.
(c) A determination of whether a person is a resident of California on September 11, 2001, shall be based on the criteria set forth in this chapter for determining nonresident and resident tuition.
(d) (1) “Dependent,” for purposes of this section, is a person who, because of his or her relationship to an individual killed as a result of injuries sustained during the terrorist attacks of September 11, 2001, qualifies for compensation under the federal September 11th Victim Compensation Fund of 2001 (Title IV (commencing with Section 401) of Public Law 107-42).
(2) A dependent who is the surviving spouse of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers provided in this section until January 1, 2013.
(3) A dependent who is the surviving child, natural or adopted, of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers under this section until that person obtains the age of 30 years.

(4) A dependent of an individual killed in the terrorist attacks of September 11, 2001, who is determined to be eligible by the California Victim Compensation and Government Claims Board, is also entitled to the waivers provided in this section until January 1, 2013.
Section 68074

(a) A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the Armed Forces of the United States stationed in this state on active duty is entitled to resident classification only for the purpose of determining the amount of tuition and fees.
(b) If that member of the Armed Forces of the United States, whose dependent natural or adopted child, stepchild, or spouse is in attendance at an institution, (1) is thereafter transferred on military orders to a place outside this state where the member continues to serve in the Armed Forces of the United States, or (2) is thereafter retired as an active member of the Armed Forces of the United States, the student dependent shall not lose his or her resident classification so long as he or she remains continuously enrolled at that institution.

Section 68075

(a) A student who is a member of the Armed Forces of the United States stationed in this state on active duty, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees.
(b) If that member of the Armed Forces of the United States who is in attendance at an institution is thereafter transferred on military orders to a place outside this state where the member continues to serve in the Armed Forces of the United States, he or she shall not lose his or her resident classification so long as he or she remains continuously enrolled at that institution.

Section 68075.5

(a) Except as provided for in subdivisions (b), (c), and (d), a student of the California Community Colleges or the California State University who was a member of the Armed Forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged shall be exempt from paying nonresident tuition for the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident.
(b) (1) Except as provided for in subdivisions (c) and (d), a student enrolled, or intending to enroll, at a campus of the California Community Colleges, or as an undergraduate at a campus of the California State University, who was a member of the Armed Forces of the United States stationed in this state on active duty for more than one year immediately prior to being
discharged shall be exempt from paying nonresident tuition for up to one year if he or she files an affidavit with the institution at which he or she is enrolled, or intends to enroll, stating that he or she intends to establish residency in California as soon as possible.

(2) The one-year exemption provided in paragraph (1) shall be used by the student within two years of being discharged.

(c) Notwithstanding any other law, the California Community Colleges and the California State University shall, and the University of California is requested to, update and adopt policies no later than July 1, 2015, regarding tuition rates for eligible veterans and their eligible dependents to ensure conformity to, and compliance with, the federal Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146) and the requirements of this section.

(d) A former member of the Armed Forces of the United States who received a dishonorable or bad conduct discharge shall not be eligible for an exemption pursuant to this section.
APPENDIX 10

California Community Colleges 2015-16 Board of Governors Fee Waiver Application

This is an application to have your **ENROLLMENT FEES WAIVED**. If you need money to help with books, supplies, food, rent, transportation and other costs, please complete a FREE APPLICATION FOR FEDERAL STUDENT AID (FAFSA) or the California Dream Application (for eligible AB 540 students) immediately. The FAFSA is available at www.fafsa.gov and the Dream Application is available at https://dream.csac.ca.gov/. Contact the Financial Aid Office for more information.

**IMPLEMENTATION OF Assembly Bill 1899: Victims of Trafficking, Domestic Violence and other Serious Crimes**

AB 1899, chaptered in September of 2012, provides for a non-resident enrollment fee exemption for “Victims of trafficking, domestic violence and other serious crimes”. In addition, the legislation allows these students to apply for and, if eligible, receive financial aid from programs administered by public postsecondary institutions or the state of California. Finally, the legislation provides that enrollment fees shall be waived for these students who apply for and are eligible to receive Board of Governor enrollment fee waivers.

This **FEE WAIVER** application is for California residents, eligible AB 540 students, and eligible AB 1899 students, as determined by the Admissions or Registrar’s Office. If you have not had your California residency or eligibility status determined by the Admissions or the Registrar, please see one of those offices to obtain the valid determination. Fee waiver eligibility cannot be determined until your status has been verified.

Has the Admissions or Registrar’s Office determined that you are a California resident?  
☐ Yes  ☐ No

If no, has the Admissions or Registrar’s Office determined that you are eligible for a non-resident tuition exemption as an AB 540 student?  
☐ Yes  ☐ No

If no, has the Admissions or Registrar’s Office determined that you are eligible for a non-resident tuition exemption granted as a result of you residing in the United States with a “T” or “U” visa (immigration status under Section 1101(a)(15)(T)(i) or (ii), or Section 1101 (a)(15)(U)(i) or (ii), of Title 8 of the United States Code)?  
☐ Yes  ☐ No

Name: ___________________________  Student ID #: ___________________________
Last  First  Middle Initial
Email (if available): ___________________________  Telephone Number: (______) _______________________
Home Address: ___________________________  Date of Birth: _______/_______/_________
Street  City  Zip Code

**IMPLEMENTATION OF THE CALIFORNIA DOMESTIC PARTNER RIGHTS AND RESPONSIBILITIES ACT**

The California Domestic Partner Rights and Responsibilities Act extends rights, benefits, responsibilities and obligations to individuals in domestic partnerships registered with the California Secretary of State under Section 297 of the Family Code. If you are in a Registered Domestic Partnership (RDP), or legal same sex marriage, you will be treated as an Independent married student to determine eligibility for this Enrollment Fee Waiver and will need to provide income and household information for your domestic partner. If you are a dependent student and your parent is in a RDP, or legal same sex marriage, you will be treated the same as a student with married parents and income and household information will be required for the parent’s domestic partner.

Note: These provisions apply to state student financial aid ONLY, and not to federal student financial aid.

Are you or your parent in a Registered Domestic Partnership with the California Secretary of State under Section 297 of the Family Code? (Answer “Yes” if you or your parent are separated from a Registered Domestic Partner but have NOT FILED a Notice of Termination of Domestic Partnership with the California Secretary of State’s Office.)  
☐ Yes  ☐ No

If you answered “Yes” to the question above, treat the Registered Domestic Partner as a spouse. You are required to include your domestic partner’s income and household information or your parent’s domestic partner’s income and household information in Questions 4, 11, 12, 13, 14, 15, 16, 17.

Student Marital Status  
☐ Single  ☐ Married  ☐ Divorced  ☐ Separated  ☐ Widowed  ☐ Registered Domestic Partnership
The questions below will determine whether you are considered a Dependent student or Independent student for fee waiver eligibility and whether parental information is needed. If you answer “Yes” to ANY of the questions 1-10 below, you will be considered an INDEPENDENT student. If you answer “No” to all questions, you will be considered a Dependent student thereby reporting parental information and should continue with Question 11.

1. Were you born before January 1, 1992?  
   - Yes  
   - No
2. As of today, are you married or in a Registered Domestic Partnership (RDP)?  (Answer “Yes” if you are separated but not divorced or have not filed a termination notice to dissolve partnership.)  
   - Yes  
   - No
3. Are you a veteran of the U.S. Armed Forces or currently serving on active duty for purposes other than training?  
   - Yes  
   - No
4. Do you have children who will receive more than half of their support from you between July 1, 2015 - June 30, 2016, or other dependents who live with you (other than your children or spouse/RDP) who receive more than half of their support from you, now and through June 30, 2016?  
   - Yes  
   - No
5. At any time since you turned age 13, were both your parents deceased, were you in foster care, or were you a dependent or ward of the court?  
   - Yes  
   - No
6. Are you or were you an emancipated minor as determined by a court in your state of legal residence?  
   - Yes  
   - No
7. Are you or were you in legal guardianship as determined by a court in your state of legal residence?  
   - Yes  
   - No
8. At any time on or after July 1, 2014, did your high school or school district homeless liaison determine that you were an unaccompanied youth who was homeless?  
   - Yes  
   - No
9. At any time on or after July 1, 2014, did the director of an emergency shelter or transitional housing program funded by the U.S. Department of Housing and Urban Development determine that you were an unaccompanied youth who was homeless?  
   - Yes  
   - No
10. At any time on or after July 1, 2014, did the director of a runaway or homeless youth basic center or transitional living program determine that you were an unaccompanied youth who was homeless or were self-supporting and at risk of being homeless?  
    - Yes  
    - No

- If you answered "Yes" to any of the questions 1 - 10, you are considered an INDEPENDENT student for enrollment fee waiver purposes and must provide income and household information about yourself (and your spouse or RDP if applicable). Skip to Question #13.

- If you answered "No" to all questions 1 - 10, complete the following questions:

11. If your parent(s) or his/her RDP filed or will file a 2014 U.S. Income Tax Return, were you, or will you be claimed on their tax return as an exemption by either or both of your parents?  
    - Will Not File  
    - Yes  
    - No
12. Do you live with one or both of your parent(s) and/or his/her RDP?  
    - Yes  
    - No

- If you answered "No" to questions 1 - 10 and "Yes" to either question 11 or 12, you must provide income and household information about your PARENT(S)/RDP. Please answer questions for a DEPENDENT student in the sections that follow.

- If you answered "No" or "Parent(s) will not file" to question 11, and "No" to question 12, you are a dependent student for all student aid except this enrollment fee waiver. You may answer questions as an INDEPENDENT student on the rest of this application, but please try to get your PARENT information and file a FAFSA so you may be considered for other student aid. You cannot get other student aid without your parent(s’) information.
13. Are you (the student ONLY) currently receiving monthly cash assistance for yourself or any dependents from:

- TANF/CalWORKs?  ☐ Yes  ☐ No
- SSI/SSP (Supplemental Security Income/State Supplemental Program)?  ☐ Yes  ☐ No
- General Assistance?  ☐ Yes  ☐ No

14. If you are a dependent student, are your parent(s)/RDP receiving monthly cash assistance from TANF/CalWORKs or SSI/SSP as a primary source of income?  ☐ Yes  ☐ No

If you answered "Yes" to question 13 or 14 you are eligible for an ENROLLMENT FEE WAIVER. Sign the Certification at the end of this form. You are required to show current proof of benefits. Submit application and documentation to the financial aid office.

**METHOD B ENROLLMENT FEE WAIVER**

15. **DEPENDENT STUDENT:** How many persons are in your parent(s)/RDP household? (Include yourself, your parent(s)/RDP, and anyone who lives with your parent(s)/RDP and receives more than 50% of their support from your parent(s)/RDP, now and through June 30, 2016.) __________

16. **INDEPENDENT STUDENT:** How many persons are in your household? (Include yourself, your spouse/RDP, and anyone who lives with you and receives more than 50% of their support from you, now and through June 30, 2016.) __________

17. **2014 Income Information**

<table>
<thead>
<tr>
<th>DEPENDENT STUDENT: PARENT(S)/RDP INCOME ONLY</th>
<th>INDEPENDENT STUDENT: STUDENT (&amp; SPOUSE'S/RDP) INCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Adjusted Gross Income (If 2014 U.S. Income Tax Return was filed, enter the amount from Form 1040, line 37; 1040A, line 21; 1040EZ, line 4).</td>
<td>$ __________</td>
</tr>
<tr>
<td>b. All other income (Include ALL money received in 2014 that is not included in line (a) above (such as disability, child support, military living allowance, Workman's Compensation, untaxed pensions).</td>
<td>$ __________</td>
</tr>
<tr>
<td>TOTAL Income for 2014 (Sum of a + b)</td>
<td>$ __________</td>
</tr>
</tbody>
</table>

The Financial Aid Office will review your income and let you know if you qualify for an ENROLLMENT FEE WAIVER under Method B. Submit application and documentation to the financial aid office.

If you do not qualify using Method A or Method B, you should file a FAFSA (for U.S. citizens or eligible non-citizens) or the California Dream Application (for undocumented AB 540 students). The FAFSA is available at www.fafsa.gov and the Dream Application is available at https://dream.csac.ca.gov/. Contact the Financial Aid Office for more information.

**SPECIAL CLASSIFICATIONS ENROLLMENT FEE WAIVERS**

18. Do you have certification from the CA Department of Veterans Affairs that you are eligible for a dependent's fee waiver?  ☐ Yes  ☐ No

19. Do you have certification from the National Guard Adjutant General that you are eligible for a dependent's fee waiver?  ☐ Yes  ☐ No

20. Are you eligible as a recipient of the Congressional Medal of Honor or as a child of a recipient?  ☐ Yes  ☐ No

21. Are you eligible as a dependent of a victim of the September 11, 2001, terrorist attack?  ☐ Yes  ☐ No

22. Are you eligible as a dependent of a deceased law enforcement/fire suppression personnel killed in the line of duty?  ☐ Yes  ☐ No

If you answered "Yes" to any of the questions from 18-22, you are eligible for an ENROLLMENT FEE WAIVER and perhaps other fee waivers or adjustments. Sign the Certification below. Submit application and documentation to the financial aid office. Contact the Financial Aid Office if you have questions.
CERTIFICATION FOR ALL APPLICANTS: READ THIS STATEMENT AND SIGN BELOW

I hereby swear or affirm, under penalty of perjury, that all information on this form is true and complete to the best of my knowledge. If asked by an authorized official, I agree to provide proof of this information, which may include a copy of my and my spouse/registered domestic partner and/or my parent's/registered domestic partner's 2014 U.S. Income Tax Return(s). I also realize that any false statement or failure to give proof when asked may be cause for the denial, reduction, withdrawal, and/or repayment of my waiver. I authorize release of information regarding this application between the college, the college district, and the Chancellor's Office of the California Community Colleges.

I understand the following information (please check each box):

- Federal and state financial aid programs are available to help with college costs (including enrollment fees, books & supplies, transportation and room and board expenses). By completing the FAFSA or the California Dream Application, additional financial assistance may be available in the form of Cal Grants, Pell and other grants, work study and other aid.
- I may apply for and receive financial assistance if I am enrolled, either full time or part time, in an eligible program of study (certificate, associate degree or transfer).
- Financial aid program information and application assistance is available in the college financial aid office.

Applicant's Signature Date Parent Signature (Dependent Students Only) Date

CALIFORNIA INFORMATION PRIVACY ACT

State and federal laws protect an individual’s right to privacy regarding information pertaining to oneself. The California Information Practices Act of 1977 requires the following information be provided to financial aid applicants who are asked to supply information about themselves. The principal purpose for requesting information on this form is to determine your eligibility for financial aid. The Chancellor’s Office policy and the policy of the community college to which you are applying for aid authorize maintenance of this information. Failure to provide such information will delay and may even prevent your receipt of financial assistance. This form’s information may be transmitted to other state agencies and the federal government if required by law. Individuals have the right of access to records established from information furnished on this form as it pertains to them.

The officials responsible for maintaining the information contained on this form are the financial aid administrators at the institutions to which you are applying for financial aid. The SSN may be used to verify your identity under record keeping systems established prior to January 1, 1975. If your college requires you to provide an SSN and you have questions, you should ask the financial aid officer at your college for further information. The Chancellor’s Office and the California community colleges, in compliance with federal and state laws, do not discriminate on the basis of race, religion, color, national origin, gender, age, disability, medical condition, sexual orientation, domestic partnership or any other legally protected basis. Inquiries regarding these policies may be directed to the financial aid office of the college to which you are applying.

FOR OFFICE USE ONLY

- BOGFW-A
  - TANF/CalWORKs
  - GA
  - SSI/SSP
  - BOGFW-C

- BOGFW-B
  - Special Classification
    - Veteran
    - National Guard Dependent
    - Medal of Honor
    - 9/11 Dependent
    - Dep. of deceased law enforcement/fire personnel

- BOGFW-C
  - RDP
    - Student
    - Parent
    - Student is not eligible

Comments: __________________________________________

Certified by: _________________________________________ Date: __________________________
### Board of Governors Fee Waiver Program

**BOG Fee Waiver-B**

**2015-2016 Income Standards***

<table>
<thead>
<tr>
<th>Family Size</th>
<th>2014 Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$17,505</td>
</tr>
<tr>
<td>2</td>
<td>$23,595</td>
</tr>
<tr>
<td>3</td>
<td>$29,685</td>
</tr>
<tr>
<td>4</td>
<td>$35,775</td>
</tr>
<tr>
<td>5</td>
<td>$41,865</td>
</tr>
<tr>
<td>6</td>
<td>$47,955</td>
</tr>
<tr>
<td>7</td>
<td>$54,045</td>
</tr>
<tr>
<td>8</td>
<td>$60,138</td>
</tr>
</tbody>
</table>

* Each Additional Family Member $6,090

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* These standards are based upon the federal poverty guidelines, as published each year by the US Department of Health and Human Services. Under Title 5 of the California Code of Regulations, the student or student’s family must have a Total Income in the prior year (in this case, 2014) that is equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines based on family size.

The U.S. Department of Health and Human Services published the 2014 Poverty Guidelines in January 2014 (additional information will be posted after the guidelines are published). These income standards are for the 2015-2016 academic year and are to be used to determine BOGFW-B eligibility effective July 1, 2015.

[http://aspe.hhs.gov/POVERTY/14poverty.cfm](http://aspe.hhs.gov/POVERTY/14poverty.cfm)
# APPENDIX 12

## Chronology of the California Community College State Enrollment Fee

<table>
<thead>
<tr>
<th>Year</th>
<th>Fee History</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to 1984</td>
<td>No Enrollment Fee</td>
</tr>
<tr>
<td>1984-85</td>
<td>AB 1XX, 1984 established a mandatory enrollment fee of $50 per semester ($100 per year for community college students taking 6 or more credit units and $5 per unit for students taking less than 6 units). Students taking noncredit classes do not pay the fee. The fee was to sunset January 1, 1988</td>
</tr>
<tr>
<td>1985-86</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>1986-87</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>1987-88</td>
<td>Assembly Bill 2336 extends enrollment fee through January 1, 1992</td>
</tr>
<tr>
<td>1988-89</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>1989-90</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>1990-91</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>1991-92</td>
<td>Senate Bill 381 extends the community college enrollment fee through January 1, 1995. In addition, the bill directs the community colleges to charge a one-year surcharge of an additional $1 per unit up to a maximum of $10 per semester for students enrolled during the 1991-92 academic year. For 1991-92, community college students were charged $6 per unit up to a maximum of $60 per semester</td>
</tr>
<tr>
<td>1992-93</td>
<td>Effective January 1, 1993, a separate fee of $50 per unit, with no cap, was set for students with bachelor’s degrees. In addition, the enrollment fee was increased to $10 per unit with no cap for students not having a bachelor’s degree</td>
</tr>
<tr>
<td>1993-94</td>
<td>The 1993-94 Budget Act raised the enrollment fee to $13 per unit with no cap</td>
</tr>
<tr>
<td>1994-95</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>1995-96</td>
<td>No change from prior year. The separate $50 fee for students with bachelor’s degrees sunset on January 1, 1996</td>
</tr>
<tr>
<td>1996-97</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>1997-98</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>1998-99</td>
<td>The enrollment fee was reduced to $12 per unit with no cap on the total</td>
</tr>
<tr>
<td>Year</td>
<td>Description</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1999-00</td>
<td>The enrollment fee was reduced to $11 per unit with no cap on the total</td>
</tr>
<tr>
<td>2000-01</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>2001-02</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>2002-03</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>2003-04</td>
<td>The enrollment fee was increased to $18 per unit with no cap on the total</td>
</tr>
<tr>
<td>2004-05</td>
<td>The enrollment fee was increased to $26 per unit with no cap on the total</td>
</tr>
<tr>
<td>2005-06</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>2006-07</td>
<td>The enrollment fee was reduced to $20 per unit in the spring term with no cap on the total</td>
</tr>
<tr>
<td>2007-08</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>2008-09</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>2009-10</td>
<td>The enrollment fee was increased to $26 per unit, beginning in the fall of 2009-10 academic year</td>
</tr>
<tr>
<td>2010-11</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>2011-12</td>
<td>The enrollment fee was increased to $36 per unit, beginning in the fall of the 2011-12 academic year. Starting summer, 2012, the enrollment fee was increased to $46 per unit</td>
</tr>
<tr>
<td>2012-13</td>
<td>No change from the Summer 2012 $46 per unit rate</td>
</tr>
<tr>
<td>2013-14</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>2014-15</td>
<td>No change from prior year</td>
</tr>
<tr>
<td>2015-16</td>
<td>No change from prior year</td>
</tr>
</tbody>
</table>
# New College Student Service & Special Programs Categorical Funding Matrix

<table>
<thead>
<tr>
<th>Program</th>
<th>Trigger event</th>
<th>Initial Funding: Current FY or Future FY?</th>
<th>Data/Reporting Required</th>
<th>Implications for Parent Campus</th>
<th>Minimums</th>
<th>Formula</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFAA Base</td>
<td>College has received official notification</td>
<td>Future - fiscal year following accreditation</td>
<td>MIS BOGFW recipient unduplicated count</td>
<td>Loss of fair share (up to 10%) based on timing and ability to report MIS for new college. Chancellor's Office may consider annual &quot;allowable use exception&quot; for justified re-allocation of funds between &quot;parent&quot; college and &quot;new&quot; college for a limited duration. New College must designate its own &quot;coordinating official&quot;.</td>
<td>Base amount of $12,500</td>
<td>Fair share with minimum or 90% of prior year guarantee</td>
<td>Contingent on funding and provisional language in annual State Budget Act</td>
</tr>
<tr>
<td>SFAA Capacity</td>
<td>College has received official notification</td>
<td>Future - fiscal year following accreditation</td>
<td>MIS generated FTES &amp; BOGFW recipient unduplicated count</td>
<td>Loss of fair share based on timing and ability to report MIS for new college. Chancellor's Office may consider annual &quot;allowable use exception&quot; for justified re-allocation of funds between &quot;parent&quot; college and &quot;new&quot; college for a limited duration. New College must designate its own &quot;coordinating official&quot;.</td>
<td>Base amount of $50,000</td>
<td>Fair share weighted 50/50 on MIS generated FTES &amp; BOGFW recipients data: only minimum is guaranteed</td>
<td>Contingent on funding and provisional language in annual State Budget Act</td>
</tr>
<tr>
<td>BFAP 2%</td>
<td>College has received official notification</td>
<td></td>
<td>MIS BOGFW Dollars waived</td>
<td>Loss of fair share based on timing and ability to report MIS for new college.</td>
<td>N/A</td>
<td>Fair share; no guarantee</td>
<td>Contingent on funding and provisional language in annual State Budget Act</td>
</tr>
<tr>
<td>SFAA R2T4</td>
<td>College has received official notification</td>
<td>Future - fiscal year following accreditation</td>
<td>R2T4 report identifying reimbursement request per student on all pre-census drops who received Fee Waivers</td>
<td>Loss of funding once separate new college data can be submitted.</td>
<td>N/A</td>
<td>Optional participation, reimbursement for eligible claims, no guarantee</td>
<td>Contingent on funding and provisional language in annual State Budget Act</td>
</tr>
<tr>
<td>Program</td>
<td>Trigger event</td>
<td>Initial Funding: Current FY or Future FY?</td>
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</tr>
<tr>
<td>EOPS</td>
<td>College has received official notification</td>
<td>Future - fiscal year following accreditation</td>
<td>MIS EOPS unduplicated student headcount; EOPS Program Plan with approved 2.2’s for all staff; EOPS Budget Approval Request. Parent college and new college must agree on numbers submitted for students served and district contribution amounts by site.</td>
<td>Parent college will receive minimum of 95 percent of prior year allocation as long as EOPS funding statewide is reduced 5% or less. Actual amount will be determined after MIS unduplicated student headcounts are verified for parent and new colleges.</td>
<td>&quot;Parent&quot; college - 95% or prior year allocation; &quot;new&quot; college - $50,000 base plus funding for actual MIS EOPS unduplicated students serve prior year and district contribution to the new college(s). Dependent on reduction amounts in Budget Act.</td>
<td>Board approved CARE funding formula: $10,000 base allocation plus funding for actual MIS CARE unduplicated headcount served previous year; if funding cut is significant, cut may be distributed evenly to colleges</td>
<td>Contingent on funding and provisional language in annual State Budget Act</td>
</tr>
<tr>
<td>CARE</td>
<td>College has received official notification</td>
<td>Future - fiscal year following accreditation</td>
<td>MIS CARE unduplicated student headcount; EOPS Program Plan with approved 2.2’s for all staff; CARE Budget Approval Request. Parent college and new college must agree on numbers submitted for students served.</td>
<td>Parent college will receive minimum of 95 percent of prior year allocation as long as CARE funding statewide is reduced 5% or less. Actual amount will be determined after MIS unduplicated student headcounts are verified for parent and new colleges.</td>
<td>Board approved CARE funding formula: $10,000 base plus funding for MIS CARE unduplicated student headcount served previous year</td>
<td>$10,000 base plus funding for MIS CARE unduplicated student headcount served previous year</td>
<td>Contingent on funding and provisional language in annual State Budget Act</td>
</tr>
<tr>
<td>Program</td>
<td>Trigger event</td>
<td>Initial Funding: Current FY or Future FY?</td>
<td>Data/Reporting Required</td>
<td>Implications for Parent Campus</td>
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<td>Other</td>
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<td>-----------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>CalWORKs</td>
<td>College has received official notification</td>
<td>Future - fiscal year following accreditation</td>
<td>MIS CalWORKs data elements</td>
<td>CalWORKs Coordinator from sister campus would no longer have oversight of the program at the new campus.</td>
<td>Base amount of $125,000 plus prorated count of eligible CalWORKs students served through the program and reported to MIS</td>
<td>Base of $125,000 plus prorated count of eligible CalWORKs students served through the program and reported to MIS</td>
<td>Contingent on funding and provisional language in annual State Budget Act. Requires a visit with the college staff that would implement the program to provide technical assistance.</td>
</tr>
<tr>
<td>DSPS</td>
<td>College has received official notification</td>
<td>Future - fiscal year following accreditation</td>
<td>2009-10 Weighted Student Count MIS totals for parent college and new college</td>
<td>After MIS unduplicated weighted student headcounts are verified for parent campus and new colleges, then parent campus may be minimally funded at 95 percent of previous year allocation.</td>
<td>Board-approved DSPS finding formula: approximately $70,000 base allocation plus funding for actual MISDSPS unduplicated weighted student headcount served previous year</td>
<td>Approximately $70,000 base plus funding for MIS DSPS unduplicated weighted student headcount served previous year; in future years, new colleges will receive Board-approved funding formula amount or minimally 95 percent of previous year's final allocation</td>
<td>Contingent on funding and provisional language in annual State Budget Act.</td>
</tr>
<tr>
<td>Matriculation Credit</td>
<td>N/A (The Chancellor's Office has no authority for reallocating Matriculation funds to new colleges)</td>
<td>District allocations through 2012-13 will be based on each district's share of the 2008-09 allocation due to categorical flexibility</td>
<td>(See narrative)</td>
<td>(Districts will determine how to fund credit Matriculation services at a new college - see narrative)</td>
<td>N/A through 2012-13</td>
<td>N/A through 2012-13</td>
<td>District funding is contingent on funding and provisional language in the annual State Budget Act.</td>
</tr>
<tr>
<td>----------------------</td>
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<td>-------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td>Matriculation Non-Credit</td>
<td>N/A (The Chancellor's Office has no authority for reallocating Matriculation funds to new colleges)</td>
<td>District allocations through 2012-13 will be based on each district's share of the 2008-09 allocation due to categorical flexibility</td>
<td>(See narrative)</td>
<td>(Districts will determine how to fund non-credit Matriculation services at a new college - see narrative)</td>
<td>N/A through 2012-13</td>
<td>N/A through 2012-13</td>
<td>District funding is contingent on funding and provisional language in the annual State Budget Act.</td>
</tr>
</tbody>
</table>
## Allocation and Apportionment Processes

<table>
<thead>
<tr>
<th>Month</th>
<th>Allocation</th>
<th>Apportionment</th>
</tr>
</thead>
<tbody>
<tr>
<td>May</td>
<td>Finalize college/district allocations for current year</td>
<td>P2 due (current year) – May 25</td>
</tr>
<tr>
<td>June</td>
<td>Determine advance figures for next year</td>
<td>Advance due for next year – June 25</td>
</tr>
<tr>
<td>July</td>
<td>Collect date needed for allocations</td>
<td>Districts receive 1st payment for current year (8% of advance apportionment)</td>
</tr>
<tr>
<td>August</td>
<td>Collect date needed for allocations MIS data on Student counts/noncredit counts – mid-August</td>
<td>Districts receive 2nd payment for current year (8% of advance apportionment)</td>
</tr>
<tr>
<td>September</td>
<td>Run allocations</td>
<td>Districts receive 3rd payment for current year (12% of advance apportionment)</td>
</tr>
<tr>
<td>October</td>
<td>Allocations distributed to field – October 1</td>
<td>Districts receive 4th payment for current year (10% of advance apportionment)</td>
</tr>
<tr>
<td>November</td>
<td>Determine final allocations for prior year, plus/minus adjustments based on final expenditures for R1</td>
<td>Districts receive 5th payment for current year (9% of advance apportionment)</td>
</tr>
<tr>
<td>December</td>
<td>Determine adjustments to current year, if any. Determine allocation for current year, plus/minus adjustments for P1</td>
<td>Districts receive 6th payment for current year (5% of advance apportionment)</td>
</tr>
<tr>
<td>January</td>
<td></td>
<td>Districts receive 7th payment for current year (8% of advance apportionment)</td>
</tr>
<tr>
<td>February</td>
<td>Requests for Reallocation of funds/Declaration of unused funds</td>
<td>Districts receive 8th payment for current year (up to 68% of P1 apportionment) and any prior year (reported R1) adjustments</td>
</tr>
<tr>
<td>March</td>
<td>Reallocation of funds determined</td>
<td>Districts receive 9th payment for current year (8% of P1 apportionment)</td>
</tr>
<tr>
<td>April</td>
<td></td>
<td>Districts receive 10th payment for current year (8% of P1 apportionment)</td>
</tr>
<tr>
<td>May</td>
<td>Determine allocation for current year, plus/minus adjustments for P2</td>
<td>Districts receive 11th payment for current year (8% of P1 apportionment)</td>
</tr>
<tr>
<td>June</td>
<td></td>
<td>Districts receive 12th payment for current year (up to 100% of P2 apportionment)</td>
</tr>
</tbody>
</table>
Overview for one fiscal year (Approximately 18 months to complete cycle)

Need to reference individual approved funding formulas for detail.

June - Determine advance apportionments – due June 29
   For the standard categorical programs this is 95% of prior year funding formula’s guarantee 95%
   allocation from one year to the next.

July/August/September – gather data necessary to run allocation
   What are the elements in the formula?
   Where does the data come from? (MIS, past expenditure reports, etc.)?
   What is the appropriation for the program? (COLA, growth, augmentations)

   Run allocation based on approved formula and administrative procedures

October – Release allocations to the districts/colleges via Categorical Matrix, postings on Web, specialized
   letters

December/January – prepare data for P1 – due January 25
   Have there been any adjustments to current year allocations?
   Changes since Advance?
   P1 generally consists of the actual allocation for the current year.

February – gather Declarations of Unused funds and Request for Reallocated funds from districts/college
   Determine amounts of reallocated funds to be distributed to districts/colleges based on approved
   policy?

March/April – notification due to districts/colleges awards of reallocated funds

May - prepare data for P2 – due May 24
   Have there been any adjustments to current year allocations since P1 (January)?
   Returned funds/reallocated funds?
   P2 generally consists of the actual allocation for the current year plus/minus reallocated funds
   adjustments

September – due date for final expenditure reports for categorical programs

November – prepare data for R1 – due November 30
   What is the final amount each district/college should have received for prior year?
   Did they expend all of their funds?
   Did they return funds at the end of the year?
   Were they awarded reallocated funds since P2 (May)?
   R1 generally consists of the actual allocation for the prior year plus/minus reallocated funds
   adjustments and returned funds, based on data from their final expenditure report.

June -Advance
January – P1
May – P2
November – R1
CALIFORNIA EDUCATION CODE
Sections 76355 and 76360
Health and Parking Fees

Section 76355

(a) (1) The governing board of a district maintaining a community college may require community college students to pay a fee in the total amount of not more than ten dollars ($10) for each semester, seven dollars ($7) for summer school, seven dollars ($7) for each intersession of at least four weeks, or seven dollars ($7) for each quarter for health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, or both.
(2) The governing board of each community college district may increase this fee by the same percentage increase as the Implicit Price Deflator for State and Local Government Purchase of Goods and Services. Whenever that calculation produces an increase of one dollar ($1) above the existing fee, the fee may be increased by one dollar ($1).
(b) If, pursuant to this section, a fee is required, the governing board of the district shall decide the amount of the fee, if any, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional.
(c) The governing board of a district maintaining a community college shall adopt rules and regulations that exempt the following students from any fee required pursuant to subdivision (a):
(1) Students who depend exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization.
(2) Students who are attending a community college under an approved apprenticeship training program.
(d) (1) All fees collected pursuant to this section shall be deposited in the fund of the district designated by the California Community Colleges Budget and Accounting Manual. These fees shall be expended only to provide health services as specified in regulations adopted by the board of governors.
(2) Authorized expenditures shall not include, among other things, athletic trainers’ salaries, athletic insurance, medical supplies for athletics, physical examinations for intercollegiate athletics, ambulance services, the salaries of health professionals for athletic events, any deductible portion of accident claims filed for athletic team members, or any other expense that is not available to all students. No student shall be denied a service supported by student health fees on account of participation in athletic programs.
(e) Any community college district that provided health services in the 1986–87 fiscal year shall maintain health services, at the level provided during the 1986–87 fiscal year, and each fiscal year thereafter. If the cost to maintain that level of service exceeds the limits specified in subdivision (a), the excess cost shall be borne by the district.
(f) A district that begins charging a health fee may use funds for startup costs from other district funds, and may recover all or part of those funds from health fees collected within the first five years following the commencement of charging the fee.
(g) The board of governors shall adopt regulations that generally describe the types of health services included in the health service program.
(Amended by Stats. 2005, Ch. 320, Sec. 2. Effective January 1, 2006.)

Section 76360

(a) (1) The governing board of a community college district may require students in attendance and employees of the district to pay a fee, in an amount, not to exceed fifty dollars ($50) per semester and twenty-five dollars ($25) per intersession, to be established by the board, for parking services. The fee shall only be required of
students and employees using parking services and shall not exceed the actual cost of providing parking services.

(2) To encourage ridesharing and carpooling, the fee shall not exceed thirty-five dollars ($35) per semester and fifteen dollars ($15) per intersession for a student who certifies, in accordance with procedures established by the board, that he or she regularly has two or more passengers commuting to the community college with him or her in the vehicle parked at the community college.

(3) The governing board of each community college district may increase the fee limits imposed by this subdivision by the same percentage increase as the Implicit Price Deflator for State and Local Government Purchases of Goods and Services published by the United States Department of Commerce. The fees may be increased annually up to the next whole dollar increment above the existing fee limit that calculation produces.

(b) (1) The governing board may require payment of a parking fee at a campus in excess of the limits set forth in subdivision (a) for the purpose of funding the construction of on-campus parking facilities if both of the following conditions exist at the campus:

(A) The full-time equivalent student (FTES) per parking space on the campus exceeds the statewide average FTES per parking space on community college campuses.

(B) The market price per square foot of land adjacent to the campus exceeds the statewide average market price per square foot of land adjacent to community college campuses.

(2) If the governing board requires payment of a parking fee in excess of the limits set forth in subdivision (a), the fee may not exceed the actual cost of constructing a parking structure.

(c) Students who receive financial assistance pursuant to any programs described in subdivision (g) of Section 76300 shall be exempt from parking fees imposed pursuant to this section that exceed thirty dollars ($30) per semester.

(d) The governing board of a community college district may also require the payment of a fee, to be established by the governing board, for the use of parking services by persons other than students and employees.

(e) All parking fees collected shall be deposited in the designated fund of the district in accordance with the California Community Colleges Budget and Accounting Manual, and shall be expended only for parking services or for purposes of reducing the costs to students and employees of the college of using public transportation to and from the college.

(f) Fees collected for use of parking services provided for by investment of student body funds under the authority of Section 76064 shall be deposited in a designated fund in accordance with the California Community Colleges Budget and Accounting Manual for repayment to the student organization.

(g) “Parking services,” as used in this section, means the purchase, construction, and operation and maintenance of parking facilities for vehicles and motor vehicles as defined by Sections 415 and 670 of the Vehicle Code.
APPENDIX 16

CALIFORNIA EDUCATION CODE
Sections 66021.6, 68120.5, 68122, 68130.5, 69504.5, 69508.5

Section 66021.6

(a) Notwithstanding any other law, and except as provided for in subdivision (b), the Trustees of the California State University and the Board of Governors of the California Community Colleges shall, and the Regents of the University of California are requested to, establish procedures and forms that enable persons who are exempt from paying nonresident tuition under Section 68130.5, or who meet equivalent requirements adopted by the regents, to apply for, and participate in, all student aid programs administered by these segments to the full extent permitted by federal law. The Legislature finds and declares that this section is a state law within the meaning of Section 1621(d) of Title 8 of the United States Code.
(b) The number of financial aid awards received by California resident students from financial aid programs administered by the segments shall not be diminished as a result of the application of subdivision (a). The University of California is requested to comply with this subdivision.
(c) This section shall become operative on January 1, 2013.

Section 68120.5

Any determination of eligibility pursuant to Section 68120 shall be consistent with any findings of the Workers’ Compensation Appeals Board, using the same procedures as in workers’ compensation hearings, as to whether the death of the person described under subdivision (a) of that section was industrial.
(Added by Stats. 2002, Ch. 450, Sec. 1. Effective January 1, 2003.)

Section 68122

(a) Notwithstanding any other law, students who are victims of trafficking, domestic violence, and other serious crimes who have been granted a status under Section 1101(a)(15)(T)(i) or (ii), or Section 1101(a)(15)(U)(i) or (ii), of Title 8 of the United States Code shall be exempt from paying nonresident tuition at the California State University and the California Community Colleges to the same extent as individuals who are admitted to the United States as refugees under Section 1157 of Title 8 of the United States Code.
(b) The University of California is requested to adopt policies that are consistent with this section.

Section 68130.5

Notwithstanding any other law:

(a) A student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, who meets all of the following requirements shall be exempt from paying nonresident tuition at the California State University and the California Community Colleges:
(1) Satisfaction of either of the following:
(A) High school attendance in California for three or more years.
(B) Attainment of credits earned in California from a California high school equivalent to three or more years of full-time high school coursework and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of those schools.

(2) Graduation from a California high school or attainment of the equivalent thereof.

(3) Registration as an entering student at, or current enrollment at, an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year.

(4) In the case of a person without lawful immigration status, the filing of an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

(b) A student exempt from nonresident tuition under this section may be reported by a community college district as a full-time equivalent student for apportionment purposes.

(c) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall prescribe rules and regulations for the implementation of this section.

(d) Student information obtained in the implementation of this section is confidential.

Section 69504.5

(a) Notwithstanding any other law, students who are victims of trafficking, domestic violence, and other serious crimes who have been granted a status under Section 1101(a)(15)(T)(i) or (ii), or Section 1101(a)(15)(U)(i) or (ii), of Title 8 of the United States Code shall be eligible to apply for, and participate in, all student financial aid programs and scholarships administered by a public postsecondary educational institution or the State of California to the same extent as individuals who are admitted to the United States as refugees under Section 1157 of Title 8 of the United States Code.

(b) The University of California is requested to adopt policies that are consistent with this section.

Section 69508.5

(a) Notwithstanding any other law, and except as provided for in subdivision (c), a student who meets the requirements of subdivision (a) of Section 68130.5, or who meets equivalent requirements adopted by the Regents of the University of California, is eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. The Legislature finds and declares that this section is a state law within the meaning of subsection (d) of Section 1621 of Title 8 of the United States Code.

(b) Notwithstanding any other law, the Student Aid Commission shall establish procedures and forms that enable students who are exempt from paying nonresident tuition under Section 68130.5, or who meet equivalent requirements adopted by the regents, to apply for, and participate in, all student financial aid programs administered by the State of California to the full extent permitted by federal law.

(c) A student who is exempt from paying nonresident tuition under Section 68130.5 shall not be eligible for Competitive Cal Grant A and B Awards unless funding remains available after all California students not exempt pursuant to Section 68130.5 have received Competitive Cal Grant A and B Awards that they are eligible for.
Notwithstanding any other law:

(a) Effective for academic terms beginning after July 1, 2015, a student enrolled at a campus of the California Community Colleges or the California State University who meets all of the following requirements shall be exempt from paying nonresident tuition or any other fee that is exclusively applicable to nonresident students:

1. The student resides in California.
2. The student meets the definition of “covered individual,” as that term is defined in subsection (c) of Section 3679 of Title 38 of the United States Code, as that provision read on July 1, 2015.
3. The student is eligible for education benefits under either the federal Montgomery GI Bill–Active Duty program (Chapter 30 (commencing with Section 3001) of Title 38 of the United States Code) or the Post-9/11 GI Bill program (Chapter 33 (commencing with Section 3301) of Title 38 of the United States Code), as each read on July 1, 2015.

(b) After the expiration of the three-year period following discharge or death as described in subsection (c) of Section 3679 of Title 38 of the United States Code, a student who qualifies for an exemption from paying nonresident tuition and other applicable fees under subdivision (a) shall be deemed to maintain “covered individual” status as long as the student remains continuously enrolled at a campus, even if the student enrolls in multiple programs, and the student shall continue to be exempt from paying nonresident tuition and other fees that are exclusively applicable to nonresident students. As used in this section, “continuously enrolled” means enrolled for at least the fall and spring semesters of an academic year, or for at least three of the quarters in an academic year for an institution using the quarter system.

(c) The attendance of a community college student who is exempt from paying nonresident tuition and other fees pursuant to this section may be reported by the community college district of attendance for apportionment purposes.
CALIFORNIA EDUCATION CODE  
Section 69433.2  
Data Reporting to CSAC

Section 69433.2

(a) As a condition for its voluntary participation in the Cal Grant Program, each Cal Grant participating institution shall, beginning in 2012, annually report to the commission, and as further specified in the institutional participation agreement, both of the following for its undergraduate programs:
(1) Enrollment, persistence, and graduation data for all students, including aggregate information on Cal Grant recipients.
(2) The job placement rate and salary and wage information for each program that is either designed or advertised to lead to a particular type of job or advertised or promoted with a claim regarding job placement.
(b) Commencing the year after the commission begins to receive reports pursuant to subdivision (a), the commission shall provide both of the following on its Internet Web site:
(1) The information submitted by a Cal Grant participating institution pursuant to subdivision (a), which shall be made available in a searchable database.
(2) Other information and links that are useful to students and parents who are in the process of selecting a college or university. This information may include, but not be limited to, local occupational profiles available through the Employment Development Department’s Labor Market Information Data Library.
CALIFORNIA EDUCATION CODE
Sections 69505.5 and 69505.8
Student Disbursement Contracts

Section 69505.5

(a) (1) No campus of the California Community Colleges or the California State University shall enter into a contract on or after January 1, 2014, with any entity, whether a specific depository institution or an entity that partners with one or more depository institutions, that requires a student to open an account with that entity as a condition of the student receiving his or her financial aid disbursement.

(2) Each campus of the University of California is requested to not enter into a contract on or after January 1, 2014, with any entity, whether a specific depository institution or an entity that partners with one or more depository institutions, that requires a student to open an account with that entity as a condition of the student receiving his or her financial aid disbursement.

(b) (1) Each campus of the California Community Colleges and the California State University shall offer a student the option of receiving his or her financial aid disbursement via direct deposit into an account at a depository institution of the student’s choosing. Each campus of the California Community Colleges and the California State University shall ensure that its contract or contracts for financial aid disbursement entered into on or after January 1, 2014, provide that the contracting entity shall initiate the direct deposit within one business day of receipt of the financial aid disbursement moneys from each campus of the California Community Colleges and the California State University.

(2) Each campus of the University of California is requested to offer a student the option of receiving his or her financial aid disbursement via direct deposit into an account at a depository institution of the student’s choosing. Each campus of the University of California is requested to ensure that its contract or contracts for financial aid disbursement entered into on or after January 1, 2014, provide that the contracting entity shall initiate the direct deposit within one business day of receipt of the financial aid disbursement moneys from each campus of the University of California.

(Added by Stats. 2013, Ch. 217, Sec. 1. Effective January 1, 2014.)

Section 69505.8

(a) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California and each governing body of an accredited private postsecondary educational institution are requested to, develop one or more model contracts for use at their respective systems for the disbursement of a financial aid award, scholarship, campus-based aid award, or school refund onto a debit card, prepaid card, or other preloaded card issued by a financial institution. Each model contract shall be developed in consultation with stakeholders including statewide student associations, individual campuses, and financial institutions that issue debit cards, prepaid cards, and preloaded cards and shall not be finalized before public comment is sought and considered.

(b) The board of governors and the trustees shall, and the regents and each governing body of an accredited private postsecondary educational institution are requested to, make every model contract developed under subdivision (a), and every binding contract negotiated by an educational institution under the jurisdiction of one of these governing bodies with a financial institution for the disbursement of a financial aid award, scholarship, campus-based aid award, or school refund onto a debit card, prepaid card, or preloaded card, publicly available on its Internet Web site.
(c) Every model contract developed under subdivision (a) shall consider the best interests of students and shall, at a minimum, contain provisions that reflect conditions required for compliance with federal regulations governing the disbursement of federal financial aid.

(d) When developing each model contract, the board of governors and the trustees shall, and the regents and each governing body of an accredited private postsecondary educational institution are requested to, consider all of the following:

1. The number of on-campus locations and proximity of off-campus locations where a fee-free withdrawal could be made by a student using a debit card, prepaid card, or preloaded card.
2. The type and size of fees a student would incur from debit, prepaid, or preloaded card use and whether provisions of the model contract ensure that the educational institution is provided information by the card-issuing financial institution to evaluate the costs of these fees to students.
3. The impact, if any, that offering a card displaying the name or mascot of a campus or educational system would have on students, that campus, or that educational system.
4. Whether provisions of the model contract ensure that the educational institution monitors compliance by the financial institution with federal Title IV requirements governing the disbursement of financial aid.
5. Whether provisions of the model contract ensure a process for the tracking and resolution of student complaints about the card-issuing financial institution’s credit delivery, customer service, and debit, prepaid, or preloaded cards.
6. The impact, if any, of the content of a dispute resolution clause on students, their campus, and their educational system, if a conflict were to arise between a student and the card-issuing financial institution.
7. Whether provisions of the model contract ensure that the educational institution does not disclose student information to the card-issuing financial institution beyond what is necessary to perform the contracted financial aid award, scholarship, campus-based aid award, or school refund disbursement function.
8. Whether provisions of the model contract ensure that the card-issuing financial institution does not solicit or collect information from a student that is not necessary to perform the contracted financial aid award, scholarship, campus-based aid award, or school refund disbursement function as a condition of allowing the student to access a financial aid award, scholarship, campus-based aid award, or school refund through a debit card, prepaid card, or preloaded card.
APPENDIX 20

CALIFORNIA EDUCATION CODE
Section 76140
Non-Resident Fees

Section 76140

(a) A community college district may admit, and shall charge a tuition fee to, nonresident students, except that a community college district may exempt from all or parts of the fee any person described in paragraph (1), (2), (3), or (4), and shall exempt from all of the fee any person described in paragraph (5):
(1) All nonresidents who enroll for six or fewer units. Exemptions made pursuant to this paragraph shall not be made on an individual basis.
(2) Any nonresident who is both a citizen and resident of a foreign country, if the nonresident has demonstrated a financial need for the exemption. Not more than 10 percent of the nonresident foreign students attending any community college district may be so exempted. Exemptions made pursuant to this paragraph may be made on an individual basis.
(3) (A) A student who, as of August 29, 2005, was enrolled, or admitted with an intention to enroll, in the fall term of the 2005–06 academic year in a regionally accredited institution of higher education in Alabama, Louisiana, or Mississippi, and who could not continue his or her attendance at that institution as a direct consequence of damage sustained by that institution as a result of Hurricane Katrina.
(B) The chancellor shall develop guidelines for the implementation of this paragraph. These guidelines shall include standards for appropriate documentation of student eligibility to the extent feasible.
(C) This paragraph shall apply only to the 2005–06 academic year.
(4) A special part-time student admitted pursuant to Section 76001.
(5) A nonresident student who is a United States citizen who resides in a foreign country, if that nonresident meets all of the following requirements:
(A) Demonstrates a financial need for the exemption.
(B) Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act in accordance with Section 1229c of Title 8 of the United States Code. The student shall provide documents from the United States Citizenship and Immigration Services evidencing the deportation or voluntary departure of his or her parent or guardian.
(C) Moved abroad as a result of the deportation or voluntary departure specified in subparagraph (B).
(D) Lived in California immediately before moving abroad. The student shall provide information and evidence that demonstrates the student previously lived in California.
(E) Attended a public or private secondary school, as described in Sections 52 and 53, in the state for three or more years. The student shall provide documents that demonstrate his or her secondary school attendance.
(F) Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education, as that term is defined in subdivision (a) of Section 66010, will be living in California, and will file an affidavit with the institution stating that he or she intends to establish residency in California as soon as possible.
(b) A district may contract with a state, a county contiguous to California, the federal government, or a foreign country, or an agency thereof, for payment of all or a part of a nonresident student’s tuition fee.
(c) Nonresident students shall not be reported as full-time equivalent students (FTES) for state apportionment purposes, except as provided by subdivision (j) or another statute, in which case a nonresident tuition fee may not be charged.
(d) The nonresident tuition fee shall be set by the governing board of each community college district not later than February 1 of each year for the succeeding fiscal year. The governing board of each community college
district shall provide nonresident students with notice of nonresident tuition fee changes during the spring term before the fall term in which the change will take effect. Nonresident tuition fee increases shall be gradual, moderate, and predictable. The fee may be paid in installments, as determined by the governing board of the district.

(e) (1) The fee established by the governing board pursuant to subdivision (d) shall represent for nonresident students enrolled in 30 semester units or 45 quarter units of credit per fiscal year one or more of the following:

(A) The amount that was expended by the district for the expense of education as defined by the California Community College Budget and Accounting Manual in the preceding fiscal year increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the current fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending in the district in the preceding fiscal year. However, if for the district’s preceding fiscal year FTES of all students attending in the district in noncredit courses is equal to, or greater than, 10 percent of the district’s total FTES attending in the district, the district may substitute the data for expense of education in grades 13 and 14 and FTES in grades 13 and 14 attending in the district.

(B) The expense of education in the preceding fiscal year of all districts increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending all districts during the preceding fiscal year. However, if the amount calculated under this paragraph for the succeeding fiscal year is less than the amount established for the current fiscal year or for any of the past four fiscal years, the district may set the nonresident tuition fee at the greater of the current or any of the past four-year amounts.

(C) An amount not to exceed the fee established by the governing board of any contiguous district.

(D) An amount not to exceed the amount that was expended by the district for the expense of education, but in no case less than the statewide average as set forth in subparagraph (B).

(E) An amount no greater than the average of the nonresident tuition fees of public community colleges of no less than 12 states that are comparable to California in cost of living. The determination of comparable states shall be based on a composite cost-of-living index as determined by the United States Department of Labor or a cooperating government agency.

(2) The additional revenue generated by the increased nonresident tuition permitted under the amendments made to this subdivision during the 2009–10 Regular Session shall be used to expand and enhance services to resident students. In no event shall the admission of nonresident students come at the expense of resident enrollment.

(f) The governing board of each community college district also shall adopt a tuition fee per unit of credit for nonresident students enrolled in more or less than 15 units of credit per term by dividing the fee determined in subdivision (e) by 30 for colleges operating on the semester system and 45 for colleges operating on the quarter system and rounding to the nearest whole dollar. The same rate shall be uniformly charged nonresident students attending any terms or sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the term or session ends.

(g) Any loss in district revenue generated by the nonresident tuition fee shall not be offset by additional state funding.

(h) Any district that has fewer than 1,500 FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may exempt students from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.

(i) Any district that has more than 1,500, but less than 3,001, FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may, in any one fiscal year, exempt up to 100 FTES from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.
(j) The attendance of nonresident students who are exempted pursuant to subdivision (h) or (i), or pursuant to paragraph (3) or (5) of subdivision (a), from the mandatory fee requirement described in subdivision (a) for nonresident students may be reported as resident FTES for state apportionment purposes. Any nonresident student reported as resident FTES for state apportionment purposes pursuant to subdivision (h) or (i) shall pay a per unit fee that is three times the amount of the fee established for residents pursuant to Section 76300. That fee is to be included in the FTES adjustments described in Section 76300 for purposes of computing apportionments.
Section 58520   Baccalaureate Degree Pilot Program Fees

(a) Baccalaureate degree programs established pursuant to Article 3 (commencing with Section 78040) of Chapter 1 of Part 48 of Division 7 of Title 3 of the Education Code, shall in addition to the fees charged pursuant to Article 1 (commencing with Section 76300) of Chapter 2 of Part 47 of Division 7 of Title 3 of the Education Code, charge a fee to students for upper division coursework in a baccalaureate degree pilot program of eighty-four dollars ($84) per regular semester credit unit or fifty-six dollars ($56) per regular quarter credit unit. The fee for upper division coursework charged for courses with fractional unit value shall be computed by multiplying the fraction times the applicable semester or quarter unit rate and rounding off to the nearest dollar.

(b) Revenue generated from the fee for upper division coursework in a baccalaureate degree pilot program in subdivision (a) shall be local revenues and not to be included in the apportionment adjustments described in Education Code Section 76300.
Note: This memorandum has been updated and reissued due to the approval of SB 81 (2015) and newly enacted EC Section 68075.7, which became effective for academic terms beginning after 7/1/15 (supersedes the interim guidance from the 5/5/15 version of this memorandum)

August 4, 2015

TO: Superintendents and Presidents
    Chief Student Services Officers
    Chief Business Officers
    Admissions and Records Officers

FROM: Dan Troy, Vice Chancellor
       Fiscal Policy

Denise Noldon, Interim Vice Chancellor
Student Services and Special Programs

SUBJECT: Federal Dept. of Veterans Affairs Approval of GI Bill and Post 9/11 Educational Assistance Conditional on In-State Tuition Rate for Qualifying Veterans and other Qualifying Individuals (VACA H.R. 3230);

Veterans Access, Choice, and Accountability Act (VACA H.R. 3230)

In August 2014, President Obama signed the Veterans Access, Choice, and Accountability Act of 2014 ("VACA Act"), into law (Public Law No.: 113-146). Section 702 of the VACA Act (38 U.S.C. 3679(c)) requires the U.S. Department of Veterans Affairs (VA) to disapprove programs of education under the Montgomery GI Bill-Active Duty (MGIB-AD) and Post-9/11 GI Bill education benefit programs (Chapters 30 or 33, respectively, of Title 38, U.S. Code) at public institutions of higher learning if the school charges qualifying veterans and other qualifying individuals ("covered individuals") tuition and fees in excess of the in-state rate for resident students for terms beginning after July 1, 2015 (note: the U.S. Secretary of Veterans Affairs has waived resident-rate requirements of this Act through December, 2015; however California Community Colleges will proceed to implement “in-state” rates for “covered individuals” effective for academic terms beginning after July 1, 2015 as required by newly enacted Education Code Section 68075.7). A “covered individual” for purposes of compliance with the VACA Act and Education Code Section 68075.7 is defined as:

1. A veteran eligible for educational assistance under either the Montgomery GI Bill-Active Duty (MGIB-AD) or Post-9/11 GI Bill education benefit programs who resides (lives) in California (regardless of his/her formal state of residence) and enrolls in the community college within three years of discharge from a period of active duty service of 90 days or more.

2. An individual eligible for transferred education benefits under either the Montgomery GI Bill-Active Duty (MGIB-AD) or Post-9/11 GI Bill education benefit programs who resides (lives) in California (regardless of his/her formal
state of residence) and enrolls in the community college within 3 years of the transferor’s discharge from a period of active duty service of 90 days or more.

3. An individual eligible for benefits under the Marine Gunnery Sergeant John David Fry Scholarship (provides Post-9/11 GI Bill benefits to the children and surviving spouses of service members who died in the line of duty while on active duty) who resides (lives) in California (regardless of his/her formal state of residence) and enrolls in the community college within three years of the Servicemember’s death in the line of duty following a period of active duty service of 90 days or more.

4. After expiration of the three year period following discharge or death as described in 38 U.S.C. 3679(c), a student who qualifies under the applicable requirements above shall maintain “covered individual” status as long the student remains continuously enrolled at the community college, even if the student enrolls in multiple programs, and the student shall continue to be exempt from paying nonresident tuition and other fees that are exclusively applicable to nonresident students. “Continuously enrolled” means enrolled for at least the fall and spring semesters of an academic year, or for at least three of the quarters in an academic year for an institution using the quarter system (pursuant to California Code of Regulations, Title 5 Section 55701, the academic year does not include summer or other intersessions).

VACA Act and EC Section 68075.7 Compliance (SB 81)

Please note that the VA cannot require a public university or college to charge covered individuals the in-state resident rate for tuition and fees; however, it can and will disapprove funding from the above noted education benefit programs for all beneficiaries if in-state tuition and fee rates are not offered to every “covered individual.” To prevent VA disapproval from occurring, and to align state statutes with federal law, Assembly Bill 81 (2015) was approved by Governor Brown on June 24, 2015 and, among other things, added Education Code Section 68075.7. This section became effective upon his signature, but aligns with the VACA Act which states that the provisions are effective for terms beginning after July 1, 2015.

Specifically, EC section 68075.7 requires the California Community Colleges and the California State University to exempt eligible “covered individuals” from paying nonresident tuition or any other fee that is exclusively applicable to nonresident students and also allows community college districts to report the attendance generated by these exempted students for purposes of state apportionment funding.

Last year, AB 13 (Conway, 2014) was also enacted to address aligning state policies with the VACA Act by updating EC Section 68075.5, but lacked clarity in terms of residence classification and apportionment eligibility status for affected students. The language of newly approved EC Section 68075.7 resolves these previous implementation issues.

Please note that last year’s AB 13 (Conway, 2014) amendments to EC Section 68075.5 remain in effect. However, since the provisions of newly enacted EC Section 68075.7 fully align California law with the VACA Act, it is clear that the still-existing provision of EC Section 68075.5(c) that requires community college districts to update and adopt local policies to conform and comply with the VACA Act is no longer applicable. Instead, community college districts are now required to simply carryout the provisions of newly enacted EC Section 68075.7.

Therefore, towards ensuring compliance with the VACA Act, community college districts are required by EC Section 68075.7 to grant a full exemption from the nonresident fee for all nonresident students verified to be “covered individuals” per the above criteria and that are eligible to use Montgomery GI Bill-Active Duty or Post-9/11 GI Bill education benefits (Chapters 30 and 33, respectively, of Title 38, U.S. Code) while residing (living) in California. Students granted such an exemption should not be charged any other fee that is otherwise also exclusively chargeable of nonresident students, such as the “capital outlay fee” under EC Section 76140 or the “processing fee” under EC 76142. This requirement is effective for terms beginning after July 1, 2015.

Eligibility Determination

The determination of whether a student qualifies for “covered individual” status is made at the beginning of a term as is currently done for other nonresident tuition fee exemptions (i.e., the student must qualify for “covered individual” status as of the “residence determination date” applicable to the term in question as provided by California Code of Regulations, Title 5 Section 54002). If a student veteran is not VACA eligible at the start of a term and becomes VACA eligible during that term, the student does not qualify as a “covered individual” for that term. However, the student is eligible for “covered individual” status under the VACA Act for the subsequent term.

As it relates to verifying student eligibility for “covered individual” status and qualification for Montgomery GI Bill-Active Duty or Post-9/11 GI Bill education benefits (Chapters 30 and 33, respectively, of Title 38, U.S. Code), districts will need to rely on actual evidence and not a self-certification that the student meets the above criteria. In this regard, it is our
understanding that students eligible for VA education benefits are provided a “Certificate of Eligibility” (COE) by the VA that will confirm the approved education benefits for the “covered individual.” The DD Form 214, Certificate of Release or Discharge from Active Duty, generally referred to as a "DD 214", may also be of assistance in confirming “covered individual” status as it will show the effective date of the veteran’s discharge or death as described in 38 U.S.C. 3679(c). Districts may want to revise its local residency questionnaire to help identify potentially eligible students.

**Residence classification, Attendance Reporting and Apportionment Eligibility**

Exempted “covered individuals” should be classified as nonresident students unless and until they meet applicable physical presence and intent requirements for resident status re-classification. However, because of the express provision of EC Section 68075.7.(c), districts may claim apportionment for credit courses taken by the nonresident “covered individuals” who are exempted from the payment of nonresident tuition in accordance with the provisions of EC Section 68075.7. (Note: FTES generated by these exempted students would be reported as “Resident FTES” on the Apportionment Attendance Report—CCFS-320). To be clear, districts are only permitted to claim state apportionment for properly exempted nonresident students in accordance EC Section 68075.7 and that meet the requirements to be considered a “covered individual” as outlined above. Section 68075.7 can be found in Appendix 18.

**Action Requested**

Districts are urged to take immediate action to implement the provisions of EC Section 68075.7, which again is effective for enrollment in terms starting after July 1, 2015 (there is no need for district Governing Boards to take action to put these provisions into effect). The repercussions for not doing so will not only mean noncompliance with state law, but also that college courses and programs will no longer be approved for the above noted federal educational benefit programs as the VA implements the provisions of the VACA. Obviously, the effect of this on veteran students and their families would be grave. To assist districts in this effort, below are links to the VACA Act (H.R. 3230) and SB 81 (2015). It is imperative that the district fully review all of the provisions of the VACA Act and all related implementation guidance provided by the VA. 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.

- [Senate Bill 81 (2015)](https://www.billtrack.nist.gov/billtrack/sf/sf81/summary) (scroll to Section 68075.7)

**Contact:** For questions concerning attendance accounting and reporting for apportionment purposes, please contact Elias Regalado at eregalad@cccco.edu or (916) 445-1165. For questions concerning federal education benefits for veterans or questions specific to VACA Act compliance, please contact David Lawrence at dlawrence@cccco.edu or at (916) 327-0749. For admissions questions, please contact Mia Keeley at mkeeley@cccco.edu or (916) 323-5953.
College Implementation Checklist for Full Time Student Success Grant (FTSSG):

**Financial Aid Offices:**
- Identify a new, distinct award code for the FTSSG
- Set award up to be paid at 100% when paid
- Award requires full-time (12 units) of enrollment at payment
- Set this up as a need-based grant, requiring “remaining need” for it to be paid
- Set up individual term student award limits of $300 ($200-quarter), and annual limits of $600
- Set up annual award budgets of the amounts listed on the school-by-school allocation list. Be prepared to increase this amount as your request and receive additional funds from the Chancellor’s Office.
- Map the FTSSG to MIS Financial Aid reporting data element **SF 21= GD**
- Develop a process to identify full-time Cal Grant B recipients at your school and to then deliver FTSSG payments to those students as quickly as possible after their Cal Grant B term payment.

**Fiscal Offices:**
- Inform Fiscal Offices of the new FTSSG program and how it will work.
- Add award code to general ledger, if needed.
- Share school-based allocation table with fiscal office, so that timing of grant funds is anticipated.
- Discuss with fiscal office the process and timing of disbursement of these new grant funds.
  - Specifically, clarify whether cash must be received or if the District or Foundation can provide cash to cover grant payments until cash is received.
- Have appropriate account, perhaps interest-bearing, set up for the FTSSG funds to be held in and disbursed from, or transferred from.
- Discuss record-keeping needs (i.e. file layout requirements for reporting to the Chancellor’s Office), general ledger accounting, subsidiary ledger accounting and coding, etc.
- Clarify that the $41,667 is one-time, none student award funding. This funding is for implementation of the new grant program and is subject to BFAP/SFAA expenditure guidelines and reporting.
- Develop reconciliation procedures between Fiscal Office, Financial Aid Office and IT, based on the file record layout reporting protocol.

**Information Technology:**
- Inform IT of the new FTSSG program and how it will work.
- Secure programming for the reporting requirements (file layout) to the Chancellor’s Office.
- Identify who will generate the file as needed, when, and who will transmit it to the Chancellor’s Office.
- Secure MIS data mapping to data element SF 21 GD for the FTSSG, beginning with in Fall 2015.
Budget Act MOE Language 2009-10 to 2011-12 states:

Funds allocated to a community college district for financial aid personnel, outreach determination of financial need, and delivery of student financial aid services shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 2001–02 fiscal year or 2006–07, whichever is greater.

MOE/Match Requirements:

- The State allocates categorical program funding for Student Financial Aid administration (SFAA) specifically to supplement and not supplant existing institutional resources to enhance access to postsecondary education for low income and disadvantaged populations.

- Maintenance of Effort (MOE)/match expenditures qualify an institution to receive SFAA categorical funding in each corresponding future fiscal year and as such must be satisfied in each fiscal reporting year.

- MOE/matching expenditures must directly benefit the Student Financial Aid (SFA) program administration.

- Refund, Overpayment, and R2T4 liabilities are not considered operational expenses for MOE reporting and should not be included in general fund expenditures identified for purposes of complying with MOE requirements.

- Audit findings and associated audit/reconstruction liabilities are not considered operational expenses for MOE reporting and should not be included in general fund expenditures identified for purposes of complying with MOE requirements.

- Contracted disbursement services (such as HigherOne, or Blackboard) that replace the disbursement functions previously performed by a bursars office, business office, or fiscal services unit may be included in the institution’s MOE but are not allowable uses for categorical funding as this could create a supplanting issue.

- Administrative costs of doing business (such as Legal services, segregated duties such as residency determinations and disbursement functions) as well as indirect overhead assessments or allocated expenses such as, information and technology support, business services, fiscal services, legal services, personnel services etc are not considered allowable uses of categorical funding and may not be included in the MOE/match unless all expenditures for such services are charged proportionately to all cost centers on campus.

- Salaries and benefits for staff organizationally superior to the FA Director (the institution’s designated coordinating official) are not to be included in the MOE/match nor are they allowable uses for SFAA categorical funding.

- Only general fund or “other source” expenditures (including those for staffing and benefits) which are included in the SFA programs operating budget and that are under the oversight and control (subordinates in the case of staff) of the FA Director (designated coordinating official) may be included in the MOE/match.
  
  - “Other Source” expenditures would likely include federal Pell and Campus Based Administrative Cost Allowances (ACA). Other sources might also include grant funding from outside sources.

- Colleges failing to meet SFAA MOE/match in any fiscal year(s) are subject to a dollar for dollar penalty against the college/district’s BFAP 2% funding (unrestricted) in current and future years.
  
  - Mitigating circumstance appeals will be considered but are at the sole discretion of the Chancellor’s Office.
Reporting, Record Retention and Audit:

- **All** expenditures made in direct support of financial aid and in compliance with the MOE/match guidelines **must** be reported on the BFAP Form 3 Annual Report by budget series object codes (1000-6000).
- Form 3 Annual Reports may be subject to review and desk audit by Chancellors office staff. Included in the scope of the audit may be expenditures from General fund, other sources, and categorical funding.
- Record retention requirements for all BFAP-SFAA reports and corresponding back up documentation must be retained for a period of at least 5 years subsequent to close of the fiscal year.