

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

PRINT

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2016-0928-02P	

For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
In the office of the Secretary of State of the State of California

SEP 28 2016
8:58 Am

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OFFICE OF ADMINISTRATIVE LAW

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
Board of Governors of the California Community Colleges

AGENCY FILE NUMBER (if any)

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

1. SUBJECT OF NOTICE N/A	TITLE(S) N/A	FIRST SECTION AFFECTED N/A	2. REQUESTED PUBLICATION DATE N/A
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON N/A	TELEPHONE NUMBER N/A	FAX NUMBER (Optional) N/A
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Cooperating Agencies Foster Youth Educational Support	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 56400, 56401, 56402, 56403, 56404, 56405, 56406, 56407, 56408, 56409 (continued on next page)
TITLE(S) 5	AMEND
	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input checked="" type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) 30 days after filed w/Secretary of State
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM 56660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Leslie LeBlanc	TELEPHONE NUMBER 916-445-1997	FAX NUMBER (Optional) 916-322-9030	E-MAIL ADDRESS (Optional) lleblanc@cccco.edu
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

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SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 7/21/16
TYPED NAME AND TITLE OF SIGNATORY Erik Skinner, Interim Chancellor	

**Attachment to Form 400
Board of Governors of the California Community Colleges
Additions to Title 5 Regulations
Cooperating Agencies Foster Youth Educational Support**

Adopt (continued)

56410, 56411, 56412, 56413, 56414, 56415, 56416

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES
ADDITIONS TO TITLE 5 REGULATIONS:
Cooperating Agencies Foster Youth Educational Support

1. Subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

Cooperating Agencies Foster Youth Educational Services

2. Article 1 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

Article 1. General Provisions and Requirements.

3. Section 56400 of article 1 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56400. Implementation.

This subchapter implements article 7 (commencing with section 79220), chapter 9, part 48, division 7 of the Education Code. This subchapter should be read in conjunction with Community College Extended Opportunity Programs and Services, article 8 (commencing with Section 69640), chapter 2, part 42, title 3 of the Education Code.

Note: Authority cited: Sections 69648, 69652, 70901, 78210, 78211, 78211.5, 78212, 78213, 78214, 78215, 78216, 78218, 78219, 79223 and 79225, Education Code. Reference: Sections 69640, 69641, 69641.5, 69642, 69643, 69648, 69648.5, 69649, 69650, 69651, 69652, 69653, 69654, 69655, 69656, 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

4. Section 56401 of article 1 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56401. Comparable Level of Services.

Cooperating Agencies Foster Youth Educational Support funds are excluded from the Extended Opportunity Programs and Services calculation referenced in section 56210.

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

5. Section 56402 of article 1 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56402. Service Coordination.

(a) College Cooperating Agencies Foster Youth Educational Support programs shall cooperate with local county child welfare departments, county probation departments, local educational opportunity and services programs, and the community college district to ensure that services Cooperating Agencies Foster Youth Educational Support programs provide are coordinated with, and do not supplant, other services provided by the county and state.

(b) Cooperating Agencies Foster Youth Educational Support students shall receive the full breadth of services and support to which they are entitled through Extended Opportunity Programs and Services (unless and until Extended Opportunity Programs and Services eligibility ends.)

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

6. Article 2 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

Article 2. Student Eligibility and Responsibility.

7. Section 56403 of article 2 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56403. Eligibility for Programs and Services.

(a) To receive Cooperating Agencies Foster Youth Educational Support, a student must:

(1) be a resident of California, pursuant to the provisions of part 41 commencing with section 68000 of the Education Code, or eligible for a non-resident tuition waiver, pursuant to sections 68130-68134 of the Education Code; the Dream Act, and T and U Visas; and

(2) qualify to receive a Board of Governors Fee Waiver pursuant to section 58620(b)(1), or (2), or (3) with a calculated Expected Family Contribution of \$0; and

(3) be a current or former foster youth in California whose dependency was established or continued by the court on or after the student's 16th birthday, and be younger than 26 years of age at the beginning of any academic year in which he or she participates in Cooperating Agencies Foster Youth Educational Support; and

(4) at the time of acceptance into Cooperating Agencies Foster Youth Educational Support be enrolled in at least nine units, or three-quarters time (.75) as defined by the college in which the student is enrolled, whichever is the minimum eligibility criterion. Cooperating Agencies Foster Youth Educational Support students enrolled less than full-time at the time of acceptance shall not count towards the 10% limit of Extended Opportunity Programs and Services students accepted at nine units, articulated in section 56220(b). Students whose Disabled Students Programs and Services education plan require them to enroll in less than nine units or three-quarters (.75) time, as defined by the college in which the student is enrolled, are solely exempt from this minimum eligibility criterion.

(b) Students enrolled in Cooperating Agencies Foster Youth Educational Support shall expand the number of students participating in Extended Opportunity Programs and Services, not displace existing students.

(c) Cooperating Agencies Foster Youth Educational Support students are exempted from the degree-applicable unit cap communicated in sections 56220(c) and 56226(a).

Note: Authority cited: Sections 79222, 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

8. Section 56404 of article 2 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56404. Limitations on Eligibility.

(a) A student who has met eligibility requirements of section 56403 shall continue to be eligible until the student:

(1) is 26 or older at the beginning of any academic year; or

(2) no longer meets the terms, conditions, and follow-up provisions of the Extended Opportunity Programs and Services mutual responsibility contract and/or the student education plan, individually developed between the student and academic counselor. The Extended Opportunity Programs and Services Director shall perform a review of circumstances contributing to a student not fulfilling the terms, conditions and follow-up provisions of the mutual responsibility contract and/or student education plan and may exercise discretion, permitting a student to resolve issues, before a student loses Cooperating Agencies Foster Youth Educational Support eligibility. No Cooperating Agencies Foster Youth Educational Support student shall be removed from Cooperating Agencies Foster Youth Educational Support based on his or her performance during a single semester.

(b) As per section 58621(a)(2), Cooperating Agencies Foster Youth Educational Support students meeting the definition of foster youth in Education Code section 66025.9(b) are exempt from loss of the Board of Governors Fee Waiver due to academic or progress probation and shall not be removed from Cooperating Agencies Foster Youth Educational Support solely due to being on academic or progress probation.

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Section 79220, Education Code.

9. Article 3 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

Article 3. Program Standards.

10. Section 56405 of article 3 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56405. Program Standards.

(a) At a minimum, Cooperating Agencies Foster Youth Educational Support students shall receive core Student Success and Support Program services and, if eligible, referral to specialized services listed in Education Code section 78212.

(b) Cooperating Agencies Foster Youth Educational Support students shall receive additional counseling and in-person contacts that exceed the requirements of section 56236.

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Section 79220, Education Code.

11. Section 56406 of article 3 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56406. Specialized Support Services.

(a) Cooperating Agencies Foster Youth Educational Support Programs must not supplant support and services provided by the college, community partners, county and state.

(b) In addition to the services defined in Education Code section 78212, students enrolled in Cooperating Agencies Foster Youth Educational Support, when appropriate, shall receive, but not necessarily be limited to:

- (1) outreach and recruitment;
- (2) academic, guidance, and personal counseling;
- (3) frequent in-person contact with, but not limited to, Extended Opportunity Programs and Services and Cooperating Agencies Foster Youth Educational Support counselors and staff;
- (4) tutoring;
- (5) career guidance;
- (6) transfer counseling;
- (7) service coordination;
- (8) independent living and financial literacy skills support;
- (9) book and supply grants;
- (10) work study awards;
- (11) emergency loans;
- (12) Unmet Need grants;
- (13) child care assistance;
- (14) transportation assistance;
- (15) meal tickets and/or emergency food support;
- (16) emergency housing support;
- (17) health and mental health services payment assistance;
- (18) referrals to health services, mental health services, housing assistance, food assistance and other related services including, but not limited to, those available through local county agencies.

(c) Students participating in Cooperating Agencies Foster Youth Educational Support shall receive, when appropriate, services and support that are over and above what they are eligible for and do receive from other college support programs.

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

12. Article 4 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

Article 4. Cooperating Agencies Foster Youth Educational Support Financial Aid Standards.

13. Section 56407 of article 4 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56407. Grants and Work Study Awards.

Cooperating Agencies Foster Youth Educational Support Unmet Need grants and work study awards may be made and are exempted from section 56254(a), (b), and (c).

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

14. Section 56408 of article 4 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56408. Emergency Loans.

Extended Opportunity Programs and Services emergency loans may be made to Cooperating Agencies Foster Youth Educational Support students in excess of the amount identified in section 56258(a). Cooperating Agencies Foster Youth Educational Support emergency loans may be made to students over and above what they are eligible to borrow through Extended Opportunity Programs and Services.

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

15. Article 5 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

Article 5. Staffing Standards.

16. Section 56409 of article 5 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56409. Staff.

All staff funded by Cooperating Agencies Foster Youth Educational Support and/or assigned to Cooperating Agencies Foster Youth Educational Support shall be supervised by, and/or accountable to, the Extended Opportunity Programs and Services director for the services rendered to Cooperating Agencies Foster Youth Educational Support students, pursuant to approved Cooperating Agencies Foster Youth Educational Support budgets and program plans.

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

17. Article 6 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

Article 6. Plans and Priorities.

18. Section 56410 of article 6 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56410. Program Plan.

Districts that are awarded Cooperating Agencies Foster Youth Educational Support funds shall submit for approval by the Chancellor's Office a plan that conforms to the provisions of this chapter for each awarded college within the district. A college plan approved by the Chancellor's Office shall constitute a formal agreement between the district that operates the college and the Chancellor. Substantive changes to the plan may be made only with the prior written approval of the Chancellor's Office.

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

19. Article 7 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

Article 7. Funding and Expenditures.

20. Section 56411 of article 7 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56411. Funding.

(a) Cooperating Agencies Foster Youth Educational Support sections 56400-56416 shall only be operative in a fiscal year if funds have been appropriated for that fiscal year.

(b) The Board of Governors may authorize the Chancellor, consistent with the requirements the Board of Governors may impose, to designate up to 2 percent of the funds allocated to Cooperating Agencies Foster Youth Educational Support for program administration.

(c) The Board of Governors may authorize the Chancellor, consistent with the requirements the Board of Governors may impose, to designate up to 3 percent of the funds allocated pursuant to this article for program development and program accountability.

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

21. Section 56412 of article 7 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56412. District Fiscal Responsibility.

Districts shall ensure that colleges under their jurisdiction conducting Cooperating Agencies Foster Youth Educational Support programs provide to Cooperating Agencies Foster Youth Educational Support students who need them the same programs and services the college offers to all of its students. Supplanting existing resources with Cooperating Agencies Foster Youth Educational Support funds is strictly prohibited.

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

22. Section 56413 of article 7 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56413. Supplemental Costs.

College shall expend Cooperating Agencies Foster Youth Educational Support funds only for programs and services which are over, above, and in addition to the costs which are the district's responsibilities as defined under "District Fiscal Responsibility" above.

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

23. Section 56414 of article 7 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56414. Expenditures Allowed.

(a) Cooperating Agencies Foster Youth Educational Support programs are exempt from the limit placed on Extended Opportunity Programs and Services expenses in object codes 4000-6000 in section 56295(a).

(b) Cooperating Agencies Foster Youth Educational Support funds shall solely be spent on staff, programming and activities exclusively serving eligible Cooperating Agencies Foster Youth Educational Support students.

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

24. Section 56415 of article 7 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56415. Expenditures Disallowed.

(a) Cooperating Agencies Foster Youth Educational Support funds shall not be used for the following:

(1) Supplanting salaries, employee benefits, services, support, financial aid, and other expenditures that are currently covered by other funding;

(2) Salaries, employee benefits and activities of programs other than Cooperating Agencies Foster Youth Educational Support;

(3) College administrative support costs (e.g., staff of the business office, bookstore, reproduction, staff above the dean salary level);

(4) Indirect costs (e.g., heat, light, power, janitorial services and district-associated costs);

(5) Travel, conference, meeting attendance, or any other expenses for staff, students or programs outside of Cooperating Agencies Foster Youth Educational Support;

(6) Recreational, entertainment or fundraising functions for Cooperating Agencies Foster Youth Educational Support staff;

(7) Cooperating Agencies Foster Youth Educational Support student recreational and entertainment functions unrelated to the student's Education Plan and student participation in fundraising functions;

(8) Equipment, furniture, contracts, construction, renovation, or remodeling not approved by the Chancellor's Office in advance of encumbrance or agreement with vendor;

(9) Political, non-profit or professional association dues and/or contributions.

Note: Authority cited: Section 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.

25. Section 56416 of article 7 of subchapter 3.5 of chapter 7 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 56416. Financial Aid.

Cooperating Agencies Foster Youth Educational Support programs are exempt from the Extended Opportunity Programs and Services financial aid restrictions in section 56298.

Note: Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228, and 79229, Education Code.