

# Proposed Miscellaneous Revisions to Title 5, California Code of Regulations, Implementing Recent Statutory Requirements, Adopting Definitions, and Providing Other Clarifying Revisions

This document contains underlined and stricken text, which may require adjustments to screen reader settings. Underlined text denotes additions to existing regulations; ~~stricken~~ text denotes deletions from existing regulations.

## NEW SECTION 50000 IS ADDED TO SUBCHAPTER 1, OF CHAPTER 1 OF DIVISION 6, OF TITLE 5, OF THE CALIFORNIA CODE OF REGULATIONS.

### § 50000. Definitions.

The following definitions apply to this Division unless otherwise indicated:

- (a) “Auxiliary organization” means an organization established for the purpose of providing supportive services and specialized programs for the general benefit of a college, a district, or the California Community Colleges under Article 6, of Chapter 6, of Part 45, or Division 7, of Title 3, of the Education Code (commencing with section 72620).
- (b) “Board” means the Board of Governors of the California Community Colleges.
- (c) “California Community Colleges” means the postsecondary education system consisting of California community college districts established pursuant to law and the Board of Governors of the California Community Colleges.
- (d) “Chancellor” means the Chancellor of the California Community Colleges.
- (e) “Chancellor’s office” means the Office of the Chancellor of the California Community Colleges.
- (f) “College” means a California community college.
- (g) “District” means a California community college district maintaining one or more community colleges.
- (h) “Faculty” means an “academic employee,” a “certified employee,” or a person employed by a district in an academic position, who is not designated as supervisory or management. Faculty may include instructors, librarians, counselors, community college health services professionals, handicapped student programs and services professionals, extended opportunity programs and services professionals, and others with similar qualifications and duties.
- (i) “Governing board” means a board of trustees governing a California community college district.
- (j) “Institution” means the University of California, the California State University, or a college of the California Community Colleges.
- (k) “Resident” means a student who has residence, in the California for more than one year immediately preceding the residence determination date.
- (l) “Nonresident” means a student who does not have residence in California for more than one year immediately preceding the residence determination date.
- (m) “Resident classification” means classification as a resident at the University of California, the California State University, the California Maritime Academy, or a California community college.

(n) “Residence determination date” is a date or day established by district governing boards for each semester, quarter, or term to determine a student’s residence.

(o) “Student” means a person enrolled in or applying for admission to an institution.

(p) “Underrepresented in higher education” means first-time college students, low-income students, students who are current or former foster youth, homeless students, students with disabilities, and students with dependent children.

NOTE: Authority: Sections 70901, Education Code. References: Sections 68011, 68012, 68015, 68017, 68018, 68022, 68023, 70900, 70902, 71090, 72670, 76004, 87001 and 87003, Education Code.

## **SECTIONS 55521 AND 55523, OF ARTICLE 3, OF SUBCHAPTER 6, OF CHAPTER 6 OF DIVISION 6, OF TITLE 5, OF THE CALIFORNIA CODE OF REGULATIONS ARE AMENDED AS FOLLOWS:**

§ 55521. Orientation.

Colleges ~~Each college~~ shall provide ~~all~~ students with timely information during orientation ~~on a timely basis, as determined by the college, regarding policies, procedures and information, related to the following subjects; including but not limited to:~~

~~(1) Academic expectations and progress and probation standards described in pursuant to section 55031;~~

~~(2) Maintaining registration and enrollment procedures; priority pursuant to section 58108;~~

~~(3) Prerequisites, or co-requisites, and advisories on recommended preparation challenge process pursuant to adopted under section 55003, if any;~~

~~(4) Maintaining Promise Grant Board of Governors Fee Waiver eligibility pursuant to section 58612.~~

~~(5) Descriptions of available programs, support services, financial aid assistance, and campus facilities, and how they can be accessed;~~

~~(6) Academic calendars and important timelines;~~

~~(7) Registration processes and college fees;~~

~~(8) Available education planning services;~~

(9) In collaboration with campus-based and community-based recovery advocacy organizations, educational and preventative information provided by the State Department of Public Health about opioid overdose and the use and location of fentanyl test strips and opioid overdose reversal medication on campus; and

~~(9) (10) Other issues, policies, and procedures the college determines as necessary to provide a comprehensive orientation to students.~~

NOTE: Authority cited: Sections 66700, 67384 and 70901, Education Code. Reference: Section 78212, Education Code.

**§ 55523. Counseling Advising, and Other Education Planning Services.**

(a) Counseling, advising, and other education planning services shall include, but are not necessarily limited to, the following:

(1) Assistance to students in the exploration of education and career interests and aptitudes and identification of an education and career goal and course of study, including, but not limited to, preparation for transfer, associate degrees, and career technical education certificates and licenses.

(2) The provision of information, guided by sound counseling principles and practices, using a broad array of delivery, including technology-based strategies, to serve a continuum of student needs and abilities to enable students to make informed choices.

(3) Development of an education plan to accomplish a course of study related to a student's education and career goals.

(b) Each college shall make reasonable efforts to do all of the following:

(1) ensure that all nonexempt students who are on academic or progress probation or facing dismissal participate in counseling as provided in section 55023;

(2) ensure that all nonexempt students who do not have a course of study participate in counseling, advising, or other education planning services to assist them in the process of selecting an education goal and course of study pursuant to section 55530;

(3) ensure that all nonexempt students who are enrolled in nondegree-applicable basic skills courses participate in counseling, advising, or other education planning services; and

(4) ensure all nonexempt students described in (b)(1), (b)(2), and (b)(3) receive counseling services, pursuant to section 51018.

(c) Colleges are required to notify students who are at risk of losing ~~Board of Governors Fee Waiver~~ California College Promise Grant eligibility due to being placed on academic or progress probation for two consecutive terms. Pursuant to section 58108, colleges are required to notify students who are at risk of losing enrollment priority due to being placed on academic or progress probation or due to exceeding a unit limit. Colleges shall ensure that, within a reasonable time of receiving such notice, students shall have the opportunity to receive appropriate counseling, advising, or other education planning services in order to provide students with an opportunity to maintain fee waiver eligibility and enrollment priority.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78212, Education Code.

**SECTIONS 56403 AND 56404, OF ARTICLE 2, OF SUBCHAPTER 3.5, OF CHAPTER 7, OF DIVISION 6, OF TITLE 5, OF THE CALIFORNIA CODE OF REGULATIONS ARE AMENDED AS FOLLOWS:**

**§ 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~~ California College Promise Grant 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.

**§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~~ California College Promise Grant 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.

## **SECTIONS 58601, 58610, 58611, 58612, 58613, 58620, 58621, AND 58629, OF SUBCHAPTER 7, OF CHAPTER 9, OF DIVISION 6, OF TITLE 5, OF THE CALIFORNIA CODE OF REGULATIONS ARE AMENDED AS FOLLOWS:**

### **§ 58601. Definitions.**

As used in this subchapter:

~~Board of Governors Fee Waiver~~: California College Promise Grant. An instrument used by a community college district to process the financial assistance provided to eligible students pursuant to the terms of this subchapter.

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

### **§ 58610. Allocations.**

(a) The Chancellor shall estimate ~~each community college district's needs~~ for ~~Board of Governors Grants~~, California College Promise Grants, and shall allocate funds to districts based on that anticipated need.

(b) In estimating ~~each district's needs~~ 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.

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code; 20 U.S.C. Section 1070(a).

#### **§ 58611. Adjustments.**

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

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

#### **§ 58612. Financial Assistance Awards.**

(a) ~~A community college district~~ Districts shall provide ~~Board of Governors Fee Waivers~~ California College Promise Grants to all students who are eligible and who apply for this assistance.

(b) Nothing in this subchapter shall prohibit ~~a community college district~~ districts from establishing a date beyond which it will not accept applications for this financial assistance.

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

#### **§ 58613. Award Amounts.**

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

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

#### **§ 58620. Student Eligibility: ~~Board of Governors Fee Waiver~~. California College Promise Grant.**

To be eligible for a ~~Board of Governors Fee Waiver~~, California College Promise Act, a student must:

- (a) Be a California resident; so long as a person qualifies for a military statutorily required exception to residence determination pursuant to Education Code section 68074, 68075, or section 68075.5, or is statutorily required to be exempted from paying nonresident tuition pursuant to Education Code section 68130.5, he or she shall be deemed a California resident for purposes of this section; and
- (b) Meet one of the following criteria:
  - (1) Income Standards.

(A) Be a single and independent student having no other dependents and whose total income in the prior year was equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of one; or be a married, independent student, or an independent student in a registered domestic partnership (RDP), having no dependents other than a spouse, whose total income of both student and spouse or RDP in the prior year was equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of two.

(B) Be a student who is dependent in a family having a total income in the prior year equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of that size, not including the student's income, but including the student in the family size.

(C) Provide documentation of taxable or untaxed income.

(D) Be a student who is married, in a registered domestic partnership, or a single head of household in a family having a total income in the prior year equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of that size.

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

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

Note: Authority cited: Sections 66700, 68044, 70901, 76300 and 76300.5, Education Code.  
Reference: Sections 68074, 68075 and 76300(g) and (h), Education Code; 20 U.S.C. Section 1070(a); and 34 C.F.R. Section 674.12.

### **§ 58621. Loss of Eligibility.**

(a) (1) Districts shall adopt policies providing that a student who is otherwise eligible for a ~~Board of Governors (BOG) Fee Waiver~~ California College Promise Grant shall become ineligible if the student is placed on academic or progress probation, as defined in section 55031(a) or (b), or any combination thereof for two consecutive primary terms. Loss of eligibility shall become effective at the first registration opportunity after such determination is made. (2) Foster Youth, as defined in Education Code 66025.9(b), shall not be subject to loss of ~~BOG Fee Waiver~~ California College Promise Grant under this section. This exemption is effective until the date specified in Education Code 66025.9(c).

(b) For purposes of this section, primary terms are fall and spring semesters for colleges on a 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.

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

(d) Students placed on academic or progress probation pursuant to section 55031(a) or (b) shall be notified of their status no later than thirty days following the end of the term that resulted in the student being placed on academic or progress probation. This notice shall clearly state that two consecutive primary terms of probation will lead to loss of the ~~BOG Fee Waiver~~ California College Promise Grant until the student is no longer on probation pursuant to section 55031(a) or (b). This notice shall also advise students about the available student support services to assist them in maintaining eligibility. Pursuant to Section 55523(c) colleges shall ensure that students shall have the opportunity to receive appropriate counseling, assessment, advising, or other education planning services on a timely basis to mitigate potential loss of the ~~fee-waiver~~ California College Promise Grant.

(e) Each community college district shall establish written procedures by which a student may appeal the loss of the ~~BOG Fee Waiver~~ California College Promise Grant due to extenuating circumstances, or where a student with a disability applied for, but did not receive reasonable accommodation in a timely manner. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances that might include documented changes in the student's economic situation or evidence that the student was unable to obtain essential student support services. Essential student support services include, but are not limited to, services identified in the student education plan developed under section 55524, and any services to which the student was referred pursuant to section 55520. Extenuating circumstances also includes special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, and DSPS student status. Districts may allow students who have demonstrated significant academic improvement to retain or appeal the loss of the ~~BOG Fee Waiver~~ California College Promise Grant. Significant academic improvement is defined as achieving no less than the minimum grade point average and progress standard established in section 55031 (a) and (b). A student who successfully appeals the loss of enrollment priority shall also have ~~BOG Fee Waiver~~ California College Promise Grant eligibility restored.



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

(g) Districts shall not impose requirements for ~~BOG Fee Waiver~~ California College Promise Grant eligibility other than the requirements of this section and section 58620.

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Sections 66025 and 76300, Education Code.

**§ 58629. Ineligible Student: District Error.**

(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~~ California College Promise Grant 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 Education Code section 76300(c) for purposes of computing apportionments.

(c) The Board of Governors shall not reduce the apportionment of a district pursuant to Education Code section 76300(d) for enrollment fees that are waived by a district provided all the requirements for the waiver have been met.

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Sections 70901, 70902 and 76300, Education Code.