

# AB 19 California College Promise Questions and Answers

## As of 1-31-2019

AB 19 creates the California College Promise that provides funds to districts to advance the goals of the legislation. One specific use of funds mentioned in the new law will allow colleges to, if a district chooses to use the funds in this way, cover the fees for first time, full-time students. However, a grant for students to pay their fees is not required.

It is recommended that districts review the goals outlined in the legislation and implement their AB 19 promise program so that programs and services are provided with student success in mind.

## AB 19 – GENERAL QUESTIONS

1. The news media has described AB 19 as “free college” for first time, full time community college students. Is this label accurate?

*Answer:* The actual provisions of the program were not fully described in media coverage. AB 19 allows districts to decide what is best for their students, whether that is to cover fees for first time, full-time students or make use of program funding in other ways that meet the goals of the legislation. Each district and each college may implement the California College Promise (AB19) in different ways. In addition, these funds may be used to tie-in or to expand existing local promise programs. Here are just some other possible uses:

- a. Grants to pay the first time, full-time student’s enrollment fees
  - b. Grants to pay student non-enrollment fees
  - c. An enrollment fee reimbursement grant to be paid upon successful full-time completion of each term.
  - d. Grants to assist meeting child care, transportation, books and other costs.
  - e. Support at Local Education Agencies (LEA) to promote college preparedness and attendance
  - f. Staffing and academic/student support services to provide interventions and encourage outcomes
  - g. Other uses that support the goals of the legislation
2. Does it matter if we provide a fee waiver or award the funds as a grant or scholarship?

*Answer:* Districts should consider treating AB 19 disbursements as direct assistance instead of fee waivers. Treating the AB 19 disbursement as direct assistance will not result in a change in your general apportionment but treating it as a fee waiver will.

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3. Does AB 19 replace the California College Promise Grant or CCPG, (formerly known as the BOG fee waiver)?

*Answer:* AB 19 does not replace the CCPG. Districts adopting the new first time, full-time fee grant would use AB 19 funds only for students who do not qualify for a CCPG and meet the other AB 19 requirements. All AB 19 promise recipients must complete a FAFSA or Dream Act Application and many may qualify for a CCPG and other need based financial aid. AB 19 funds may also be used to augment and support existing promise programs.

### PROGRAM AND PARTICIPATION

4. Is a district required to participate in the California College Promise?

*Answer:* Participation in the California College Promise is voluntary. A district is not required to establish a College Promise program nor is a district with an existing College Promise program required to change that program. However, if a district seeks to access funding provided by the State to support the California College Promise, the district would need to comply with the requirements in support of the goals of the legislation:

- a. Increasing the number and percentage of high school students who are prepared for and attend college directly from high school and increasing the percentage of high school graduates who are placed directly into transfer-level mathematics and English courses at a community college.
  - b. Increasing the percentage of students who earn associate degrees or career technical education certificates that prepare them for in-demand jobs and increasing the percentage of students who report being employed in their field of study.
  - c. Increasing the percentage of students who successfully transfer from a community college to the California State University or the University of California and increasing the percentage of students who graduate from college with a baccalaureate degree.
  - d. Reducing and eliminating regional achievement gaps and achievement gaps for students from groups that are underrepresented at the California Community Colleges, including, but not limited to, underrepresented students, low-income students, students who are current or former foster youth, students with disabilities, formerly incarcerated students, undocumented students, students meeting the requirements of Assembly Bill 540 of the 2001–2002 Regular Session of the Legislature, and students who are veterans.
5. When will this bill take effect?

*Answer:* The statutory structure took effect on January 1, 2018. Grants/fee waivers may begin with summer 2018. Districts who have not been participating in the federal loan program have until January 1, 2019 to re-enter the program.

Colleges reentering the loan program should update their PPA to request to be reinstated to participate in federal student loan program by January 1, 2019. Submission of the updated PPA will demonstrate the institution's intent to set-up and process loans. Colleges are expected to be participating and disbursing federal loans as soon as possible.

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6. What should a district do if it already has a locally funded College Promise that includes a tuition waiver that is duplicative of the tuition waiver allowed in this program?

*Answer:* A district is not required to expend any monies received from this program on providing tuition assistance to students. Pursuant to Legislative intent, a district should use funding to advance the goals outlined in the program. See answers to questions 1 and 4.

7. Does a district have to start the promise in summer 2018? If the district IT department needs the time, can we waive fees starting in fall 2018?

*Answer:* It is the intent of the legislation to begin program benefits with the first summer after the student exits high school. Section 76396.3(c)(2) defines one academic year as:

“One academic year” means the total of the summer term that immediately precedes the first semester or quarter of the fall term, and the two consecutive semesters or three quarters that immediately follow that summer term. Each semester or quarter is approximately the same length.”

Summer payment as a leader to the 2018-19 year allows graduating high school students to receive program benefits as they segue from high school to college. However, since many first-time students begin in the fall, benefits would start with fall, and continue through spring to the following summer if full-time status is maintained.

8. Must a student enroll in 12 units or more for every term they attend to receive a waiver of fees?

*Answer:* 12 units is required. Section 76396.3(c)(1) of the California Education Code, added by the AB 19 legislation states:

“For purposes of this section, the following terms have the following meanings:  
“Full time” means 12 or more semester units or the equivalent.

For fee waivers pursuant to AB 19, the student must enroll in 12 units during the summer term. We understand that for some categorical programs, for example as allowed in the title 5 regulations applicable to EOPS programs, it is stated “Full-time student for a summer or inter-session shall be defined by the college district.”

Even so, such an authorization does not currently exist for AB 19 purposes and is not supported by the statutory language.

9. What are districts required to do to receive funding?

*Answer:* The Chancellor’s Office will be responsible for insuring that districts complete their certifications in order to qualify for appropriated funding:

- a. Partner with one or more Local Education Agencies (LEAs) to establish an Early Commitment to College Program;
- b. Partner with LEAs to improve college readiness and reduce remediation;

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- c. Use evidence-based multiple measures for assessment and placement;
- d. Participate in the CCC Guided Pathways program;
- e. If a college will be covering fees for first-time, full-time students, ensure that students complete the FAFSA or California Dream Act application prior to covering the fees.
- f. Participate in the federal student loan program. Districts not currently in the loan program will have until January 1, 2019 to re-enter the program. Refer back to #5

10. Does the district or each college certify the AB 19 District Certification form?

*Answer:* If district colleges will implement the program in different ways, districts should certify separate forms for each college describing what the college is doing to meet the goals of the program.

11. For those colleges issuing grants for first-time college students, what definition will be used for first-time college student?

*Answer:* The program will use the definition used for IPEDS reporting that defines first-time college student as:

“A student who has no prior postsecondary experience (except as noted below) attending any institution for the first time at the undergraduate level. This includes students enrolled in academic or occupational programs. It also includes students enrolled in the fall term who attended college for the first time in the prior summer term, and students who entered with advanced standing (college credits or postsecondary formal award earned before graduation from high school).”

The IPEDS definition for postsecondary education is also used:

“The provision of a formal instructional program whose curriculum is designed primarily for students who are beyond the compulsory age for high school. This includes programs whose purpose is academic, vocational, and continuing professional education, and excludes avocational and adult basic education programs.”

12. Is there an age limit for the start of a student’s first year?

*Answer:* A student could be considered a first-time college student at any age. However, they must meet the IPED first-time college student definition.

13. If a student completely withdraws or drops down to less than the college’s full-time attendance, do they need to repay the grant/fee waiver?

*Answer:* Each institution will establish its own return of funds policies

14. How are mid-year high school graduates, who begin college enrollment in the Spring handled, with regards to one-year of free tuition?

*Answer:* The student may receive AB 19 fee waivers only for the duration of their first academic year. Refer to question 7

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15. What if a student is enrolled in a program of study such as a certificate program that does not allow for 12 units per term, such as nursing? Could their fees be paid for them?

*Answer:* See answer for question 8.

16. For colleges providing a grant/waiver of fees, could a student receive summer term payment?

*Answer:* The law, as written, tells us that students must be in 12 units to be considered full-time for purposes of using AB 19 funds to waive fees. Payment for summer units would be allowable only if tied to an adjacent full-time primary term. Colleges should provide assistance consistent with other programs.

17. What is full-time equivalent for DSPS students?

*Answer:* The law, as written, tells us that students must be in 12 units to be considered full-time for purposes of using AB 19 funds to waive fees.

However, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and Government Code section 11135, prohibit discrimination in programs that receive state funding. A strong argument can be made that disabled students whose Academic Accommodation Plan (AAP) permits them to take less than 12 units should be considered full-time for eligibility under AB 19.

To determine if disabled students should be considered full-time for eligibility under AB 19 if enrolled in less than 12 units, a local determination would have to be made based on a fact-intensive analysis that would depend on the student's specific circumstances. Such a factually-dependent analysis is most appropriately conducted by a district's legal counsel.

18. Does a student have to be a California resident to receive funds?

*Answer:* Participation is limited to California residents and students eligible for the non-resident tuition exemption.

For students receiving a grant or waiver from tuition fees, non-residents are not eligible. CEC Section 76396.3(b) states"

"A fee waiver provided pursuant to this subdivision shall not be available to a student who is charged a tuition fee pursuant to Section 76140."

Section 76140 addresses non-resident fees for students.

19. Question: Does attending adult education classes affect the first-time definition?

*Answer:* Adult education enrollment does not affect a student's classification as first time. See IPEDs definition of postsecondary education definition provided in question 11.

20. Does prior attendance in ESL classes affect first-time status?

*Answer:* First time status is affected only if the student was awarded credit for the ESL coursework or if other credit coursework was completed at the same time as the ESL coursework.

21. Must AB 19 fee waiver recipients have attended high school within the college's service area?

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*Answer:* The law is silent on that. A college may offer a waiver of fees for student who attended high school outside of the college service area and meet the other program requirements.

### PROGRAM FUNDING

22. How were funds allocated to districts?

*Answer:* Allocation calculations were based on individual college reported MIS data. However, funds were allocated to the district.

#### Calculations:

Funds were allocated based on an estimated amount, derived from 2016-17 data, which would cover fee waivers for students who did not get a Community College Promise Grant (formerly known as the BOGFW). Based on individual college data, this amount was \$36 million.

The 2018-19 Budget included total funding at 46 million. The allocation total is comprised of three (3) factors:

- a. 36 million was allocated based on calculated number of non-CCPG students
- b. 2.5 million (25%) was allocated based on FTEs
- c. 7.5 million (75%) was allocated based on number of Pell recipients

Fair share calculation: funds were allocated based on the college's data count as a percent of the system total.

#### Data Used:

Prior-prior (2016-17) college count data was used. This included:

1. The number of students who were full-time, first time, did not receive a CCPG (formerly known as BOGFW) and were CA residents. MIS methodology:
  - A. First Time and Attempted 24+ Units at specific college in 2016-2017
  - B. Identified CCPG recipients from A
  - C. Identified non-CCPG recipients who were CA residents from A
2. Number of FTEs (per 320 report)
3. Number of Pell Grant recipients (MIS)

Use of this funding methodology provided more funding for colleges with fewer CCPG fee waivers. Colleges with more CCPG waivers received less funding.

23. Is this one-time funding?

*Answer:* The law creates an ongoing program subject to annual funding in the state budget.

24. If the initial allocation falls short, will we be able to request more funding?

*Answer:* All funds have been allocated. Districts should plan on expending all allocated funds and rationing the funds by some means.

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Consider rationing funds by:

- Applying a GPA minimum
- Setting an application deadline
- Including only students based on:
  - City of residence
  - County of residence
  - High school attended

These are only suggestions. Establish a policy. It cannot be understated that the accuracy of reported MIS data is critical. This data is used to establish allocations, create reports and for reporting to the Legislature.

Be aware that redistribution of funds may be possible once it is known how much funding will not be utilized by colleges not participating in the program. However, no additional funds can be guaranteed.

25. If we have funds left over, should they be returned?

*Answer:* All funds are to be spent to meet program goals.

26. Are the California College Promise (AB19) funds restricted?

*Answer:* Yes, the AB 19 funds are restricted and should be recorded in the Restricted General Fund – Object Code 8620 (General Categorical Program). Expenses for eligible services as described in AB19 can also be recorded in the same restricted fund. Student grants for first year enrollment fees may also be recorded under object code 7500 or processed through Fund Type 74.

27. 2. Are AB 19 funds that are used to pay for student enrollment fees refundable to students?

*Answer:* No, AB 19 funds are not refundable to students and each district should ensure that its accounting system has audit checks in place to identify these transactions.

### USE OF THE FAFSA OR DREAM ACT APPLICATION

28. Must colleges require the completion of the FAFSA or Dream Act Application (CADAA) for all of its students?

*Answer:* The FAFSA or Dream Act Application (CADAA) application is required if the student is receiving a fee waiver or other direct assistance, such as payments for child care, transportation and books.

29. Is there a deadline to file the FAFSA or CADAA?

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*Answer:* The California College Promise does not have a stated deadline. Districts could choose to set a final deadline for AB 19 fee waiver application based on local practice. The student's FAFSA or California Dream Act Application must be completed prior to receiving benefits in the program. Of course, other financial aid programs do have deadlines for FAFSA or CADAA submission.

30. ADDED 1/31/2019 Question nine describes the participation requirements for the California College Promise. One requirement is to "Partner with one or more Local Education Agencies (LEAs) to establish an Early Commitment to College Program. Is this still required?"

*Answer:* The "Early Commitment to College" program was repealed as of 1/1/19 in accordance with prior EC section 54716. However, the first goal of the AB 19 legislation (Question 4) is "Increasing the number and percentage of high school students who are prepared for and attend college directly from high school and increasing the percentage of high school graduates who are placed directly into transfer-level mathematics and English courses at a community college."

Clearly, the intent of the law is for Districts to have significant involvement with local high schools towards meeting the goals of the legislation