

Board Of Governor's Fee Waiver (BOGFW) Implementation of Loss of Eligibility Suspension

Whereas, the implementation of Title 5 California Code of Regulations Section 58621, "Loss of Eligibility" (see attached), will have a significant impact on the California Community College system by removing the Board of Governors Fee Waiver (hereafter BOGFW) for students who have dropped below a C average during a period of two consecutive semesters/quarters,

Whereas, the loss of BOGFW will impact community college districts by reducing enrollment at a time when these same Districts seek to implement new retention strategies from SSSP and Student Equity Plans,

Whereas, Districts who serve higher percentages of disadvantaged students will be disproportionately impacted further diminishing their ability to serve underserved students,¹

Whereas, Students who lose their BOGFW will likely lose their opportunity to attend Community College resulting in lower numbers of low-income students, students of color and students with disabilities enrolled in CCC's,

Whereas, the existence of an appeals process for Students does not mitigate the negative effect of this policy, but may add significant cost through possible litigation

Whereas, the loss of eligibility is punitive and in direct opposition to efforts to address student equity and national proposals to make Community College free,

Be it resolved, that the San Jose City College Academic Senate respectfully request that the Board of Trustees of the San Jose Evergreen Community College District recommend to the California Community College Board Of Governors to suspend the implementation of the loss of eligibility of the BOGFW until Fall 2018. This suspension will allow Financial Aid offices to establish a detailed BOGFW appeal process, proper staffing, and an underserved student impact report.

Be it resolved that EOPS, CalWORKS, DSPS and Veteran Students be treated equitably with Foster youth in the BOGFW exemption noting their special status in the community colleges and recognizing that each group is working within their own framework, and with help of their own services, for student success.

¹ For example; SJECCD has nearly five times as many residents who do not have a high school education as their neighbor West Valley CCD located nine miles away. More than twice the number of unemployed residents, twice the population of persons under age 18, fifty percent more residents living in poverty, 4.6 times the illiterate population, 4.1 times the ESL speakers, and six times as many residents who have 7th grade education or below. (2014 EOP & ACC data)

Educational code section

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 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 section 66025.9(b), shall not be subject to loss of BOG Fee Waiver 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 enrollments as 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 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 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.

(e) Each community college district shall establish written procedures by which a student may appeal the loss of the BOG Fee Waiver 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. 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 with successfully appeals the loss of enrollment priority shall also have BOG Fee Waiver 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 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 eligibility other than the requirements of this section and section 58620.

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