

Date of Hearing: March 14, 2017

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 204 (Medina) – As Introduced January 23, 2017

SUBJECT: Community colleges: waiver of enrollment fees

SUMMARY: This bill, *as proposed to be amended*, establishes additional procedures and protections to ameliorate the potential impact on California Community College (CCC) students who lose student fee waivers for failure to meet minimum academic and progress standards. Specifically, **this bill**:

- 1) Requires the Chancellor's Office of the CCC to review due process procedures adopted by community college districts (CCD) for appealing the loss of a fee waiver, and any subsequent modifications thereof, for general consistency, and to comment as appropriate.
- 2) Requires each CCD, at least once every three years, to determine whether the loss of fee waivers, due to failure to meet the minimum academic and progress standards, has had a disproportionate impact on any class of students, and if so, to include steps to address the impact in the districts' student equity plans (SEPs).
- 3) Requires due process standards adopted by the CCC Board of Governors (BOG) for appealing the loss of a fee waiver to require a district to allow a student to appeal due to hardship based on the geographic distance from an alternative community college where the student would be eligible for a fee waiver.

EXISTING LAW:

- 1) Establishes a \$46/unit fee for students at the CCC. (Education Code (EC) Section 76300(b).)
- 2) Provides for a waiver of fees for certain types of students, including (a) students enrolled in specified public benefit programs, (b) homeless students, (c) those with household incomes below certain thresholds established by the BOG or with demonstrated financial need, pursuant to federal law. Students described in one of (a) through (c) who fail to meet minimum academic and performance standards established by the BOG, for no less than two consecutive primary academic terms (fall and spring semesters or the equivalent), become ineligible for the fee waiver. (EC Section 76300.)
- 3) Pursuant to BOG regulations, districts must adopt an appeals process for students subject to loss of the fee waiver due to extenuating circumstances, which could include accidents, illnesses, changes in a student's economic situation, inability to obtain essential student services, or special factors associated with status as a veteran, disabled, CalWORKS, or Extended Opportunity Programs and Services (EOPS) student.
- 4) Requires districts, as a condition of receiving Student Success and Support Program (SSSP) funding, to maintain a student equity plan, as proscribed. (EC Section 78220.)

FISCAL EFFECT: Unknown.

COMMENTS:

Background. Pursuant to the Seymour-Campbell Student Success Act of 2012 (SB 1456, Lowenthal), the BOG imposed academic and progress requirements on those students who receive a fee waiver based on their economic circumstances. Specifically, failure to maintain at least a 2.0 grade point average and to pass more than 50% of enrolled courses for two consecutive semesters will result in a student losing their fee waiver. All districts were required to institute an appeals process for students losing the fee waiver.

Interestingly, neither current law nor regulations prohibit such a student from enrolling in another community college district and receiving a fee waiver from that district. This apparent loophole is an unintended consequence of data limitations in tracking students across districts, i.e. a neighboring district would have no knowledge that a newly-enrolling student had previously lost their fee waiver eligibility at another district.

BOG regulations require districts to ensure students have the opportunity to receive appropriate counseling, assessment, and advising on a timely basis to mitigate potential loss of the fee waiver, and to widely disseminate information on the availability of such services. BOG regulations also stipulate that the loss of a BOG fee waiver pursuant to the above could not occur before the recently-completed fall 2016 semester.

Since the potential for loss of a fee waiver is so new, there is limited data on the affected student populations. However, to assess the potential impact of this new policy, a June 2016 simulation by the Chancellor's Office estimated that about 31,300 students—or about 3% of CCC students who received a fee waiver—would have been subject to loss of the fee waiver, including 17,300 (55%) of whom are Latino and 3,600 (12%) with disabilities. Since this was just a simulation, these totals do not account for the required mitigation measures that are now in place to help students maintain their fee waiver.

Purpose. According to the author, AB 204, sponsored by the Faculty Association of the California Community Colleges (FACCC), is intended to assure fairness in districts' appeals processes, for students losing their BOG fee waivers, by requiring a review by the Chancellor's Office of these policies. The bill also ensures that colleges will focus on helping student populations impacted by the new standards by requiring districts to review the impact of the academic and progress requirements at least every three years and to incorporate addressing any disproportionate impacts as part of their student equity plans. Finally, by providing geography as a basis for an appeal, this bill will assist students in rural areas who, unlike those in urban areas, cannot easily attend another nearby district. While this provision expands the unintended loophole discussed above, it will treat all students alike until such time as the loophole could be fully closed.

Student Equity Plans (SEPs). BOG regulations specify that SEPs must be based on campus-level data in the areas of access, retention, degree and certificate completion, English-as-a-Second Language (ESL) and basic skills completion, and transfer. Plans must identify any disparities in these outcomes among various groups of students. In addition, the plans must include goals to reduce equity gaps, strategies for attaining these goals, and sources of funds to support implementation. The 2014-15 Budget Act augmented the Student Success and Support Program to provide districts with \$70 million in ongoing funding to implement their SEPs, and the 2015-16 Budget Act increased this ongoing funding to \$155 million.

Amendments. The amendments, which are reflected in the summary portion of this analysis, do the following:

- 1) Require the Chancellor's Office, rather than the Board of Governors, to review, but not approve, the procedures adopted by districts for appealing the loss of a few waiver.
- 2) Clarify the hardship provision.

REGISTERED SUPPORT / OPPOSITION:

Support

FACCC (sponsor)

American Federation of State, County, and Municipal Employees (AFSCME), AFL-CIO

California Federation of Teachers

CalWORKS Association

Western Center on Law and Poverty

Opposition

None on file

Analysis Prepared by: Chuck Nicol / HIGHER ED. / (916) 319-3960