

# New BOGFW Regulations FAQ

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## Loss of Eligibility

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# Significant Academic Improvement

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1. **Question:** How is the definition of “Significant Academic Improvement” defined?

**Answer:** It should be at a minimum 2.0 GPA and more than 50% unit completion for a TERM – summer included (local policy). If a student has a cumulative GPA or Progress % that is below the standards but he/she does well in the most recent term after loss of BOGFW, you could grant him/her an appeal. If the student continues to make significant academic improvement for current and subsequent terms, he/she can keep the BOGFW through automatic appeals.

*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. **Scenario:** A student fails Academic Progress for two consecutive primary terms due to prior grades. If the student completes more than 50% unit completion and 2.0 GPA on a recent term (including summer), can we automatically approve them under “Significant Academic Improvement” or does the student have to initiate the appeal him/herself?

**Answer:** Yes, this is a good example for the previous question. You can automate this process rather than having the student initiate an appeal.

2. **Question:** What if we get students enrolling in only one class during summer and they complete and get an A, do we automatically grant an appeal based on satisfactory academic improvement for the following fall term?

**Answer:** The summer load requirement is up to local policy discretion. Remember that such local policy should apply reasonable test to it and be part of your policies and procedures. Some colleges are requiring at least a half time enrollment.

3. **Question:** The BOGFW rules should mirror the scenario, correct? In our college policy, we have 12 units as minimum to take a look at the student’s academic history. Meaning if a student has attempted less than 12 units but has attended multiple semesters, even though the student may have failed and dropped classes, the student would still be eligible for the BOGFW because the student never attempted 12 units. Is this correct?

**Answer:** Yes, the 12 unit minimum applies. You only calculate probation after a student attempts 12 units.

4. **Question:** When we do "significant academic improvement" is that 50% completion for a term or greater than 50%?

**Answer:** Greater than 50% completion.

5. **Question:** If a student does poorly in fall 2015 (academic or progress), and then in spring 2016 for the term they do better- can spring 2016 be the term of significant academic improvement or must that wait until the following fall 2016 to work? (At the end of spring the cumulative is below standards but term is above).

**Answer:** Yes, spring 2016 can be the term of significant academic improvement so he/she doesn't lose BOGFW for the fall 2016.

## Timing and Consecutive Terms

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Jan. 27, 2016

1. **Question:** How far back in time should schools look for to find 2 consecutive terms of not meeting the new BOGFW eligibility standards?

**Answer:** Only 4 primary terms if continuous enrollment with no more than a one primary term gap has been maintained.

2. **Question:** If the student enrolls in April for fall term, gets notification of loss of BOGFW in June, and then applies for financial aid in August, still eligible for BOGFW?

**Answer:** Yes. The student enrolled for the fall term back in April. When the student decides to apply for financial aid does not determine the loss for the BOGFW, the first registration activity does.

3. **Question:** If the student enrolls in April for fall term, gets notification of loss of BOGFW in June, and then registers for summer term, still eligible for BOGFW for the summer?

**Answer:** Yes. The student took advantage of enrollment priority and registered for fall back in April. Since the student register BEFORE determination of loss of BOGFW, the student is eligible for the primary term (fall term) and the non-primary term (summer) as well.

4. **Question:** If the student sits out two back-to-back primary terms, is the student OK to receive BOGFW?

**Answer:** Yes. The student only had one failed primary term. Any time a student sits out two back-to-back primary terms, the clock re-starts regardless if one or two failed primary terms.

*5 CCR § 58621. Loss of Eligibility.(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.*

5. **Question:** If we have a student who attends every other primary term, the student would not be subject to dismissal because they do not have a FALL/SPRING combo, correct? If a student attends only spring and not fall, did poorly over a couple of years. They have less than 50% unit completion and/or cumulative GPA below 2.0. The fact that the primary terms are not consecutive they would not be subject to loss of BOGFW. The reason I ask is that we have students coming back to school all the time. I saw one student, who completed some semesters but left 10 years ago and came back,

and completed another semester. Do I look at the latest term to see if it was consecutive or do we go back years ago until we find that FALL/SPRING combo?

**Answer:** Consecutive primary terms in this case means any two primary terms (semester or quarter system terms) the student takes with no more than one primary term gap in enrollment. In a semester term system, if the student attends fall, doesn't attend spring, then attends the next fall, the two fall semesters are the consecutive primary terms. The student has to "sit out" two back-to-back primary terms to regain eligibility. If the student sits out two back-to-back primary terms and still comes back with a poor GPA or Progress %, the student may land again on probation at the end of the first primary term back. Non-primary terms (summer and winter) do not count on assessing loss of BOGFW but can help improve the Standards.

6. **Question:** We know that students have the option to sit out for two consecutive terms to regain BOGFW eligibility. Can the students still attend non-primary terms (winter and summer for semester system and summer for quarter system)?

**Answer:** Yes. The student can still enroll and attend non-primary terms (winter and summer terms in a semester system and summer term in a quarter system), which can only help improve the student's GPA and progress completion Standards.

3/28/2016

7. **Question:** The "rule" is that at the time the student is determined to have lost the BOGFW they will not lose it right away if they are already enrolled in the following term. For example, if we determine on June 15, 2016 that the student has lost their BOGFW but they have already registered for Fall 2016 then they won't lose it until Spring 2017. What if as of June 15th the student "had" registered for Fall 2016 but then dropped all of their classes on June 10th for Fall 2016 so ON June 15th they are not enrolled in Fall 2016. Do they then lose their BOGFW for Fall 16 or Spring 17?

**Answer:** Since the student will not be attending until Spring 2017, that is the first term for which they will lose fee waiver eligibility. If they took two consecutive terms off, they would regain fee waiver eligibility. However, if the student has an enrollment activity (adds classes) for Fall 2016 before June 15<sup>th</sup>, he/she keeps the BOGFW. If the student has an enrollment activity after June 15<sup>th</sup>, he/sheloses BOGFW r eligibility for Fall 2016.

3/28/2016

8. **Question:** If a student loses their BOGFW in June because of their academic progress but isn't going to lose it until Spring 2017 because they are already registered for Fall courses, what happens if they add classes for Fall 2016 (to their already enrolled classes)? Does the BOGFW waive the fees for these courses as well?

**Answer:** Yes, since they already registered for their Fall classes, they are allowed to add coursework and still have the fees waived for those units for that term.

3/28/2016

9. **Question:** All of the handouts that I see state that Fall 2016 is the first semester that a student can lose their BOGW. However, there will be some cases that when we determine the loss of BOGW in early June that students lose their BOGW because they are not registered for the Fall yet. However, if they are not yet registered for summer, do they lose it for Summer 2016 as well?

**Answer:** No. Fall 2016 is the first term for which a student can lose fee waiver eligibility.

4/21/2016

10. **Question:** if a student who has lost BOGFW eligibility sits out for two primary terms, does that student regain their fee waiver eligibility?

**Answer:** Yes, but the student cannot attend anywhere in the district. This includes non-credit coursework and at continuing education centers.

Be aware that although sitting out for two primary terms restarts the clock, the GPA and completed units standards are cumulative. This may make it difficult to regain eligibility because the older grades must always be considered. Of course, appeal based on significant academic improvement is allowed.

4/18/2016

11. **Question:** The flow chart we use for reference indicates that the timing for applying the loss of BOG depends on the first registration opportunity. There is now a bit of confusion on my campus regarding the timing; should we check PeopleSoft for the *first registration opportunity* or the *first registration activity*, when looking to apply whether the BOG is lost. I understand the piece about if a student registers, then drops and then registering again, it's the initial determination where we have the confusion. Essentially, if determination is made in June (when grades are released) and the students enrollment appointment is in April (their first opportunity), but they don't actually register until August (first activity), do they keep the fall BOG or do they lose the fall BOG?

**Answer:** If determination of loss of the BOGFW is made in June and the student's first enrollment opportunity was in April but did not register until August, AFTER the determination of loss of eligibility was done, the student loses the BOGFW for the fall term. In light of this confusion, we have determined that the school must look at the **first enrollment activity** after the first registration opportunity window opens. The first registration opportunity allows students to add and drop classes (registration activity) at any time on or after that date. You should look at the first registration activity to determine if loss of BOGFW applies for the fall (registered after June) or the next spring term (registered before June). The flowchart has been updated.

4/25/2016

12. **Question:** If a student, who has never received a BOGFW at my college, has two consecutive bad terms, can he/she still get the BOGFW?

**Answer:** No. Students must meet both Academic and Progress standards or appeals have been approved to be eligible to receive the BOGFW.

# Appeal Process

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1. **Question:** Will the Chancellor's office send out additional information regarding responsibility of implementation? Is it Admissions & Records or Financial Aid? The A&R director is stating that this should be a Financial Aid responsibility. Information I heard is that this is on the A&R side.

**Answer:** This is an Institutional responsibility. This could be done a number of ways, either by assigning responsibility to a department or by committee.

2. **Question:** Will there be any templates for Appeals that a school can go by or use? Or is it up to the school to make up?

**Answer:** No, we don't have templates. You might want to ask the list-serve for samples.

3. **Question:** There are Six Circumstances for which a student can appeal the loss of the BOGFW. If the committee denies the appeal can we add a 7<sup>th</sup> option? For example if an appeal was denied the student would have to take a 4 hour workshop on Academic Progress and then have their BOGFW reinstated. Or even just add an additional option for the appeal process. So if the student did this workshop we could approve it?

**Answer:** You can set your own appeal processes, which can include requiring a workshop as an additional requirement to the appeal, but not as a separate option on its own.

4/11/2016

4. **Question:** If a student lost their BOGFW for Fall of 2016, enrolled for classes and never appealed the BOGFW loss, can he/she come back in the Spring and submit an appeal for the Fall 2016. Can fee waivers be applied retroactively?

**Answer:** Yes, it is permitted and needs to be part of your policies and procedures Students may appeal retroactively to get their BOGFW reinstated for a term that has ended if within the current fiscal year. In compliance with the BOGFW manual, a student may have his/her fee waiver reinstated for a prior term – if there is a valid and approved appeal within the current fiscal year. This process needs to be compliant with your institutional policies and procedures.

4/11/2016

5. **Question:** Is it recommended that we set appeal submission deadlines?

**Answer:** Under regulation, the District is required to have an appeal process. Institutional policies and procedures should identify such process and any districtwide restrictions. Students should be able to submit appeals up to prior to the term for which they have lost the BOGFW. We recommend that students be permitted to submit appeals anytime during the fiscal year and those appeals can be applied retroactively.

4/11/2016

6. **Question:** Once an appeal is approved for Fall 2016, how will their eligibility be calculated moving forward? For federal purposes, when a student successfully appeals, we place them on Probation based on an approved Academic Plan until they reinstate. They lose their federal aid if they fail to follow the approved plan. When a BOG appeal is approved, will we be allowed to place them in a similar status or will they need to appeal every semester until they are above 2.00 and >50%?

**Answer:** This is a term-by-term process to check if the student is meeting or exceeding Academic and Progress Standards. You need to re-evaluate every term. If the student fails to meet Academic or Progress standards for the subsequent term, they become ineligible and would have to re-appeal. If the student continues to meet or exceed satisfactory academic progress each term (2.0 GPA and completion of more than 50%), they should continue to receive an automatic appeal – if you don't have an automatic appeal, then the student would have to submit a paper appeal.

4/14/2016

7. **Question:** May we add a workshop in lieu of a paper appeal by allowing students to sit through a workshop to have that count as an automatic appeal?

**Answer:** An informational workshop like that cannot be treated as a valid appeal. Students may only submit appeals based on the six valid categories. Because of this, a student could not be automatically approved based on workshop attendance. The student must appeal based on one of the valid appeal categories but a college may provide a workshop –in addition to the appeal- to educate the student on the loss of BOGFW eligibility.

4/18/2016

8. **Question:** Is there a statute of limitations on appealing for BOGFW reinstatement? I ask because the Committee on Exceptions (COE) currently allows appeals to loss of priority registration for up to three years!

**Answer:** We don't believe you can set limitations since the appeal can just be denied and the student must sit out two back-to-back primary terms. If you don't think a student should get an appeal, just deny it. Add the appeal limitations to your policies and procedures manual.

4/26/2016

9. **Question:** Do we count repeated courses? What is the impact on cumulative and progress completion?

**Answer:** Districts are allowed to use course repeatability. This may impact the cumulative progress completion and GPA

Repeatability courses do count as attempted units and are taken into account when calculating cumulative GPA.

The only exception is academic renewal approvals. Whenever an academic renewal is approved, those classes are then removed.

**Course Repetition and Withdrawal Title 5 Policy - Sections 55040 through 55046**

*The California Community College Board of Governors passed revisions to Title 5 regarding course repetition that took effect in 2012. Students may enroll in a course only three (3) times if they received a substandard grade (D, F, NP or NC) or withdrew from the class with a "W". Courses taken, earning a grade of C or better cannot be repeated. There are, however, certain specialized courses that are designated as "repeatable" and are listed as such in your district/college course description.*

**See table on page 3:**

[Title 5 Guidelines Repeatability](#)

Grading Standard	Grade Point Equivalents
P - Pass	Not computed in GPA, but (C or better) affects progress, probation and dismissal. Formerly known as "CR"
NP - No Pass	Not computed in GPA, but (less than C) affects progress, probation and dismissal. Formerly known as "NC"
I - Incomplete	Not computed in GPA, but affects progress, probation and dismissal
W - Withdrawal	Not computed in GPA, but affects progress, probation and dismissal

## District related

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4/21/2016

1. **Question:** If a student fails to meet the BOGFW academic or progress standard at any district college, does that apply to BOGFW eligibility considerations at all colleges in the district?

**Answer:** Yes. The California Code of Regulations in *Section § 58621(a)(1) - Loss of Eligibility* states: *“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.”*

Example, a student fails to meet the standard at one district school for one primary term. The student then attends another district college for the next primary term and fails to meet the standards at that college. That student has two consecutive terms of failing to meet the standard and is subject to loss of fee waiver eligibility.

4/21/2016

2. **Question:** If a student takes units at more than one District College during the same term, are all those units expected to be combined to determine whether the student has met the standard for that term?

**Answer:** Yes.

4/21/2016

3. **Question:** Are districts expected to track student GPA's and completion by district?

**Answer:** Yes. If you feel this is not something that you cannot accomplish as a district, please contact us.

4/21/2016

4. **Question:** Can a district have a districtwide appeal policy and process?

**Answer:** Yes. Per regulations, you must have a district approved appeal process. This is something under local control. Depending on the district, it may make a lot of sense to handle appeals on a districtwide basis.

5/18/2016

5. **Question:** Is Enrollment Priority appeal process required to be set up by college or by district?

**Answer:** Per regulations, Enrollment Priority appeal process is also districtwide. If any questions, please refer to the SSSP program manager.

# Notifications

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1. **Question:** At the end of spring 2016, can I send probation notifications and potential loss of BOGFW to students on the first day of the new fall 2016 term?

**Answer:** No, you must notify students placed on warning for loss of BOGFW eligibility within 30 days of the end of the primary term: spring 2016. Loss of fee waiver would be effective for students first registering for classes on or after the date of loss of BOGFW eligibility determination for fall 2016 unless they had registered prior to loss of BOGFW eligibility determination in which case it would be effective for Spring of 2017. The students would still have appeal rights as specified in regulations

5 CCR § 58621

§ 58621. Loss of Eligibility.

*“(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.”*

# Foster Youth\*

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1. **Question:** For Foster Youth: If they turn 25 prior to the spring enrollment activity (for example) and do not meet academic standards, will they lose BOGFW eligibility for Spring? And, will we need to track the ages of FY/FFY to be compliant?

**Answer to question 1:** The FFY would not lose eligibility in the spring term. The clock for consecutive primary terms would start with the term following the term in which a student lost eligibility for the exemption (turned 25 years of age). In that way the student is given the same rights and privileges accorded all students with regard to probation and notice of loss and eligibility and accorded the same inherent appeal rights as all students provided for in regulation.

**Answer to question 2:** Yes the age is a defining factor in the exemption. Using the date of birth, coupled with a FFY flag, your system could apply the exemption for eligible students and not for those that age out.

### Current FY and FFY definitions

Benefit Type	Age in Foster Care	Current Age**
CAFYES	16 and up	Under 26
FAFSA	13 and up	Any
Chafee	16 and up	Under 23
ILP	16 and up	Under 21
Priority Registration***	18 and up	Under 25
Medi-Cal	18 and up	Under 26
THP-Plus	18 and up	18-24
CCC Apply	Any age	Any

\*Parallel with FY flag in MIS

\*\*California College Pathways, "Getting to Good Foster Youth Student Data"

\*\*\*SB906

**Comment:** Proposed legislation would increase the age to 26.

## Clarifications

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1. **Question:** Are the BOGFW rules finalized? Meaning no changes expected by Fall 2016 or do we expect some additional changes?

**Answer:** The regulations are final and we don't anticipate any changes.

March 23, 2016

2. **Elucian/Banner.** If the college is unable to apply loss of BOGFW without Banner release/update until June 2016, will the college face compliance issues if loss of BOGFW is not applied for fall 2016 before students register for the term? The determination of loss for the BOGFW took place at the end of fall 2015, back in January before the student registered for fall 2016 since the student did not enroll for spring 2016 and won't enroll for fall 2016 until May.

Your college will be OK as long as you [manually flag the student now](#) for loss of BOG for fall 2016 or you manually update the student's award to ["No BOGFW for fall 2016."](#) We are assuming you already sent notification letters in January, within the 30 days at the end of the fall 2015 term. The student has been notified and will have to appeal to get the BOGFW reinstated for fall 2016.

In the meantime, while your college automates the flagging process in June 2016, you would have to do the manual process for all the students that your college has already identified back in January as losing the BOGFW.

March 23, 2016

3. **Elucian/Banner, follow up question.** Will the college maintain compliance so long as student on P2 status is flagged for loss of BOGFW in spring 2017?

For current scenario, the college will be in compliance once you flag your students identified (P2 status) as losing their BOGFW and [who did not enroll for Spring 2016](#). As for determining loss of BOGFW after the end of Spring 2016, you will be in compliance as long as you notify your students within 30 days of end of term. It looks like you will have a tight timeline since you won't get the Banner update until end of May. If the Banner update gets delayed then we will consider your circumstances so your college won't face compliance issues.

In regards to her scenario, when do you determine loss of BOG?

- Loss was determined at end of fall 2015, back in January 2016 – second primary term not meeting Academic or Progress Standards
- College won't be able to flag student until June
- Even if student registers in May, the student loses BOG for fall 2016 because [determination of loss was done back in January after the end of fall 2015 term](#)

April 12, 2016

4. **Special Waivers.** Chancellor's Office staff has been responding to questions regarding the loss of fee waiver eligibility for students receiving a special category fee waiver. Please be aware that students receiving special category fee waivers are not subject to loss of their fee waiver.

The fee waivers subject to revocation are described in California Education Code (CEC) Section 76300(g)(1). Other fee waivers authorized outside of Section 76300(g)(1) are considered special categories and are not subject to loss due to the Section 76300(g)(1) standards.

For example, the College Tuition Fee Waiver for Veteran Dependents administered through the California Department of Veterans (CalVET) would not be subject to the loss of fee waiver eligibility.

Descriptions of the special fee waiver categories are found in Chapter 6 of the [Board of Governors Fee waiver manual](#).

**Reported to MIS as:** F1 through F5 (see data element dictionary). You can flag those as exempt.

April 13, 2016

5. **Waitlisted classes.** We do consider waitlisted to be a valid registration activity for the purpose of BOGFW determination.

These are identifiable registration activities that are considered valid registration activities for the purpose of BOGFW determination:

1. Waitlisted
2. Enrolled at multiple district colleges and waitlisted
3. Dropped by college due to lack of pre-requisites
4. Dropped/cancel course by Faculty
5. Combined classes cancelled
6. Student dropping all classes

**NOTE:** If no registration activity prior to determination of loss of BOGFW eligibility, then student loses the BOGFW.

April 15, 2016

6. **Standards.** Do students need to fail both Standards before placing them on probation?

The students may fail either one of the Standards and be placed in probation status; in some cases students will fail both Standards. Any combination of two consecutive terms of cumulative GPA below 2.0, and/or cumulative unit completion of not more than 50 percent may result in loss of fee waiver eligibility.

5 CCR § 58621

§ 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.*