

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

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September 16, 2009

TO: Chief Executive Officers, Chief Business Officers, Chief Student Services Officers

FROM: Linda Michalowski, Vice Chancellor for Student Services and Special Programs
Erik Skinner, Vice Chancellor for Fiscal Policy

SUBJECT: Administrative Relief for Student Services Categorical Programs

Synopsis: With the deep budget cuts to most categorical programs for 2009-10 and the likelihood of further cuts in 2010-11 when federal stimulus funds are no longer available, colleges are making difficult decisions about the allocation of their limited funds to best serve student needs. This memo addresses certain student services categorical programs and transmits a series of administrative relief measures to assist colleges in planning for and administering those programs in this unprecedented budget environment to ensure that every dollar possible is spent on direct services to students.

The *2009-10 Budget Act* provides districts with "categorical flexibility" for 10 programs, as described in an August 29 guidance memorandum to the field. This memorandum, in contrast, addresses administrative accommodations that we are able to provide within the provisions of current law and regulations for programs that are not in the flexibility category—CalWORKs, DSPS, EOPS and Student Financial Aid Administration.

Areas of Immediate Administrative Relief:

CalWORKs (California Work Opportunity and Responsibility to Kids)

- 1. Work Study Requirement:** We will reduce the amount of funds a district is required to expend for work study proportionately with the reduction in State Proposition 98 funds appropriated for 2009-10. In subsequent years, the CalWORKs Work Study amount will be maintained at the 2009-10 level or adjusted proportionately to any further decrease or increase in the amount of State Proposition 98 funds appropriated.
- 2. Program Plan and Budget Forms:** We are reviewing and will simplify the program plan and budget reporting form to collect only the minimum information necessary to satisfy the statutory requirement that colleges submit a program application and to meet our reporting obligations for federal Temporary Assistance to Needy Families (TANF) Maintenance of Effort (MOE). This change will be completed for 2009-10 reporting.
- 3. Child Care Funds Redirection:** Program staff has streamlined the process to allow districts/colleges to request redirection of child care funds to other program uses at the time that the budget is initially submitted to the Chancellor's Office. This change is effective for 2009-10.

4. **Determination of CalWORKs Eligibility:** We have modified the timing of determining and/or verifying eligibility for community college CalWORKs services to provide flexibility within the term. We will continue to monitor this issue and provide additional guidance if needed.
5. **Purchase of Computer Hardware and Software:** We will provide blanket approval through 2012-13 for purchases of necessary computer hardware or software to be used for the CalWORKs program. Colleges will not need to submit a Request to Purchase Equipment.

Disabled Students Programs and Services

1. **Student Education Plan:** Colleges are advised that, to help relieve workload for general counseling, DSPS counselors can provide the Student Education Plan (SEP) for DSPS students. Colleges should be aware that SEPs completed by DSPS staff for DSPS students should include the accommodations and services to be provided to assist the students in achieving their educational goals.
2. **Special Class Instruction:** Although funding may be used to provide specialized instruction to students with disabilities, colleges are advised that special class instruction is not mandated as long as alternate accommodations for students with disabilities are provided in general instruction.
3. **DSPS Program Plan:** We are reviewing and simplifying the DSPS Program Plan to collect only the minimum content requirements necessary to satisfy statutory requirements. In addition, we are relaxing the submission deadlines.
4. **Staffing:** Title 5 establishes minimum qualifications for DSPS counselors and instructors. In addition, it specifies that each college must designate a DSPS Coordinator. Colleges are advised that the minimum requirements for counselors and instructors may be met also through a locally approved equivalency process. In addition, colleges should be aware that the DSPS Coordinator position is not required to be full-time as long as the Coordinator meets the minimum qualifications established by Title 5 and is paid with DSPS funds only for the portion of time assigned to DSPS.
5. **DSPS Advisory Committee:** Title 5 establishes the requirement of a college DSPS advisory committee, the basic composition of the committee and that the committee must meet not less than once per year. Colleges are advised that "meetings" can include telephone or online communication.
6. **Moving funds between colleges in a multi-college district:** DSPS guidelines require that districts request prior written approval from the Chancellor's Office before redistributing allocated funds to its colleges. We are waiving this requirement through 2012-13.

Note: Colleges are reminded that federal disability non-discrimination laws, specifically Section 504 of the *Rehabilitation Act of 1973* (29 USC, Sec. 794 et. seq.), the *Americans with Disabilities Act* or ADA (42 USC, Sec. 12101 et. seq.) and state law (Gov. Code Sec. 11135 et. seq.) require colleges to provide disability-related auxiliary aids and services, and other reasonable accommodations to meet the needs of students with disabilities. Federal regulations implementing the ADA require that all resources of a public institution are to be considered available to meet the needs of eligible students with disabilities (28 CFR, Sec. 36.151). In keeping with this regulation, the U.S. Department of Education Office for Civil Rights and other enforcement entities have routinely held colleges accountable for this requirement. Therefore, colleges are encouraged to consult with their ADA Coordinator and their college/district legal counsel regarding these obligations.

Extended Opportunity Programs and Services

1. **Book Requirement:** We will reduce the amount of funds a district is required to expend for books proportionately with the reduction of State Proposition 98 funds appropriated for 2009-10. The amount in subsequent years will be maintained at the 2009-10 level or adjusted proportionately to any further decrease or increase in the amount of State Proposition 98 funds appropriated.
2. **Student Cap:** We will reduce the student cap by the same percentage that State Proposition 98 funds are reduced for 2009-10. The cap in subsequent years will be maintained at the 2009-10 level or adjusted proportionately to any further decrease or increase in the amount of Proposition 98 funds appropriated.
3. **Full-time Director:** We will: a) extend existing full-time director waivers through 2012-13; b) modify the full-time director waiver criteria to include fiscal distress as an additional criterion; c) streamline the waiver request process; and d) approve any new waiver requests through 2012-13.
4. **District Contribution:** We will: a) reduce the minimum district contribution proportionately with the reduction of State Proposition 98 funds appropriated in 2009-10. The district contribution will remain at this level through 2012-13, or be adjusted proportionately for any further decrease or increase in the amount of State Proposition 98 funds appropriated, and b) automatically exempt funds from future district contribution minimum calculations if they have been redirected from district general purpose funds or from programs in the "categorical flexibility" group.
5. **Supplanting/Restriction on Use of Funds:** Education Code section 69651 states that a "district shall not use any funds received from the state for the operation and administration of the [EOPS] program to supplant district resources, programs, or services...." We will automatically exempt funds when reviewing budgets for supplanting if they have been redirected from district general purpose funds or from programs in the "categorical flexibility" group.
6. **Allowable Uses of Funds:** We will provide a blanket waiver through 2012-13 for the following: a) purchases of necessary computer hardware or software to be used for the EOPS program; b) purchases of necessary furniture to be used for the EOPS program; and c) travel costs for non-EOPS staff to participate in EOPS functions. Colleges will not need to submit a waiver request to use EOPS funds for these purposes.
7. **Minimum Standards—**a) **Outreach, Orientation and Registration;** b) **Assessments;** c) **Basic Skills/Tutoring;** d) **Transfer/Career Services:** We recognize that colleges cannot be expected to maintain the same levels of service as required prior to the budget reductions. We will streamline the existing waiver request process by embedding it in the Program Plan beginning in 2009-10 to eliminate separate requests for waivers and reduce the number of required signatures.
8. **Minimum Standards—Counseling and Advisement:** Title 5 of the California Code of Regulations requires that colleges provide three counseling and advising sessions to EOPS students each term: 1) initial appointment to review assessments and prepare a student educational plan; 2) a mid-term appointment to ensure that the student is succeeding adequately and to make any changes needed to the educational plan; and 3) an end-of-term appointment to review the term and prepare for the next term. The regulations do not prescribe the length of the appointment or that the appointments can only be done on an

individual basis. We will advise colleges of alternate methods of meeting these requirements, such as group counseling appointments, shorter individual appointments and the use of paraprofessionals.

9. **Reallocation of Funds:** We will eliminate the separate budget reporting form currently required if a college receives reallocated funds during the mid-year reallocated funds process.
10. **Transfer of Funds Request:** We will eliminate the need for a separate Transfer of Funds Request unless the college is requesting to transfer funds from "Part C-Direct Aid."

Student Financial Aid Administration

Maintenance of Effort (MOE): The *2009-10 Budget Act* requires that Student Financial Aid Administration funds allocated to a community college district for financial aid personnel, outreach, determination of financial need and delivery of student financial aid services supplement, not supplant, the level of funds allocated for the administration of student financial aid programs during the 2001-2002 or 2006-07 fiscal year, whichever is greater. We will provide program guidance that permits a transition period of four-years through 2012-13 to comply with the new requirement resetting the MOE to the higher of 2001-02 or 2006-07 fiscal year. In addition, guidance will amend our waiver criteria for a college's failure to meet MOE to include fiscal distress through 2012-13.

Contact: We welcome your feedback and questions on these measures. Specific program questions should be directed to the following:

CalWORKs and EOPS:

Sarah Tyson, Dean of Student Services at styson@cccco.edu or 916-445-4755
Patricia Servin-Lemus, CalWORKs Coordinator at pservin@cccco.edu or 916-327-5890
Barbara Kwoka, EOPS Coordinator at bkwoka@cccco.edu or 916-323-5953

DSPS and Financial Aid:

Jeff Spano, Dean of Student Services at jspano@cccco.edu or 916-327-7252
Scott Valverde, Acting DSPS Coordinator at svalverde@cccco.edu or 916-445-5809
Tim Bonnel, Student Financial Assistance Programs Coordinator at tbonnel@cccco.edu or 916-445-0104

cc: CalWORKs Directors/Coordinators
DSPS Directors/Coordinators
EOPS Directors/Coordinators
Matriculation Directors/Coordinators
Student Financial Aid Administrators