EOPS
(Extended Opportunity Programs and Services)

Implementing

Guidelines

July 2017

Chancellor's Office
California Community Colleges
Student Services Division

EOPS Implementing Guidelines
For Title 5 Regulations

Overview

This document includes chapter 2.5 of Title 5, Regulations for EOPS, enacted in October of l987 and the text of Implementing Guidelines including information concerning the documentation requirements for the Regulations developed by Chancellor's Office EOPS Staff.

For the purpose of organization, Title 5 text will be **BOLD & *ITALIC.*** This will be followed by a policy section entitled "IMPLEMENTATION," and a policy section entitled "DOCUMENTATION".

The EOPS Title 5 Implementing Guidelines represent the consensus of the Chancellor's Office EOPS staff regarding interpretation of the current regulations with input from the EOPS programs statewide. The Guidelines are designed to provide direction and technical assistance in administering EOPS Programs. Keep in mind when using the guidelines that there are sections that overlap and need to be reference to have a full understanding of the program and requirements.

It is important to note that these Implementing Guidelines are not regulations. They represent the Chancellor's Office policies, and college staff are encouraged to utilize the guidelines in the administration of EOPS program activities. It is the responsibility of the Chancellor's Office to provide leadership and direction to EOPS college staff, and it is the responsibility of the individual colleges to establish local programs, policies and procedures in accordance with the requirements of these policies and other relevant statutes and state regulations.

College staff should also be aware that the Implementing Guidelines are subject to change as regulations and/or as interpretations change. Copies of any changes will be distributed to the colleges by the Chancellor's Office.

The EOPS Implementing Guidelines is available by accessing the Chancellor's Office website.

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TITLE 5 REGULATIONS
CALIFORNIA COMMUNITY COLLEGES
(REGISTER 81, NO. 19-5-9-81)

CHAPTER 2.5 E O P S

Article l.   General Provisions and Requirements

56200. Implementation

This chapter implements, and should be read in conjunction with, Chapter 2, Article 8 (commencing with Section 69640), Part 42, Division 5, of the Education Code. The definitions in this article apply to the requirements of this chapter.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

This section is a reference to Education Code Section 69640, the foundation for Title 5, Chapter 2.5 requirements.

5620l. Waiver

The Chancellor is authorized to waive any part or all of Articles 3 and 5. Waiver requests must be submitted to the Chancellor in writing by the district superintendent/chancellor setting forth in detail the reasons for the request and the resulting problems caused if the request is denied.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

This section gives colleges the opportunity to request a waiver pertaining to the minimum standards set forth in Article 3, Program Standards, and Article 5, Staffing Standards. Waivers are granted for a one-year period. All waivers will be valid through the end of the academic year in which they are granted. For specific waiver criteria, please review the appropriate section of interest.

DOCUMENTATION:

YOU MUST SUBMIT A WAIVER REQUEST, if you cannot meet any or all of the minimum program standards requirements in Article 3, or the staffing standards outlined in Article 5. If you do not submit a formal waiver request, your college's EOPS Program will be held accountable for providing all of Articles 3, and staffing standards in Article 5. All waiver requests must be submitted in writing setting forth in detail the reasons for the request and the resulting problems caused if the request is denied. (Reference: Waiver criteria document by consultation).

56202. Full-Time Student

"Full-time student" means a student who during a regular semester or quarter is enrolled in a minimum of l2 units or the equivalent in community college courses. Full-time student for a summer or inter-session shall be defined by the college district.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

This section defines the term "Full-time Student" and takes into consideration both semester and quarter colleges. At least 90% of those students accepted into the EOPS Program at your college must be enrolled in a minimum of 12 units or the equivalent, at the time of acceptance. Equivalent is interpreted to include certain vocational programs such as nursing, cosmetology, and some court recording programs, etc. EOPS may consider as full-time any course work, or combination of course work and lab time that the college considers full-time. Summer "Full-time equivalent" may also be defined by local policy, i.e., whatever your college has declared to be full-time equivalent may also be used by EOPS. Example: colleges may define 4 summer units as "full-time," while others use 6 units.

 A student having a disability, which limits their enrollment to less than nine units, but otherwise meets the eligibility criteria for EOPS, may be accepted into the EOPS program after verification of this limitation by the appropriate certificated Disabled Student Programs and Services (DSP&S) staff. EOPS Office must collaborate with the college's Disabled Student Services Office to determine the student's maximum unit capacity and to develop the student's educational plan. Disabled students who are accepted into the EOPS Program who are less than full-time are not considered as part of the 10% of EOPS students who planned units are 9-11.5 for semester units; and at least 8 units for quarter units.

DOCUMENTATION:

Verification of "Full-Time student enrollment" should be placed in each student's file (hard copy or electronic) in the form of enrollment sheets or transcripts. Chancellor's Office staff will accept whatever resource document that is compatible with campus procedures and meets the verification requirement. However, the document should represent an official college document verifiable at the Admissions and Records Office or the computer system the college maintains. Student documentation may be in hard copy or electronic form.

For those colleges on a quarter system, EOPS students must enroll in at least 8 units to be considered enrolled three-quarter time (equivalent to 9-ll.5 units for semester unit students). For reporting purposes, colleges with EOPS Programs will have to identify their program as a quarter system program so that students' reports in 8 units will not be deleted from MIS Student Data Reports by the Chancellor's Office.

The Disabled Student Programs and Services (DSP&S) certificated staff must provide written documentation to the EOPS program verifying that the student has a disability and establish the acceptable full-time unit coursework load based on the student's disability. Also, as warranted DSP&S should prepare the student's Educational Plan.

The recommended academic fulltime equivalent based on the student's disability should be stated in the student's Educational Plan. A copy of this information should be retained in the student's EOPS file.

The reporting of a student with a disability is included within the System Office Management Information System (MIS) DSP&S domain (*DSP&S Data Elements SD01 – SD05*), as a result, Disabled Student Programs and Services staff must complete all of the five *DSP&S data elements* in order for EOPS to receive funding for serving a new EOPS student with a disability and planned units are less than full-time, particularly if the student full-time equivalency is less than nine units.

56204. Students Served

For purposes of allocating EOPS funds, conducting audits and evaluations, an EOPS student served is a person for whom, at minimum, the EOPS Program has documentation in the student's file of an EOPS application, Educational Plan, and Mutual Responsibility Contract developed pursuant to Section 56222 (c).

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

EOPS APPLICATION

Each program must have an EOPS application for students applying to the program. The information contained in the application should assist to determine students' eligibility for the program.   The EOPS Application shall include the "wet" (original) or electronic signature of the applicant verifying that the information provide is accurate and as appropriate the signature of the designated EOPS staff. In lieu of a "wet" or electronic student signature, an on-line EOPS application shall include a "terms of agreement" statement that certifies that the information provided by the student is accurate and true. The on-line EOPS application must also require that the student acknowledge and understand the Terms of Agreement (i.e. "By clicking on 'I accept' below, I acknowledge and understand the above 'Terms of Agreement').

EDUCATIONAL PLAN

In general, an Educational Plan addresses specific needs of educationally disadvantaged students and is one of the basic foundations of over-and-above services offered by the EOPS program. The comprehensive educational plan is important to the EOPS/CARE students and should include a long-term sequence of courses to be taken and a specific timeframe for their completion. It is not just a list of standard course requirement. **To be optimally beneficial to EOPS students, the Educational Plan should include a sequenced multi-term road map of all courses agreed upon by both the student and counselor necessary to meet the student's educational needs and goals.** An educational plan created in hard-copy format shall be signed by both student and counselor as verification that both reviewed and agreed to the sequence of courses. Any updates should be at least initialed and dated by student and counselor. On-line educational plans do not require "wet" or electronic signatures. However, the college EOPS/CARE program is still responsible for ensuring that sufficient interaction about the development of and updates to the educational plan is still taking place between the student and EOPS/CARE counselor.

The plan should offer students a visual timeline of required coursework needed to complete their individualized educational goals, including certificate, associate degree, transfer objective, or a combination of any of the above. The EOPS Educational Plan must be developed/monitored from term-to-term with a trained and certificated counselor as needed, in response to student accomplishments, achievements, and challenges. However, a student's Educational Plan may be completed in the Counseling Center, Disabled Student Services Office or elsewhere on campus; a copy must be maintained in the EOPS Office.

As a start, a two or three semester Educational Plan might be appropriate for students who are undecided about their educational goals. However, it is expected that after a maximum of two semesters, and with the assistance of certificated counselors and resources available on campus, the student should be able to identify their

educational goals. The number of semesters that the plan will require will vary depending on the student's (1) educational needs and goals; (2) the student's progress toward obtaining their educational goals; and (3) the number of degree applicable units that the student completed prior to enrolling in the program.

MUTUAL RESPONSIBILITY CONTRACT:

The Mutual Responsibility Contract (MRC) is a binding document in which both parties, the EOPS program and the student, must agree to the terms and conditions of the contract. The intent of the Mutual Responsibility Contract is to demonstrate the intended level of involvement and commitment of both parties toward the achievement of the student's educational goal. The Mutual Responsibility Contract specifies what services the student may receive and the roles, responsibilities, and expectations of both parties. The contract must be signed by the student indicating an agreement and understanding of the terms and conditions of the contract. The contract must also be signed by the designated EOPS staff indicating staff reviewed the terms of contract with the student. The following information should be stated in the MRC, however the EOPS Director may include other terms and conditions as necessary; such as expanding listed the services provided by EOPS stating the consequences if the student to fails adhere to MRC.

(a) The EOPS student agrees to meet with a counselor to establish an educational goal and to develop an Education Plan.
(b) The EOPS student agrees to adhere to the Education Plan and the Mutual Responsibility Contract.
(c) The student agrees to make academic progress toward an education goal.
(d) The student agrees to meet with EOPS staff, e.g., the EOPS Counselor, the Director, Para-professional or peer- advisors in order to comply with the program standards, including but not limited to the three (3) mandatory counseling and advising contact sessions per term. (Refer to page 33-35 for information regarding the three (3) mandatory counseling and advising contacts).
(e) The student agrees to provide income documentation as required by local financial aid verification policy, within two (2) months of acceptance into the EOPS Program if the student is to receive an EOPS grant or work-study.
(f) The EOPS program agrees to provide support services to assist the EOPS students in meeting their educational goals (i.e. counseling, tutoring, priority registration, books, orientation, transportation, meal, referral, transfer assistance).
(g) The Mutual Responsibility Contract should include a date of acceptance into the EOPS Program and a place for both EOPS staff and student to sign.

COUNTING A STUDENT AS SERVED IN MANAGEMENT INFORMATION SYSTEMS (MIS):

For purposes of allocating EOPS funds the following conditions must exist to count a student as served by the EOPS Program:

1. During the initial term when a new student is accepted into the EOPS program, the student's file must contain the required documents, EOPS Application, Educational Plan, and Mutual Responsibility Contract. In addition, to be counted as "served" the student must attend at least one class session during the term. The college must report a *student basic record*. The EOPS Program should collaborate with the college's MIS staff to determine the appropriate method for verifying class attendance. Lastly, the student must receive at least one EOPS service for the term in which s/he is being counted through MIS.

   Further the mandated documents including EOPS application, educational plan, mutual responsibility contract must be completed and signed by the student and designated EOPS personnel such as the EOPS Director or EOPS Counselor and retained in the student's EOPS file. In addition, notation of the student's eligibility and other documentation as appropriate must be available in the student's EOPS file.

CIRCUMSTANCES WHEN A STUDENT CANNOT BE COUNTED AS SERVED:

1. A new student who completed the necessary documentation and receives an EOPS service (i.e. orientation, book vouchers, etc.), but does not attend any classes, cannot be counted as "served" for that term.

2. A student who was initially accepted into the EOPS program and subsequently disqualified during the verification and/or re-evaluation of their application, and therefore ineligible for EOPS, cannot be counted as "served".

3. Students targeted through early outreach functions that are not enrolled in college, or fail to complete the minimum documents required in this section, cannot be counted as served.

4. If the student maintains active enrollment and class attendance at the college but has no documented contact or active participation with the EOPS program the student cannot be counted as "served".

DOCUMENTATION:

For purposes of verifying a student as "served," the appropriate documentation must be available in each student's EOPS file. The documentation should be signed by the appropriate college personnel, (e.g., EOPS Director, EOPS Counselor) along with the signature of the student served.

Management Information System (MIS) Reporting:

With regard to counting students as served with respect to the annual *MIS EOPS Unduplicated Report,* all of the conditions previously outlined as well as the following information are applicable.

- The appropriate EOPS data elements must be entered into the MIS system.

- Ninety percent (90%) of the new EOPS students must be enrolled in a minimum of 12 planned units or the equivalent at the time of acceptance into the EOPS Program; ten percent may be enrolled in a minimum of 9 units. If the *EOPS Unduplicated Report* shows the college accepted more than 10% of new EOPS students enrolled in less than 9 units, the number in excess of 10% will be deducted from the report by Chancellor's Office staff.

- A student having a disability, which limits their enrollment to less than nine units, but otherwise meets the eligibility criteria for EOPS, may be accepted into the EOPS program after verification of this limitation by the appropriate certificated Disabled Student Programs and Services (DSP&S) staff. Students with disabilities who qualify for the EOPS Program based the above criteria, who are enrolled in less than full-time, are not considered as part of the 10% limit provided the student is reported as "new disabled student" in the MIS system. When accepting students with certified disabilities into the EOPS Program, coordination with the DSPS Office is pertinent to ensure the appropriate elements of the DSPS and EOPS data elements are completed in order for the EOPS Program to receive funding for serving the student.

- Certain vocational programs including nursing, x-ray technician, cosmetology, barbering, court reporting and others; full-time equivalency is less than 9-12 units. For MIS purposes these vocational programs have been designated as "s*pecial majors."*
The appropriate matriculation data elements, in addition to the EOPS data elements, must be completed in order for the EOPS Program to receive funding for serving the student.

For additional information regarding MIS reporting, please refer to the California *Community College Management Information System Data Element Dictionary,* available on the Chancellor's Office website.

56206. EOPS Information.

The Chancellor shall require districts receiving EOPS funds to identify students served and the level and type of programs and services each student received.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

This section sets forth basic requirements for each college's responsibility to provide the Chancellor's Office with program data for annual and periodic program evaluation to demonstrate statewide progress and the need for state funds.

56208. Advisory Committee.

Each EOPS program shall have an Advisory Committee appointed by the president of the college upon recommendation of the EOPS Director. The purpose of the advisory committee is to assist the college in developing and maintaining effective extended opportunity programs and services. The term of each committee member shall be for two years, July of the year of appointment to June 30 of the second succeeding year. Members may serve more than one term. The committee shall consist of no fewer members than the members of the local Board of Trustees. Members shall serve without compensation. Members may be reimbursed for necessary expenses incurred in performing their duties. The Advisory Committee should include representation from college personnel, EOPS students, local or feeder high schools, community and business sector, and four-year colleges where possible. The Advisory Committee shall meet at least once during each academic year.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

In order to operate effectively and in the best interest of the EOPS Program, the advisory committee should be representative of the people with whom EOPS staff and students are in contact on a regular basis. Regulations require that the committee meet at least once each academic year. To be effective, we recommend that the committee meet twice or more during that time. Travel costs incurred by an advisory committee member related to their function as a committee member may be paid for out of EOPS funds.

DOCUMENTATION:

Advisory committee meeting minutes are recommended. It is in your best interest to maintain minutes of committee meetings, as a means to measure actual committee activities and effectiveness. Minutes may be utilized to verify to interested parties including auditors that the committee met at least once during the academic year. Colleges are no longer required on an annual basis to submit minutes from their advisory committee meeting or to provide a list identifying each member of the committee and their affiliations; however, such information should be available for on-site program reviews and auditors

562l0.   Comparable Level of Services.

> *Beginning with the l987-88 academic year and every year thereafter, the college shall maintain the same dollar level of services supported with non-EOPS funds as the average reported in its final budget report in the previous three academic years. At a minimum, this amount shall equal the three year average or l5% of the average EOPS allocation to that college for the same three base years, whichever is greater. The Chancellor may approve reductions in the required amount if enrollments in the EOPS program decline.*

> *NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.*

IMPLEMENTATION:

The Chancellor's Office defines District Contribution as general and vocational education fund expenditures for personnel, discretionary items and financial support that are "above, beyond and in addition to" general services or functions which benefit the college's EOPS Program. Any service or function that is considered district contribution must be included in and approved as part of your program plan and also reported in your EOPS Budget and Accounting Form (A-1 Budget Report). In addition, college staff functions that are considered district contribution must be "above, beyond and in addition to" general campus functions and those EOPS functions must be either directly supervised by the EOPS Director or accountable to the EOPS Director. More specifically, a formal reporting relationship must exist between any staff providing a district contribution function to the EOPS program and the EOPS Director.

District contribution will be calculated by averaging the amount of non-EOPS funds utilized in salaries and benefits of EOPS supportive staff, along with contributions toward discretionary costs incurred in the operation of the program for the past three academic years. District funds provided as direct aid to EOPS students in the form of grants, loans, or work-study are <u>not</u> included in calculations of district contributions. The reason for this is that these funds are available to all financially needy students and are not specifically earmarked for EOPS students. District contributions should not include college administrative support costs as defined in Section 56296 or indirect costs, e.g., heat, lights, power, janitorial service, phone equipment.

When the Chancellor's Office has determined the amount of the minimum obligation toward district contribution, the college will be notified in writing. If, after calculating the college's funding obligation based on the procedures in this section, the obligation is found to be less than the EOPS Director's salary and benefits, the district will still be required to pay the director's full salary and benefits.

Article 2.   Student Eligibility and Responsibility

56220. Eligibility for Programs and Services.

To receive programs and services authorized by this chapter, a student must:

(a)   be a resident of California pursuant to the provisions of Part 4l commencing with Section 68000 of the Education Code.

(b)   be enrolled full-time when accepted into the EOPS Program. The EOPS Director may authorize up to l0% of EOPS students accepted to be enrolled for 9 units.

(c)   not have completed more than 70 units of degree applicable credit course work in any combination of post secondary higher education institutions.

(d)   qualify to receive a Board of Governors Grant pursuant to Section 58620 (1) or (2).

(e)   be educationally disadvantaged as determined by the EOPS Director or designee. In making that determination, the EOPS Director shall consider one or more of the following factors:

(1)   not qualified at the college of attendance for enrollment into the minimum level English or mathematics course that is applicable to the associate degree.

(2)   not have graduated from high school or obtained the General Education Diploma (G.E.D).

(3)   graduated from high school with a grade point average below 2.50 on a 4.00 scale.

(4)   been previously enrolled in remedial education.

(5)   other factors set forth in the district's plan submitted to the Chancellor pursuant to Section 56270 of this part.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

(a)   <u>California residence</u> requirements include the following:

Section 68017 of the California Education Code requires a student to have established residence "in the state for more than one year immediately preceding the residence determination date." Although both the Board of Governors Fee Waiver application (BOGFW) and the Free Application for Federal Student Aid (FAFSA) application include a statement designed to certify state residency, it should not conflict with the residence status determined by the Admissions and Records Office.

A student who is California Dream Act eligible, as determined by the college, meets the requirements of 56220(a).

DOCUMENTATION:

Verification of state residency for EOPS applicants is determined by Admissions and Records where documentation is on file. If the student is required to pay out of state tuition for the current term, he or she is not a California resident and not eligible for the EOPS Program. If a student has been determined to be a California resident and the Admissions and Records Office at a later date changes his/her residency status, that student is no longer eligible for EOPS, nor counted as "served".

IMPLEMENTATION:

(b) <u>Full-time enrollment</u> requirements, (see Section 56202 "Full-Time student") also includes the following:

When determining a student's enrollment status, all units are counted, e.g., if a student enrolls in 3 units of remedial education, 3 units of ESL, and 6 units of degree applicable course work, the student is considered full-time (12 units). A student who is accepted into the program in the appropriate number of units (12 or more for full-time, and 9-11.5 for part-time), and who then drops below 9 units may still receive services and may be counted as an eligible EOPS student for reporting purposes. EOPS students may drop to 6 units, and continue to receive EOPS and/or other financial aid, in keeping with the policies of the financial aid office. In addition, if the student is on financial aid probation, and that policy differs from college academic probation, the student may continue to receive EOPS grant funds as deemed appropriate by the EOPS Director.

DOCUMENTATION:

A student's enrollment status should be determined at the time he/she is accepted into the program, and may not be changed in MIS within the same reporting year. For example, a new EOPS student accepted at 12 units will be reported at 12 units for that initial academic year even if the student drops to 9 units within two months after acceptance. The number of eligible students accepted into the program enrolled part-time (i.e., 9-11.5 units) may not exceed 10% of the program's total new and continuing eligible population for that same academic year. For example, if a student is admitted into the program when enrolled in 9-11.5 units, that student's status may not be changed to full-time for MIS reporting purposes for that year, even if he/she subsequently enrolled in 12 or more units that same academic year. Similarly, students who are accepted into the program as full-time, but who subsequently enroll in less than 12 units within the same academic year should be reported as full-time for that year. REMEMBER: Students must continue to adhere to their Educational Plans, and any program changes must be approved by an EOPS counselor.

IMPLEMENTATION:

(c) <u>not have completed more than 70 degree applicable units</u> includes the following requirements:

A student may not be accepted into the EOPS Program if they have completed more than 70-degree applicable college units, even if they are in a Chancellor's Office-approved high unit major. All degree applicable credit units earned at <u>any college</u>, including units earned during summer sessions, must be counted toward the 70-unit limit. In addition, students who have been issued a foreign degree are not to be considered EOPS eligible, unless the community college does not accept any or all of that degree as equivalent to college credit. If the college of attendance accepts the units in question toward the completion of any degree requirements offered, then those designated units must be included in computation of units toward the 70 unit restriction for EOPS eligibility. More specifically, the term "degree applicable" does not include basic skills, remedial ESL courses unless those courses can be utilized toward meeting <u>any</u> degree unit requirements. Also, this sub-section defines <u>any and all</u> degree applicable units to include those units completed, even when a student changes his/her major or educational goal. Remember, it is the unit restriction which prohibits acceptance into the program, which is different than the limit of 70 units <u>after</u> acceptance into the program.

The program may have a policy limiting the number of units completed to less than 70 for eligibility purposes, but not one for allowing more. A written policy may be appropriate and included as part of your EOPS consumer information.

DOCUMENTATION:

Transcripts maintained and received by the college Admissions and Records Office should be utilized to verify the number of degree applicable units at the time of acceptance into the EOPS Program. The Chancellor's Office staff will accept the designation of units determined by the college's authorized policy of evaluation for degree level course work. The college catalog should assist EOPS staff in determining degree applicable units; however, please refer any question you may have to your college staff person assigned to course evaluation or articulation functions.

Unofficial transcripts are allowable to verify students' eligibility for EOPS if the college of attendance does not require official transcripts at the time of a student's initial enrollment. If official transcripts, subsequently submitted to the college for evaluation for a certificate or degree, indicate that a student was not eligible for EOPS at the time of acceptance, then EOPS must immediately exit the student and cannot report the student as served in MIS. If necessary, EOPS should make the appropriate corrections to prior year MIS data. The college must also correct the local student information system and make other changes to local records so that the student is no longer flagged as an EOPS student (or on any EOPS students served "list").

If the college requires official transcripts at enrollment from all transferring students and/or students who previously attended other postsecondary higher education institutions, then EOPS may not rely on unofficial transcripts alone to verify that students have no more than 70 degree-applicable units at the time of acceptance into EOPS. For colleges that require official transcripts, the EOPS program, may "conditionally" accept a student into EOPS. EOPS services, including priority registration, orientation, counseling, textbooks and grants (based on unmet need), may be provided to a conditionally-accepted EOPS student. However, it must be understood by the student at the time s/he applies to EOPS that official transcripts will be submitted to the college within a reasonable amount of time (i.e. in most cases, by the end of the term) to confirm EOPS eligibility. If official transcripts are not submitted to the college, then the EOPS program must exit the student and cannot count the student as served in MIS. The EOPS program should ensure students in these cases are not "flagged" as EOPS in their local records or student information systems.

IMPLEMENTATION:

(d) qualify for a Board of Governors Grant (BOGFW) under Method A or B or C with $0 Expected Family Contribution (EFC):

There are three different ways an EOPS applicant may be determined eligible using Board of Governors Grant (BOGFW) criteria:

Method A

A student is eligible if, at the time of enrollment, he or she receives public assistance and specifically is a recipient of one of the following benefits:

1. TANF or CalWORKs program (formally the AFDC program)
2. Supplemental Security Income (SSI) program or State Supplemental Program (SSP)
3. General Assistance program (GA)

DOCUMENTATION:

Method A: Documentation verifying the receipt of public assistance benefits must be provided as required by your local college policy concerning the BOGFW-Program. However, acceptable documentation may include but not be limited to the following:

TANF or SSI recipients may provide:

♦   Medi-Cal Card with the appropriate agency code, indicating service for TANF or SSI, issued in the student's name (or the parent's name) for the same month in which the BOGFW-or EOPS application is filed or one calendar month before; or

♦   TANF or SSI Warrant or check issued in the student's name (or the parent's name) for the same month in which the EOPS or BOGFW-application is filed or one calendar month before; or

♦   Agency Certification or Untaxed Income Verification Form: This form may be obtained from the Financial Aid office and must be completed by the Welfare Office/Social Services or Social Security Office.

General Assistance recipients may provide:

♦ Agency Certification or Untaxed Income Verification Form: This form may be obtained from the Financial Aid Office, and must be completed by the Welfare Office or Social Services.

♦ (Please note that it is possible to use other documentation that is agreed upon between your community college/district and the local County Social Services or Welfare Office. Ask the Financial Aid Office for details.)

Method B
A student is eligible if he or she is:

1. A single and independent student having no other dependents and whose total income in the prior year was equal to or less than 150% of the US Department of Health and Human Services Poverty Guidelines for a family of one; or
2. A married, independent student or an independent student in a registered domestic partnership, having no dependents other than a spouse or registered domestic partner, whose total income of the student and/or the student's spouse or registered domestic partner in the prior year was equal to or less for a family of two; or
3. A student who is dependent, married, registered domestic partner, or a single head of household, in a family having a total income in the prior year of equal to or less than 150% of the US Department of Health and Human Services Poverty Guidelines for a family of that size, not including the student's income, but including the student in the family size; or
4. A student of whom the college's Financial Aid Office determined the student to have a zero Expected Family Contribution (EFC).

Professional Judgment

The EOPS Director staff should refer students to the Financial Aid Office for consideration of professional judgment if the EOPS Director believes the referral is warranted because the student's financial situation, dependency status, or other circumstances have changed and the student would be best served by the referral. A professional judgment may be used as determination the student's eligibility for all types of financial assistance including Part B, BOGFW eligibility. The determination of professional judgment and the maintenance of supporting documentation continue to remain a function of the Financial Aid Office. As a result, the EOPS Program should collaborate with the Financial Aid office to facilitate this service.

Income Standards

Please reference the Board of Governors Fee Waiver Program Manual for updated income standard available on the Chancellor's Office Financial Aid website: http://www.cccco.edu/divisions/ss/financial_assist/attachments or contact your Financial Aid Office.

DOCUMENTATION:

Documentation required to verify taxable and/or untaxed income must be provided in accordance with the Financial Aid Office policy of the college of attendance. Financial Aid procedures generally require the verification of income based upon the 1040 Federal Tax Form or the Certification of Non-Filing of Taxes through Income Certification or Untaxed Income Verification forms. Students accepted in the EOPS Program are given two (2) months to obtain this information and/or documentation and provide it to the Financial Aid office. EOPS staff should not collect income documentation. This is the responsibility of the Financial Aid office staff.

After a student receives a BOGFW and the student's fees are waived, the EOPS Office should assist the student in their responsibility for having the minimum documentation required by your respective campus policy for financial aid income verification to be on file on campus after the two month grace period. If the Financial Aid Office requires no more than self-certification, the self-certification will be sufficient for EOPS. The FAFSA application should be on file in the Financial Aid Office for students receiving Part C funds. If, for some reason a student has a completed financial aid file and meets BOGFW eligibility criteria for Method A or B, the information in the file in the Financial Aid office may be used in lieu of a BOGFW application. Please be aware that in the event of an EOPS validation, for those colleges who practice self-certification, students may be required to provide income documentation at the time of the validation review. Certification statements are included on both the BOGFW and FAFSA application which stipulate "if asked by an authorized official, I agree to give proof of the information that I have given on this form."

Please note that students who qualify for a Board of Governors Fee Waiver (BOGFW) under Method C (indicating the student has completed an FAFSA and determined to have an unmet need of at least one dollar) may be considered EOPS eligible providing the student meets the criteria outlined for Method A or B. EOPS staff in conjunction with Financial Aid staff should review the student's income and determine if the student meets the criteria outline in Method A or B, and document the student's EOPS file accordingly. In addition, if a financial aid program moves to anything less than 100% verification of student records, EOPS will not be expected to collect income-related documentation for any students whose files are not selected or not included in the verification process identified by the Federal Department of Education or EOPS Validation process.

A student who has been determined eligible for Board of Governors Fee Waiver (BOGFW) and subsequently determined to be ineligible for a BOGFW in the next academic year or term, continues to be eligible for EOPS services within the specified eligibility limitations, e.g., 6 consecutive semesters or 70 degree applicable units. However, this is policy is not applicable if the student supplied false information or is determined to be a non-California resident at a later date; or at a later determined not to have met the EOPS eligibility requirement at the time of acceptance into the program. The student should be exited from the program.

IMPLEMENTATION:

(e) educational disadvantaged requirements include the following:

A student is educationally disadvantaged if:
1. he/she does not qualify for the minimum level English or Mathematics course work applicable to an associate degree at the college of attendance (i.e. English Composition or Algebra); or
2. he/she did not graduate from high school, did not pass the California High School Exit Exam (CAHSEE) or obtain the general Education Diploma (GED) or Proficiency Certificate; or
3. he/she graduated from high school with a grade point average below 2.50 on a 4.00 scale; or
4. he/she was previously enrolled in remedial education courses in high school or college; or
5. he/she meets other factors as set forth in accordance with the district's approved program plan.

Criteria #5 may be considered for eligibility determination only if the student does not meet one of the first four criteria. College may choose not to use any factors in #5. If colleges choose to not use #5 or only part of #5, they need to have a written policy to such, and all students must be treated equitably.

To date, the only factors approved by the Chancellor's Office for criteria #5 are:
    A.   The student is a first generation college student (neither parent has successfully attended college); or
    B.   The student is a member of an underrepresented group targeted by district/college student equity goals; or
    C.   The primary language spoken in the student's home is/was non-English.
    D.   The student is a current or former foster youth.

An EOPS applicant needs only to meet one of the five criteria to be considered educationally disadvantaged. *"It is the intent and purpose of the Legislature in establishing the California Community College Extended Opportunity Programs and Services (EOPS) to encourage local community colleges to establish and implement programs directed to identifying those students affected by language, social, and economic handicaps."*

Services during the Summer Term

In order for the EOPS Program to provide services to EOPS students including book voucher, parking permit, transportation passes, food vouchers and other services, the EOPS staff and counselors must be available to provide services and assistance to the students during the summer term.

For Criteria #1,-EOPS staff should rely on the college's required use of multiple measures when it uses an English, Mathematics, or ESL assessment test for placement. If, for example, English 1A is required for the Associate degree and English 100 (which is one level below English 1A) can be used as an elective (i.e. is degree-applicable), then a new student would have to place one level below English 100 to meet this particular educational disadvantaged criteria as it applies to minimum level English. If the results of one measure place the student below minimum level English or math applicable to the Associate degree, then the EOPS program may use that assessment as the educational disadvantaged factor.

For Criteria #2 & #3, documentation may be transcripts from high school or other educational institutions (i.e. Adult Education, Correctional Institutions, and Armed Forces). If the information is not available, it is the responsibility of the EOPS Office to obtain a copy of high school transcripts or adequate documentation from another official source (college admissions application or certification of education level) in order to document a student's eligibility for Criteria #2 and #3.

For Criteria #4 Staff must have a copy of high school or other educational institution transcripts to document student enrollment in previous remedial education courses. This documentation must be in the student's EOPS file or available through other resources on campus.

Note: for those students whose high school records are unavailable (e.g., refugees or re-entry students), self-certification, along with a written explanation and EOPS Director's sign-off, is acceptable.

Criteria #5 should be used only in exceptional cases. Directors must attempt to make a student eligible by utilizing the first four criteria before applying any situations under Criteria #5. When considering criteria #5, the EOPS Director should also consider what the student brings to the community college environment; not what would happen as a result of not qualifying for the program.

In addition, the student's file must include documentation to show how the student's eligibility was determined. When EOPS staff assesses a student's eligibility, they should be aware that a student should be in need of EOPS services which are necessary to assist them in overcoming educational barriers, not merely to provide them with grants or book services

The following are acceptable definitions for Criteria #5:
   A. Definition of First Generation College Student is neither parent has earned a Bachelor's degree. An EOPS program may adopt a policy that is more restrictive (i.e. neither parent has received an Associate degree or certificate). The student may self certify their parents level of education (i.e. parents highest level of education – grade school, high school, AA/AS, Certificate, BA/BS; post graduate).

   B. The student self certifies their ethnicity and the EOPS Director compares this to the local student equity goals to determine the underrepresented group(s) on their campus.

   C. The student may self certify that the primary language spoken in the student's home is/was non-English.

   D. The student must provide either a legal document or certification from Department of Social Services or other appropriate entity identifying them as a current or former foster youth.

56222. Student Responsibility

To remain eligible to receive programs and services, students shall:

     (a)   apply for state and/or federal financial aid pursuant to the applicable rules and procedures of the college of attendance.

     (b)   maintain academic progress towards a certificate, associate degree, or transfer goal pursuant to the academic standards established by the college of attendance applicable to all credit enrolled students.

     (c)   file an initial EOPS application and complete and adhere to a student educational plan and an EOPS mutual responsibility contract for programs and services.

     (d)   Within two months of acceptance into the EOPS program, provide income documentation from state or federal income tax forms, or public assistance documentation pursuant to Section 58620 (2) of this part, or other documentation as required for financial aid by the college of attendance.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

All students must meet the requirements specified in this section without exception. It is important to have standard procedures of application and acceptance so students know exactly what is expected of them and what their program responsibilities are. To remain eligible to receive programs and services, students shall:

Subsection (a) of 56222: apply for state and federal aid pursuant to the applicable rules and procedures of the college of attendance

IMPLEMENTATION:

While students are encouraged to apply for all local, state, and federal aid they may be eligible for, they are not required to file a FAFSA to be eligible for EOPS services. Applying for the BOGFW application meets the requirement of this section. The completion of a FAFSA or California Dream application will also satisfy this requirement.

DOCUMENTATION:

Verification must be on file in the student's EOPS file or Financial Aid file. A copy of the application does not need to be kept in the EOPS file, but must be available upon request.

Subsection (b) of 56222: maintain academic progress towards a certificate, associate degree, or transfer goal pursuant to the academic standards established by the college of attendance applicable to all credit enrolled students.

IMPLEMENTATION:

The EOPS mutual responsibility contract should indicate the importance of academic progress for individual students and that his/her continued eligibility for services is conditional upon progress toward their educational goals. A student may drop below 9 units and still be served by the program. However, a student should enroll in the Educational Plan's indicated number of units in subsequent semesters to remain in the program.

DOCUMENTATION:

Documentation for this section may include course grades or progress reports on file in the EOPS Office. Notations on the counselor or advising log in student files should indicate student progress toward the individual student's educational goal. Improvement of a student's skill level or the completion of course components or increased learning capacity may be documented in the student's file to indicate progress. This information is most important to the student for his/her personal reassurance and satisfaction. Any information concerning student progress may be useful to both the program operation and it's on going evaluation along with valuable information for the student.

Subsection (c) of 56222: file an initial EOPS application and complete and adhere to a student Educational Plan and EOPS Mutual Responsibility Contract for programs and services.

IMPLEMENTATION:

Overall, each EOPS student must make a commitment to the program and demonstrate his/her intended level of involvement by completing an EOPS application, along with meeting with a counselor and going over the rules, roles, and program responsibilities. The EOPS Director may, at his/her discretion, make the contract more or less prescriptive based upon the student's need. If a student does not adhere to the conditions of this section or the mutual responsibility contract, the director has the option of discontinuing program services. In addition, one Mutual Responsibility Contract may be used for the student's entire tenure in the program. The student's Mutual Responsibility Contract may be updated as deemed necessary by the EOPS Director.

DOCUMENTATION:

The Mutual Responsibility Contract must be signed by both the student and the EOPS Director, EOPS counselor or EOPS Para-professional and be maintained in the student's file. The Mutual Responsibility Contract should provide documentation indicating the date the student was accepted into the EOPS Program and act as the reference point for computing the limitations on eligibility. The student must be provided a copy of the Mutual Responsibility Contract.

Subsection (d) of 56222: within two months of acceptance into the EOPS Program, provide income documentation as required for financial aid by the college.

IMPLEMENTATION:

This section pertains to all EOPS students who receive services, not just those who receive direct aid. The process of obtaining income documentation from students may take weeks before a student's file may be considered complete. This section allows students to receive EOPS services first and provide financial aid resource documentation for EOPS eligibility at a later date but not to exceed two months.

DOCUMENTATION:

The documentation required to verify taxable and/or untaxed income must be provided, in accordance with the Financial Aid Office policy of the college of attendance.

56224. Eligibility for EOPS Financial Aid.

To receive EOPS financial aid a student shall:

> *(a)   be eligible for and receive programs and services pursuant to Sections 56220 and 56222 above.*
> *(b)   demonstrate financial need according to the rules and procedures established for financial aid at the college of attendance.*
> *(c)   have need for EOPS financial aid in accordance with Sections 56252 and 56254 of this Chapter.*

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

Students must meet the following requirements **each academic year** that they apply for and receive EOPS financial aid. EOPS direct aid recipients are those EOPS students recommended for an EOPS direct grant, which also may include EOPS workstudy and book grant*s*. All EOPS grant recipients must submit the required income documentation to verify the information on their FAFSA application and undergo need analysis to demonstrate financial need. The intent of this section is to administer EOPS direct aid to eligible EOPS students in a consistent and uniform manner as stipulated in the *Education Code*.

Demonstrated need is determined by utilizing standardized criteria to compute a student's available income and resources (e.g., total family contribution), to assist with meeting the cost of education and compares the amount of those available resources with the cost of attendance at your institution. Financial need is determined after a student's available resources (total family contribution) are determined and subtracted from the cost of attendance at your institution, which ultimately determines the amount of a student's unmet financial need. This process meets the requirements outlined in this section of Title 5 and reflects the basic rules and procedures established for packaging eligible students with campus based aid.

An EOPS Director must adhere to Title 5 Section 56252 (EOPS Financial Aid Standards) and 56254 (EOPS Grants and Workstudy Awards) when a recommendation to award EOPS funds is made. EOPS financial aid must be awarded for the purpose of reducing potential student loan indebtedness or to reduce unmet financial need, after Pell grants and other state, federal or institutional financial aid has been awarded to the student. EOPS financial aid must not exceed a total amount of $l,800 in any combination of EOPS grant, book grant, or workstudy, with a specific limit of $900 for grant money awarded per academic year or the amount of a student's unmet need, whichever is less.

DOCUMENTATION:

The documentation required in this section must be in accordance with policies and procedures established by the local Financial Aid Office and retained in the Financial Aid Office. Adequate documentation to demonstrate eligibility for EOPS direct aid, and may include the following examples:

- A Pell Student Aid Report (SAR) showing an eligible student aid index (PGI and/or EFC); or
- A FAFSA with a programmable PC Calculation, calculator tape, or hand calculation with supporting evidence verifying need analysis and income; or
- An award notice showing a student has been offered federal or state need-based aid in accordance with the college's financial aid awarding policy and income verification policy.

Income verification may include the following: an appropriate 1040 tax form, a certificated IRS tax account information transcript, an acknowledgment letter of Non-Filing of Income-tax, or an Untaxed Income Verification form.

56226. Limitations on Eligibility.

A student who has met the eligibility requirements of sections 56220 and 56222, and who participates without term-to-term interruption, shall continue to be eligible until the student:

(a) *has completed 70 degree applicable credit units of instruction, or, has completed six consecutive semester terms or nine quarter terms of enrollment. Time spent by the student enrolled in remedial courses, including remedial level English as a Second Language (ESL) courses, shall not be included when computing the requirements of this sub-section. The EOPS Director may waive this limitation only in cases where students are enrolled in programs which require more than 70 units, or which require prerequisites that would exceed the limitations.*

(b) *has failed to meet the terms, conditions, and follow-up provisions of the student Education Plan and/or the EOPS mutual responsibility contract.*

NOTE: Authority cited 69640, 69648.7 and 710920 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

Students may **NOT exceed** the 70-degree-applicable unit limit or exceed six primary semesters of continuous participation in EOPS and continue to receive services. Based on its current interpretation of this section, the Chancellor's Office is not requiring programs to implement a "whichever comes first" policy, i.e., "70 degree-applicable units or six EOPS semesters, *whichever comes first*." This section identifies those EOPS students who participate in the EOPS Program without term-to-term interruptions. This section also gives EOPS Directors the authority to disqualify any student from the program who is not making academic progress as required in reference to his/her education plan. "Term-to-term" interruption does NOT apply to the summer breaks. If a student drops out of school for one full semester, after being accepted into EOPS and attending at least one full semester, the six consecutive semester count begins at the time the student is again determined eligible for and is accepted into the EOPS Program. However, all previously completed degree applicable units are counted toward the 70-unit limit. All degree applicable credit units earned at any college, including units earned during summer session or any other accredited colleges, must be counted toward the 70-unit limit.

The 70 degree applicable unit/six EOPS semesters limit may be waived by the EOPS Director, in cases where the limit would be exceeded by the units required for a student's associate degree or specific transfer program, including units for prerequisites to general education courses required for achievement of that student's education goal or program. The programs/majors and Taxonomy of Programs codes that may be waived are included on the Chancellor's Office list of approved high unit majors and posted on the Chancellor's Office EOPS/CARE/CAFYES website.

The time limit associated with six consecutive semesters of enrollment may be extended or waived if a student was enrolled in remedial courses. Remedial courses should be defined by the college of attendance in their catalog or indicated in the course listings available to students and staff. If the number of units enrolled in remedial courses are 50% or more of the student's coursework in any given term, then that term is not included in calculating the six consecutive semesters.

For those students with a certified disability which prevents he/she from enrolling fulltime may exceed the six semester time limit. However, they may not exceed the 70 degree applicable unit limit. Furthermore, students with certified disability must show progress to their educational goal.

DOCUMENTATION:

The Mutual Responsibility Contract should provide documentation indicating the date the student was accepted into the EOPS Program and act as the reference point for computing the limitations on eligibility. EOPS staff should develop appropriate office procedures to track student participation and all the necessary information must be included in the EOPS student's file. If a student is close to their 70-unit limit, EOPS staff should monitor the student's progress and educational plan closely. Once official notification is received indicating the amount of completed units beyond 70, the student should be removed from the program and all services should be stopped, with the exception of the special majors. Students enrolled in a special major must have documentation as such in their files, outlining the required number of units, justifying the exception.

56228. Grandfather Provision
~~.(Not applicable at this time ending 6/89)~~
(No longer applicable)

Students who were served by EOPS prior to the effective date of this Article (10/87) and who would otherwise become ineligible may continue to be eligible for one academic year after the effective date of this Article.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

Article 3.   Program Standards

IMPLEMENTATION:

The intent of Article 3 is to provide the framework and program structure in which EOPS Programs may operate. Colleges may request a written waiver, as stipulated in Section 5620l, submitted by the district Superintendent/Chancellor setting forth detailed information including the rationale necessary to indicate to what extent problems would result if the waiver request was denied, and how service to eligible students would be maintained.

DOCUMENTATION:

If you cannot meet all of the minimum program standard requirements in Article 3 or any specific section of Article 3, YOU MUST SUBMIT A WAIVER REQUEST as included on page one of the annual EOPS program plan. If you do not submit a formal waiver request, your college's EOPS Program will be held accountable for the entire text of Article 3.

56230. Full-Time EOPS Director.

Each college receiving EOPS funds shall employ a full-time EOPS director to directly manage and/or coordinate the daily operation of the programs and services offered, and to supervise and/or coordinate the staff assigned to perform EOPS activities. Colleges having less than full-time EOPS director positions may continue such positions upon approval of the Chancellor. The Chancellor shall consider the number of students served, the size of the EOPS budget, and the scope and level of services offered when approving requests for less than full-time EOPS director positions.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference:
Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

(a) This provision is necessary to establish and articulate the importance of full-time direction and supervision of EOPS program activities and services. Colleges must request waivers from the Chancellor's Office prior to initiating any change in the EOPS Director's position. Waiver requests must be submitted and approved each fiscal year to be valid.

DOCUMENTATION:

In order to receive a waiver for a less than full-time director, a college or district must submit a waiver request which meets the following conditions and standards:

A waiver for Section 56230, Full-Time Director, will be considered for approval if the college and/or the EOPS program meet one of the four criteria described below:

1. The program must meet both of the following characteristics:

    (a) Served less than 500 EOPS students in the most recent academic year for which final year-end data have been submitted to the Chancellor's Office; ***and***
    (b) Received an EOPS allocation of less than $500,000 for the academic year prior to the year for which the waiver is being considered.

    OR

2. The EOPS Program has a full-time assistant director or coordinator position that is assigned full-time to EOPS/CARE that reports to the EOPS director, and the job duties and responsibilities are clearly designated as the position that administers the program in conjunction with, or in the absence of a full-time director. If the part-time director is assigned to EOPS/CARE for <u>less than 50%</u> of his/her time, then the assistant director or coordinator position <u>must be</u> certificated.

56232. Outreach, Orientation, and Registration Services.

Each college receiving EOPS funds shall provide access services to identify EOPS eligible students and facilitate their enrollment in the college. Access services shall include at minimum:

(a) *outreach and recruitment to increase the number of potential EOPS eligible students who enroll at the college.*

(b) *orientation to familiarize EOPS eligible students with: the location and function of college and EOPS programs and services; the college catalog, application, and registration process, with emphasis on academic and grading standards, college terminology (e.g., grade points, units), course add and drop procedures and related rules; financial aid application procedures; and transfer procedures to four-year institutions.*

(c) *registration assistance for priority enrollment pursuant to Section 58l08 of this Part.*

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

a. Outreach and recruitment efforts may include services, such as, Summer Bridge, readiness, and extension programs that are provided to elementary and secondary students to assist in achieving statewide student equity goals.

b. Matriculation minimum standards very closely parallel the standards outlined in this section. You should become familiar with your college's matriculation plan, and work to ensure that what you are providing EOPS students is **"above and beyond"** and in addition to those activities and services that are the responsibility of the college.

c. EOPS Programs should provide early registration for all of its students. Early registration is allowed as stated in Title 5 (Reference Section 58l08). EOPS must provide priority registration if it is providing outreach and recruitment services. Priority registration should NOT be limited to just new EOPS students. If all students on your campus are virtually guaranteed access to the courses of their choice, priority registration may not be necessary. In this case, a decision should be made that is in the best interests of your EOPS students.

Note that policy adopted by the local Board of Trustees takes precedence as established by the Education Code. A waiver for this sub-section will be granted if the local Board policy specifically, does not allow priority registration for **any** student.

    (a)   Outreach and Recruitment. NO waiver available at this time.

    (b)   Orientation. The program must provide one or more orientation sessions specifically for EOPS-eligible students that cover all of the topics specified in this sub-section 56232 (b).

    (c)   Registration Assistance for Priority Enrollment. The college must provide services which allow EOPS eligible students the ability to enroll in the courses and/or sections recommended by their EOPS counselor(s) and which appear on the education plan developed with the counselor. Quantitative data may be requested by the Chancellor to substantiate waiving this service.

56234. Assessments.

Each college receiving EOPS funds shall assess EOPS eligible students using instruments and methods which the college president certifies are reliable, valid, and appropriate for students being assessed and for the purpose of the assessment. All assessment results which make use of standardized scoring shall be explained and interpreted to EOPS students by counselors trained in the use and meaning of such assessments. Assessments shall, at minimum, include:

       (a)   *course and placement tests in reading, comprehension, vocabulary, writing, and computations.*

       (b)   *diagnostic tests to determine the specific academic skill deficiencies in areas in which placement tests indicate that the student has a low probability of success in degree applicable courses as defined by college policies.*

       (c)   *study skill assessment which determines how well the student is able to take lecture notes, outline written material, use library services, and use effective study techniques.*

       (d)   *support service assessment which determines what services the student may need to attend regularly and participate in campus life (such as the need for financial aid, child care, part-time employment, or extra-curricular pursuits).*

       (e)   *assessment instruments that are not culturally or linguistically biased.*

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

This section provides direction concerning the program services which involve assessment. The intent of this section is to provide the frame work for a minimum program structure in which assessment may take place and the process in which the EOPS Programs may operate assessment services. At minimum, EOPS Programs have an obligation to provide all the assessments listed in this section. However, if the EOPS Program and the college are unable to provide for one or more of the assessments outlined in this section, a waiver must be requested.

In addition, the "assessment instruments, methods or procedures" used must be in compliance with the definition of multiple measures as defined in Title 5, section 55502(i): "Multiple measures are a required component of a district's assessment system and refer to the use of more than one assessment measure in order to assess the student. Other measures that may comprise multiple measures include, but are not limited to, interviews, holistic scoring processes, attitude surveys, vocational or career aptitude and interest inventories, high school or college transcripts, specialized certificates or licenses, education and employment histories, and military training and experience."

DOCUMENTATION:

Documentation of assessment services should be noted in the files of each EOPS eligible student served or accessible on computer. A student's assessment information is extremely important in developing an effective education plan, the student's educational disadvantage status, and documenting progress. EOPS staff may rely on assessment scores obtained by other departments or offices on campus, as long as the scores are available on campus. Prior assessment information may also be utilized if the information is on file at the college of attendance and considered up-to-date by campus standards. However, new students who are in need of assessment and placement information must receive assessment services as stipulated and outlined in this section to insure compliance.

If your college or district fails to submit a waiver, the EOPS Program will be held accountable for providing assessment services as required in this section.

If the college process provides the assessments required in this section, it is not necessary to request a waiver. However, if the EOPS program and the college do not provide one or more of the assessments, colleges need to request a waiver.

56236. Counseling and Advisement.

Each college receiving EOPS funds shall provide counseling and advisement to EOPS eligible students of at least three contact sessions per term for each student as follows:

(a)   A contact session which combines interview and other interpretation of assessment results to prepare a student's educational plan, and a mutual responsibility contract specifying what programs and services the student shall receive and what the student is expected to accomplish.

(b)   An in-term contact session to insure the student is succeeding adequately, that programs and services are being provided effectively, and to plan changes as may be needed to enhance student success.

(c)   A term-end or program exit contact session to assess the success of students in reaching the objectives of that term, the success of the programs and services provided in meeting the student's needs, and to assist students to prepare for the next term of classes, or to make future plans if students are leaving the EOPS Program or the college.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

It has been proven that students are more successful in achieving their educational goals when they have a connection with the college, other than just attending classes. Contact with EOPS staff and counselors are an integral part of the students' success.

Counseling services are key in identifying and removing educational barriers for eligible EOPS students. The intent of this section is to provide the framework for a minimum program structure in which EOPS Programs may offer necessary counseling and advisement services effectively. Colleges do not have the option of requesting a waiver for this specific section of article 3. Programs that receive funding for this area are required to **provide at least three (3) counseling and/or advising contacts per semester (two per quarter) for each student**. Not all counseling contacts have to be with a certificated counselor, however, at least two (2) contacts each semester must be with a certificated counselor, particularly for developing and updating an education plan with a student. Peer-advisors and para-professionals may provide follow-up contacts and preliminary progress checks to eligible EOPS students along with informal advising. For those programs operating on the quarter system, they should provide at least two contacts per term, for a total of six for the year.

 For those colleges operating the EOPS Program during the summer term and/or winter session, students must be provided at least one contact with a certificated counselor for the term/session.

The Chancellor's Office will not impose a specific window of time for when the first mandatory counseling contact may occur prior to the first day of the term and when the third mandatory counseling contact may occur after the end of the term. However, the first and third counseling contacts should not cross over from one semester into another semester. For example, the first mandatory counseling contact of the fall 2016 term should not take place during the spring 2016 term.

For the purpose of addressing the mandatory counseling/advising contacts, the following are not to be used: general orientation sessions, workshops, scheduling appointments, release of vouchers, mail correspondence, and any other activities that do not comply with a, b, and c, above.

The EOPS program on your campus should not duplicate college counseling efforts; however, counseling services provided by the college should be available to all students, including EOPS students.

For those students taking distance education courses in which the proximity of the student's residence in relation to the EOPS Office prevents in person contacts with the counselor, the EOPS program may choose to provide counseling in another format other than face-to-face, such as documented telephone conversations, online contact, email, or teleconference, but not by correspondence through the US mail, FedEx, etc.

IMPLEMENTATION:

(a) a contact session which combines interview and other interpretation of assessment results to prepare a student's educational plan and a mutual responsibility contract specifying what programs and services the student may receive and what the student is expected to accomplish.

DOCUMENTATION:

All counseling and advising contacts must be documented. The student's file must have an EOPS application, Educational Plan, and mutual responsibility contract. The documentation in an EOPS student's file should have the necessary information sited above, and it should be signed by the appropriate college staff, i.e., EOPS director, EOPS counselor or regular college counselor, along with the signature of the student to whom services were provided.

The Educational Plan should address the specific needs of educationally disadvantaged students and is one of the basic foundations of over-and-above services offered by the EOPS program. The comprehensive educational plan is important to the EOPS/CARE students and should include a long-term sequence of courses to be taken and a specific timeframe for their completion. It is not just a list of standard course requirement. **To be optimally beneficial to EOPS students, the Educational Plan should include a sequenced road map of all courses agreed upon by both the student and counselor necessary to meet the student's educational needs and goals.**

This first contact each term with a certificated counselor is to create, review and/or revise the student's educational plan. The plan should offer students a visual timeline of required coursework needed to complete their individualized educational goals, including certificate, associate degree, transfer objective, or a combination of any of the above. A student's Educational Plan may be completed in the Counseling Center, Disabled Student Services Office or elsewhere on campus, with a copy must be maintained in the EOPS Office.

This contact should also include reviewing the Mutual Responsibility Contract. See Section 56204 for more details pertaining to the Educational Plan and Mutual Responsibility Contract.

IMPLEMENTATION:

(b) an in-term contact session to insure the student is succeeding adequately, that programs and services are being provided effectively, and to plan changes as may be needed to enhance student success.

DOCUMENTATION:

All counseling and advising contacts must be documented. The student's counseling file should indicate a notation description of what transpired during an in-term contact session, the services provided, track student progress, and the need to change goals or plans. If the student is succeeding adequately and appears to have no challenges that need to be addressed, peer advisors or paraprofessional may provide this contact. Peer-advisors

and paraprofessionals may provide follow-up contacts and preliminary progress checks to eligible EOPS students along with informal advising, under the supervision of an EOPS counselor.

IMPLEMENTATION:

   (c)   a term-end or program exit contact session to assess the success of students in reaching the objectives of that term, the success of the programs and services provided in meeting student needs, and to assist students to prepare for the next term of classes, or to make future plans if students are leaving the EOPS program or the college.

DOCUMENTATION:

All counseling and advising contacts must be documented. A term-end or program exit counseling contact session *is* necessary to assess the success of students in reaching the objectives of that term. To provide assistance to help them prepare for the next term of classes, or make future plans if they are leaving the program or the college.

The quality of all EOPS services is dependent upon adequate documentation of counseling or advisement provided by your program staff. If there is poor accountability concerning counseling services, then one cannot adequately track the quality of services provided, nor can staff effectively track individual EOPS student's progress.

56238. Basic Skills Instruction and Tutoring Services.

Colleges receiving EOPS funds shall provide basic skills instruction and tutoring services to EOPS eligible students who, on the basis of assessments and counseling, need such services to succeed in reaching their educational goals.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

EOPS Basic skills instruction and tutoring services are an integral part of retention program services for eligible EOPS students. If an EOPS student, on the basis of assessments and counseling, is determined to be in need of special services, then EOPS Programs are obligated to provide such services.

If EOPS is providing a basic skill course for EOPS students, and the class is generating FTES for the college, EOPS may NOT pay for the instructor's time. If FTES does not cover the entire cost of providing the class, EOPS may pay for the difference. In addition, EOPS may pay for in-class tutoring time provided to EOPS eligible students.

If the college provides tutoring services to all enrolled students, then the EOPS program should be working toward providing those services at a level that is considered to be "above and beyond" services available to the general population. A good example of providing "above and beyond" may be tutoring services provided for EOPS eligible student that includes a 1-to-3 tutor-student ratio with unlimited hours of access per week, and the college tutoring services are limited to 2 hours per week and offered only on a group basis.

DOCUMENTATION:

Programs may utilize basic skills course lists to document attendance of EOPS students or individual class schedules. Sign-in sheets or tutors time sheets indicating to whom and when services were rendered may be used to track tutoring services. Also, progress reports from the provider of support services may prove to be extremely helpful. Such documentation is important in evaluating the effectiveness of services and also to determine if and when students actually receive these special services.

In order to receive a waiver for any section of basic skills instruction or tutorial services, your college or district must submit a waiver request through the annual EOPS program plan that meets the conditions and standards in accordance with approved waiver criteria as stated below:

> It is recommended that a waiver be granted if the EOPS program can document that the tutoring and/or basic skills instruction needed by EOPS students is provided by the overall college basic skills instruction or tutoring program at a level which meets the special needs EOPS eligible students.

56240. Transfer and Career Employment Services.

Colleges receiving EOPS funds shall provide assistance to EOPS eligible students to transfer to four-year institutions and/or to find career employment in their field of training. Appropriate college and EOPS staff shall attempt to articulate course work and support services needed by EOPS students with four-year institutional staff, particularly four year institutional staff who are responsible for programs and services that are similar to EOPS.

NOTE: Authority cited: Sections 69648,69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

Implementation of these transitional services is critical to the effectiveness of the EOPS program on your campus and meeting EOPS student educational goals. If a Transfer Center is available on campus, EOPS should not duplicate the center's services; however, EOPS should coordinate its activities with that of the Transfer Center to provide "above and beyond" services to EOPS students. The same can be said for career employment transition services. If neither transfer nor career employment services are available on campus, EOPS should provide both, or submit a waiver request indicating services in one area. If one of the services is available on campus, EOPS need only provide the other services and submit a waiver request for the service it does not intend to administer.

A waiver may be granted if the college certifies that existing non-EOPS-funded services meet the needs of EOPS students. Quantitative data may be requested by the Chancellor to substantiate the waiver request.

DOCUMENTATION:

All significant program services provided to, or contacts made with eligible EOPS students, especially concerning transfer and career employment services, should be documented. These services may be provided during the term-end or program exit counseling contact session.

EOPS Program staff may also keep sign-in sheets of workshops, presentations or special events including tours EOPS conducted in these specific program service areas. Other tangible proof may take the form of newsletters or flyers which indicate special programs that are offered by EOPS to provide transfer assistance or career employment services on specific dates and times along with proof of attendance by eligible EOPS students.

In order to receive a waiver for any section of transfer and career employment services, your college or district should submit a waiver request through the annual EOPS program plan that meets the following conditions and standards:

It is recommended that a waiver be granted if one or both of the services (transfer or career employment) are adequately provided by the college.

Article 4. EOPS Financial Aid Standards

56252. Purpose.

Financial assistance in the form of EOPS grants and workstudy shall be awarded in accordance with the provisions of this Article to EOPS eligible students for the purpose of reducing potential student loan indebtedness, or to reduce unmet financial need, after PELL grants and other state, federal, or institutional financial aid has been awarded to the student.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

EOPS Grants and workstudy are to be awarded after PELL grants and other state, federal, and institutional financial aid and should be awarded for the purpose of reducing potential student loan indebtedness, or to reduce unmet financial need. CARE grants are to be awarded after EOPS grants.

Book grants (object code 7000, part c) are awarded in this manner. However, if you have a Book services program, and the funding source is Object Code 7000, Part B, books may be provided to students without regard to financial aid packaging. You must notify your Financial Aid Office when EOPS students receive book services, since books are considered a resource and part of the cost of education (e.g., student budget) and may cause an adjustment in the student's financial budget or cost of education.

DOCUMENTATION:

The financial award policy should be in writing and included in the Financial Aid Handbook or Consumer Guide. The financial aid award letters for EOPS grant recipients should provide proof of how the policy works in accordance with this section and also how it works in a consistent manner.

56254. EOPS Grants and Workstudy Awards.

(a)   *Grants may be awarded in an amount not to exceed $900 per academic year, or the amount of a student's unmet need, whichever is less.*

(b)   *Workstudy awards shall not exceed $1,800 per academic year, or the amount of a student's unmet need, whichever is less. Contracts with private industry may be utilized to place EOPS workstudy students.*

(c)   *No combination of EOPS grant and workstudy awards may exceed $1,800 or exceed the amount of a student's unmet need whichever is less in an academic year.*

(d)   *EOPS grants shall be disbursed to each student equally among terms in the college academic year.*

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

EOPS Financial Aid must not exceed $1,800 in any combination of EOPS grant or workstudy, with a limit of $900 for direct grant money awarded per academic year or the amount of a student's unmet need, whichever is less. There is a limit of $1,800 for EOPS workstudy awards or the amount of a student's unmet need, whichever is less. The EOPS book service program (Category B) is not included in the $900 grant limit and the $1800 workstudy limit.   However, if the EOPS program provides the student with a grant to purchase books, this amount must be included in the $900 grant limit. EOPS Grants shall be disbursed equally among terms, during the academic year. This means that a student should not receive his/hers EOPS grant all in one award or all at once. EOPS workstudy awards do not have to be distributed evenly among terms; this section applies to EOPS grants only.

EOPS Directors in coordination with the Financial Aid Office may develop a system where EOPS staff recommends the amount of the EOPS grant (whenever possible to reduce potential loan indebtedness, or unmet need), and the Financial Aid Office determines the disbursement level and date, in line with other aid program disbursements scheduled throughout the academic year. The $1,800 limit on workstudy and workstudy plus grants applies to EOPS funds only, and does not apply to the awarding of additional college workstudy moneys.

An EOPS Director may NOT award an entire year's EOPS grant amount in a single semester, unless a student is eligible to be awarded at the end of the academic year. For awarding purposes, a student's unmet need is normally determined by financial aid personnel, NOT by EOPS.

Although students may be served by EOPS prior to completing a financial aid file, direct financial aid through either the Financial Aid Office or EOPS is dependent upon the completion of a student's EOPS file and the completion of the student's financial aid file. If the student has provided the necessary information and documentation for EOPS eligibility and need analysis has been done, EOPS may ask for early disbursement of EOPS moneys to eligible students. In addition, EOPS moneys should be awarded AFTER all other forms of financial aid have been considered, except loans, and student eligibility should coincide with the fiscal year in which the funds are authorized to be administered.

DOCUMENTATION:

The financial award policy should be in writing and included in the Financial Aid Handbook or Consumer Guide. Financial aid award letters for EOPS grant recipients should provide proof of how the policy works in a consistent manner and in accordance with this section. An award notice showing a student has been offered federal or state need-based aid in accordance with the college's financial aid awarding policy and income verification policy will meet EOPS requirements concerning appropriate documentation for this section.

56256. Award Procedures.

(a)   *Financial aid offices shall award and disburse EOPS grant and workstudy funds according to college procedures upon the authorization of the EOPS office.*

(b)   *EOPS offices shall authorize EOPS grant and workstudy awards such that:*

    (1) Awards are distributed as evenly as possible between dependent and independent students.

    (2) Priority of awards is given to dependent or independent students having the lowest family or personal incomes, respectively.

(c)   *EOPS offices may authorize an EOPS grant to reduce packaged student employment awards on a case-by-case basis.*

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

It is important to be consistent when awarding EOPS direct grant moneys. This section of Article 4 provides direction which stipulates that the disbursement of EOPS direct grants must be done in agreement and coordination with the Financial Aid Office in a standardized manner. If a student is enrolled in between 6 and 11.5 units, the EOPS award does not have to be pro-rated; that is a policy decision that the EOPS Director may establish (if he/she deems it appropriate) in coordination with the financial aid officer. In any event, EOPS awards may be made in accordance with the agreed upon established college procedures and policies concerning awarding financial aid upon the authorization of the EOPS office. The interpretation of this statement means the EOPS Director should authorize EOPS awards to eligible EOPS students, and the Financial Aid Office should follow the established awarding policies and procedures in the packaging and the disbursement of those authorized EOPS awards.

EOPS is entirely responsible for determining who among their eligible student population will receive EOPS direct grant awards, and the amount of the award, in keeping with the criteria stated in this section. However, EOPS may not award any amount over an eligible EOPS student's unmet need as determined by the Financial Aid Office.

In prioritizing your awards for dependent and independent students, you should consider total family and personal income, respectively. Your policy should also include a section for distributing awards as evenly as possible between these two populations of students. The EOPS policy on priority in awarding grant moneys to eligible students should be available to the general student population to insure consistency and to provide staff guidance in the event of a request by an EOPS student applicant for an explanation or the possibility of a student's formal grievance or petition concerning an award adjustment.

EOPS may award a grant to a student who has dropped below 9 units as long as EOPS awarding procedures are consistent and compatible with the agreed upon established awarding policies of the financial aid office.

DOCUMENTATION:

The financial aid awarding policy should be in writing and included in either the Financial Aid Handbook/Consumer Guide or EOPS Information Guide. The financial aid award letters of EOPS grant recipients should provide sufficient proof of how the awarding policy works in a consistent manner and provide proof of compliance with this section. An award notice, showing that an EOPS student has been offered federal or state need-based aid in accordance with the college's financial aid and EOPS requirements for this section.

56258. Emergency Loans.

EOPS programs may establish an emergency loan program for EOPS students to meet unexpected or untimely costs for books, college supplies, and transportation, subject to the following provisions:

> *(a)   loans may not exceed $300 in a single academic year and must be repaid within the academic year in which the loan was made.*
>
> *(b)   loan funds shall be held in a separate account established by the district for that purpose; collected funds and interest earned shall be credited to the loan account and all loan funds may be carried over fiscal years for the life of the loan program.*
>
> *(c)   the total amount held for the loan program may not exceed three times the amount originally set aside to establish the program. Amounts in excess of this limit, or the total amount held when the program is terminated, shall be returned to the Chancellor.*

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

Although a specific section covering collection or repayment of loans was not included in Title 5 regulations, all student loan procedures must be handled in a consistent manner on each campus; this includes "due diligence" sections followed by your Business or Financial Aid Office. Funds may not be taken out of the emergency loan account for any expenditure other than for the section of an emergency loan for an eligible EOPS student. You may not use emergency loan funds to pay for any costs associated with processing or bookkeeping incurred by the college Business Office, e.g., the cost of processing loans or the collection of loan debts. However, any costs associated with the state approved COTOP Program may be allowed with the proper documentation indicating the amount collected and the state administrative cost incurred for each individual EOPS student.

DOCUMENTATION:

Emergency loan dollars carried over into the next fiscal year are to be kept separate from the new EOPS budget, and will not show up as part of the new year's Part C allocation. Any additions to the emergency loan fund, either by accrued interest or budget transfers with Part C, should not exceed three (3) times the original amount utilized originally to establish the fund.

Article 5.   Staffing Standards

56260. Staff.

EOPS shall be provided by certificated directors, instructors and counselors and other support staff employed by the governing board of the community college district. All staff funded by EOPS who are not supervised by the EOPS Director shall be accountable to the EOPS Director for services rendered to EOPS students pursuant to the approved EOPS program plan.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

This section of Title 5 requires EOPS Directors to have direct interaction with any and all staff associated with the EOPS Program; this statement also applies to staff functions considered to be funded by the district.

All staff funded by EOPS are not necessarily directly supervised by the EOPS Director. However, they must be accountable to the EOPS Director for the services they provide to EOPS students, i.e., for any EOPS specific activities they engage in. A reporting relationship must exist between any staff assigned EOPS specific duties regardless of funding, and the EOPS Director, to insure that activities paid for by EOPS are in fact EOPS specific, and that program information is readily shared. This includes District Contribution as the EOPS allocation is based in-part on the District Contribution amount submitted.

DOCUMENTATION:

Appropriate documentation of EOPS staff supervision and accountability may be accomplished through job specifications or descriptions explaining specific duties, functions and reporting responsibilities. In addition, an organizational chart for EOPS should be developed and kept up-to-date; indicating the staffing areas and levels of responsibility along with reporting functions for the entire EOPS staff which includes extended or marginal EOPS staff in the student services area.

56262. Director Qualifications. (revision July 1990)

    (a)   the EOPS Director must meet the minimum qualifications for a student services administrator as specified in Section 53420 of this part, or must possess a Community College Supervision Credential.

    (b)   In addition, an EOPS Director hired after October 24, 1987 must have, within the last four years, two years of full-time experience or the equivalent:

        (1)   in the management or administration of educational programs, community organizations, government programs, or private industry in which the applicant dealt predominantly with ethnic minorities or persons handicapped by language, social or economic disadvantages or,

        (2)   as a community college EOPS counselor or EOPS instructor, or have comparable experience in working with disadvantaged clientele.

    (c)   In addition, an EOPS director hired after October 24, 1987, shall have completed a minimum of six units of college-level course work predominantly relating to ethnic minorities or persons handicapped by educational, language or social disadvantages.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655, Education Code.

IMPLEMENTATION:

This section establishes important qualifications necessary to direct an effective program. The regulations do not state specifically what courses will be acceptable when addressing Part (c) of this section. However, when developing the specifications for an EOPS Director position, colleges should use their own good judgment in determining what course work would be appropriate beyond survey courses in **Human Behavior or Sociology**, in order to meet the needs of EOPS students and the requirements of this section. If you need further assistance, please call the Chancellor's Office. In addition, any director positions for EOPS advertised after October 24, l987, must include the minimum qualifications outlined in this section.

DOCUMENTATION:

In order to receive a waiver for any section concerning the qualifications of the EOPS Director on your campus, the college or district must submit a waiver request which meets the following conditions and standards:

Subsection (a):

    There is no waiver granted for this subsection 56262 (a). The EOPS director must possess a Community College Supervisor Credential or meet the minimum qualifications for a student services administrator as specified in Section 53420 of this part.

Subsections (b) and (c):

    A waiver may be granted for one (1) year for these subsections. After one year, all qualifications must be met or, at a minimum, "reasonable" progress must be demonstrated.

56264. Counselor Qualifications. (revision July 1990)

(a) EOPS "Counselors" are those persons designated by the community college to serve as certificated counselors in the EOPS Program and must possess a Community Counselor Credential required by Education Code Section 87274, or possess a master's degree in counseling, rehabilitation counseling, clinical psychology, counseling psychology, guidance counseling, educational counseling, social work, or career development, or the equivalent, and

(b) In addition, EOPS counselors hired after October 24, 1987, shall:

    (1) have completed a minimum of nine semester units of college course work predominantly relating to ethnic minorities or persons handicapped by language, social or economic disadvantages or

    (2) six semester units or equivalent of a college-level counseling practicum or counseling field work courses in a community college EOPS program, or in a program dealing predominantly with ethnic minorities or persons handicapped by language, social or economic disadvantages and,

(c) In addition, an EOPS counselor hired after October 24, 1987, shall have two years of occupational experience in work relating to ethnic minorities or persons handicapped by language, social or economic disadvantages.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655, Education Code.

IMPLEMENTATION:

This section established qualifications necessary to provide effective counseling services to EOPS students. These qualifications also include certain background experiences and education levels, in line with the philosophy of the EOPS Program and the degree of responsibility.

The regulations do not state what courses will be acceptable when addressing Part (b) (1) of this section. When developing the specifications for an EOPS counselor position, colleges should use their own good judgment in determining what course work would be appropriate beyond survey courses in **Human Behavior or Sociology**. Any counselor positions for EOPS advertised after October 24, l987, must include the minimum qualifications outlined in this section.

DOCUMENTATION:

In order to receive a waiver for any section concerning the qualifications of the EOPS counselor on your campus, the college or district must submit a waiver request which meets the following conditions and standards:

Sub-section (a):

    There will be no waivers granted for this subsection (a). The EOPS counselor must possess a Community College Counselor Credential or Masters degree as required by the Education Code, Section 87274.

Sub-sections (b) and (c):

    A waiver may be granted for one (1) year for these subsections. After one year, all qualifications must be met or, at a minimum, "reasonable" progress must be demonstrated.

Article 6.   Plans and Priorities

56270. Contract Plan.

(a)   *Districts wishing to participate in EOPS shall submit for approval by the Chancellor a plan which conforms to the provisions of this Chapter for each college within the district which intends to conduct an EOPS Program. A college plan approved by the Chancellor shall constitute a contract between the district which operates the college and the Chancellor. Changes to the program plan may be made only with the prior written approval of the Chancellor.*

(b)   *The Chancellor will notify in writing those districts which submit plans on or before the deadline set pursuant to Section 56274 of this part within ninety (90) days of that deadline whether the district's plan is complete and whether the plan is approved or disapproved.   If the plan is disapproved, the Chancellor will notify the district how the plan is deficient. If a district plan is disapproved, the district may resubmit the plan and the Chancellor will approve or disapprove the resubmitted plan within ninety (90) days of its receipt.*

(c)   *The chancellor's median, minimum and maximum times for approving district plans for EOPS, from the receipt of the initial plan to final approval of the plan, for fiscal years l984-85 and l985-86 are 245 days, 43 days and 6l0 days, respectively. These times may include repeated re-submissions of plans by some community college districts. The estimated time lapse from initial receipt to the first action of approval or disapproval is estimated to be 87 days.*

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

Documentation:

The EOPS Program Plan is the contract plan. The EOPS Program Plan is a contract between the District and the Chancellor's Office that delineates how EOPS funds will be expended during the fiscal year, including the number of EOPS students to be served, services to be provided to EOPS students and staffing for the EOPS program. The instructions for preparing the EOPS Plan including the forms and other reports are available on the Chancellor's Office, California Community Colleges EOPS/CARE/CAFYES website.

The EOPS Program Plan and other reports must be completed each fiscal year. The specific due dates for submitting the EOPS Program Plan and other reports are posted on the EOPS/CARE/CAFYES website.

56272. Outline.

Each plan shall address the following:

(a)   the long-term goals of the EOPS Program in supporting the goals of the college and of the goals adopted for EOPS by the Board of Governors.

(b)   the objectives of the EOPS Program to be attained in the fiscal year for which EOPS funds are allocated.

(c)   the activities to be undertaken to achieve the objectives, including how the college plans to meet the standards set forth in Articles 3, 4, and 5 of this Chapter.

(d)   an operating budget which indicates the planned expenditures of EOPS funds, and of other district funds to be used to finance EOPS activities.

(e)   the number of students to be served.

(f)   an evaluation of the results achieved in the prior year of funding.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

The annual EOPS Program Plan that is submitted to the Chancellor's Office does not include the long-term goals. Each college should have their program's long-term goals in some format for reference. These goals are to be kept by the program.

The instructions for preparing the EOPS Plan including the forms and other reports are available on the Chancellor's Office, California Community Colleges EOPS website.

56274. Deadlines.

The Chancellor's Office shall annually establish a final date for the submission of EOPS plans and shall notify districts of this date and distribute the forms for the submission of the plan not less than 90 days prior to that date. Applications and plans received after that date shall be returned to the applying district without evaluation or consideration.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

The Chancellor's Office will distribute the annual EOPS Program Plan forms each year. When the program allocations are released, the Chancellor's Office will establish the due date for submission of the plan. It will be no less than 90 days from the time the forms are distributed to the colleges.

There are no extensions to the due date.   Plans postmarked after the deadline may be returned to the district without evaluation or consideration.

The specific due dates for submitting the EOPS Program Plan and other reports are posted on the Chancellor's Office EOPS/CARE/CAFYES website.

56276. Review and Approval of District Plans.

All plans and requests for funding submitted on or before the deadline shall be reviewed and evaluated by the Chancellor. The Chancellor shall approve plans for funding in whole or in part.

NOTE: Authority Cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

This section gives the Chancellor the authority to review and evaluate all plans that are submitted on time or reject those submitted after the deadline. This section also gives the Chancellor the authority to approve plans in whole or in part.

<u>56278. *Program Evaluation by the Chancellor*.</u>

Each college having an approved plan shall participate annually in an evaluation of the effectiveness of the program which shall be conducted by the Chancellor. The annual evaluation may include on-site operational reviews, audits, and measurements of student success in achieving their educational objectives.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

The evaluation process may take three (3) different forms. However, only measurements of student success in achieving their educational goals may be required on an annual basis. The remaining two (2) forms of evaluation, i.e., Audits/Validations and Program Reviews (on-site and/or Survey) may be conducted on a six-year cycle (accreditation schedule) basis which entails conducting approximately 20 evaluations per academic year.

56280. Priorities in Serving Students.

Each plan shall incorporate the priorities of this Section in the order presented when serving students from among those who are eligible pursuant to Section 56220. The purpose of these priorities is to ensure that colleges strive to achieve and maintain a racial, ethnic, and gender composition among income eligible students served which matches the racial, ethnic, and gender composition by income group of eighteen years and above who reside in the college service area.

    (a)   Priority in outreach and recruitment services shall be directed towards correcting the greatest underrepresented among students serves. Additional priority among under-represented students shall be given to serving individuals who are the first in their family to attend college.

    (b)   priority in serving students enrolled at the college shall be:
        (1)   serving continuing EOPS students with the lowest income.
        (2)   serving continuing EOPS students with the lowest income who are transferring from another EOPS program conducted by a community college.
        (3)   serving first-time EOPS students with the lowest income.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code.   Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

Each EOPS program is encouraged to prioritize services to eligible students. When prioritizing eligible students for services, use total family or personal income [AGI = adjusted gross income]. Do not use unmet need. In addition, the EOPS director may establish priorities in outreach and recruitment services to correct under-representation among students served and to assist colleges in achieving EOPS local and/or statewide student equity goals.

Article 7. Funding and Expenditures

56290. Income and Expenditure Accountability.

Districts shall maintain separately accounts for monies provided for, and expended in, support of EOPS activities by specific line item.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655 Education Code.

IMPLEMENTATION:

All accounting procedures concerning the utilization of EOPS Program funds must be in accordance and compliance with the California Community College Budget and Accounting Manual (BAM). If you have any questions, please contact your district's Business Officer.

56292. *Adjustment After Allocations.*

The Chancellor may adjust the allocation to any college during a fiscal year for one or more of the following reasons:

      (a)   to correct over or under allocated amounts in any of the three prior fiscal years.

      (b)   to correct for over or under utilization or allocated amounts in the current fiscal year.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655, Education Code.

IMPLEMENTATION:

This section gives the Chancellor the authority to make adjustments to program allocations. In general, adjustments are made resulting from corrected approved final expenditure reports , district audit citing, Chancellor's Office validations, audits, and comprehensive program reviews.

56293. District Fiscal Responsibility and Contribution.

Districts shall insure that colleges under their jurisdiction conducting EOPS programs provide to EOPS students who need them the same programs and services the college offers to all of its credit enrolled students. The district shall fund the cost of such programs and services from resources available to it, except EOPS funds, at a rate per EOPS student that is at least equal to the average cost per student served (including EOPS students) in these programs and services. Districts accepting EOPS funds will be required to pay the salary of the EOPS director at the rate of at least 50% of salary and benefits for 1987-88 and 100% of salary and benefits for 1988-89 and every year thereafter.

NOTE: *Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655, Education Code.*

IMPLEMENTATION:

This section outlines district responsibilities concerning required fiscal contributions and college resources. Overall, districts are required to provide EOPS students with the same level of support, be it fiscal or direct services, as any other credit enrolled student. All districts have the responsibility of providing services to all matriculating students equally. In addition, it is the responsibility of EOPS programs to provide program related services in a manner that is considered to be "over-and-above, and in addition to" those services available to credit enrolled students.

This section also requires districts to pay for the EOPS director's salary and benefits. Specifically, all districts and/or colleges who accept EOPS funds are required to pay the full salary and benefits of the time that the EOPS director is assigned to EOPS/CARE; this section may not be waived. However, a waiver may be possible to allow colleges to have a part-time EOPS director. EOPS and CARE funds shall not be used to pay for any percentage of the EOPS director position.

56294. EOPS Supplemental Costs.

Colleges shall expend EOPS funds only for programs and services which are over, above, and in addition to the costs which are the district's responsibility as defined in Section 56293.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655, Education Code.

IMPLEMENTATION:

EOPS Programs are required to provide services that are considered to be "over-and-above, and in addition to" wherever EOPS and/or district contribution funds are utilized. "Over and above" services are those program services that are provided to EOPS students in a manner that is "over-and-above" in quality and/or quantity. For example, more tutoring hours may be provided over those available to non-EOPS students, or one to one tutoring sessions are available to EOPS students only rather than group tutoring.

56295. *Expenditures Allowed.*

    (a)   *Colleges may expend EOPS funds to meet the EOPS supplemental costs as defined in Section 56294 for personnel and other expenses approved in the EOPS annual plan. Expenditures for other expenses in object categories 4000 - 6000 (except for EOPS financial aid) in the Budget and Accounting Manual shall not exceed 10% of the EOPS allocation or $50,000, whichever is less.*

    (b)   *Requests to purchase computer hardware and/or software shall be approved by the district superintendent/president prior to transmittal for approval by the Chancellor.*

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655, Education Code.

IMPLEMENTATION:

This section restricts the amount of EOPS funds that may be spent on discretionary costs, those expenses charged to object codes 4000, 5000, and 6000 (except for category C expenditures). The EOPS budget cannot show planned expenditures or actual expenditures exceeding 10% of the allocation or $50,000, whichever is less.   No waivers are allowed for this section.

In addition, when purchasing computer hardware and/or software, the expenditure must receive local approval from the district superintendent/president first, and then submit the pre-approved request to the Chancellor's Office for approval. This process requires EOPS programs to coordinate the purchase of computer equipment with the campus-wide operation and to assure the compatibility of equipment and efforts.

56296. Expenditures Not Allowed.

EOPS funds shall not be expended for the following:

(a)   college administrative support costs (e.g., staff of the business office, bookstore, reproduction, staff at the dean salary level and above).

(b)   indirect costs (e.g., heat, lights, power, janitorial service)

(c)   political or professional association dues and/or contributions.

(d)   costs of furniture (chairs, desks, coat hangers, etc.)

(e)   costs of construction, remodeling, renovation, or vehicles.

(f)   travel costs other than travel costs of EOPS staff and students for EOPS activities or functions.

Except for items (a) through (c) above, waivers may be approved by the Chancellor on a case-by-case basis.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655, Education Code.

IMPLEMENTATION:

Items a, b and c cannot be waived. Items d, e, and f may be waived on a case-by-case basis. All waiver requests must be submitted in writing prior to expending monies for the costs outlined. Waivers will be granted only for expenses directly associated with EOPS functions and operations.

DOCUMENTATION:

Whenever the EOPS program would like to expend program funds for items listed in *sub-sections d, e, or f of Title 5, section 56296;* a waiver request must be submitted first to the Chancellor's Office for approval. This process requires EOPS programs to coordinate the expenditure with the Chancellor's Office to insure the compatibility with program activities and Title 5.

56297. Special Projects and Incentives.

    (a)   *The Chancellor may allocate funds for recommended special projects which seek to benefit the statewide, regional, or local conduct of EOPS programs, provided that no special project duplicates college or EOPS activities.*

    (b)   *Special projects shall be recommended by the advisory committee established pursuant to Section 69643 of the Education Code.*

    (c)   *Funding for special projects shall consist of amounts set aside for this purpose in the Governor's Budget. The Chancellor may redirect funds released pursuant to Section 56292 to fund additional special projects.*

    (d)   *Colleges which demonstrate outstanding effectiveness based upon evaluations conducted for use of special project funds or other funds which may be released pursuant to Section 56292.*

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655, Education Code.

IMPLEMENTATION:

Colleges that demonstrate effectiveness based upon evaluations conducted or positive performance observed may be eligible to receive priority consideration for receipt of special project funds or reallocated funds. Specifically, those colleges who have recently experienced mandatory reductions, adjustments or returned unexpended funds in excess of 5% of their allocation will not be eligible to receive priority consideration. In addition, funds returned from mandatory reductions, adjustments, or returned unexpended funds may be reallocated.

56298. EOPS Financial Aid Restrictions.

In each fiscal year the colleges shall expend for EOPS grants and workstudy an amount equal to that expended in the prior fiscal year, unless waived by the Chancellor, for the following reasons:

> *(a)   to establish a book service program.*
> *(b)   the college allocation was corrected pursuant to Section 56292.*
> *(c)   to meet the requirements of Article 3.*

NOTE: Authority cited: Sections 69648, 69648.7 and 71020 Education Code. Reference: Sections 69640 through 69655, Education Code.

IMPLEMENTATION:

This section requires that EOPS programs spend at least the same amount of EOPS category C funds each fiscal year, that they spent the prior fiscal year in EOPS category C. Category C funds are identified as direct aid to students based on unmet financial need, i.e., EOPS grants, EOPS work-study and EOPS emergency loan program funds. The Chancellor's Office determines each college's EOPS category C obligation from the amount of EOPS funds expended in category C in the prior year as reported in the EOPS final expenditure report through the Student Services Automated Reporting for Community Colleges (SSARCC) on-line application. Any EOPS reallocated funds spent in category C in the prior year are not included in the program's current year category C obligation.

DOCUMENTATION:

EOPS programs must maintain the prior year expenditure level for direct aid to eligible EOPS students. Waivers are available if programs meet the standards stated in this section. Waivers should be submitted prior to any budget transfers or reductions to Part C (direct aid) monies. If you do not submit a waiver, your program budget will not receive approval until a waiver is submitted.

Subsection (a) of 56298: Book Service Program

This subsection refers to the establishment or augmentation of EOPS textbook services, including a book service program , EOPS textbook lending library and EOPS book grants.

The EOPS book service program and the EOPS textbook lending library are category B services that enable the student to obtain required hard copy and electronic required textbooks, workbooks and access codes, for classes based on the student's Educational Plan. The EOPS Director determines the level of service, criteria and methodology for the EOPS textbook services. The EOPS book service may not be awarded to the student in the form of cash or check payable to the student. Many EOPS programs have established a system with the campus bookstore, such as a voucher or debit card for providing EOPS students with books. The campus bookstore should have some type of method to identify books purchased with EOPS funds, such as a receipt stamped "EOPS." Provided the student completes the class, the books are property of the student and the student is not required to return the books to the EOPS Office, but they may donate them to the EOPS textbook lending library if one exists.

However, if the student drops the class prior to the "drop period" as designated by the college and returns the book(s) to the campus bookstore, the student should not receive cash for the returned book(s). The funds should be credit to EOPS's account.   The EOPS Book Service expenditure should be shown in object code 7000, category B.

An EOPS student is not required to complete a Free Application for Federal Student Aid (FAFSA) to be accepted into EOPS nor prior to receiving required textbooks through EOPS. However, if the EOPS program provides textbooks to a student, this information must be reported to the college Financial Aid Office in a timely manner as it may affect the student's financial aid package. The Financial Aid Office will include the dollar amount of the books when determining financial aid eligibility at the campus level. The book service award should not create a problem for the majority of EOPS students because the majority of the students are not receiving a fully funded financial aid package. However, in the case of a student living at home, receiving full Pell Grant and Cal Grant an overpayment might occur.