

ITEM 15
FINAL STAFF ANALYSIS
PROPOSED STATEWIDE COST ESTIMATE

Education Code Section 76300
Statutes 1984xx, Chapter 1 (AB 1)
Statutes 1984, Chapters 274 and 1401
Statutes 1985, Chapters 920 and 1454
Statutes 1986, Chapters 46 and 394
Statutes 1987, Chapter 1118
Statutes 1989, Chapter 136
Statutes 1991, Chapter 114
Statutes 1992, Chapter 703
Statutes 1993, Chapters 8, 66, 67, and 1124
Statutes 1994, Chapters 153 (AB 2480) and 422 (AB 2589)
Statutes 1995, Chapter 308 (AB 825)
Statutes 1996, Chapter 63 (AB 3031)
Statutes 1999, Chapter 72 (AB 1118)

California Code or Regulations, Title 5, Sections 58501-58503;
58611- 58613, 58620, 58630

Enrollment Fee Collection and Waivers
(99-TC-13 and 00-TC-15)

Los Rios and Glendale Community College Districts, Claimants

EXECUTIVE SUMMARY

On April 24, 2003, the Commission on State Mandates (Commission) determined that the *Enrollment Fee Collection and Waivers* test claim statutes and executive orders constitute a new program or higher level of service and impose a reimbursable state-mandated program upon community college districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission adopted the parameters and guidelines on January 26, 2006; eligible claimants filed initial reimbursement claims with the State Controller's Office (SCO) on August 1, 2006; and the SCO accepted late and amended initial reimbursement claims until August 1, 2007.

Staff reviewed SCO summary reports on the claims filed and actual reimbursement claims. Forty (40) claimants filed 316 reimbursement claims for fiscal years 1998-99 through 2006-2007. Since actual cost claims for 2005-2006 through 2007-2008 may still be filed, fiscal year 2004-2005 claiming data is used to calculate estimated costs for claims that will be filed for fiscal years 2005-2006 through 2007-2008.

Staff made the following assumptions and used the following methodology to develop a statewide cost estimate for the *Enrollment Fee Collection and Waivers* programs.

- Since August 1, 2007 was the last day to file late or amended claims for the initial reimbursement period, the actual amounts claimed will not increase for fiscal years 1998-1999 through 2004-2005.

- The same community college districts filing initial reimbursement claims for fiscal year 2004-2005 will file claims for fiscal years 2005-2006 through 2007-2008.
- Costs for fiscal years 2005-2006 through 2007-2008 will increase if new claimants file.
- The statewide cost estimate will increase if community college district enrollments and waivers continue to increase.
- There is a wide variation in costs incurred to implement this program.
- The enrollment fee offsets can be verified with the assistance of the California Community Colleges Chancellor's Office and the State Controller's Office.
- The offsets for enrollment fee waivers cannot be verified without the assistance of the California Community Colleges Chancellor's Office.
- The claims may be inaccurate because the initial reimbursement claims are un-audited and the offsets for enrollment fee waivers were not verified.

Fiscal Years 1998-1999 through 2004-2005

The proposed statewide cost estimate for fiscal years 1998-1999 through 2004-2005 is based on the total of actual reimbursement claims filed with the SCO for these years.

Fiscal Years 2005-2006 through 2007-2008

To calculate estimated costs for fiscal years 2005-2006 through 2007-2008, staff multiplied 2004-2005 actual costs by the implicit price deflator for 2005-2006 and subsequent years.

Revisions Based on 2% Offsetting Revenues Reported by the Chancellor's Office

Based on information provided by the Chancellor's Office and the SCO staff review of claims, the total amounts claimed were reduced by an additional \$4,613,895 for fiscal years 2001-2002 through 2007-2008. For fiscal years 2005-2006 through 2007-2008, staff calculated the 2% claimed differences by multiplying the differences for 2004-2005 by the implicit price deflator for 2005-2006 and subsequent years.

Proposed Statewide Cost Estimate

The proposed statewide cost estimate includes ten fiscal years for a total of \$188,401,892. This is an average of \$ 18,840,189 annually in costs for the state.

Following is a breakdown of estimated total costs per fiscal year, revised offsets, and status of filings for reimbursement claims.

**Breakdown of Total Costs
By Fiscal Year**

Fiscal Year	Number of Claims Filed with SCO	Total Costs Claimed	2% Claimed Difference	Revised Totals	Filing Dates for Reimbursement Claims
1998-1999	33	\$ 12,050,951	N/A	\$ 12,050,951	Filing closed: August 1, 2007
1999-2000	35	\$ 16,334,148	N/A	\$ 16,334,148	Filing closed: August 1, 2007
2000-2001	39	\$ 18,341,342	N/A	\$ 18,341,342	Filing closed: August 1, 2007
2001-2002	39	\$ 20,305,630	\$ 299,203	\$ 20,062,580	Filing closed: August 1, 2007
2002-2003	40	\$ 21,772,841	\$ 544,773	\$ 21,228,068	Filing closed: August 1, 2007
2003-2004	38	\$ 19,981,734	\$ 762,330	\$ 19,219,404	Filing closed: August 1, 2007
2004-2005	38	\$ 19,627,817	\$ 700,855	\$ 18,926,962	Filing closed: August 1, 2007
2005-2006 (estimated)	NA	\$ 20,805,486 ¹	\$ 742,906	\$ 20,062,580	Actual claims: January 16, 2007 Late claims: February 15, 2008
2006-2007 (estimated)	N/A	\$ 21,616,900 ²	\$ 771,880	\$ 20,845,020	Estimated claims: January 16, 2007 Actual claims: February 15, 2008 Late claims: February 15, 2009
2007-2008 (estimated)	N/A	\$ 22,178,939	\$ 791,948	\$ 21,386,990	Estimated: February 15, 2008 Actual: February 15, 2009 Late: February 15, 2010
TOTAL		\$ 193,015,788	\$4,613,895	\$188,401,892	

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$188,401,892 for fiscal years 1998-1999 through 2007-2008.

1 As of August 15, 2007, 31 claimants filed claims totaling \$13,020,359.

2 As of August 15, 2007, 23 claimants had filed claims totaling \$9,845,400.

STAFF ANALYSIS

Background

On April 24, 2003, the Commission on State Mandates (Commission) adopted the Statement of Decision for *Enrollment Fee Collection and Waivers* (99-TC-13 and 00-TC-15). The Commission found that the test claim statutes and executive orders constitute a new program or higher level of service and impose a reimbursable state-mandated program upon community college districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The Commission adopted the parameters and guidelines for this program on January 26, 2006. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by August 1, 2006. Late and amended initial reimbursement claims were accepted by the SCO until August 1, 2007. This statewide cost estimate is based on the reimbursement claims filed for the initial reimbursement period.

Summary of the Mandate: Reimbursable Activities

The Commission approved the following reimbursable activities for this program:

A. Enrollment Fee Collection (Reimbursement Period begins July 1, 1998)

1. One-Time Activities

a. Policies and Procedures

Prepare district policies and procedures for the collection of enrollment fees.

b. Staff Training (One-time per employee)

Training district staff that implement the program on the procedures for the collection of enrollment fees.

2. Ongoing Activities

a. Calculating and collecting the student enrollment fee for each student enrolled, except for nonresidents, and except for special part-time students cited in section 76300, subdivision (f). (Ed. Code, §76300, subds. (a) & (b); Cal. Code Regs., tit. 5, §§ 58501, 58502 & 58503). This includes:

- i. Referencing student accounts and records to determine course workload, status of payments, and eligibility for fee waiver. Printing a list of enrolled courses.
- ii. Calculating the total enrollment fee to be collected. Identifying method of payment. Collecting cash and making change as necessary. Processing credit card and other non-cash payment transactions (however, any fees that may be charged to a community college district by a credit card company or bank are not reimbursable). Preparing a receipt for payment received.
- iii. Answering student's questions regarding enrollment fee collection or referring them to the appropriate person for an answer.
- iv. Updating written and computer records for the enrollment fee information and providing a copy to the student. Copying and filing enrollment fee documentation.

- v. Collecting delinquent enrollment fees, including written or telephonic collection notices to students, turning accounts over to collection agencies, or small claims court action.
- vi. For students who establish fee waiver eligibility after the enrollment fee has been collected, providing a refund or enrollment fees paid and updating student and district records as required. (Refund process for change in program is not reimbursable).

B. Enrollment Fee Waiver (Reimbursement Period begins July 1, 1999)

1. One-Time Activities

a. Policies and Procedures

Prepare district policies and procedures for determining which students are eligible for waiver of the enrollment fees.

b. Staff Training (One-time per employee)

Training district staff that implement the program on the procedures for determining which students are eligible for waiver of the enrollment fee.

2. Ongoing Activities

- a. Adopting procedures that will document all financial assistance provided on behalf of students pursuant to chapter 9 of title 5 of the California Code of Regulations; and including in the procedures the rules for retention of support documentation that will enable an independent determination regarding accuracy of the district's certification of need for financial assistance. (Cal. Code Regs., tit. 5, § 58630, subd. (b).)

Recording and maintaining records that document all of the financial assistance provided to students for the waiver of enrollment fees in a manner that will enable an independent determination of the district's certification of the need for financial assistance. (Cal. Code Regs., tit. 5, § 58630, subd. (b).)

- b. Waiving student fees in accordance with groups listed in Education Code section 76300, subdivisions (g) and (h).) Waiving fees for students who apply for and are eligible for BOG fee waivers (Cal. Code Regs., tit. 5§§ 58612, 58613 & 58620). This includes:
- i. Answering student's questions regarding enrollment fee waivers or referring them to the appropriate person for an answer.
 - ii. Receiving of waiver applications from students by mail, fax, computer online access, or in person, or in the form of eligibility information processed by the financial aid office.
 - iii. Evaluating each application and verification documents (dependency status, household size and income, SSI and TANF/CalWorks, etc.) for compliance with eligibility standards utilizing information provided by the student, from the student financial aid records (e.g., Free Application for Federal Student Aid (FAFSA)), and other records.
 - iv. In the case of an incomplete application or incomplete documentation, notify the student of the additional required information and how to obtain that information. Hold student application and documentation in suspense file until all information is received.
 - v. In the case of an approved application, copy all documentation and file the information for further review or audit. Entering the approved application information into district

records and /or notifying other personnel performing other parts of the process (e.g., cashier's office). Providing the student with proof of eligibility or an award letter, and file paper documents in the annual file.

vi. In the case of a denied application, reviewing and evaluating additional information and documentation provided by the student if the denial is appealed by the student. Provide written notification to the student of the results of the appeal or any change in eligibility status.

c. Reporting to the CCC the number of and amounts provided for BOG fee waivers. (Cal. Code Regs., tit. 5, § 58611.)

Statewide Cost Estimate

Staff reviewed SCO summary reports on the amounts claimed and actual reimbursement claims. Forty (40) claimants filed 316 reimbursement claims for fiscal years 1998-99 through 2006-2007. Since actual cost claims for 2005-2006 through 2007-2008 are not yet due, fiscal year 2004-2005 claiming data is used to calculate estimated costs for claims that will be filed for fiscal years 2005-2006 through 2007-2008.

Staff made the following assumptions and used the following methodology to develop a statewide cost estimate for the *Enrollment Fee Collection and Waivers* programs. If the Commission adopts this proposed statewide cost estimate, it will be reported to the Legislature along with staff's assumptions and methodology.

Assumptions

Staff made the following assumptions:

- *The actual amounts claimed will not increase for fiscal years 1998-1999 through 2004-2005 because August 1, 2007 was the last day to file late or amended claims for the initial reimbursement period.*
- *The same community college districts filing initial reimbursement claims for fiscal year 2004-2005 will file claims for fiscal years 2005-2006 through 2007-2008.*
- *Costs for fiscal years 2005-2006 through 2007-2008 will increase if new claimants file reimbursement claims.*

For other community college district mandates, as many as 60 community college districts have filed reimbursement claims. Thus, if any of the remaining community college districts file reimbursement claims for fiscal years 2005-2006 through 2007-2008, the proposed statewide cost estimate will increase.

- *The statewide cost estimate will increase if community college district enrollments and waivers continue to increase.*

The total statewide headcount and number of Board of Governors' Waivers reported by community college districts has increased for the past two fiscal years. See Table 1 for total headcounts, fee waivers, and amount of financial aid, from 1998-99 through 2005-2006.

- *The claims may be inaccurate because the initial reimbursement claims are un-audited.*

The actual amounts claimed will be reduced if the SCO reduces claims that are excessive or unreasonable. (See Table 2, Summary of Claims Filed, By Fiscal Year.)

Therefore, if the initial reimbursement claims are audited, the total cost of this program will be lower than the proposed statewide cost estimate.

- *There is a wide variation in costs incurred to implement this program.*

Staff selected fiscal year 2002-2003 for review because claims were filed by 40 community college districts representing 56% of eligible claimants, 66% of the statewide headcount and 70% of the waivers granted. See Table 3, Overview of 2002-2003 Claims.

The highest claim was filed by Los Angeles Community College District for \$2,950,953 and the lowest by Santa Barbara Community College District for \$6,787. The number of waivers granted by all claimants ranged from 7% to 57% of total headcount.

To compare costs, staff established a unit rate based on the total student headcount and number of waivers reported to the state. Since the reimbursable activities are based on student enrollment and waivers, these counts are the most appropriate measure on which to calculate a unit for cost comparisons. The unit is based on the total amount claimed divided by the total of “Head Count of students” and “number of waivers reported to the Board of Governors.” The totals used for district head counts and waivers are from the California Community Colleges Chancellor’s Office Website: <http://www.cccco.ca.gov>.

The unit rate ranged from a low of \$.12 (Santa Barbara Community College District) to \$100.45 (Palo Verde Community College District), with a mean of \$9.46. The unit for Los Angeles Community College District is \$9.06. The median is about \$7.00.

- *Enrollment Fee Collection Offsets were verified with the assistance of the California Community Colleges Chancellor’s Office and the State Controller’s Office.*

In April 2007, staff reviewed actual cost claims to assess whether the offsets specified in the parameters and guidelines and claiming instructions had been reported and deducted.

The Commission’s decision and the parameters and guidelines identified offsetting savings and reimbursements for claimants to deduct when filing reimbursement claims. The Controller’s claiming instructions further specified that if applicable, claimants should enter the following offsets, as specified in the parameters and guidelines, in the Cost Reduction Summary of the claim, on Line (09) Offsetting Savings, and submit a detailed schedule of savings with the claim.

Enrollment Fee Collection Program

The costs of the *Enrollment Fee Collection* program are subject to an offset of two percent (2%) of the revenue from enrollment fees. (Ed. Code, § 76000, subd. (c).)

Enrollment Fee Waiver Program

The costs of the *Enrollment Fee Waiver* program are subject to the following offsets:

July 1, 1999 to July 4, 2000:

- For low income students³ or recipients of public assistance,⁴ or dependents or surviving spouses of National Guard soldiers killed in the line of duty,⁵ as defined:

³ “[A]ny student who demonstrates eligibility according to income standards established by the board of governors and contained in Section 58260 of Title 5 of the California Code of Regulations.” (Ed. Code, § 76300, subd. (g)(2).)

- an offset identified in Education Code section 76300, subdivision (m), that requires the Community College Board of Governors, from funds in the annual budget act, to allocate to community colleges two percent (2%) of the fees waived, under subdivisions (g) [low income students, as defined, or specified recipients of public assistance] and (h) [dependents or surviving spouses of California National Guard soldiers killed in the line of duty, as defined] of section 76300; and
- For determination of financial need and delivery of student financial aid services, on the basis of the number of low income students (as defined) or recipients of public assistance (as defined), or dependents or surviving spouses of National Guard soldiers killed in the line of duty, for whom fees are waived:
 - from funds provided in the annual State Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to seven percent (7%) of the fee waivers provided pursuant to subdivisions (g) [low income students, as defined, or specified recipients of public assistance] and (h) [dependents or surviving spouses of California National Guard soldiers killed in the line of duty, as defined].⁶

Beginning July 5, 2000:

- For low income students (as defined, or recipients of public assistance (as defined) or dependents or surviving spouses of National Guard soldiers killed in the line of duty, for whom fees are waived (as defined):
 - an offset identified in Education Code section 76300, subdivision (m), that requires the Community College Board of Governors, from funds in the annual budget act, to allocate to community colleges two percent (2%) of the fees waived, under subdivisions (g) [low income students, as defined, or specified recipients of public assistance] and (h) [dependents of California National Guard soldiers killed in the line of duty as defined] of section 76300;

⁴ “[A]ny student who, at the time of enrollment, is a recipient of benefits under the Temporary Assistance to Needy Families program, the Supplemental Security Income/State Supplementary Program, or a general assistance program or has demonstrated financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.” (Ed. Code, § 76300, subd. (g)(1).)

⁵ “[A]ny student who, at the time of enrollment is a dependent, or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state. “Active service of the state,” for the purposes of this subdivision, refers to a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.” (Ed. Code, § 76300, subd. (h).)

⁶ These waiver provisions were subsequently expanded to waive fees for children of law enforcement personnel or firefighters killed in the line of duty (Ed. Code, § 76300, subd. (i)), or dependents of victims of the September 11, 2001 terrorist attacks (Ed. Code, § 76300, subd. (j)), but these parameters and guidelines do not include those waiver recipients because they were added by Statutes 2002, chapter 450 and are outside the scope of the Statement of Decision.

- For determination of financial need and delivery of student financial aid services, on the basis of the number of low income students (as defined) or recipients of public assistance (as defined) for whom fees are waived
 - requires the Board of Governors to allocate from funds in the annual State Budget Act ninety-one cents (\$0.91) per credit unit waived pursuant to subdivisions (g) [low income students, as defined, or specified recipients of public assistance] and (h) [dependents of California National Guard soldiers killed in the line of duty as defined]
- Any budget augmentation received under the Board Financial Assistance Program Administrative Allowance, or any other state budget augmentation received for administering the fee waiver program.

Revisions to the Draft Staff Analysis

Commission staff issued the draft staff analysis on September 6, 2007. In the draft staff analysis, staff requested assistance from the *California Community College Chancellor's Office (Chancellor's Office) and the State Controller's Office (SCO) to verify offsetting revenues from enrollment fees, number of credit units waived, and amount of fees waived, by fiscal year, and any budget augmentations received.*

On October 10, 2007, Department of Finance submitted comments on the draft staff analysis concurring that the Chancellor's Office and the SCO should assist the Commission in assessing if offsetting savings and reimbursements were properly reported and deducted (See Exhibit A).

The Chancellor's Office provided a spreadsheet reporting enrollment fees collected and the 2% offset for fiscal years 2001-2002 through 2006-2007 (See Exhibit B). This spreadsheet was sent to the SCO to compare with enrollment fee offsets reported. The SCO reviewed claims and compiled a new spreadsheet. The new spreadsheet by fiscal year, identified claimants, claimed amounts, claimed 2% offsets, claimed waiver offset, Chancellor's 2% offset, and 2% claimed difference (See Exhibit C). Based on this additional documentation, staff revised the draft statewide cost estimate, as detailed below.

Methodology

Fiscal Years 1998-1999 through 2004-2005

The proposed statewide cost estimate for fiscal years 1998-1999 through 2004-2005 is based on the total of actual reimbursement claims filed with the SCO for these years.

Fiscal Years 2005-2006 through 2007-2008

Staff used 2004-2005 actual costs as the base for calculating estimated costs for fiscal years 2005-2006 through 2007-2008 by multiplying by the implicit price deflator, as follows:

- 2005-2006 cost estimate is calculated by multiplying the 2004-2005 total by the implicit price deflator for 2005-2006 (6%);
- 2006-2007 cost estimate is calculated by multiplying the 2005-2006 cost estimate by the implicit price deflator for 2006-2007 (3.9%); and,
- 2007-2008 cost estimate is calculated by multiplying the 2006-2007 cost estimate by the implicit price deflator for 2007-2008 (2.6%).

Revisions Based on 2% Offsetting Revenues Reported by the Chancellor's Office for Enrollment Fee Collections

No revisions were made to fiscal years 1998-1999 through 2000-2001 because no new data was provided. However, reductions totaling \$4,613,895 were made for fiscal years 2001-2002 through 2007-2008. Although the Chancellor's Office reported 2% offsetting revenues for fiscal years 2005-2006 through 2007-2008, staff calculated the 2% claimed differences for those years by multiplying the differences for 2004-2005 by the implicit price deflator, as detailed above.

Proposed Statewide Cost Estimate

The proposed statewide cost estimate includes ten fiscal years for a total of \$188,401,892. This is an average of \$ 18,840,189 annually in costs for the state.

Following is a breakdown of estimated total costs per fiscal year, revised offsets, and status of filings for reimbursement claims.

**Breakdown of Total Costs
By Fiscal Year**

Fiscal Year	Number of Claims Filed with SCO	Total Costs Claimed	2% Claimed Difference	Revised Totals	Filing Dates for Reimbursement Claims
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2007-2008 (estimated)	N/A	\$ 22,178,939	\$ 791,948	\$ 21,386,990	Estimated: February 15, 2008 Actual: February 15, 2009 Late: February 15, 2010
TOTAL		\$ 193,015,788	\$4,613,895	\$188,401,892	

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$188,401,892 for fiscal years 1998-1999 through 2007-2008.

7 As of August 15, 2007, 31 claimants filed claims totaling \$13,020,359.

8 As of August 15, 2007, 23 claimants had filed claims totaling \$9,845,400.

Table 1
Total Headcounts, Board of Governor's Waivers, and
Financial Aid Amount
By Fiscal Year

Fiscal (Academic) Year	Total Headcount by Academic Year	Total Board of Governors Waivers and Percent Change From Prior Year	Financial Aid Amount
1998-1999	2,437,575	473,910 (NA)	\$ 95,307,029
1999-2000	2,546,591	579,657 (22.3%)	85,924,368
2000-2001	2,648,850	500,257 (-13.7%)	89,343,576
2001-2002	2,809,514	548,283 (9.6%)	92,433,300
2002-2003	2,819,997	606,348 (10.6%)	102,620,674
2003-2004	2,545,479	663,024 (9.3%)	168,185,325
2004-2005	2,515,488	724,611 (9.3%)	266,282,347
2005-2006	2,550,682	740,430 (2.2%)	273,788,614
2006-2007	2,621,399	Data Not Available	Data Not Available

Source: www.cccco.ca.gov