

**PERTINENT SECTIONS OF EDUCATION CODE
REFERRED TO IN THE REVISIONS to
Title 5 Regulations**

Code of Federal Regulations

Sections 54600 - 54630

Sections 55002 - 55002.5

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*Please note: Amendments to these sections have changed the Subchapter number. Corrections will be made in future changes to technical regulations.

TITLE 5. CALIFORNIA CODE OF REGULATIONS

Sections 54600-54630 - Student Records

Section 54600. Purpose

This chapter is adopted pursuant to and for implementation of Chapter 1.5 (commencing with Section 76200), Part 47 of Division 7 of the Education Code regarding Student Records. The provisions of this Chapter should be read and interpreted in conjunction with the provisions of Chapter 1.5.

Note: Authority cited: Sections 76220, 76225 and 76246, Education Code. Reference: Chapter 1.5 (commencing with Section 76200), Part 47, Division 7, Education Code; and 20 USC 1232(g).

Section 54604. Policy.

Community College districts may establish and maintain only such information on students relevant to admission, registration, academic history, career, student benefits or services, extracurricular activities, counseling and guidance, discipline or matters relating to student conduct, and shall establish and maintain such information required by law.

Note: Authority cited: Sections 76220 and 76246, Education Code. Reference: Section 762 10, Education Code: and 20 USC 1232(g).

Section 54606. Definitions.

- (a) "Student" as used in this Chapter means a currently enrolled or formerly enrolled student.
- (b) "Access" means a personal inspection and review of a record, an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record, or a request to release a copy of any record. The student shall be permitted to select the means of access.
- (c) "Student Record" means any item of information directly related to an identifiable student maintained by a Community College or required to be maintained by an employee in the performance of the employee's duties, whether recorded by handwriting, print, tapes, film, microfilm or other means, except:
- (1) Information provided by a student's parents relating to applications for financial aid or scholarships,
 - (2) Information related to a student compiled by a Community College officer or employee:
 - (A) appropriate for such officer or employee's performance of his or her responsibility; and
 - (B) which remains in the sole possession of the maker thereof; and
 - (C) is not accessible or revealed to any other person except a substitute. For the purposes of this subdivision, "substitute" shall mean a person who performs on a temporary basis the duties of the individual who made the notes and does not refer to a person who permanently succeeds the maker of the notes in his or her position.
 - (3) Information related to a student created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional:
 - (A) acting or assisting in his professional or paraprofessional, capacity; and
 - (B) the record is created, maintained or used in connection with the provision of treatment to the student; and
 - (C) the record is not available to anyone other than persons providing such treatment; provided, however, that such a record may be personally reviewed by a physician or other appropriate professional of the student's choice.
 - (4) Information maintained by a Community College law enforcement unit:
 - (A) necessary and appropriate to enable such law enforcement unit to carry out its duties and responsibilities as required by law or as may be assigned by the district;
 - (B) unit personnel do not have access to other student records; and
 - (C) such information is kept apart from other student records; and
 - (D) maintained solely for law enforcement purposes; and
 - (E) is available only to other law enforcement officials of the same jurisdiction.
 - (5) Confidential letters and statements of recommendations maintained by a Community College on or before January 1, 1975, provided that such letters or statements are not used for purposes other than those for which they were specifically intended.
 - (6) Information maintained in the normal course of business pertaining to persons who are employed by a community college, -provided that such information relates exclusively to such person in that person's capacity as an employee and is not available for use for any other purpose.
 - (7) Information related to a student compiled by a community college officer or employee which remains in the sole possession of the maker and is not available to any

other person except a substitute who performs the duties of the individual who made the notes on a temporary basis.

(d) "Directory Information" means one or more of the following items: student's name, address, telephone number, date and place of birth, major field of study, class-schedule, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous public or private school attended by the student, and any other information authorized in writing by the student.

(e) "Financial Aid" means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) which is conditioned on the individual's attendance at a community college.

Note: Authority cited: sections 76220 and 76246, Education Code, Reference: Section 76210. Education Code; 20 USC 1232(g); and 45 CPR 99.3

Section 54608. Retention and Destruction of Student Records.

The retention and destruction of student records, where not otherwise specifically provided for in this Subchapter, shall be in accordance with regulations adopted by the Board for the retention and destruction of records generally. Such regulations, adopted pursuant to Education Code Sections 70901 and 76220 appear in Division 6, Chapter 10, Subchapter 2.5 (commencing with Section 59020). Note: Authority cited: Sections 76220 and 76246, Education Code. Reference: Section 76210. Education Code; 20 USC 1232(g); and 45 CPR 99.3. Note: Authority cited: Sections 70901, 76220 and 76246, Education Code. Reference: Section 72603, Education Code; 20 USC 1232(g); and 45 CPR 99.3.

Section 54610. Student Access.

Community college districts shall provide access to student records pursuant to Education Code Section 76230, provided that if any material or document in the student record includes information on more than one student, the rights provided in Section 76230 shall only extend to such information as pertains to the student. Note: Authority cited: Sections 76220 and 76246. Education Code. Reference: Sections 76230, Education Code; and 20 USC 1232(g).

Section 54612. Waiver.

A student may waive his or her right to access to student records as provided in Education Code Section 7623 1. Such waivers shall be in writing and signed by the student. Note: Authority cited: Sections 76220 and 76246, Education Code. Reference: Section 7623 1, Education Code; 20 USC 1232(g)); and 45 CFR 99.6.

Section 54616. Consent.

A community college district may, when the student has provided consent, permit access to the student's records pursuant to Education Code Section 76242. Such consent must be signed and dated by the student. Note: Authority cited: Sections 76220 and 76246, Education Code. Reference: Sections 76230 and 76242, Education Code; 20 USC 1232(g); and 45 CFR 99.30-99.40.

Section 54626. Directory Information.

(a) Community college districts shall adopt a policy identifying any of the following categories of directory information which may be released: student's name, address, telephone number, date and place of birth, major field of study, class schedule, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous public or private school attended by the student.

(b) Directory information, as established by the local governing board, may be released as to any student or former student currently attending the community college, provided that public notice is given at least annually of the categories of information which the district plans to release and of the recipients. Such notice shall also specify the period of time within which the student must inform the district in writing that such personally identifiable information is not to be designated as directory information with respect to that student. No directory information shall be released regarding any student or former student when the student or former student has notified the school in writing pursuant to procedures established by the district that such information shall not be released.

(c) Other information may be added to the categories set forth in subsection (a) of this section, provided that release of such information shall be authorized in writing by the student.

(d) Any district may, in its discretion, limit or deny the release of specific categories of directory information to any public or private nonprofit organization based upon a determination of the best interests of students. The names and addresses of students may be provided to a private school or college operating under the provisions of Division 10 of the Education Code or its authorized representative, provided, however, that no such private school or college shall use such information for other than purposes directly related to the academic or professional goals of the institution.

Note: Authority cited: Sections 76220 and 76246. Education Code. Reference: Sections 76240 and 76242. Education Code; 20 USC 1232(g); and 45 CFR 99.40.

Section 54630. Challenging Content of Records.

Any student may challenge the content of his or her student records pursuant to Education Code Section 76232. The decision of the chief administrative officer and governing board must be in writing. Note: Authority cited: Sections 76220 and 76246, Education Code. Reference: Section 76232, Education Code; 20 USC 1232(g); and 45 CFR 99.20.-99.22.

Sections 55002-55002.5 - Standards and Criteria for Courses and Classes.

Section 55002.

(a) Associate Degree Credit Course. An associate degree credit course is a course which has been designated as appropriate to the associate degree in accordance with the requirements of Section 55805.5, and which has been recommended by the college and/or district curriculum committee and approved by the district governing board as a collegiate course meeting the needs of the students eligible for admission.

(l) Curriculum Committee. The college and/or district curriculum committee recommending the course shall be established by the mutual agreement of the college and/or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course for associate degree credit if it meets the following standards:

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55758 of this Division. The grade is based on demonstrated proficiency in subject matter and the ability to demonstrate that proficiency, at least in part, by means of essays, or, in courses where the curriculum committee deems them to be appropriate, by problem-solving exercises or skills demonstrations by students.

(B) Units. The course grants units of credit based upon a relationship specified by the governing board between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline. The course also requires a minimum of three hours of work per week, including class time for each unit of credit, prorated for short-term, laboratory and activity courses.

(C) Intensity. The course treats subject matter with a scope and intensity that requires students to study independently outside of class time.

(D) Prerequisites and Core requisites. When the college and/or district curriculum committee determines, based on a review of the course outline of record, that a student would be highly unlikely to receive a satisfactory grade unless the student has knowledge or skills not taught in the course, then the course shall require prerequisites or core requisites that are established, reviewed, and applied in accordance with the requirements of Article 2.5 (commencing with Section 55200) of this Subchapter.

(E) Basic Skills Requirements. If success in the course is dependent upon communication or computation skills, then the course shall require, consistent with the provisions of Article 2.5 (commencing with Section 55200) of this Subchapter, as prerequisites or core requisites eligibility for enrollment in associate degree credit courses in English and/or mathematics, respectively.

(F) Difficulty. The course work calls for critical thinking and the understanding and application of concepts determined by the curriculum committee to be at college level.

(G) Level. The course requires learning skills and a vocabulary that the curriculum committee deems appropriate for a college course.

(3) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the unit value, scope, objectives, and content in terms of a specific body of knowledge. The course outline shall also specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met by students.

(4) Conduct of Course. Each section of the course is to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record.

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of 51000), sections 55761-55763 and 58 161 .of Chapter 2 (commencing with Section this Division.

(b) Non degree Credit Course. A credit course designated by the governing board as not applicable to the associate degree is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under Subdivision (a)(1) of this Section) and is approved by the district governing board and falls within one of the categories described in Subdivision (1) of this Subsection.

(1) Types of Courses. Non degree applicable credit courses are:

(A) pre-collegiate basic skills courses as defined in Section 55502(d) of this Division:

(B) courses designed to enable students to succeed in college-level work (including, but not limited to, college orientation and guidance courses, and discipline specific preparatory courses such as biology, history, or electronics) that integrate basic skills instruction throughout and assign grades partly upon the demonstrated mastery of those skills;

(C) pre-collegiate occupational preparation courses designed to provide foundation skills for students preparing for entry into college-level occupational courses or programs;

(D) essential occupational instruction for which meeting the standards of Section 55002(a) is neither necessary nor required.

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course on the basis of the standards which follow. In order to be eligible for state apportionment, such courses must be approved (as courses not part of programs) by the Chancellor's Office as provided by Section 55100 of this Division.

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55758 of this Division. The grade is based on demonstrated proficiency in the subject matter and the ability to demonstrate that proficiency, at least in part, by means of written expression that may include essays, or, in courses where the curriculum committee deems them to be appropriate, by problem solving exercises or skills demonstrations by students.

(B) Units. The course grants units of credit based upon a relationship specified by the governing board between the number of units assigned to the course and the number of

lecture and/or laboratory hours or performance criteria specified in the course outline. The course requires a minimum of three hours of student work per week, per unit, including class time and/or demonstrated competency, for each unit of credit, prorated for short-term, laboratory, and activity courses.

(C) Intensity. The course provides instruction in critical thinking and generally treats subject matter with a scope and intensity that prepares students to study independently outside of class time and includes reading and writing assignments and homework. In particular, the assignments will be sufficiently rigorous that students completing each such course successfully will have acquired the skills necessary to successfully complete college-level work upon completion of the required sequence of such courses.

(D) Prerequisites and core requisites. When the college and/or district curriculum committee deems appropriate, the course may require prerequisites or core requisites for the course that are established, reviewed, and applied in accordance with Article 2.5 (commencing with Section 55200) of this Subchapter.

(3) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the unit value, scope, objectives, and content in terms of a specific body of knowledge. The course outline shall also specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met by students. Taken together, these course specifications shall be such as to typically enable any student who successfully completes all of the assigned work prescribed in the outline of record to successfully meet the course objectives.

(4) Conduct of Course. All sections of the course are to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record.

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of Division 2 (commencing with Section 51000, Sections 55761-55763 and 5816.1 of this Division).

(c) Noncredit Course. A noncredit course is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under Subdivision (a)(I) of this Section) and approved by the district governing board as a course meeting the needs of enrolled students.

(1) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course if the course treats subject matter and uses resource materials, teaching methods, and standards of attendance and achievement that the committee deems appropriate for the enrolled students. In order to be eligible for state apportionment, such courses are limited to the categories of instruction listed in Education Code Section 84711 and must be approved by the Chancellor's Office as noted in Title 5, Section 55150.

(2) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the scope, objectives, contents, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met.

(3) Conduct of Course. All sections of the course are to be taught by a qualified instructor in accordance with the set of objectives and other specifications defined in the course outline of record.

(d) Community Services Class. A community services class is a class that meets the following minimum requirements:

(1) is approved by the local district governing board;

(2) is designed for the physical, mental, moral, economic, or civic development of persons enrolled therein;

(3) provides subject matter content, resource materials, and teaching methods which the district governing board deems appropriate for the enrolled students;

(4) is conducted in accordance with a predetermined strategy or plan;

(5) is open to all members of the community; and

(6) may not be claimed for apportionment purposes.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901. Education Code.

Section 55002.5. Credit Hour; Allowance for Shorter Term.

One credit hour of community college work is approximately three hours of recitation, study, or laboratory work per week throughout a term of 16 weeks. Where a term is more or less than 16 weeks, more or less the one credit hour shall be allowed in the same ratio that the length of the term is to 16 weeks.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code

Section 55525 - Student Educational Plan.

Section 55525.

(a) Each community college district shall establish a process for assisting students to select a specific educational goal within a reasonable time after admission as required by Section 55530(d). This shall include, but not be limited to, the provision of counseling as required by Section 55523(a)(2).

(b) Once a student has selected a specific educational goal, the district shall afford the student the opportunity to develop a student educational plan describing the responsibilities of the student, the requirements he or she must meet, and the courses, programs, and services required to achieve the stated goal.

(c) The student educational plan developed pursuant to Subsection (b) shall be recorded in written electronic form. The plan and its implementation shall be reviewed as necessary to ensure that it continues to accurately reflect the needs and goals of the student.

(d) If a student believes the district has failed to make good faith efforts to develop a plan, has failed to provide services specified in the student educational plan, or has otherwise violated the requirements this Section, the student may file a complaint pursuant to Section 55534(a).

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78212, Education Code.

Sections 55750-55765 - Grading Practices

Section 55750.

The governing board of a district maintaining a community college shall adopt regulations consistent with this chapter. The regulations shall be published in the college catalog under appropriate headings and filed with the Chancellor's Office as required by section 51002 of this part.

Note: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

Section 55751. Grading Practices.

Each governing board maintaining one or more community colleges shall determine a uniform grading practice for the district which shall be based on sound academic principles and conform to the following standards:

(a) Work in all courses acceptable in fulfillment of the requirements for an associate or baccalaureate degree, a certificate, diploma or license shall be graded in accordance with a grading scale adopted by the governing board consistent with section 55758.

(b) Such work shall be graded in accordance with the provisions of section 55752 or section 55753. Note: Authority cited: Sections 66700, 70901, 71020, and 71024, Education Code. Reference: Sections 70901 and 70902, Education Code.

Section 55752. Credit-No Credit Options.

(a) The governing board of a district maintaining a community college may by resolution and regulation offer courses in either or both of the following categories and shall specify in its catalog the category into which each course falls:

(1) Courses wherein all students are evaluated on a "credit-no credit" basis.

(2) Courses wherein each student may elect on registration, or no later than the end of the first 30% of the term, whether the basis of evaluation is to be "credit-no credit" or a letter grade.

(b) All units earned on a "credit-no credit" basis in accredited California institutions of higher education or equivalent out-of-state institutions shall be counted in satisfaction of community college curriculum requirements.

(c) Units earned on a "credit-no credit" basis shall not be used to calculate grade point averages. However, units attempted for which "NC" (as defined in section 55758) is recorded shall be considered in probation and dismissal procedures.

(d) Independent study courses offered in accordance with sections 55300-55352 of this part may be graded on a "credit-no credit" basis in accordance with subdivision (a) of this section.

(e) When a district offers courses in which there is a single standard of performance for which unit credit is assigned, the "CR/NC" grading system shall be used to the exclusion of other grades. Credit shall be assigned for meeting that standard, no credit for failure to do so.

Note: Authority cited: Sections 70901 and 71020, Education Code. Reference: Section 70901, Education Code.

Section 55753. Credit by Examination.

(a) The governing board maintaining one or more community colleges shall adopt and publish procedures and regulations pertaining to credit by examination in accordance with the provisions of this section and the provisions of sections 55751, 55752, 55758, 55760 55761,55762, and 55764.

(b) The governing board may grant credit to any student who satisfactorily passes an examination approved or conducted by proper authorities of the college. Such credit maybe granted only to a student who is registered at the college and in good standing and only for a course listed in the catalog of the community college.

(c) The student's academic record shall be clearly annotated to reflect that credit was earned by examination.

(d) Units for which credit is given pursuant to the provisions of this section shall not be counted in determining the 12 semester hours of credit in residence required for an associate degree.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

Section 55754. Standards for Probation.

(a) Academic probation. A student who has attempted at least 12 semester or 18 quarter units as shown by the official academic record shall be placed on academic probation if the student has earned a grade point average below 2.0 in all units which were graded on the basis of the grading scale described in section 55758.

(b) Progress probation. A student who has enrolled in a total of at least 12 semester or 18 quarter units as shown by the official academic record shall be placed on progress probation when the percentage of all units in which a student has enrolled and for which entries of "W," "I," and "NC" (as defined in section 55758) are recorded reaches or exceeds fifty percent (50%).

(c) The governing board of a community college district may adopt standards for probation not lower than those standards specified in subsections (a) and (b) of this section.

Specifically:

(1) A district may establish, as the minimum number of units before academic or progress probation is assessed, a number of units fewer than 12 semester or 18 quarter units; or

(2) A district may establish, as the minimum grade point average for academic probation purposes, a grade point average greater than 2.0; or

(3) A district may establish, as the minimum percentage of units of "W," "I," and "NC," a percentage less than fifty percent (50%).

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

Section 55755. Removal from Probation.

(a) A student on academic probation for a grade point deficiency shall be removed from probation when the student's accumulated grade point average is 2.0 or higher.

(b) A student on progress probation because of an excess of units for which entries of "W," "I," and "NC" (as defined in section 55758) are recorded shall be removed from probation when the percentage of units in this category drops below fifty percent (50%).

(c) The governing board of a district shall adopt and publish procedures and conditions for probation and appeal of probation and request for removal from probation. Such procedures and conditions may establish standards not lower than those standards specified in subsections (a) and (b) of this section. Specifically:

(1) A district may establish, as minimum grade point average for removal from academic probation, a grade point average greater than 2.0; or

(2) A district may establish, as the minimum percentage of units of "W," "I," and "NC," a percentage less than fifty percent (50%).

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

Section 55756. Standards for Dismissal.

For purposes of this section, semesters or quarters shall be considered consecutive on the basis of the student's enrollment (i.e., a fall quarter followed by a spring quarter shall be considered consecutive if the student was not enrolled in the winter quarter of that academic year).

(a) A student who is on academic probation shall be subject to dismissal if the student earned a cumulative grade point average of less than 1.75 in all units attempted in each of 3 consecutive semesters (5 consecutive quarters) which were graded on the basis of the grading scale described in section 55758.

(b) A student who has been placed on progress probation shall be subject to dismissal if the percentage of units in which the student has been enrolled for which entries of "W," "I," and "NC" (as defined in section 55758) are recorded in at least 3 consecutive semesters (5 consecutive quarters) reaches or exceeds fifty percent (50%) in accordance with section 55754.

(c) The governing board of a district shall adopt and publish procedures and conditions for dismissal and appeal of dismissal and request for reinstatement. Such procedures and conditions may establish standards not lower than the standards specified in subsections (a) and (b) of this section. Specifically:

(1) A district may establish, as the minimum cumulative grade point average for dismissal purposes, a grade point average greater than 1.75; or

(2) A district may establish, as the minimum percentage of units of "W," "I," and "NC," a percentage less than fifty percent (50%), or

(3) A district may establish, as a minimum number of consecutive semesters or quarters, a number fewer than 3 consecutive semesters or 5 consecutive quarters.

(d) The district board shall adopt rules setting forth the circumstances that shall warrant exceptions to the standards for dismissal herein set forth and shall file a copy of such rules with the Chancellor.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

Section 55756.5. Remedial Coursework Limit.

(a) This section implements and should be read in conjunction with the provisions of section 68 of chapter 973 of the Statutes of 1988, relating to the establishment of a limit on the amount of remedial coursework community college students may take. For the purposes of this section, "remedial coursework" refers to pre-collegiate basic skills courses as defined in subsection (d) of section 55502 of this part.

(b) A student's need for remedial coursework shall be determined using appropriate assessment instruments, methods, or procedures administered pursuant to chapter 6 (commencing with section 55500) of division 6 of this part. However, except as provided in subsection (c) of this section, no student shall receive more than 30 semester units (or 45 quarter units) of credit for remedial coursework. Students having exhausted the unit limitation shall be referred to appropriate adult noncredit education services provided by college, adult school, community-based organization, or other appropriate local provider with which the district has an established referral agreement.

(c) The following students are exempted from the limitation on remedial coursework described in subsection (b) of this section:

- (1) Students enrolled in one or more courses of English as a Second language (ESL);
- (2) Students identified by the district as having a learning disability as defined in section 56014 of this part.

(d) The governing board of a district may provide a waiver of the limitation on remedial coursework with respect to any student who shows significant, measurable progress toward the development of skills appropriate to his or her enrollment in college-level courses. Such waivers, if granted, shall be provided pursuant to locally developed standards which are reviewed and approved by the governing board. The standards shall include provisions which ensure that waivers are only given for specified periods of time or for specified numbers of units.

(e) A student who does not attain full eligibility status for college-level work within the limit described in subsection (b) of this section shall, unless provided with a waiver, be dismissed and referred to adult noncredit education courses.

(f) A student may, upon successful completion of appropriate "remedial coursework," or upon demonstration of skills levels which will reasonably assure success in college-level courses, request reinstatement to proceed with college-level coursework.

(g) The governing board of each district shall submit, through the established Management Information System, information necessary to enable the Chancellor to determine the following:

- (1) The effect of this section on students by sex, age, and ethnicity;
- (2) Success rates for students enrolled in "remedial coursework."

Note: Authority cited: Sections 7 10207, 1062 and 84500.1, Education Code.

Reference: Sections 84500 and 84500.1, Education Code.

Section 55757. Units Attempted

For the purposes of sections 55754 and 55756, "all units attempted" means all units of credit for which the student is enrolled in the current community college of attendance. The governing board of each district shall adopt rules and regulations governing the inclusion in or exclusion of units in which a student did not receive a grade or "credit-no

credit” or from which the student withdrew in accordance with rules adopted by the district governing board.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

Section 55758. Academic Record Symbols and Grade Point Average.

(a) Grades from a grading scale shall be averaged on the basis of the point equivalencies to determine a student’s grade point average. The highest grade shall receive four points, and the lowest grade shall receive 0 points, using only the following evaluative symbols:

Symbol	Definition	Grade Point
A	Excellent	4
B	Good	3
C	Satisfactory	2
D	Passing, less than satisfactory	1
F	Failing	0
CR	Credit (at least satisfactory-units awarded Not counted in GPA)	
NC	No Credit (less than satisfactory, or failing-units not Counted in GPA)	

(b) The governing board for each community college district shall publish the point equivalencies for the grades used in subsection (a) of this section in the catalog or catalogs of that community college district as a part of its grading practices.

(c) The governing board of each community college district may authorize the use under specified controls and conditions of only the following non-evaluative symbols:

Symbol 1 - Definition

Incomplete: Incomplete academic work for unforeseeable, emergency and justifiable reasons at the end of the term may result in an “I” symbol being entered in the student’s record. The condition for the removal of the “I” shall be stated by the instructor in a written record. This record shall contain the conditions for the removal of the “I” and the grade assigned in lieu of removal. This record must be given to the student. with a copy on file with the registrar until the “I” is made up or the time limit has passed. A final grade shall be assigned when the work stipulated has been completed and evaluated, or when the time limit for completing the work has passed. The “I” maybe made up no later than one year following the end of the term in which it was assigned. The “I” Symbol shall not be used in calculating units attempted nor for grade points. The governing board shall provide a process whereby a student may petition for a time extension due to unusual circumstances.

IP

In progress: The “IP” symbol shall be used only in those courses which extend beyond the normal end of an academic term. It indicates that work is “in progress”, but that assignment of an evaluative symbol (grade) must await its completion. The “IP” symbol

shall remain on the student's permanent record in order to satisfy enrollment documentation. The appropriate evaluative symbol (grade) and unit credit shall be assigned and appear on the student's permanent record for the term in which the course is completed. The "IP" shall not be used in calculating grade point averages. If a student enrolled in an "open-entry, open-exit" course is assigned an "IP" at the end of an attendance period, and does not re-enroll in that course during the subsequent attendance period the appropriate faculty will assign an evaluative symbol (grade) in accordance with subsection (a) of this part to be recorded on the student's permanent record for the course.

RD

Report Delayed: The "RD" symbol may be assigned by the registrar only. It is to be used when there is a delay in reporting the grade of a student due to circumstances beyond the control of the student. It is a temporary notation to be replaced by a permanent symbol as soon as possible. "RD" shall not be used in calculating grade point averages.

W

Withdrawal: The governing board of a district which decides to provide a withdrawal procedure shall adopt a policy consistent with the following: Withdrawal from a class or classes shall be authorized through the last day of the fourteenth week of instruction (or 75% of a term, whichever is less). The governing board, however, may establish a final withdrawal date which prohibits withdrawal after a designated point in time between the end of the fourth week of instruction (or 30% of a term, whichever is less) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less). The academic record of a student who remains in a class beyond the time allowed by district policy must reflect a symbol as authorized in Section 55758 of this part, other than a "W." The governing board may by regulation authorize withdrawal from a class or classes in extenuating circumstances after the last day of the fourteenth week (or 75% of the term, whichever is less) upon petition of the student or his or her representative and after consultation with the instructor(s) or appropriate faculty. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. No notation ("W" or other) shall be made on the academic record of the student who withdraws during the first four weeks or 30% of a term, whichever is less. The governing board may establish a period of time shorter than the first four weeks or 30% of a term, during which no notation shall be made. Withdrawal between the end of the fourth week (or such time as established by the district) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less) shall be authorized after informing the appropriate faculty. Withdrawal after the end of the fourteenth week (or 75% of a term, whichever is less) when the district has authorized such withdrawal in extenuating circumstances, after consultation with appropriate faculty, shall be recorded as a "W." For purposes of withdrawal policies, the term "appropriate faculty"* means the instructor of each course in question or, in the event the instructor cannot be contacted, the department chair or equivalent faculty officer. The "W" shall not be used in calculating grade point averages, but excessive "W"s (as defined in sections 55754 and 55756 of this part) shall be used as factors in probation

and dismissal procedures. Within these guidelines, criteria for withdrawal and the procedures to accomplish it shall be established by governing boards and published in college catalogs. A district's responsibilities with respect to enrollment or attendance accounting shall not be modified or superseded in any way by adoption of a withdrawal policy.

Military Withdrawal: The governing board of a district which decides to provide a withdrawal policy shall also adopt military withdrawal procedures consistent with the following: "Military withdrawal" occurs when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. Upon verification of such orders, a withdrawal symbol may be assigned at any time after the period established by the governing board during which no notation is made for withdrawals. The withdrawal symbol so assigned may be a "W" or, if necessary to distinguish military withdrawals, may be a "MW." Military withdrawals shall not be counted in progress probation and dismissal calculations. "W"s incurred during the period between January 1, 1990 and the effective date of this paragraph, which meet the definition of military withdrawal herein, shall not be counted in progress probation and dismissal calculations and may be changed to "MW"s.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

Section 55758.5 Grade Point Average

(a) This section augments and should be read in conjunction with Section 55758 relating to academic record symbols and grade point average.

(b) In calculating students' degree applicable grade point averages, grades earned in non-degree credit courses shall not be included.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

Section 55759. Notification of Probation and Dismissal.

Each community college shall make reasonable efforts to notify a student subject to academic probation or dismissal at or near the beginning of the semester or quarter in which it will take effect but, in any case, no later than the start of the fall semester or quarter. Each community college shall also make a reasonable effort to provide counseling and other support services to a student on probation to help the student overcome any academic difficulties. Each community college shall make reasonable efforts to notify a student of removal from probation or reinstatement after dismissal within timelines established by the district. Probation and dismissal policies and procedures shall be published in the college catalog. Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

Section 55760. Grade Changes

(a) In any course of instruction in a community college district for which grades are awarded, the instructor of the course shall determine the grade to be awarded each student in accordance with section 55758 of this chapter. The determination of the

student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetency. Procedures for the correction of grades given in error shall include expunging the incorrect grade from the record.

(b) The governing board of a district shall adopt and publish procedures and regulations pertaining to the repetition of courses for which substandard work has been recorded in accordance with sections 55761 and 55762. When grade changes are made in accordance with these sections, appropriate annotations of any courses repeated shall be entered on the student's permanent academic record in such a manner that all work remains legible, insuring a true and complete academic history.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 76224, Education Code.

Section 55761. District Policy for Course Repetition.

The governing board of a district maintaining a community college shall adopt and publish procedures or regulations pertaining to the repetition of courses for which substandard work has been recorded. For purposes of course repetition, academic renewal, and all other related provisions in this part, the term “substandard” shall be defined as meaning course work for which the grading symbols I‘D,” “F,” and/or “NC” (as defined in section 55758) have been recorded. The procedures or regulations may allow such courses to be repeated and the previous grade and credit to be disregarded in the computation of grade point averages. When course repetition occurs, the permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history. Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

Section 55762. Course Repetition: Implementation.

In adopting procedures or regulations pertaining to the repetition of courses for which substandard academic performance has been previously recorded, the governing board of a district maintaining a community college:

- (a) Shall not adopt any regulation or procedure which conflicts with:
 - (1) Education Code section 76224, pertaining to the finality of grades assigned by instructors, and
 - (2) Chapter 2.5 (commencing with section 59020) of Division 10 of this part, pertaining to the retention and destruction of records and particularly subdivision (d) of section 59023, relating to the permanency of certain student records;
- (b) May permit repetition of any course which was taken in an accredited college or university and for which substandard academic performance as defined in section 55761 is recorded;
- (c) Shall, when adopted procedures or regulations permit course repetition, indicate any specific courses or categories of courses which are exempt from consideration under these regulations;
- (d) Shall, in accordance, deem any course repetition permitted under section 55761 to require “prior written permission from the district superintendent or the district superintendent’s authorized representative or representatives”;
- (e) Shall clearly indicate any courses repeated under the provisions of this section and section 55761 on the student’s permanent academic record, using an appropriate symbol;
- (f) Shall, when adopted procedures or regulations permit course repetition, publish specific procedures to implement this section;
- (g) May, in determining transfer of a student’s credits, honor similar, prior course repetition actions by other accredited colleges and universities; and
- (h) Shall maintain a careful record of actions taken under course repetition procedures or regulations adopted in compliance with this section and section 55761, since periodic reports may be required by the Chancellor.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76224, Education Code.

Section 55763. Course Repetition: Special Circumstances.

(a) The governing board of a district may adopt procedures or regulations pertaining to the repetition of courses for which substandard work has not been recorded. Repetition of courses for which substandard work has not been recorded shall be permitted only upon petition of the student and with the written permission of the governing board or its designee based on a finding that circumstances exist which justify such repetition.

(b) When course repetition under this section occurs, the student's permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

(c) Grades awarded for courses repeated under the provisions of this section shall not be counted in calculating a student's grade point average.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

Section 55764. District Policy for Academic Renewal Without Course Repetition.

The governing board of a district maintaining a community college shall adopt and publish procedures or regulations pertaining to the alleviation of previously recorded substandard academic performance, as defined in section 55761, which is not reflective of a student's demonstrated ability. Such procedures or regulations shall include a clear statement of the educational principles upon which they are based, and shall be referred to as academic renewal regulations. When academic renewal procedures or regulations adopted by the districts permit previously recorded, substandard course work to be disregarded in the computation of grade point averages, the permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history. Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76224, Education Code.

Section 55765. Academic Renewal Without Course Repetition: Implementation.

In adopting procedures or regulations pertaining to the alleviation of previously recorded, substandard academic performance, as defined in section 55764, which is not reflective of a student's demonstrated ability, the governing board of a district maintaining a community college:

(a) Shall not adopt any regulation or procedure which conflicts with:

(1) Education Code section 76224, pertaining to the finality of grades assigned by instruction, and

(2) Chapter 2.5 (commencing with section 59020) of division 10 of this part pertaining to the retention and destruction of records, and particularly subdivision (d) of section 59023, relating to the permanency of certain student records.

(b) Shall, when the adopted procedures or regulations permit such alleviation, state:

(1) The maximum amount of coursework that may be alleviated:

(2) The amount of academic work to have been completed at a satisfactory level (minimum 2.00) subsequent to the coursework to be alleviated;

(3) The length of time to have elapsed since the coursework to be alleviated was recorded; and

(4) A description of any specific courses and/or categories of courses that are, for any reason, exempt from consideration under the alleviation regulations.

(c) Shall, when the adopted procedures or regulations permit such alleviation, publish specific procedures to be followed in implementing procedures or regulations adopted pursuant to this section and section 55764 stating, at a minimum:

(1) The procedures to be followed by students in petitioning for alleviation; and

(2) The officers and/or personnel responsible for implementing the procedures or regulations.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76224, Education Code.

Sections 55805-55805.5 - Philosophy and Criteria for Associate Degree and General

Section 55805. Education.

(a) The governing board of a community college district shall adopt policy which states its specific philosophy on General Education. In developing this policy governing boards shall consider the following policy of the Board of Governors: The awarding of an Associate Degree is intended to represent more than an accumulation of units. It is to symbolize a successful attempt on the part of the college to lead students through patterns of learning experiences designed to develop certain capabilities and insights. Among these are the ability to think and to communicate clearly and effectively both orally and in writing; to use mathematics; to understand the modes of inquiry of the major disciplines; to be aware of other cultures and times; to achieve insights gained through experience in thinking about ethical problems; and to develop the capacity for self-understanding. In addition to these accomplishments, the student shall possess sufficient depth in some field of knowledge to contribute to lifetime interest.

Central to an Associate Degree, General Education is designed to introduce students to the variety of means through which people comprehend the modern world. It reflects the conviction of colleges that those who receive their degrees must possess in common certain basic principles, concepts and methodologies both unique to and shared by the various disciplines. College educated persons must be able to use this knowledge when evaluating and appreciating the physical environment, the culture, and the society in which they live. Most importantly, General Education should lead to better self-understanding. In establishing or modifying a general education program, ways shall be sought to create coherence and integration among the separate requirements. It is also desirable that general education programs involve students actively in examining values inherent in proposed solutions to major social problems.

(b) The governing board of a community college district shall also establish criteria to determine which courses may be used in implementing its philosophy on the associate degree and general education.

(c) The governing board of a community college district shall on a regular basis, review the policy and criteria established pursuant to subsections (a) and (b) of this section.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 70902, Education Code.

Section 55805.5. Types of Courses Appropriate to the Associate Degree.

The criteria established by the governing board of a community college district to implement its philosophy on the associate degree shall permit only courses that conform to the standards specified in section 55002(a) and that fall into the following categories to be offered for associate degree credit:

(a) All lower division courses accepted toward the baccalaureate degree by the California State University or University of California or designed to be offered for transfer.

(b) Courses that apply to the major in non-baccalaureate occupational fields.

(c) English courses not more than one level below the first transfer level composition course, typically known as English 1A. Each student may count only one such course as credit toward the associate degree.

- (d) All mathematics courses above and including Elementary Algebra.
- (e) Credit courses in English and mathematics taught in or on behalf of other departments and which, as determined by the local governing board require entrance skills at a level equivalent to those necessary for the courses specified in subsections (c) and (d) above.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 70902, Education Code.

Section 58161 - State Apportionment for Course Repetition

Section 58161.

(a) Except as specifically authorized by statute or by this section, no state apportionment shall be allowed for the attendance of a student in a course in which the student has previously received a grade from the district.

(b) State apportionment may be claimed for the attendance of a student in a course in which the student has received a grade only if:

(1) The student is repeating the course to alleviate substandard work which has been recorded on the student's record. The term "substandard" shall be defined as course work for which the grading symbol "D," "F," or "N/C" has been recorded; or

(2) The district finds that the student's previous grade is, at least in part, the result of extenuating circumstances. Extenuating circumstances are verified cases of accidents, illness, or other circumstances beyond the control of the student; or

(3) The district has determined that a student should repeat a course because there has been a significant lapse of time since the student previously took the course. The attendance of students repeating a course as authorized by this subsection may be claimed only once for state apportionment.

(c) State apportionment for repetition of courses not expressly authorized by this section may be claimed upon approval of the Chancellor in accordance with the following procedure:

(1) The district must identify the courses which are to be repeatable, and designate such courses in its catalog.

(2) The district must determine and certify that each identified course is one in which the course content differs each time it is offered, and that the student who repeats it is gaining an expanded educational experience for one of the two of the following reasons:

(A) Skills or proficiencies are enhanced by supervised repetition and practice within class periods; or

(B) Active participatory experience in individual study or group assignments is the basic means by which learning objectives are obtained.

(3) The district must develop and implement a mechanism for the proper monitoring of such repetition.

The attendance of students repeating a course pursuant to this subsection, when approved by the Chancellor, may be claimed for state apportionment for not more than three semesters or five quarters. Note: Authority cited: Sections 66700 and 70901, Education Code Reference: Section 70901, Education Code.

Sections 58730-58734 - Description of Credit Student Services Category

Section 58730.

The credit student services category of operation includes the components of matriculation, financial aid, placement services, student activities and other student services. These services correspond to the California Community Colleges Budget and Accounting Manual Classification of Expenditures by Activity, activity codes 6200 through 6400.

Note: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

Section 58732. Credit Student Services Standards.

(a) The credit student services standards per college in 1990-91 dollars shall be as follows:

(1) Admissions and records at \$43.86 per credit headcount.

(2) Orientation: Twenty counselor days for development of materials and preparation; staff costs per orientation session equal to 3 hours of a counselor, 1 hour of a technician, 3 hours of a student worker, and 16 hours of clerical support; eighty percent of the fall credit enrollees are served with 50 students in each orientation session; \$10.47 for supplies for each fall enrollee served.

(3) Testing and Assessment: One FTE technician plus one FTE clerical staff for administration of testing:

(A) General testing of 3 tests at one hour each at \$4 1.86 per hour for administration; 80% of the fall enrollees are tested with 50 students per test session; \$4.19 to purchase each test, plus \$0.2 1 to score each standardized test and \$19.28 to score each holistic test.

(B) Additional limited English proficiency testing of 2 additional tests at one hour each at \$83.73 per hour for administration; 5% of the nonexempt fall enrollees are assumed to require testing with 15 students per test session; \$4.19 to purchase each test, plus \$0.21 for scoring; plus \$2.09 per fall enrollee for notification costs.

(4) Counseling:

(A) Pre-registration: The FTE counselors plus 25% FTE clerical support necessary to counsel each nonexempt new fall enrollee on a one-to-one basis for one hour each;

(B) Post-registration: The FTE counselors plus 25% FTE clerical support necessary for student educational plans, general counseling, probation counseling, and Basic Skills counseling. Eighty percent of new fall enrollees will be counseled for 1 hour and 20 minutes for student educational plans. Fifty percent of fall continuing students will be counseled for 1 hour of general counseling. Twelve percent of the fall continuing students will receive probationary counseling for 1 hour. Basic Skills students will receive an additional 30 minutes of counseling. Basic Skills enrollment is estimated to equal 3.5 times Basic Skills FTES. Counselors are assumed to average 6.36 hours per day, 75% of which is spent with students. An allocation of \$641 per counselor is calculated for supplies.

(5) Research and Evaluation: 1 FTE researcher plus 1 FTE programmer plus .5 clerical support staff plus \$2,093 for supplies. Costs for this area are accounted for under

institutional support and are not included in the standards rates derived in subdivision (b)

(6) Coordination and Training: 1 FTE administrator plus 1 FTE coordinator plus 1 FTE clerical support.

(7) Financial aid: 1 FTE director plus 1 FTE advisor plus 0.5 FTE technician plus 1 FTE clerical support plus \$2,764 base fixed costs plus \$3 1.38 per credit headcount.

(8) Placement services cost of 1 director salary plus 1 FTE academic staff per 10,000 fall credit enrollees plus 1 clerical FTE plus additional 1 clerical per 4 academic staff members.

(9) Credit student activities costs of 1 director salary plus 1 FTE academic staff per 10,000 fall credit enrollees plus 1 clerical FTE plus additional 1 clerical per 4 academic staff members.

(10) Flat rate of \$50.04 per credit headcount for additional, unspecified student services.

(2), (3), (4), and (10) above, shall be the standards derived in subparagraphs (I), adjusted by the scale factor defined in section 58734.

(b) The standard rate derived from application of the above standards to be used in the 1991 - 92 allocation process, contained in Article 8 of this subchapter, for the credit student services category shall be \$617,257 per college, increased by the inflation adjustment pursuant to subdivision (a) of section 58773, plus \$378. 1 1 per new credit enrollment and \$194.59 per continuing credit enrollment, both adjusted by the inflation adjustment pursuant to subdivision (a) of section 58773 and the scale factor, pursuant to section 58734. For 1992-93 and each fiscal year thereafter, the standard rates shall be the rates used for the prior fiscal year increased by the inflation adjustment pursuant to subdivision (a) of section 58773.

Note: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

Section 58734. Credit Student Services Scale Factors.

(a) For single college districts:

(1) If credit headcount is less than 4,423, the scale factor is:

$1.4647 - 0.989130434 (\text{Headcount} / 10,000) + 0.06389 (\text{Headcount} / 10,000)$.

(2) If credit headcount is greater than or equal to 4,423 and less than or equal to 15,385, the scale factor is: $1.055719298175 - 0.036217543 (\text{Headcount} / 10,000)$.

(3) If credit headcount is greater than 15,385, the factor is 1 .0.

(b) For each college in a multi-college district:

(1) If credit headcount is less than 4,423, the scale factor is:

$1.4249995135523 - 0.962320193 (\text{Headcount} / 10,000) + 0.06215 (\text{Headcount} / 10,000)^2$.

(2) If credit headcount is greater than or equal to 4,423 and less than or equal to 7,692, the scale factor is: $1.0271041758361 - 0.035235871 (\text{Headcount} / 10,000)$.

(3) If credit headcount is greater than 7,692, the factor is 1 .0.

Note: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

Sections 59300-59362 - Nondiscrimination in Programs Receiving State Financial Assistance Through the Chancellor or Board of Governors of the California Community Colleges. Subchapter 5
Article 1. General

Section 59300. Purpose.

The purpose of this Chapter is to implement the provisions of California Government Code Sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code 8 200 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 9 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. (i 1681), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 5 794) the Americans with Disabilities Act of 1990 (42 U.S.C. § 12100 et seq.) and the Age Discrimination Act (42 U.S.C. 9 6101), to the end that no person in the State of California shall, on the basis of ethnic group identification, national origin, religion, age, sex, race, color or physical or mental disability, be unlawfully subject to discrimination under any program or activity that is funded directly by, or that receives any financial assistance from, the Chancellor or Board of Governors of the California Community Colleges. Note: Authority cited: Section 70901 Education Code; and Section 11138, Government Code. Reference: Sections 11135-11139.5, Government Code, Section 200 et seq., Education Code, Title 29, United States Code, Section 794, and Title 42, United States Code, Section 2000d, 6 01 and 12100, et seq.

Section 59301. Prohibited Discrimination.

All programs and activities in the California Community Colleges shall be available to all qualified persons without regard to ethnic group identification, religion, age, sex, color or physical or mental disability. No person shall be denied the benefits of any community college program or activity on the basis of ethnic group identification, religion, age, sex, color or physical or mental disability. Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025. Education Code. Reference: Sections 11135 and 11138. Government Code.

Section 59302. Academic Requirements.

Nothing in this chapter shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity. Community College Regulations for Assembly Bill 803 Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025. Education Code. Reference: Sections 11135 and 11138, Government Code.

Section 59303. Delegation of Authority.

The Board of Governors hereby delegates responsibility for implementing and enforcing the requirements of Government Code Sections 11135 through 11137 to the Chancellor, except as specifically stated in this Chapter. Note: Authority cited: Section 11138, Government Code; Sections 71020, 71025, and 71091, Education Code. Reference: Sections 11135 and 11138, Government Code.

Section 59304. Intent.

It is the intent of the Board of Governors that the Chancellor assist community college districts in recognizing and eliminating unlawful discrimination that may exist from their programs and activities and in meeting the requirements of this chapter. Punitive action authorized by this chapter will be taken only when remedial action has failed to eliminate unlawful discrimination from the programs and activities of a community college district. Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135, 11137, 11138, and 11139, Government Code.

Section 59305. Operative Date.

This chapter shall be operative July 1981, Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135 and 11138, Government Code.

Section 59306. Visitor Parking for Persons with Disabilities.

(a) Each community college district shall, consistent with the requirements of Education Code Sections 66260 and 67311.5, provide visitor parking at each of its colleges or centers at no charge to persons with disabilities or those providing transportation for such persons.

(b) For purposes of this section, "persons with disabilities" are those who: (1) qualify as disabled persons pursuant to Section 22511.5 of the Vehicle Code; or (2) if they were students, would be entitled to special parking provided to students with disabilities pursuant to Subchapter 1 (commencing with Section 56000) of Chapter 7 of this Division.

(c) Parking at no charge shall be available to persons with disabilities who are visitors, and those providing transportation to such persons, in those parking facilities which are most accessible to administrative offices, libraries, and other facilities which the district finds are most used by visitors.

(d) Each community college district shall post in conspicuous places notice that parking is available without charge to persons with disabilities who are visitors and those providing transportation for such persons.

(e) When parking provided pursuant to this section is located in an area where access is controlled by a mechanical gate, the district shall ensure that accommodations are made for persons with disabilities who are unable to operate the gate controls. Accommodations may be provided by an attendant assigned to assist in operation of the gate or by any other effective means deemed appropriate by the district.

(f) Parking fees collected pursuant to Education Code Section 72247 shall be used to offset any costs resulting from compliance with the requirements of this section.

Note: Authority cited: Sections 66260, 67311.5 and 70901, Education Code; and Section 11135, Government Code. Reference: Sections 66260, 67311.5, and 72247, Education Code; and Section 22511.5, Vehicle Code.

Section 59307. Sexual Harassment and Sex Discrimination.

The governing board of each community college district shall ensure that all persons,

regardless of their sex, are afforded equal rights and opportunities in programs and activities conducted by colleges in the district. The district shall comply with all requirements of Chapter 2 (commencing with Section 200) of Division I of Title I of the Education Code, which is commonly referred to as the Sex Equity in Education Act. Complaints alleging sexual harassment or discrimination on the basis of gender prohibited by that Act shall be filed and investigated pursuant to the procedures set forth in this subchapter. Note: Authority cited: Sections 232 and 70901, Education Code; and Section 11135, Government Code. Reference: Sections 200 et seq., Education Code.

Article 2. Definitions

Section 59310. Incorporation by Reference.

Those definitions of activities prohibited by and persons protected by Chapter 972 of the Statutes of 1977 set forth in Chapters 2 and 3 of Division 8 of Title 22 of the California Administrative Code (commencing with Section 98100) are incorporated into and made applicable to this Chapter as if fully set forth here. Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135 and 11138, Government Code.

Section 59311. Handicapped Visitor Parking.

Note: Authority cited: Sections 66260, 66700 and 71020. Education Code; and Section 11135. Government Code. Reference: Section 71020, Education Code; and Section 11135. Government Code.

Article 3. District Compliance and Enforcement

Section 59320. District Responsibility.

Each community college district has primary responsibility to insure that its programs and activities are available, to all persons without regard to ethnic group identification, religion, age, sex, color or physical or mental disability. Therefore, each community college district shall investigate complaints of unlawful discrimination in its programs or activities, and seek to resolve those complaints. Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135 and 11138, Government Code.

Section 59322. District Regulations.

Each community college district, no later than 90 days from the operative date of this chapter shall adopt and submit to the Chancellor for approval rules and regulations consistent with this article for the investigation and resolution of complaints of unlawful discrimination. Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135 and 11138, Government Code.

Section 59324. Responsible District Officer.

Each community college district shall identify to the Chancellor and to the public a single person as the district officer responsible for receiving complaints filed pursuant to Section 59328 and coordinating their investigation. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under

contract with the district. Such procedures shall be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint. Note: Authority cited: Section 11138, Government Code; and Section 70901, Education Code. Reference: Sections 11135 and 11138, Government Code.

Section 59326. Notice to Students and Employees.

Each community college district shall notify students and employees of the provisions of this chapter. Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135 and 11138, Government Code.

Section 59327. Informal Resolution.

(a) Whenever any person brings charges of unlawful discrimination to the attention of the responsible district officer designated pursuant to Section 59324, that officer shall:

- (1) undertake efforts to informally resolve the charges;
- (2) advise the complainant that he or she need not participate in informal resolution;
- (3) notify the person bringing the charges of the procedure for filing a complaint pursuant to Section 59328; and
- (4) advise the complainant that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education (OCR).

(b) Efforts at informal resolution pursuant to subsection (a)(1) need not include any investigation unless the responsible district officer determines that an investigation is warranted by the seriousness of the charges.

(c) Efforts at informal resolution may continue after the filing of a written complaint, but after a complaint is filed the investigation conducted pursuant to Section 59334 must be completed unless the matter is resolved and the complaint is dismissed. Any efforts at informal resolution after the filing of a written complaint shall not exceed the ninety (90) day period for rendering the administrative determination pursuant to Section 59336.

Note: Authority cited: Section 11138, Government Code; and Section 70901, Education Code. Reference: Sections 11135, 11136 and 11138, Government Code.

Section 59328. Complaint.

An investigation of alleged unlawful discrimination prohibited by this Subchapter will be initiated by filing a complaint which meets the following requirements:

(a) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his or her official capacity.

(b) The complaint shall be filed with the Chancellor of the California Community Colleges or with the officer designated pursuant to Section 59324 by the appropriate community college district.

(c) The complaint shall be in a form prescribed by the Chancellor.

(d) The complaint shall be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination.

Note: Authority cited: Section 11138, Government Code; and Section 70901, Education

Code. Reference: Sections 11135, 11136 and 11138, Government Code.

Section 59329. Complaints Filed with Chancellor.

Upon receiving a complaint filed pursuant to Section 59328, the Chancellor will immediately forward a copy of the complaint to the appropriate community college district responsible officer who shall respond pursuant to Section 59332 or initiate the investigation required by Section 59334. Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135, 11136, and 11138, Government Code.

Section 59330. Notice to Chancellor.

Immediately upon receiving a complaint filed in accordance with Section 59328 the district shall notify the Chancellor of the complaint in a form and manner determined by the Chancellor. Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135, 11136, and 11138, Government Code.

Section 59332. Defective Complaint.

When a district receives a complaint which it finds does not meet the requirements of Section 59328 the district shall immediately notify the complainant that the complaint does not meet the requirements of Section 59328 and shall specify in what requirement the complaint is defective. Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135, 11136, and 11138, Government Code.

Section 59333. Office for Civil Rights.

(a) Whenever a complaint is filed with the Chancellor pursuant to Section 59329 and whenever the Chancellor renders a decision pursuant to Article 4 (commencing with Section 59350) of this Subchapter, the Chancellor shall notify the complainant that he or she may file a complaint regarding the same matter with the Office For Civil Rights of the U.S. Department of Education (OCR).

(b) In such cases, OCR will normally accept compliance with these regulations as satisfying the due process requirements of federal law.

(c) OCR shall have no jurisdiction to rule on any finding regarding violation of state law. Note: Authority cited: Section 11138, Government Code; and Section 70901, Education Code. Reference: Sections 11135, 11136 and 11138, Government Code. Section

59334. District Investigation.

Upon receiving a complaint which is properly filed in accordance with Section 59328, the district will commence an impartial fact-finding investigation of that complaint and notify the complainant and Chancellor that it is doing so. The results of the investigation shall be set forth in a written report which shall include at least all of the following:

(a) a description of the circumstances giving rise to the complaint;

(b) a summary of the testimony provided by each witness, including the complainant and any witnesses identified by the complainant in the complaint;

(c) an analysis of any relevant data or other evidence collected during the course of the

investigation;

(d) a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint; and

(e) any other information deemed appropriate by the district.

Note: Authority cited: Section 11138, Government Code; and Section 70901, Education Code. Reference: Sections 11135, 11136 and 11138, Government Code. Section 59336. Administrative Determination.

Within ninety (90) days of receiving a complaint, the district shall complete its investigation and forward all of the following to the complainant:

(a) a copy or summary of the investigative report required pursuant to Section 59334;

(b) a written notice setting forth:

(1) the determination of the chief executive officer or his/her designee as to whether discrimination did or did not occur with respect to each allegation in the complaint;

(2) a description of actions taken, if any, to prevent similar problems from occurring in the future;

(3) the proposed resolution of the complaint; and

(4) the complainant's right to appeal to the district governing board and the Chancellor pursuant to Section 59338. Note: Authority cited: Section 11138, Government Code; and Section 70901, Education Code. Reference: Sections 11135, 11136 and 11138, Government Code.

Section 59338. Final District Decision; Appeals.

(a) If the complainant is not satisfied with the results of the administrative determination pursuant to Section 59336, the complainant may, within fifteen (15) days, submit a written appeal to the district governing board. The governing board shall review the original complaint, the investigative report, the administrative determination, and the appeal and issue a final district decision in the matter within forty-five (45) days after receiving the appeal. A copy of the final district decision rendered by the governing board shall be forwarded to the complainant and to the Chancellor. The complainant shall also be notified of his or her right to appeal this decision pursuant to this section. If the governing board does not act within forty-five (45) days the administrative determination shall be deemed approved and shall become the final district decision in the matter.

(b) In any case not involving employment discrimination, the complainant shall have the right to file a written appeal with the Chancellor within thirty (30) days after the governing board issues the final district decision or permits the administrative determination to become final pursuant to subsection (a). Such appeals shall be processed pursuant to the provisions of Article 4 (commencing with Section 59350) of this subchapter.

(c) In any case involving employment discrimination, the complainant may, at any time before or after the final district decision is rendered, file a complaint with the Department of Fair Employment and Housing. In addition, in such cases, the complainant may file a petition for review with the Chancellor within thirty (30) days after the governing board issues the final district decision or permits the administrative determination to become final pursuant to subsection (a). The Chancellor shall have discretion to accept or reject

any such petition for review in employment discrimination cases. If the Chancellor agrees to accept the case, he/she may:

- (1) attempt to informally resolve the matter pursuant to Section 59354;
- (2) where applicable, treat the complaint as an allegation that the district has violated the provisions of Subchapter 1 (commencing with Section 53000) of Chapter 4 of this Division; or
- (3) take any other action deemed appropriate by the Chancellor.

Note: Authority cited: Section 11138, Government Code; and Section 70901, Education Code. Reference: Sections 11135, 11136 and 11138, Government Code.

Section 59340. Forward to Chancellor.

Within 150 days of receiving a complaint, the district will forward the following to the Chancellor:

- (a) the original complaint;
- (b) the report required pursuant to Section 59334 describing the nature and extent of the investigation conducted by the district;
- (c) a copy of the notice sent to the complainant pursuant to Section 59336(b);
- (d) a copy of the final district decision rendered by the governing board or a statement indicating the date on which the administrative determination became final pursuant to Section 59338(a);
- (e) a copy of the notice to the complainant required pursuant to Section 59338 (a); and
- (b) such other information as the Chancellor may require. Note: Authority cited: Section 11138, Government Code; and Section 70901, Education Code. Reference: Sections 11135, 11136 and 11138, Government Code.

Section 59342. Extensions; Failure to Comply.

(a) If a district, for reasons beyond its control, is unable to comply with the 150-day deadline specified in Section 59340 for submission of materials to the Chancellor, the district may file a written request that the Chancellor grant an extension of the deadline. The request shall be submitted no later than ten (10) days prior to the expiration of the deadline established pursuant to Section 59340 and shall set the reasons for the request and the date by which the district expects to be able to submit the required materials.

(b) A copy of the request for an extension shall be sent to the complainant who may file written objections with the Chancellor within five (5) days of receipt.

(c) The Chancellor may grant the request unless delay would be prejudicial to the complainant.

(d) If a district fails to comply with the requirements of Section 59340 by the required deadline, including any extension granted pursuant to this section, the Chancellor may proceed to review the case as provided in Article 4 (commencing with Section 59350) of the Subchapter based on the original complaint and any other relevant information then available. Note: Authority cited: Section 11138, Government Code; and Section 70901, Education 11135, 11136 and 11138, Government Code. Reference: Sections

Article 4. Chancellor's Procedure to Effect Compliance

Section 59350. Review for Reasonable Cause.

(a) The Chancellor shall review the materials submitted by the district pursuant to Section 59340, together with any objection submitted by the complainant, and determine whether there is reasonable cause to believe the district has violated the requirements of this chapter.

(b) Failure by the complainant to file an objection pursuant to Section 59338 shall not preclude the Chancellor from finding reasonable cause to believe the district has violated the requirements of this chapter.

(c) If the Chancellor finds there is no reasonable cause to believe a violation has occurred, the Chancellor shall immediately notify both the complainant and the district.

Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections, 11136, and 11138, Government Code.

Section 59352. Investigation.

If the Chancellor finds there is reasonable cause to believe a violation has occurred, the Chancellor shall investigate to determine whether there is probable cause to believe a violation has occurred. Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135, 11136, and 11138, Government Code.

Section 59354. Informal Resolution.

During the course of the investigation, the Chancellor shall seek to informally resolve the alleged violation. Such resolution shall be set forth in a written conciliation agreement. A copy of the written agreement shall be sent to the complainant.

Note: Authority cited: Section 1138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135, 11136, and 11138, Government Code.

Section 59356. Formal Resolution.

Within 120 days of initiating the investigation, the Chancellor shall:

(a) Notify the district and the complainant that there is probable cause to believe the district has violated the provisions of this chapter. The Chancellor shall allow the district to acquiesce in this finding prior to filing an accusation against the district.

(b) Notify the district and the complainant that there is no reasonable cause to believe the district has violated the provisions of this chapter. Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135, 11136, and 11138, Government Code.

Section 59358. Hearing.

If the Chancellor finds the district has violated the provisions of this chapter, and if the district does not acquiesce in that finding, the Chancellor shall initiate the hearing process pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code, to determine whether the violation did occur.

Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135, 11136, and 11138, Government Code.

Section 59360. Enforcement.

(a) Upon a determination that a district has violated the provisions of this chapter, the Chancellor shall notify the district of the action he or she will take to effect compliance. The Chancellor may use any means authorized by law to effect compliance, including:

- (1) Withhold all or part of the district's state support;
- (2) Probationary eligibility for future state support, conditional on compliance with specified conditions;
- (3) Proceeding in a court of competent jurisdiction for an appropriate order compelling compliance.

(b) No decision to curtail state funding to a district under this chapter shall be made until the Chancellor has determined that compliance cannot be secured by voluntary means. Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135, 11136, and 11138, Government Code.

Section 59362. Judicial Review.

A decision by the Chancellor pursuant to Section 59360 is subject to judicial review by the district, as provided by Section 1094.5 of the Code of Civil Procedure.

Note: Authority cited: Section 11138, Government Code; Sections 71020 and 71025, Education Code. Reference: Sections 11135, and 11138, Government Code.

Sections 67310-67312 – Services for Students with Disabilities in Postsecondary Education

- (a) The Legislature finds and declares that equal access to public postsecondary education is essential for the full integration of persons with disabilities into the social, political, and economic mainstream of California. The Legislature recognizes the historic under-representation of disabled students in postsecondary programs and the need for equitable efforts that enhance the enrollment and retention of disabled students in public colleges and universities in California.
- (b) The Legislature recognizes its responsibility to provide and adequately fund postsecondary programs and services for disabled students attending a public postsecondary institution.
- (c) To meet this responsibility, the Legislature sets forth the following principles for public postsecondary institutions and budgetary control agencies to observe in providing postsecondary programs and services for students with disabilities:
- (1) The state funded activity shall be consistent with the stated purpose of programs and services for disabled students provided by the California Community Colleges, the California State University, or the University of California, as governed by the statutes, regulations, and guidelines of the community colleges, state university, or the University of California.
 - (2) The state funded activity shall not duplicate services or instruction that is available to all students, either on campus or in the community.
 - (3) The state funded activity shall be directly related to the functional limitations of the verifiable disabilities of the students to be served.
 - (4) The state funded activity shall be directly related to these students' full access to and participation in the educational process.
 - (5) The state funded activity shall have as its goals the independence of disabled students and the maximum integration of these students with other students.
 - (6) The state funded activity shall be provided in the most integrated setting possible, consistent with state and federal law, state policy and funding requirements, and missions and policies of the postsecondary segment, and shall be based on identified student needs.
- (d) It is the intent of the Legislature that, through the state budget process, the public postsecondary institutions request, and the state provide, funds to cover the actual cost of providing services and instruction, consistent with the principles set forth in subdivision (c), to disabled students in their respective postsecondary institutions.
- (e) All public postsecondary education institutions shall continue to utilize other available resources to support programs and services for disabled students as well as maintain their current level of funding from other sources whenever possible.
- (f) Pursuant to Section 67312, postsecondary institutions shall demonstrate institutional accountability and clear program effectiveness evaluations for services to students with disabilities.

Section 67311.

It is the desire and intent of the Legislature that, as appropriate for each postsecondary segment, funds for disabled student programs and services be based on the following three categories of costs:

(a) Fixed costs associated with the ongoing administration and operation of the services and programs. These fixed costs are basic ongoing administrative and operational costs of campus programs that are relatively consistent in frequency from year-to-year, such as:

(1) Access to, and arrangements for, adaptive educational equipment, materials, and supplies required by disabled students.

(2) Job placement and development services related to the transition from school to employment.

(3) Liaisons with campus and community agencies, including referral and follow-up services to these agencies on behalf of disabled students.

(4) On-campus and off-campus registration assistance, including priority enrollment, applications for financial aid, and related college services.

(5) Special parking, including on-campus parking registration, temporary parking permit arrangements, and application assistance for students who do not have state handicapped placards or license plates.

(6) Supplemental specialized orientation to acquaint students with the campus environment.

(7) Activities to coordinate and administer specialized services and instruction.

(8) Activities to assess the planning, implementation, and effectiveness of disabled student services and programs.

The baseline cost of these services shall be determined by the respective system and fully funded with annual adjustments for inflation and salary range changes, to the extent funds are provided.

(b) Continuing variable costs that fluctuate with changes in the number of students or the unit load of students. These continuing variable costs are costs for services that vary in frequency depending on the needs of students, such as the following:

(1) Diagnostic assessment, including both individual and group assessment not otherwise provided by the institution to determine functional, educational, or employment levels or to certify specific disabilities.

(2) On-campus mobility assistance, including mobility training and orientation and manual or automatic transportation assistance to and from college courses and related educational activities.

(3) Off-campus transportation assistance, including transporting students with disabilities to and from the campus in areas where accessible public transportation is unavailable, inadequate, or both.

(4) Disability-related counseling and advising, including specialized academic, vocational, personal, and peer counseling, that is developed specifically for disabled students and not duplicated by regular counseling and advising services available to all students.

(5) Interpreter services, including manual and oral interpreting for deaf and hard-of-hearing students.

- (6) Reader services to coordinate and provide access to information required for equitable academic participation if this access is unavailable in other suitable modes.
 - (7) Services to facilitate the repair of equipment and learning assistance devices.
 - (8) Special class instruction that does not duplicate existing college courses but is necessary to meet the unique educational needs of particular groups of disabled students.
 - (9) Speech services, provided by licensed speech or language pathologists for students with verified speech disabilities.
 - (10) Test taking facilitation, including adapting tests for and proctoring test taking by, disabled students.
 - (11) Transcription services, including, but not limited to, the provision of Braille and print materials.
 - (12) Specialized tutoring services not otherwise provided by the institution.
 - (13) Notetaker services for writing, notetaking, and manual manipulation for classroom and related academic activities.
- State funds may be provided annually for the cost of these services on an actual-cost basis, including wages for the individuals providing these services and expenses for attendant supplies. Each institution shall be responsible for documenting its costs to the appropriate state agencies.
- (c) One-time variable costs associated with the purchase or replacement of equipment. Onetime variable costs are one-time expenditures for the purchase of supplies or the repair of equipment, such as adapted educational materials and vehicles. State funds shall be provided for these expenses on an actual cost basis as documented by each institution.

Section 67312.

- (a) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, for their respective systems, and the Regents of the University of California may, do the following:
- (1) Work with the California Postsecondary Education Commission and the Department of Finance to develop formulas or procedures for allocating funds authorized under this chapter.
 - (2) Adopt rules and regulations necessary to the operation of programs funded pursuant to this chapter.
 - (3) Maintain the present inter-segmental efforts to work with the California Postsecondary Education Commission and other interested parties, to coordinate the planning and development of programs for students with disabilities, including but not limited to, the establishment of common definitions for students with disabilities and uniform formats for reports required under this chapter.
 - (4) Develop and implement, in consultation with students and staff, a system for evaluating state-funded programs and services for disabled students on each campus at least every five years. At a minimum, these systems shall provide for the gathering of outcome data, staff and student perceptions of program effectiveness, and data on the implementation of the program and physical accessibility requirements of Section 794 of Title 29 of the Federal Rehabilitation Act of 1973.

(b) Commencing in January 1990, and every two years thereafter, the Board of Governors of the California Community Colleges and the Trustees of the California State University shall, for their respective systems, and the Regents of the University of California may, submit a report to the Governor, the education policy committees of the Legislature, and the California Postsecondary Education Commission on the evaluations developed pursuant to subdivision (a). These biennial reports shall also include a review on a campus-by-campus basis of the enrollment, retention, transition, and graduation rates of disabled students.

(c) The California Postsecondary Education Commission shall review these reports and submit its comments and recommendations to the Governor and education policy committees of the Legislature.

Section 70900. Minimum Standards Governing Community Colleges

There is hereby created the California Community Colleges, a postsecondary education system consisting of community college districts heretofore and hereafter established pursuant to law and the Board of Governors of the California Community Colleges. The board of governors shall carry out the functions specified in Section 70901 and local districts shall carry out the functions specified in Section 70902. This part shall be known, and may be cited, as the "Walter Stiern Act."

Section 70901.

(a) The Board of Governors of the California Community Colleges shall provide leadership and direction in the continuing development of the California Community Colleges as an integral and effective element in the structure of public higher education in the state. The work of the board of governors shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the California Community Colleges.

(b) Subject to, and in furtherance of, subdivision (a), and in consultation with community college districts and other interested parties as specified in subdivision (e), the board of governors shall provide general supervision over community college districts, and shall, in furtherance thereof, perform the following functions:

(1) Establish minimum standards as required by law, including, but not limited to, the following:

(A) Minimum standards to govern student academic standards relating to graduation requirements and probation, dismissal, and readmission policies.

(B) Minimum standards for the employment of academic and administrative staff in community colleges.

(C) Minimum standards for the formation of community colleges and districts.

(D) Minimum standards for credit and noncredit classes.

(E) Minimum standards governing procedures established by governing boards of community college districts to ensure faculty, staff, and students the right to participate effectively in district and college governance, and the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

(2) Evaluate and issue annual reports on the fiscal and educational effectiveness of community college districts according to outcome measures cooperatively developed with those districts, and provide assistance when districts encounter severe management difficulties.

(3) Conduct necessary system-wide research on community colleges and provide appropriate information services, including, but not limited to, definitions for the purpose of uniform reporting, collection, compilation, and analysis of data for effective planning and coordination, and dissemination of information.

(4) Provide representation, advocacy, and accountability for the California Community Colleges before state and national legislative and executive agencies.

(5) Administer state support programs, both operational and capital outlay, and those federally supported programs for which the board of governors has responsibility pursuant to state or federal law. In so doing, the board of governors shall do the following:

(A) Annually prepare and adopt a proposed budget for the California Community Colleges. The proposed budget shall, at a minimum, identify the total revenue needs for serving educational needs within the mission, the amount to be expended for the state general apportionment, the amounts requested for various categorical programs established by law, the amounts requested for new programs and budget improvements, and the amount requested for system-wide administration.

The proposed budget for the California Community Colleges shall be submitted to the Department of Finance in accordance with established timelines for development of the annual Budget Bill.

(B) To the extent authorized by law, establish the method for determining and allocating the state general apportionment.

(C) Establish space and utilization standards for facility planning in order to determine eligibility for state funds for construction purposes.

(6) Establish minimum conditions entitling districts to receive state aid for support of community colleges. In so doing, the board of governors shall establish and carry out a periodic review of each community college district to determine whether it has met the minimum conditions prescribed by the board of governors.

(7) Coordinate and encourage inter-district, regional, and statewide development of community college programs, facilities, and services.

(8) Facilitate articulation with other segments of higher education with secondary education.

(9) Review and approve comprehensive plans for each community college district. The plans shall be submitted to the board of governors by the governing board of each community college district.

(10) Review and approve all educational programs offered by community college districts, and all courses that are not offered as part of an educational program approved by the board of governors.

(11) Exercise general supervision over the formation of new community college districts and the reorganization of existing community college districts, including the approval or disapproval of plans therefore.

(12) Notwithstanding any other provision of law, be solely responsible for establishing, maintaining, revising, and updating, as necessary, the uniform budgeting and accounting structures and procedures for the California Community Colleges.

(13) Establish policies regarding inter-district attendance of students.

(14) Advise and assist governing boards of community college districts on the implementation and interpretation of state and federal laws affecting community colleges.

(15) Contract for the procurement of goods and services, as necessary.

(16) Carry out other functions as expressly provided by law.

(c) Subject to, and in furtherance of, subdivision (a), the board of governors shall have full authority to adopt rules and regulations necessary and proper to execute the

functions specified in this section as well as other functions that the board of governors is expressly authorized by statute to regulate.

(d) Wherever in this section or any other statute a power is vested in the board of governors, the board of governors, by a majority vote, may adopt a rule delegating that power to the, chancellor, or any officer, employee, or committee of the California Community Colleges, or community college district, as the board of governors may designate. However, the board of governors shall not delegate any power that is expressly made non-delegable by statute. Any rule delegating authority shall prescribe the limits of delegation.

(e) In performing the functions specified in this section, the board of governors shall establish and carry out a process for consultation with institutional representatives of community college districts so as to ensure their participation in the development and review of policy proposals. The consultation process shall also afford community college organizations, as well as interested individuals and parties, an opportunity to review and comment on proposed policy before it is adopted by the board of governors.

70901.1.

(a) The Board of Governors of the California Community Colleges shall adopt regulations that permit the governing board of a community college district to allow applications for admission to be submitted electronically. The regulations shall require that applicants be informed of the relative security of the information they submit electronically.

(b) Upon adoption of a standard of encrypted digital signatures by the Secretary of State, the Board of Governors of the California Community Colleges shall adopt regulations that permit the governing board of a community college district to allow student residency determination forms to be submitted electronically.

70901.2.

(a) Notwithstanding any other provision of law, when a classified staff representative is to serve on a college or district task force, committee, or other governance group, the exclusive representative of classified employees of that college or district shall appoint the representative for the respective bargaining unit members. The exclusive representative of the classified employees and the local governing board may mutually agree to an alternative appointment process through a memorandum of understanding. A local governing board may consult with other organizations of classified employees on shared governance issues that are outside the scope of bargaining. These organizations shall not receive release time, rights, or representation on shared governance task forces, committees, or other governance groups exceeding that offered to the exclusive representative of classified employees.

(b) A local governing board shall determine a process for the selection of a classified staff representative to serve on those task forces, committees, or other governance groups in a situation where no exclusive representative exists.

70901.5.

(a) The board of governors shall establish procedures for the adoption of rules and regulations governing the California Community Colleges. Among other matters, the procedures shall implement the following requirements:

(1) Written notice of a proposed action shall be provided to each community college district and to all other interested parties and individuals, including the educational policy and fiscal committees of the Legislature and the Department of Finance, at least 45 days in advance of adoption. The regulations shall become effective no earlier than 30 days after adoption.

(2) The proposed regulations shall be accompanied by an estimate, prepared in accordance with instructions adopted by the Department of Finance, of the effect of the proposed regulations with regard to the costs or savings to any state agency, the cost of any state-mandated local program as governed by Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, any other costs or savings of local agencies, and the costs or savings in federal funding provided to state agencies.

(3) The board of governors shall ensure that all proposed regulations of the board meet the standards of "necessity," "authority," "clarity," "consistency," "reference," and "non-duplication," as those terms are defined in Section 11349 of the Government Code. A district governing board or any other interested party may challenge any proposed regulatory action regarding the application of these standards.

(4) Prior to the adoption of regulations, the board of governors shall consider and respond to all written and oral comments received during the comment period.

(5) The effective date for a regulation shall be suspended if, within 30 days after adoption by the board of governors, at least two-thirds of all governing boards vote, in open session, to disapprove the regulation. With respect to any regulation so disapproved, the board of governors shall provide at least 45 additional days for review, comment, and hearing, including at least one hearing before the board itself. After the additional period of review, comment, and hearing, the board may do any of the following:

(A) Reject or withdraw the regulation.

(B) Substantially amend the regulation to address the concerns raised during the additional review period, and then adopt the revised regulation. The regulation shall be treated as a newly adopted regulation, and shall go into effect in accordance with those procedures.

(C) Readopt the regulation as originally adopted, or with those non-substantive, technical amendments deemed necessary to clarify the intent of the original regulation. If the board of governors decides to readopt a regulation, with or without technical amendments, it shall also adopt a written declaration and determination regarding the specific state interests it has found necessary to protect by means of the specific language or requirements of the regulation. A readopted regulation may then be challenged pursuant to existing law in a court of competent jurisdiction, and shall not be subject to any further appeal within the California Community Colleges.

(6) As to any regulation which the Department of Finance determines would create a state-mandated local program cost, the board of governors shall not adopt the

regulation until the Department of Finance has certified to the board of governors and to the Legislature that a source of funds is available to reimburse that cost.

(7) Any district or other interested party may propose a new regulation or challenge any existing regulation.

(b) Except as expressly provided by this section, and except as provided by resolution of the board of governors, the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to regulations adopted by the board of governors.

70902.

(a) Every community college district shall be under the control of a board of trustees, which is referred to herein as the "governing board." The governing board of each community college district shall establish, maintain, operate, and govern one or more community colleges in accordance with law. In so doing, the governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established. The governing board of each community college district shall establish rules and regulations not inconsistent with the regulations of the board of governors and the laws of this state for the government and operation of one or more community colleges in the district.

(b) In furtherance of the provisions of subdivision (a), the governing board of each community college district shall do all of the following:

(1) Establish policies for, and approve, current and long-range academic and facilities plans and programs and promote orderly growth and development of the community colleges within the district. In so doing, the governing board shall, as required by law, establish policies for, develop, and approve, comprehensive plans. The governing board shall submit the comprehensive plans to the board of governors for review and approval.

(2) Establish policies for and approve courses of instruction and educational programs. The educational programs shall be submitted to the board of governors for approval. Courses of instruction that are not offered in approved educational programs shall be submitted to the board of governors for approval. The governing board shall establish policies for, and approve, individual courses that are offered in approved educational programs without referral to the board of governors.

(3) Establish academic standards, probation and dismissal and readmission policies, and graduation requirements not inconsistent with the minimum standards adopted by the board of governors.

(4) Employ and assign all personnel not inconsistent with the minimum standards adopted by the board of governors and establish employment practices, salaries, and benefits for all employees not inconsistent with the laws of this state.

(5) To the extent authorized by law, determine and control the district's operational and capital outlay budgets. The district governing board shall determine the need for elections for override tax levies and bond measures and request that those elections be called.

- (6) Manage and control district property. The governing board may contract for the procurement of goods and services as authorized by law.
 - (7) Establish procedures not inconsistent with minimum standards established by the board of governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right to participate effectively in district and college governance, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.
 - (8) Establish rules and regulations governing student conduct.
 - (9) Establish student fees as it is required to establish by law, and, in its discretion, fees as it is authorized to establish by law.
 - (10) In its discretion, receive and administer gifts, grants, and scholarships.
 - (11) Provide auxiliary services as deemed necessary to achieve the purposes of the community college.
 - (12) Within the framework provided by law, determine the district's academic calendar, including the holidays it will observe.
 - (13) Hold and convey property for the use and benefit of the district. The governing board may acquire by eminent domain any property necessary to carry out the powers or functions of the district.
 - (14) Participate in the consultation process established by the board of governors for the development and review of policy proposals.
- (c) In carrying out the powers and duties specified in subdivision (b) or other provisions of statute, the governing board of each community college district shall have full authority to adopt rules and regulations, not inconsistent with the regulations of the board of governors and the laws of this state, that are necessary and proper to executing these prescribed functions.
- (d) Wherever in this **section** or any other statute a power is vested in the governing board, the governing board of a community college district, by majority vote, may adopt a rule delegating the power to the district's chief executive officer or any other employee or committee as the governing board may designate; provided, however, that the governing board shall not delegate any power that is expressly made non-delegable by statute. Any rule delegating authority shall prescribe the limits of the delegation.

Section 84850 - Governance Rules for DSP&S

(a) The Board of Governors of the California Community Colleges shall adopt rules and regulations for the administration and funding of educational programs and support services to be provided to disabled students by community college districts pursuant to Chapter 14.2 (commencing with Section 67310) of Part 40.

(b) As used in this section, "disabled students" are persons with exceptional needs enrolled at a community college who, because of a verified disability, cannot fully benefit from classes, activities, and services regularly provided by the college without specific additional specialized services or educational programs.

(c) The regulations adopted by the board of governors shall provide for the apportionment of funds to each community college district to offset the direct excess cost of providing specialized support services or instruction, or both, to disabled students enrolled in state supported educational programs or courses. Direct excess costs are those actual fixed, variable, and one-time costs, as defined in Section 67312, which exceed the combined total of the following:

(1) The average cost to the district of providing services to non-disabled students times the number of students served by disabled student programs and services.

(2) The indirect cost to the district of providing facilities and support for the administration of disabled student programs and services.

(3) The revenue derived from average daily attendance in special classes.

(4) Any other funds for serving disabled students which the district receives from federal, state, or local sources.

(d) As a condition of receiving funds pursuant to this section, each community college district shall certify that reasonable efforts have been made to utilize all funds from federal, state, or local sources which are available for serving disabled students. Districts shall also provide the programmatic and fiscal information concerning programs and services for disabled students that the regulations of the board of governors require.

(e) The board of governors may authorize the chancellor, consistent with the requirements the board may impose, to designate up to 3 percent of the funds allocated pursuant to this section for program development and program accountability.