

# **xTen and Associates**

## **Mandate Reimbursement Services**

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June 3, 2003

Paula Higashi, Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, California 95814



Re: TEST CLAIM OF Los Rios Community College District  
Statutes of 2000 / Chapter 187  
Notice to Students

Dear Ms. Higashi:

Enclosed are the original and seven copies of the Los Rios Community College District test claim for the above referenced mandate.

I have been appointed by the District as its representative for the test claim. The District requests that all correspondence originating from your office and documents subject to service by other parties be directed to me, with copies to:

Jon Sharpe  
Vice Chancellor, Finance and Administration  
Los Rios Community College District  
1919 Spanos Court  
Sacramento, California 95825

The Commission regulations provide for an informal conference of the interested parties

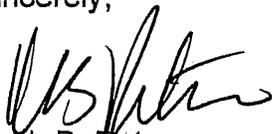
Paula Higashi, Executive Director,  
Commission on State Mandates

June 3, 2003

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within thirty days. If this meeting is deemed necessary, I request that it be conducted in conjunction with a regularly scheduled Commission hearing.

Sincerely,



Keith B. Petersen

C: Jon Sharpe, Vice Chancellor, Finance & Administration  
Los Rios Community College District

State of California  
COMMISSION ON STATE MANDATES  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562  
CSM 2 (1/91)

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STATE MANDATES

**TEST CLAIM FORM**

Claim No. 02TC-25

Local Agency or School District Submitting Claim

**LOS RIOS COMMUNITY COLLEGE DISTRICT**

Contact Person

Telephone Number

Keith B. Petersen, President  
SixTen and Associates

Voice: 858-514-8605  
Fax: 858-514-8645

Claimant Address

Los Rios Community College District  
1919 Spanos Court  
Sacramento, California 95825

Representative Organization to be Notified

Dr. Carol Berg, Consultant, Education Mandated Cost Network  
c/o School Services of California  
1121 L Street, Suite 1060  
Sacramento, CA 95814

Voice: 916-446-7517  
Fax: 916-446-2011

This claim alleges the existence of a reimbursable state mandated program within the meaning of section 17514 of the Government Code and section 6, article XIII B of the California Constitution. This test claim is filed pursuant to section 17551(a) of the Government Code.

Identify specific section(s) of the chaptered bill or executive order alleged to contain a mandate, including the particular statutory code citation(s) within the chaptered bill, if applicable.

**NOTICE TO STUDENTS**

Chapter 187, Statutes of 2000  
Chapter 914, Statutes of 1998

Education Code Section 66281.5  
Education Code Section 66721.5

Title 5, California Code of Regulations

Section 51006	Section 55202	Section 55752	Section 55760	Section 55800
Section 54262	Section 55530	Section 55753	Section 55761	Section 58102
Section 54805	Section 55534	Section 55758	Section 55762	Section 58104
Section 55005	Section 55750	Section 55759	Section 55764	Section 59404
			Section 55765	Section 59410

**IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING TEST CLAIM ON THE REVERSE SIDE.**

Name and Title of Authorized Representative

Telephone No.

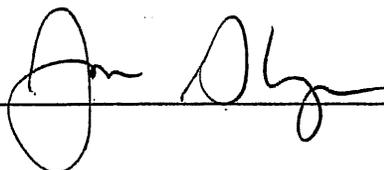
Jon Sharpe  
Vice Chancellor, Finance & Administration

(916) 568-3069

Signature of Authorized Representative

Date

X



5/9/03

1 Claim Prepared By:  
2 Keith B. Petersen  
3 SixTen and Associates  
4 5252 Balboa Avenue, Suite 807  
5 San Diego, CA 92117  
6 Voice: (858) 514-8605  
7

8 BEFORE THE  
9  
10 COMMISSION ON STATE MANDATES  
11  
12 STATE OF CALIFORNIA  
13

14 Test Claim of:	)	
15	)	No. CSM <u>02-TC-25</u>
16 Los Rios	)	
17 Community College District	)	Chapter 187, Statutes of 2000
18	)	Chapter 914, Statutes of 1998
19	)	
20	)	Education Code Section 66281.5,
21	)	66721.5
22	)	
23	)	Title 5, Code of Regulations Section
24 Test Claimant	)	51006, 54626, 54805, 55005, 55202
25	)	55530, 55534, 55750, 55752, 55753,
26	)	55758, 55759, 55760, 55761, 55762,
27	)	55764, 55765, 55800, 58102, 58104
28	)	59404, 59410
29	)	
30	)	<u>Notice to Students</u>
31	)	
32	)	TEST CLAIM FILING

33 PART 1: AUTHORITY FOR THE CLAIM

34 The Commission on State Mandates has the authority pursuant to Government  
35 Code section 17551(a) to "...hear and decide upon a claim by a local agency or school  
36 district that the local agency or school district is entitled to be reimbursed by the state for  
37 costs mandated by the state as required by Section 6 of Article XIII B of the California  
38 Constitution." Los Rios Community College District is a "school district" as defined in

1 Government Code section 17519.<sup>1</sup>

2 PART II. LEGISLATIVE HISTORY OF THE CLAIM

3 This test claim alleges mandated costs reimbursable by the state for community  
4 college districts to prepare, publish, and implement various policies, procedures and  
5 notices to students.

6 SECTION 1. LEGISLATIVE HISTORY PRIOR JANUARY 1, 1975

7 Prior to January 1, 1975, there were no statutes, codes or regulations which  
8 required the specific notices to students set forth in this test claim.

9 SECTION 2. LEGISLATIVE HISTORY AFTER JANUARY 1, 1975

10 Chapter 914, Statutes of 1998, Section 49, added Education Code Section  
66281.5<sup>2</sup>. Subdivision (b) requires community colleges to have and implement a written

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<sup>1</sup> Government Code Section 17519, as added by Chapter 1459/84:

"School District" means any school district, community college district, or county superintendent of schools."

<sup>2</sup> Education Code Section 66281.5, added by Chapter 914, Statutes of 1998, Section 49:

"(a) It is the policy of the State of California, pursuant to Section 66251, that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind in the postsecondary educational institution of the state. The purpose of this section is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies.

(b) Each postsecondary educational institution in the State of California shall have a written policy on sexual harassment. It is the intent of the Legislature that each educational institution in this state include this policy in its regular policy statement rather than distribute an additional written document.

(c) The postsecondary educational institution's written policy on sexual harassment shall include information on where to obtain the specific rules and

1 policy on sexual harassment which shall be included in its regular policy statement.  
2 Subdivision (c) requires the written policy to include information on where to obtain the  
3 rules and procedures for reporting sexual harassment charges and the available  
4 remedies. Subdivision (d), requires the written policy to be displayed in a prominent  
5 location in the main administrative building or other area of the campus. Subdivision (e)  
6 requires the written policy to be provided to new students as a part of any orientation  
7 program at the beginning of each quarter, semester or summer session. Subdivision (f)  
8 requires a copy of the written policy to be provided annually to each faculty member, all  
9 members of the administrative staff, all members of the support staff, and any newly  
10 hired employee. Subdivision (g), requires the written policy to be in any publication that

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procedures for reporting charges of sexual harassment and for pursuing available remedies.

(d) A copy of the postsecondary educational institution's written policy on sexual harassment shall be displayed in a prominent location in the main administrative building or other area of the campus or schoolsite. "Prominent location" means that location, or those locations, in the main administrative building or other area where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.

(e) A copy of the postsecondary educational institution's written policy on sexual harassment, as it pertains to students, shall be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.

(f) A copy of the postsecondary educational institution's written policy on sexual harassment shall be provided for each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired.

(g) A copy of the postsecondary educational institution's written policy on sexual harassment shall appear in any publication of the institution that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution."

Test Claim of Los Rios Community College District  
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1 sets forth the rules, regulations, procedures, and standards of conduct for the institution.

2 Chapter 187, Statutes of 2000, Section 3, added Education Code Section  
3 66721.5<sup>3</sup>. Subdivision (a) requires the governing board of each community college  
4 district to provide each student with a copy of the current transfer core curriculum.

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<sup>3</sup>Education Code Section 66721.5, added by Chapter 187, Statutes of 2000,  
Section 3:

“(a) (1) The governing board of each community college district shall direct the appropriate officials at their respective campuses to provide each of their students with a copy of the current transfer core curriculum.

(2) As used in this section, "transfer core curriculum" means the lower-division, general education transfer curriculum that, pursuant to Section 66720, is fully articulated between the California Community Colleges and the California State University and University of California.

(b) A copy of the current transfer core curriculum shall be distributed to each newly admitted community college student who is enrolled in a degree or certification program and is physically in attendance at the institution.

(c) The governing board of a community college district shall ensure that the text of the current transfer core curriculum is included in the published class schedule for each academic term. Copies of the transfer core curriculum may also be made available in other locations on each campus, including, but not necessarily limited to, all of the following:

- (1) The admissions office.
- (2) The bookstore.
- (3) The career counseling center.
- (4) The veteran's affairs office.

(d) Notwithstanding subdivision (c), the governing board of a community college may, as an alternative to the methods of distribution set forth in subdivision (c), distribute copies of the current transfer core curriculum by any of the following means:

- (1) During the registration process.
- (2) By mail, with the registration materials or the enrollment materials, or both, or with other items sent to students.
- (3) During the issuance of student identification cards.
- (4) During student orientation programs.

(e) Nothing in this section shall be construed to limit the distribution of the transfer core curriculum to community college students.”

1 Subdivision (b) requires the distribution of a current copy of the transfer core curriculum  
2 to every newly admitted and attending community college student enrolled in a degree or  
3 certification program. Subdivision (c) requires the text of the current transfer core  
4 curriculum be included in the published class schedule each term, and made available at  
5 various locations around campus. Subdivision (d), allows alternative distribution  
6 methods either during the registration process, by mail, while issuing student  
7 identification cards, or during student orientation programs.

8 **SECTION 3. TITLE 5 CALIFORNIA CODE OF REGULATIONS<sup>4</sup>:**

9 Section 51006 (added in 1983 and last amended in 1994), subdivision (a),  
10 requires community college districts to adopt a policy which provides that every course,  
11 course section or class, wherever offered and maintained, shall be fully open to  
12 enrollment and participation by any person who has been admitted to the college.

13 Subdivision (b) requires the statement of policy to be published in the official catalog,  
14 schedule of classes, and addenda to the schedule of classes.

15 Section 54626 (added in 1976 and last amended in 1983), subdivision (a),  
16 requires community college districts to adopt a policy which identifies the categories of  
17 directory information which may be released. Subdivision (b) allows directory information  
18 to be released provided that annual public notice is given of the categories of  
19 information the district plans on releasing and of the recipients. The notice shall also

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<sup>4</sup> Copies of all Title 5 California Code of Regulations cited in this section are attached hereto as Exhibit 4 and are incorporated herein by reference.

1 specify the period of time within which students are given to inform the district, in writing,  
2 of those categories of information they wish not to be released.

3 Section 54805 (added in 1988 and last amended in 1991), requires district  
4 governing boards to include in the materials given to each student at registration,  
5 information pertaining to the student representation fee, including, a statement indicating  
6 that the money collected will be used to provide support for students or representatives  
7 who may be stating their positions and view points before city, county and district  
8 government, and agencies of the state and federal government, the amount of the fee,  
9 and a statement informing students of their right to refuse to pay the fee for religious,  
10 political, moral or financial reasons.

12 Section 55005 (added in 1981 and last amended in 1991) requires community  
13 colleges to make college publications available to students which informs them, before  
14 they enroll in a course, whether a course is offered as a credit or noncredit course or a  
15 community services class; is transferable to four-year colleges and universities; or fulfills  
a major or general education requirement.

16 Section 55202 (added in 1993), subdivision (a), requires rules concerning  
17 prerequisites, corequisites, and advisories on recommended preparation to be identified  
18 in college publications available to students as well as the outlines of any course for  
19 which they are established.

20 Section 55530 (added in 1990 and last amended in 1993), subdivision (b),  
21 requires community college districts to ensure that information be made available to

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1 students, during or prior to enrollment, in written form, such as class schedules, catalogs  
2 or other appropriate publications, describing their rights and responsibilities under the  
3 chapter on curriculum and instruction.

4 Section 55534 (added in 1990 and last amended in 1994), subdivision (a),  
5 requires districts to investigate and attempt to resolve any alleged violations of the  
6 subchapter (matriculation programs) in a timely manner. Records of all such complaints  
7 are required to be retained for at least three years after resolution. When a challenge  
8 contains an allegation that a community college district has used any matriculation  
9 practice in a manner which has the purpose or effect of subjecting any person to  
10 unlawful discrimination, subdivision (b) requires community college districts, upon  
11 completion of the challenge procedure, to advise the student that he or she may file a  
12 formal complaint of unlawful discrimination.

13 Section 55750 (added in 1983 and last amended in 1991) requires community  
14 college districts to adopt and implement regulations consistent with this chapter, relating  
15 to curriculum and instruction, which shall be published in the college catalog under  
16 appropriate headings and filed with the Chancellor's Office.

17 Section 55752 (added in 1983 and last amended in 1991), subdivision (a),  
18 requires the governing board of each district to specify in its catalog the category into  
19 which each course falls, either, (1) in a course where all students are evaluated on a  
20 "credit - no credit" basis, or (2) courses wherein each student may elect on registration  
21 whether the basis for evaluation is to be "credit - no credit", or a letter grade.

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1           Section 55753 (added in 1983 and last amended in 2002), subdivision (a),  
2 requires the governing board of community college districts to adopt and publish  
3 procedures and regulations, in its catalog, relating to credit by examination in  
4 accordance with the provisions of the subchapter, standards of scholarship.

5           Section 55758 (added in 1983 and last amended in 2000), subdivision (d),  
6 requires the governing board of community college districts to publish the point  
7 equivalencies for letter grades, including pluses and minuses if necessary, in the  
8 catalog. If the governing board decides to use the "FW" equivalencies, it shall also be  
9 published in the catalog.

10          Section 55759 (added in 1983 and last amended in 1991) requires community  
11 colleges to make reasonable efforts to notify students who are subject to academic  
12 probation or dismissal at or near the beginning of the semester or quarter that is  
13 affected, or no later than the start of Fall semester/quarter. Each community college  
14 shall also make a reasonable effort to provide counseling and other support services to  
15 students on probation. Community colleges are also required to notify a student upon  
16 being removed from probation or reinstatement after dismissal. These policies and  
17 procedures are required to be published in the college catalog.

18          Section 55760 (added in 1983 and last amended in 1991), subdivision (b),  
19 requires the governing board of a district to adopt and publish procedures and  
20 regulations for repeating courses for which substandard work has been recorded in  
21 accordance with sections 55761 and 55762.

1 Section 55761 (added in 1983 and last amended in 1991) requires community  
2 colleges to adopt and publish procedures or regulations pertaining to repeating of  
3 courses for which substandard work has been recorded.

4 Section 55762 (added in 1983 and last amended in 1991) , subdivision (c),  
5 requires community colleges to indicate any specific courses or categories of courses  
6 which are exempt from consideration for repetition after substandard academic  
7 performance. Subdivision (d) requires community colleges to indicate any courses  
8 repeated on the student's permanent record with an appropriate symbol. Subdivision (e)  
9 requires community colleges to publish specific procedures to implement this section.  
10 Subdivision (g) requires community colleges to maintain a record of actions taken under  
11 course repetition procedures or regulations.

12 Section 55764 (added in 1983 and last amended in 1991) requires community  
13 colleges to adopt and publish procedures or regulations pertaining to alleviating  
14 previously recorded substandard academic performance which is not reflective of a  
15 student's demonstrated ability.

16 Section 55765 (added in 1983 and last amended in 1991), subdivision (c),  
17 requires that, when adopted procedures permit alleviation of previously recorded  
18 substandard academic performance, community college districts shall publish specific  
19 procedures to be followed in implementing procedures or regulations adopted, stating;  
20 (1) the procedures to be followed by students petitioning for alleviation, and (2) the  
21 officers and/or personnel responsible for implementing the procedures or regulations.

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1           Section 55800 (added in 1983 and last amended in 1991) requires community  
2 college districts to adopt a policy consistent with the chapter on degrees and certificates  
3 which shall be published in the college catalog under appropriate headings.

4           Section 58102 (added in 1982 and last amended in 1993) requires the description  
5 of each course to be clear and understandable to prospective students and be published  
6 in the official catalog, and/or schedule of classes, and/or addenda.

7           Section 58104 (added in 1982 and last amended in 1993) requires all courses  
8 offered to be described in the official catalog and/or addenda and listed in the schedule  
9 of classes. Courses which are established or conducted after publication of the general  
10 catalog or regular schedule of classes shall be reasonably well publicized.

          Section 59404 (added in 1985 and last amended in 1994) requires the governing  
12 board of a community college, which requires that students provide instructional or other  
13 materials for a course, to adopt policies or regulations which specify the conditions  
14 under which such materials will be required. These policies and regulations are required  
15 to be published in each college catalog.

16           Section 59410 (added in 1991 and last amended in 1994) provides that the  
17 governing board of a community college district may provide, by appropriate rules and  
18 regulations, that grades, transcripts, diplomas, and registration privileges shall be  
19 withheld from any student who has been provided with written notice and who has failed  
20 to pay a proper financial obligation due to the district or to a college.

1 PART III. STATEMENT OF THE CLAIM

2 SECTION 1. COSTS MANDATED BY THE STATE

3 The Statutes, Education Code Sections, and California Code of Regulation  
4 sections referenced in this test claim result in school districts incurring costs mandated  
5 by the state, as defined in Government Code section 17514<sup>5</sup>, by creating new state-  
6 mandated duties related to the uniquely governmental function of providing public  
7 service and education to students and these statutes apply to school districts and do not  
8 apply generally to all residents and entities in the state.<sup>6</sup>

9 The new duties mandated by the state upon community colleges require state  
10 reimbursement of the direct and indirect costs of labor, materials and supplies, data  
11 processing services and software, contracted services and consultants, equipment and

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<sup>5</sup> Government Code section 17514, as added by Chapter 1459/84:

"Costs mandated by the state" means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.

<sup>6</sup> Public schools are a Article XIII B, Section 6 "program," pursuant to Long Beach Unified School District v. State of California, (1990) 225 Cal.App.3d 155; 275 Cal.Rptr. 449:

"In the instant case, although numerous private schools exist, education in our society is considered to be a peculiarly government function. (Cf. Carmel Valley Fire Protection Dist. V. State of California (1987) 190 Cal.App.3d at p.537) Further, public education is administered by local agencies to provide service to the public. Thus public education constitutes a 'program' within the meaning of Section 6."

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1 capital assets, staff and student training and travel to implement the following activities:

2 A) Establishing and implementing policies and procedures, and periodically updating  
3 those policies and procedures, for the notification of students pursuant to the  
4 following sections of the Education Code and Title 5 Regulation sections.

5 B) Pursuant to Education Code Section 66281.5, subdivision (b), adopting and  
6 implementing a written policy on sexual harassment, and including the policy in its  
7 regular policy statement. Pursuant to subdivision (c), including information in the  
8 written policy on where to obtain the rules and procedures for reporting sexual  
9 harassment charges and the available remedies. Pursuant to subdivision (d),  
10 displaying the written policy in a prominent location in the main administrative  
11 building or other area of the campus. Pursuant to subdivision (e), providing the  
12 written policy to new students as a part of any orientation program. Pursuant to  
13 subdivision (f), providing a copy of the written policy annually to each faculty  
14 member, administrative staff, all members of support staff, and to any newly hired  
15 employee. Pursuant to subdivision (g), publishing the written policy in any  
16 publication that sets forth the rules, regulations, procedures, and standards of  
17 conduct for the institution.

18 C) Pursuant to Education Code Section 66721.5, subdivision (a), providing each  
19 student with a copy of the current transfer core curriculum. Pursuant to  
20 subdivision (b), distributing a copy of current transfer core curriculum to each  
21 newly admitted and attending community college student enrolled in a degree or

1 certification program. Pursuant to subdivision (c), publishing the text of the  
2 current transfer core curriculum in the class schedule each term and making it  
3 available at, but not limited to the following locations:

- 4 (1) The admissions office,
- 5 (2) The bookstore,
- 6 (3) The career counseling center and,
- 7 (4) The veteran's affairs office.

8 Pursuant to subdivision (d), as an alternative to the methods of distribution set  
9 forth in subdivision (c), distributing copies of the current transfer core curriculum  
10 by any of the following means:

- 11 (1) During the registration process,
- 12 (2) By mail with other items sent to the student,
- 13 (3) While issuing student identification cards,
- 14 (4) During student orientation programs.

15 D) Pursuant to Title 5, California Code of Regulations, Section 51006, subdivision  
16 (a), adopting and implementing a policy which provides that every course, course  
17 section or class, reported for state aid, wherever offered and maintained, shall be  
18 fully open to enrollment and participation by any person who has been admitted  
19 to the college. Pursuant to subdivision (b), publishing the statement of policy  
20 adopted by the board pursuant to subdivision (a), in the official catalog, schedule  
21 of classes, and addenda to the schedule of classes.

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1 E) Pursuant to Title 5, California Code of Regulations, Section 54626, subdivision  
2 (a), adopting and implementing a policy identifying any of the following categories  
3 of directory information may which be released: student's name, address,  
4 telephone number, date and place of birth, major field of study, class schedule,  
5 participation in officially recognized activities and sports, weight and height of  
6 members of athletic teams, dates of attendance, degrees and awards received,  
7 the most recent previous public or private school attended by the student.

8 (1) Pursuant to subdivision (b), giving public notice at least annually of the  
9 categories of directory information which the district plans to release and of  
10 the recipients. Such notice shall also specify the period of time within  
11 which the student must inform the district in writing that such personally  
12 identifiable information is not to be designated as directory information with  
13 respect to that student.

14 (2) Pursuant to subdivision (c), other information may be added to the  
15 categories set forth above, provided that release of such information shall  
16 be authorized in writing by the student.

17 F) Pursuant to Title 5, California Code of Regulations, Section 54805, including in  
18 the materials given to each student at registration, information pertaining to the  
19 student representation fee which shall include the following:

20 (1) Pursuant to subdivision (a), a statement which indicates that the money  
21 collected as a representation fee shall be expended to provide support for

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1 students or representatives who may be stating their positions and  
2 viewpoints before city, county, and district government, and agencies of  
3 the state and federal government.

4 (2) Pursuant to subdivision (b), the amount of the fee.

5 (3) Pursuant to subdivision (c), a statement which informs students of their  
6 right to refuse to pay the fee for religious, political, moral or financial  
7 reasons.

8 G) Pursuant to Title 5, California Code of Regulations, Section 55005, making  
9 available to students, for each course offered, through college publications all of  
10 the following facts before they enroll in the course:

11 (1) Whether the course is offered as a credit or noncredit course, or a  
12 community service class.

13 (2) Whether the course is transferable to four-year colleges and universities.

14 (3) Whether the course fulfills a major or general education requirement.

15 H) Pursuant to Title 5, California Code of Regulations, Section 55202, requiring  
16 identification in college publications and course outlines the establishment of  
17 prerequisites, corequisites, and advisories.

18 I) Pursuant to Title 5, California Code of Regulations, Section 55530, subdivision  
19 (b), ensuring that information be made available to students, during or prior to  
20 enrollment, in written form, such as class schedules, catalogs or other  
21 appropriate publications, describing their rights and responsibilities under the

- 1 chapter pertaining to curriculum and instruction.
- 2 J) Pursuant to Title 5, California Code of Regulations, Section 55534, subdivision  
3 (a), investigating and attempting to resolve any alleged violations of the  
4 subchapter on curriculum and instruction. Pursuant to subdivision (b), advising  
5 students that they may file a formal complaint of unlawful discrimination upon  
6 completion of the challenge procedure established by subdivision (a).
- 7 K) Pursuant to Title 5, California Code of Regulations, Section 55750, adopting and  
8 implementing regulations consistent with the chapter on standards of scholarship  
9 and publishing those regulations in the college catalog under appropriate  
10 headings.
- L) Pursuant to Title 5, California Code of Regulations, Section 55752, subdivision  
12 (a), specifying in its college catalog the category into which each course falls, as  
13 either,  
14 (1) in a course where all students are evaluated on a "credit - no credit" basis,  
15 or  
16 (2) courses wherein each student may elect on registration whether the basis  
17 for evaluation is to be "credit - no credit", or a letter grade.
- 18 M) Pursuant to Title 5, California Code of Regulations, Section 55753, subdivision  
19 (a), adopting and publishing procedures and regulations, in its catalog, relating to  
20 credit by examination in accordance with the provisions of the subchapter,  
21 standards of scholarship.

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- 1 N) Pursuant to Title 5, California Code of Regulations, Section 55758, subdivision  
2 (d), publishing the point equivalencies for letter grades, including pluses and  
3 minuses if necessary, and if the governing board chooses, "FW" equivalencies, in  
4 the catalog.
- 5 O) Pursuant to Title 5, California Code of Regulations, Section 55759, notifying  
6 students who are subject to academic probation or dismissal at or near the  
7 beginning of the semester or quarter that is affected, or no later than the start of  
8 Fall semester/quarter and notifying a student upon being removed from probation  
9 or reinstatement after dismissal. Publishing these policies and procedures in the  
10 college catalog.
- 11 P) Pursuant to Title 5, California Code of Regulations, Section 55760, subdivision  
12 (b), adopting and publishing procedures and regulations for repeating courses in  
13 which substandard work has been performed.
- 14 Q) Pursuant to Title 5, California Code of Regulations, Section 55761, adopting and  
15 publishing procedures or regulations pertaining to the repetition of courses for  
16 which substandard work has been recorded.
- 17 R) Pursuant to Title 5, California Code of Regulations, Section 55762, subdivision  
18 (c), specifying courses, or categories of courses, which are exempt from  
19 consideration for repetition after substandard academic performance. Pursuant  
20 to subdivision (d), indicating any courses repeated on the student's permanent  
21 record with an appropriate symbol. Pursuant to subdivision (e) publishing specific

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1 procedures to implement this section. Pursuant to subdivision (g), maintaining a  
2 record of actions taken under course repetition procedures or regulations.

3 S) Pursuant to Title 5, California Code of Regulations, Section 55764, adopting and  
4 publishing procedures or regulations pertaining to alleviating previously recorded  
5 substandard academic performance which is not reflective of a student's  
6 demonstrated ability which includes a clear statement of the educational  
7 principles upon which they are based.

8 T) Pursuant to Title 5, California Code of Regulations, Section 55765, subdivision  
9 (c), publishing the specific procedures to be followed in implementing procedures  
10 or regulations which permit alleviation of previously recorded substandard  
11 academic performance, which state: (1) the procedures to be followed by  
12 students petitioning for alleviation, and (2) the officers and/or personnel  
13 responsible for implementation.

14 U) Pursuant to Title 5, California Code of Regulations, Section 55800, adopting a  
15 policy consistent with the chapter on degrees and certificates and publishing that  
16 policy in the college catalog under appropriate headings.

17 V) Pursuant to Title 5, California Code of Regulations, Section 58102, clearly and  
18 understandably describing each course to prospective students which shall be  
19 published in the official catalog, and/or schedule of classes, and/or addenda.

20 W) Pursuant to Title 5, California Code of Regulations, Section 58104, describing all  
21 courses in the official catalog and/or addenda and listing them in the schedule of

1 classes. To reasonably well publicize courses which are established or  
2 conducted after the publication of the general catalog or regular schedule of  
3 classes.

4 X) Pursuant to Title 5, California Code of Regulations, Section 59404, subdivision  
5 (a), whenever community colleges require students to provide instructional or  
6 other materials for a course, adopting policies or regulations which specify the  
7 conditions under which such materials will be required and pursuant to  
8 subdivision (b), publishing those policies or regulations in each college catalog.

9 Y) Pursuant to Title 5, California Code of Regulations, Section 59410, providing  
10 written notice to any student who has failed to pay a proper financial obligation  
11 due to the district or college that grades, transcripts, diplomas and registration  
12 privileges shall be withheld.

13 **PART IV. ADDITIONAL CLAIM REQUIREMENTS**

14 The following elements of this claim are provided pursuant to Section 1183, Title  
15 2, California Code of Regulations:

16 Exhibit 1: The Declaration of Vicky Fong  
17 Los Rios Community College District  
18

19  
20 Exhibit 2: Statutes cited: Chapter 187, Statutes of 2000  
21 Chapter 914, Statutes of 1998  
22

23  
24 Exhibit 3: Education Code Sections cited:  
25 Section 66281.5  
26 Section 66721.5  
27

1  
2 Exhibit 4: Title 5, Code of Regulations cited:  
3 Section 51006  
4 Section 54626  
5 Section 54805  
6 Section 55005  
7 Section 55202  
8 Section 55530  
9 Section 55534  
10 Section 55750  
11 Section 55752  
12 Section 55753  
13 Section 55758  
14 Section 55759  
15 Section 55760  
16 Section 55761  
17 Section 55762  
18 Section 55764  
19 Section 55765  
20 Section 55800  
21 Section 58102  
22 Section 58104  
23 Section 59404  
24 Section 59410

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PART V. CERTIFICATION

I certify by my signature below, under penalty of perjury, that the statements made in this document are true and complete of my own knowledge or information and belief.

Executed on May 9, 2003, at Sacramento, California by:

  
\_\_\_\_\_  
Jon Sharpe  
Vice Chancellor, Finance and Administration

Voice: (916) 568-3058  
Fax: (916) 568-3078

PART VI. APPOINTMENT OF REPRESENTATIVE

Los Rios School District appoints Keith B. Petersen, SixTen and Associates, as its representative for this test claim.

  
\_\_\_\_\_  
Jon Sharpe  
Vice Chancellor, Finance and Administration

5/9/03  
\_\_\_\_\_  
Date

Exhibit 1  
Declaration of Vicky Fong

## DECLARATION OF VICKY FONG

### Los Rios Community College District

Test Claim Los Rios Community College District

COSM \_\_\_\_\_

Statutes:

Title 5, Code of Regulations

Chapter 187, Statutes of 2000

Section 51006

Section 55759

Chapter 914, Statutes of 1998

Section 54626

Section 55760

Section 54805

Section 55761

Code Sections:

Section 55005

Section 55762

Section 55202

Section 55764

Education Code Section 66281.5

Section 55530

Section 55765

Education Code Section 66721.5

Section 55534

Section 55800

Section 55750

Section 58102

Section 55752

Section 58104

Section 55753

Section 59404

Section 55758

Section 59410

### Notice to Students

I, Vicky Fong, Associate Vice President of Instruction, Los Rios Community College District, make the following declaration and statement:

In my capacity as Associate Vice President of Instruction, I am responsible for implementing the requirements of notices to students, including the required publication of notices. I am familiar with the requirements of the Statutes, Education Code Sections, and Title 5, Code of Regulations Sections listed above.

These Education Code sections require the district to implement the following activities:

- A) Establishing and implementing policies and procedures, and periodically updating those policies and procedures, for the notification of students pursuant to the following sections of the Education Code and Title 5 Regulation sections.

Declaration of Vicky Fong  
Test Claim of Los Rios Community College District  
Chapter 187/2000 Notice to Students

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- B) Pursuant to Education Code Section 66281.5, subdivision (b), adopting and implementing a written policy on sexual harassment, and including the policy in its regular policy statement. Pursuant to subdivision (c), including information in the written policy on where to obtain the rules and procedures for reporting sexual harassment charges and the available remedies. Pursuant to subdivision (d), displaying the written policy in a prominent location in the main administrative building or other area of the campus. Pursuant to subdivision (e), providing the written policy to new students as a part of any orientation program. Pursuant to subdivision (f), providing a copy of the written policy annually to each faculty member, administrative staff, all members of support staff, and to any newly hired employee. Pursuant to subdivision (g), publishing the written policy in any publication that sets forth the rules, regulations, procedures, and standards of conduct for the institution.
- C) Pursuant to Education Code Section 66721.5, subdivision (a), providing each student with a copy of the current transfer core curriculum. Pursuant to subdivision (b), distributing a copy of current transfer core curriculum to each newly admitted and attending community college student enrolled in a degree or certification program. Pursuant to subdivision (c), publishing the text of the current transfer core curriculum in the class schedule each term and making it available at, but not limited to the following locations:

- (1) The admissions office,

- (2) The bookstore,
- (3) The career counseling center and,
- (4) The veteran's affairs office.

Pursuant to subdivision (d), as an alternative to the methods of distribution set forth in subdivision (c), distributing copies of the current transfer core curriculum by any of the following means:

- (1) During the registration process,
- (2) By mail with other items sent to the student,
- (3) While issuing student identification cards,
- (4) During student orientation programs.

D) Pursuant to Title 5, California Code of Regulations, Section 51006, subdivision (a), adopting and implementing a policy which provides that every course, course section or class, reported for state aid, wherever offered and maintained, shall be fully open to enrollment and participation by any person who has been admitted to the college. Pursuant to subdivision (b), publishing the statement of policy adopted by the board pursuant to subdivision (a), in the official catalog, schedule of classes, and addenda to the schedule of classes.

E) Pursuant to Title 5, California Code of Regulations, Section 54626, subdivision (a), adopting and implementing 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,

Declaration of Vicky Fong  
Test Claim of Los Rios Community College District  
Chapter 187/2000 Notice to Students

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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.

- (1) Pursuant to subdivision (b), giving public notice at least annually of the categories of directory 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.
  - (2) Pursuant to subdivision (c), other information may be added to the categories set forth above, provided that release of such information shall be authorized in writing by the student.
- F) Pursuant to Title 5, California Code of Regulations, Section 54805, including in the materials given to each student at registration, information pertaining to the student representation fee which shall include the following:
- (1) Pursuant to subdivision (a), a statement which indicates that the money collected as a representation fee shall be expended to provide support for students or representatives who may be stating their positions and viewpoints before city, county, and district government, and agencies of the state and federal government.
  - (2) Pursuant to subdivision (b), the amount of the fee.

Declaration of Vicky Fong  
Test Claim of Los Rios Community College District  
Chapter 187/2000 Notice to Students

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- (3) Pursuant to subdivision (c), a statement which informs students of their right to refuse to pay the fee for religious, political, moral or financial reasons.
- G) Pursuant to Title 5, California Code of Regulations, Section 55005, making available to students, for each course offered, through college publications all of the following facts before they enroll in the course:
  - (1) Whether the course is offered as a credit or noncredit course, or a community service class.
  - (2) Whether the course is transferable to four-year colleges and universities.
  - (3) Whether the course fulfills a major or general education requirement.
- H) Pursuant to Title 5, California Code of Regulations, Section 55202, requiring identification in college publications and course outlines the establishment of prerequisites, corequisites, and advisories.
- I) Pursuant to Title 5, California Code of Regulations, Section 55530, subdivision (b), ensuring that information be made available to students, during or prior to enrollment, in written form, such as class schedules, catalogs or other appropriate publications, describing their rights and responsibilities under the chapter pertaining to curriculum and instruction.
- J) Pursuant to Title 5, California Code of Regulations, Section 55534, subdivision (a), investigating and attempting to resolve any alleged violations of the subchapter on curriculum and instruction. Pursuant to subdivision (b), advising

Declaration of Vicky Fong  
Test Claim of Los Rios Community College District  
Chapter 187/2000 Notice to Students

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- students that they may file a formal complaint of unlawful discrimination upon completion of the challenge procedure established by subdivision (a).
- K) Pursuant to Title 5, California Code of Regulations, Section 55750, adopting and implementing regulations consistent with the chapter on standards of scholarship and publishing those regulations in the college catalog under appropriate headings.
- L) Pursuant to Title 5, California Code of Regulations, Section 55752, subdivision (a), specifying in its college catalog the category into which each course falls, as either,
- (1) in a course where all students are evaluated on a "credit - no credit" basis, or
  - (2) courses wherein each student may elect on registration whether the basis for evaluation is to be "credit - no credit", or a letter grade.
- M) Pursuant to Title 5, California Code of Regulations, Section 55753, subdivision (a), adopting and publishing procedures and regulations, in its catalog, relating to credit by examination in accordance with the provisions of the subchapter, standards of scholarship.
- N) Pursuant to Title 5, California Code of Regulations, Section 55758, subdivision (d), publishing the point equivalencies for letter grades, including pluses and minuses if necessary, and if the governing board chooses, "FW" equivalencies, in the catalog.

Declaration of Vicky Fong  
Test Claim of Los Rios Community College District  
Chapter 187/2000 Notice to Students

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- O) Pursuant to Title 5, California Code of Regulations, Section 55759, notifying students who are subject to academic probation or dismissal at or near the beginning of the semester or quarter that is affected, or no later than the start of Fall semester/quarter and notifying a student upon being removed from probation or reinstatement after dismissal. Publishing these policies and procedures in the college catalog.
- P) Pursuant to Title 5, California Code of Regulations, Section 55760, subdivision (b), adopting and publishing procedures and regulations for repeating courses in which substandard work has been performed.
- Q) Pursuant to Title 5, California Code of Regulations, Section 55761, adopting and publishing procedures or regulations pertaining to the repetition of courses for which substandard work has been recorded.
- R) Pursuant to Title 5, California Code of Regulations, Section 55762, subdivision (c), specifying courses, or categories of courses, which are exempt from consideration for repetition after substandard academic performance. Pursuant to subdivision (d), indicating any courses repeated on the student's permanent record with an appropriate symbol. Pursuant to subdivision (e) publishing specific procedures to implement this section. Pursuant to subdivision (g), maintaining a record of actions taken under course repetition procedures or regulations.
- S) Pursuant to Title 5, California Code of Regulations, Section 55764, adopting and publishing procedures or regulations pertaining to alleviating previously recorded

Declaration of Vicky Fong  
Test Claim of Los Rios Community College District  
Chapter 187/2000 Notice to Students

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substandard academic performance which is not reflective of a student's demonstrated ability which includes a clear statement of the educational principles upon which they are based.

- T) Pursuant to Title 5, California Code of Regulations, Section 55765, subdivision (c), publishing the specific procedures to be followed in implementing procedures or regulations which permit alleviation of previously recorded substandard academic performance, which state: (1) the procedures to be followed by students petitioning for alleviation, and (2) the officers and/or personnel responsible for implementation.
- U) Pursuant to Title 5, California Code of Regulations, Section 55800, adopting a policy consistent with the chapter on degrees and certificates and publishing that policy in the college catalog under appropriate headings.
- V) Pursuant to Title 5, California Code of Regulations, Section 58102, clearly and understandably describing each course to prospective students which shall be published in the official catalog, and/or schedule of classes, and/or addenda.
- W) Pursuant to Title 5, California Code of Regulations, Section 58104, describing all courses in the official catalog and/or addenda and listing them in the schedule of classes. To reasonably well publicize courses which are established or conducted after the publication of the general catalog or regular schedule of classes.
- X) Pursuant to Title 5, California Code of Regulations, Section 59404, subdivision

Declaration of Vicky Fong  
Test Claim of Los Rios Community College District  
Chapter 187/2000 Notice to Students

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(a), whenever community colleges require students to provide instructional or other materials for a course, adopting policies or regulations which specify the conditions under which such materials will be required and pursuant to subdivision (b), publishing those policies or regulations in each college catalog.

Y) Pursuant to Title 5, California Code of Regulations, Section 59410, providing written notice to any student who has failed to pay a proper financial obligation due to the district or college that grades, transcripts, diplomas and registration privileges shall be withheld:

It is estimated that the District incurred more than \$1,000 for the fiscal year of 2001-2002 to implement these new duties mandated by the state for the purpose of implementing this mandate, and for which it cannot otherwise obtain reimbursement.

The foregoing facts are known to me personally and if so required, I could testify to the statements made herein. I hereby declare under penalty of perjury that the foregoing is true and correct except where stated upon information and belief and where so stated I declare that I believe them to be true.

EXECUTED this 30<sup>th</sup> day of May, 2003 in the City of Sacramento, California.

  
\_\_\_\_\_  
Vicky Fong  
Associate Vice President of Instruction

Exhibit 2  
Copies of Statutes Cited

Ch. 186

STATUTES OF 2000

POSTSECONDARY EDUCATION—COMMUNITY COLLEGE  
STUDENTS—ACCESS TO TRANSFER INFORMATION

CHAPTER 187

A.B. No. 1918

AN ACT to add Section 66721.5 to the Education Code, relating to public postsecondary education  
[Filed with Secretary of State July 24, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1918, Romero. Public postsecondary education: Access to Transfer Information for  
Community College Students Act.

(1) Existing law establishes the various segments of the higher education system in the  
state. These segments include the University of California, which is administered by the  
Regents of the University of California, the California State University, which is administered

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Additions or changes indicated by underline; deletions by asterisks \* \* \*

by the Trustees of the California State University, the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges, and various private institutions of higher learning.

This bill would enact the Access to Transfer Information for Community College Students Act. The bill would impose a state-mandated local program by requiring the governing board of each community college district to direct the appropriate officials at their respective campuses to provide students with copies of the transfer core curriculum, as defined to mean the lower-division, general education transfer curriculum that is fully articulated between the California Community Colleges and the California State University and the University of California. The bill would require that a copy of the current transfer core curriculum be distributed to each newly admitted community college student, as prescribed, and that the text of the current transfer core curriculum be included in the published class schedule. The bill would authorize copies of the curriculum to be available at prescribed locations on community college campuses.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known and may be cited as the "Access to Transfer Information for Community College Students Act."

SEC. 2. The Legislature finds and declares all of the following:

(a) Student matriculation from community colleges through the University of California and the California State University is recognized by the Governor, Legislature, and the governing boards of each of the segments of California's system of public postsecondary education as a central institutional priority of all segments of higher education.

(b) The Board of Governors of the California Community Colleges, with the cooperation of the Regents of the University of California and Trustees of the California State University, should ensure that all students are clearly and fully informed as to which community college courses and units are transferable.

(c) Knowledge of transfer agreements will improve a community college student's opportunity to transfer.

(d) The Master Plan for Higher Education establishes transfers as a priority. The California Community Colleges and the University of California established the goal of a 33 percent increase in transfers between the 1995-96 and the 2004-05 academic years.

(e) According to recent reports by the California Postsecondary Education Commission, the transfer rate to the University of California system has decreased every year since 1995. Given the decreased transfer rates, there is no possibility of achieving the goal of 33 percent.

SEC. 3. Section 66721.5 is added to the Education Code, to read:

66721.5. (a)(1) The governing board of each community college district shall direct the appropriate officials at their respective campuses to provide each of their students with a copy of the current transfer core curriculum.

(2) As used in this section, "transfer core curriculum" means the lower-division, general education transfer curriculum that, pursuant to Section 66720, is fully articulated between the California Community Colleges and the California State University and University of California.

(b) A copy of the current transfer core curriculum shall be distributed to each newly admitted community college student who is enrolled in a degree or certification program and is physically in attendance at the institution.

Additions or changes indicated by underline; deletions by asterisks \* \* \*

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## Ch. 187, § 3

(c) The governing board of a community college district shall ensure that the text of the current transfer core curriculum is included in the published class schedule for each academic term. Copies of the transfer core curriculum may also be made available in other locations on each campus, including, but not necessarily limited to, all of the following:

- (1) The admissions office.
- (2) The bookstore.
- (3) The career counseling center.
- (4) The veteran's affairs office.

(d) Notwithstanding subdivision (c), the governing board of a community college may, as an alternative to the methods of distribution set forth in subdivision (c), distribute copies of the current transfer core curriculum by any of the following means:

- (1) During the registration process.
- (2) By mail, with the registration materials or the enrollment materials, or both, or with other items sent to students.
- (3) During the issuance of student identification cards.
- (4) During student orientation programs.

(e) Nothing in this section shall be construed to limit the distribution of the transfer core curriculum to community college students.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

1832

Additions or changes indicated by underline; deletions by ~~asterisks~~.

1997-1998 REGULAR SESSION

SCHOOLS AND SCHOOL DISTRICTS—DISCRIMINATION—  
RELATED PROVISIONS

CHAPTER 914

A.B. No. 499

ACT to amend Sections 200, 211, 212, 212.5, 213, 214, 220, 223, 224, 250, 251, 253, 262.3; and 72012 of, to amend the headings of Chapter 2 (commencing with Section 200) of, and Article 3 (commencing with Section 220) of, Chapter 2 of Part 1 of, to amend and renumber Sections 40, 41, 45, 210, 212.6, 222, 226, 227, 228, 232, 262, 262.1, 262.2, 263, 33032.5, 44806, 52905, 52906, 52907, 52908, 58508, and 72015 of, to amend and renumber the headings of Article 4 (commencing with Section 240) of, Article 5 (commencing with Section 250) of, and Article 6 (commencing with Section 260) of, Chapter 2 of Part 1 of, to add Sections 210, 262.4, and 264 to, to add the headings of Article 4 (commencing with Section 221.5) of, Article 5 (commencing with Section 233) of, Article 6 (commencing with Section 235) of, and Article 11 (commencing with Section 280) of, Chapter 2 of Part 1 of, and to add Chapter 4.5 (commencing with Section 66250) to Part 4 of, and to repeal the headings of Article 4 (commencing with Section 40) of, and Article 4.5 (commencing with Section 45) of, Chapter 1 of Part 1 of, and Article 8 (commencing with Section 52905) of Chapter 12 of Part 28 of, the Education Code, relating to education.

[Approved by Governor September 28, 1998.]

[Filed with Secretary of State September 28, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

A.B. 499, Kuehl. Education: diversity in education: Sex Equity in Education Act.

Under existing law, numerous provisions of the Education Code relate to the prohibition of discrimination in the provision of educational services by elementary, secondary, and postsecondary institutions.

Under existing law, the governing board of a school district has primary responsibility for ensuring that school district programs and activities are free from discrimination based on

Additions or changes indicated by underline; deletions, by asterisks \* \* \*

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282. The human relations course developed pursuant to this article shall encompass the following goals:

- (a) Fostering cooperation and promoting positive interaction among pupils of different racial and ethnic groups.
- (b) Developing an understanding of ethnic diversity within California, throughout the nation, and in the world.
- (c) Understanding the dangers of stereotyping and discrimination that have existed throughout history and recognizing the protections offered to all by a democratic society.
- (d) Appreciating the contributions of minority groups to the development of the United States.

SEC. 47. Section 52908 of the Education Code is amended and renumbered to read:

283. The human relations course developed pursuant to this article shall be designed and be ready for implementation by the 1990-91 school year.

SEC. 48. Section 58508 of the Education Code is amended and renumbered to read:

285. There shall be no racial, sex, or ethnic discrimination in any aspect of the operation of alternative schools, charter schools, or the Demonstration Scholarship Program.

SEC. 49. Chapter 4.5 (commencing with Section 66250) is added to Part 40 of the Education Code, to read:

#### CHAPTER 4.5. SEX EQUITY IN EDUCATION ACT

##### Article 1. Title and Declaration of Purpose

66250. This chapter shall be known, and may be cited, as the Sex Equity in Education Act.

66251. It is the policy of the State of California to afford all persons, regardless of their sex, ethnic group identification, race, national origin, religion, or mental or physical disability, equal rights and opportunities in the postsecondary institutions of the state. The purpose of this chapter is to prohibit acts that are contrary to that policy and to provide remedies therefor.

66252. (a) All students have the right to participate fully in the educational process, free from discrimination and harassment.

(b) California's postsecondary educational institutions have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity.

(c) Harassment on school grounds directed at an individual on the basis of personal characteristics or status creates a hostile environment and jeopardizes equal educational opportunity as guaranteed by the California Constitution and the United States Constitution.

(d) There is an urgent need to prevent and respond to acts of hate violence and bias-related incidents that are occurring at an increasing rate in California's public schools.

(e) There is an urgent need to teach and inform students in the public schools about their rights, as guaranteed by the federal and state constitutions, in order to increase students' awareness and understanding of their rights and the rights of others, with the intention of promoting tolerance and sensitivity in postsecondary educational institutions and in society as a means of responding to potential harassment and hate violence.

(f) It is the intent of the Legislature that each postsecondary educational institution undertake educational activities to counter discriminatory incidents on school grounds and, within constitutional bounds, to minimize and eliminate a hostile environment on school grounds that impairs the access of students to equal educational opportunity.

(g) It is the intent of the Legislature that this chapter shall be interpreted as consistent with Article 9.5 (commencing with Section 11135) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code; Title VI of the federal Civil Rights Act of 1964 (42 U.S.C. Sec. 1981, et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.), the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)), the federal

Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), the federal Equal Educational Opportunities Act (20 U.S.C. Sec. 1701, et seq.), the Unruh Civil Rights Act (Secs. 51 to 53, incl., Civ. C.), and the Fair Employment and Housing Act (Pt. 2.8 (commencing with Sec. 12900), Div. 3, Gov. C.), except where this chapter may grant more protections or impose additional obligations, and that the remedies provided herein shall not be the exclusive remedies, but may be combined with remedies that may be provided by the above statutes.

#### Article 2. Definitions

66260. The definitions in this article shall govern the use of the terms defined for purposes of this chapter.

66261. "Governing board" means the governing board of a community college.

66261.5. "Postsecondary educational institution" means a public or private institution of vocational, professional, or postsecondary education; the governing board of a community college district; the Regents of the University of California; or the Trustees of the California State University.

66262. "Sex" has the same meaning as defined in Section 212.

66262.5. "Sexual harassment" has the same meaning as defined in Section 212.5.

66263. "State financial assistance" has the same meaning as defined in Section 213.

66264. "State student financial aid" has the same meaning as defined in Section 214.

#### Article 3. Prohibition of Discrimination

66270. No person shall be subjected to discrimination on the basis of sex, ethnic group identification, race, national origin, religion, color, or mental or physical disability in any program or activity conducted by any postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.

66271. This chapter shall not apply to an educational institution that is controlled by a religious organization if the application would not be consistent with the religious tenets of that organization.

66271.1. The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California may, adopt regulations as required by law to implement this chapter.

#### Article 4. Sex Equity in Education

66271.5. The provisions of this article are supplemental to any provision in the Constitution or laws of the United States or laws of the State of California, relating to discrimination.

66273. This article shall not apply to the membership practices of a social fraternity or social sorority, exempt from taxation under subdivision (a) of Section 501 of the federal Internal Revenue Code of 1954, whose active membership consists primarily of students in attendance at a postsecondary educational institution.

66281.5. (a) It is the policy of the State of California, pursuant to Section 66251, that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind in the postsecondary educational institution of the state. The purpose of this section is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies.

(b) Each postsecondary educational institution in the State of California shall have a written policy on sexual harassment. It is the intent of the Legislature that each educational institution in this state include this policy in its regular policy statement rather than distribute an additional written document.

(c) The postsecondary educational institution's written policy on sexual harassment shall include information on where to obtain the specific rules and procedures for reporting charges of sexual harassment and for pursuing available remedies.

(d) A copy of the postsecondary educational institution's written policy on sexual harassment shall be displayed in a prominent location in the main administrative building or other area of the campus or schoolsite. "Prominent location" means that location, or those locations in the main administrative building or other area where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.

(e) A copy of the postsecondary educational institution's written policy on sexual harassment, as it pertains to students, shall be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.

(f) A copy of the postsecondary educational institution's written policy on sexual harassment shall be provided for each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired.

(g) A copy of the postsecondary educational institution's written policy on sexual harassment shall appear in any publication of the institution that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution.

#### Article 5. Compliance and Enforcement

66290. Prior to receipt of any state financial assistance or state student financial aid, a postsecondary educational institution shall provide assurance to the agency administering the funds, in the manner required by the funding agency, that each program or activity conducted by the postsecondary educational institution will be conducted in compliance with this chapter and all other applicable provisions of state law prohibiting discrimination on the basis of sex. A single assurance, not more than one page in length and signed by an appropriate responsible official of the postsecondary educational institution, may be provided for all the programs and activities conducted by a postsecondary educational institution.

66291. (a) A community college district shall submit timely, complete, and accurate compliance reports to the chancellor's office, as that entity may require.

(b) All reports submitted pursuant to this section shall be made available by the educational institution for public inspection during regular business hours.

66292.3. (a) A party to a written complaint of prohibited discrimination may appeal the action taken by the governing board of a community college district or the president of a campus of the California State University, pursuant to this article, to the Board of Governors of the California Community Colleges or the Chancellor of the California State University, as applicable.

(b) Persons who have filed a complaint, pursuant to this chapter, with an educational institution shall be advised by the educational institution that civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders, may also be available to complainants. The educational institution shall make this information available by publication in appropriate informational materials.

(c) Nothing in this chapter shall be construed to require an exhaustion of the appeal to the Board of Governors of the California Community Colleges or to the Chancellor of the California State University pursuant to subdivision (a), before civil law remedies may be purchased.

(d) Notwithstanding any other provision of law, a person who alleges that he or she is a victim of discrimination may not seek civil remedies pursuant to this section until at least 90 days have elapsed from the filing of a discrimination complaint with the local educational agency. The 90-day moratorium imposed by this subdivision does not apply to injunctive relief and is applicable only if the local educational agency has appropriately, and in a timely manner, apprised the complainant of his or her right to file a complaint.

66292.4. This chapter may be enforced through a civil action.

SEC. 50. Section 72012 of the Education Code is amended to read:

72012. Every community college shall comply with \* \* \* Sections 221.5, 221.7, and 66016, relating to sex discrimination.

SEC. 51. Section 72015 of the Education Code is amended and renumbered to read:

66271.7. (a) It is the policy of the state that community college classes and courses, including nonacademic and elective classes and courses, shall be conducted without regard to the sex of the student enrolled in these classes and courses.

(b) No community college district shall prohibit any student from enrolling in any class or course on the basis of the sex of the student.

(c) No community college district shall require students of one sex to enroll in a particular class or course, unless the same class or course is also required of students of the opposite sex.

(d) No school counselor, teacher, instructor, administrator, or aide shall, on the basis of the sex of a student, offer vocational or school program guidance to students of one sex which is different from that offered to students of the opposite sex or, in counseling students, differentiate career, vocational or higher education opportunities on the basis of the sex of the student counseled. Any school personnel acting in a career counseling or course selection capacity to any pupil shall affirmatively explore with the pupil the possibility of careers, or courses leading to careers, that are nontraditional for that pupil's sex.

(e) Participation in a particular physical education activity or sport, if required of students of one sex, shall be available to students of each sex.

(f) The Legislature finds and declares that female students are not accorded opportunities for participation in community college athletic programs equal to those accorded male students. It is the intent of the Legislature that opportunities for participation in community college athletics be provided equally to male and female students and on an equitable basis to all students.

(g) Insofar as practicable, in apportioning public funds, community college district governing boards shall apportion amounts available for athletics to ensure that equitable amounts will be allocated for all students, except that allowances may be made for differences in the costs of various athletic programs. Notwithstanding any other provisions of law, no public funds shall be used in connection with any athletic program conducted under the auspices of the governing board of a community college district, or any student organization within the district, which does not provide equal opportunity to both sexes for participation and for use of facilities. Facilities and opportunities for participation shall include, but are not limited to, equipment and supplies, scheduling of games and practice time, compensation for coaches, travel arrangements, per diem, locker rooms, and medical services.

(h) It is the further intent of the Legislature that females be given the same opportunity to participate in athletics and compete with other females in individual and team sports as is available to males who compete with other males in individual and team sports. Nothing in this section shall be construed to require a community college to require competition between male and female students in school-sponsored athletic programs.

Exhibit 3  
Education Code Sections

## EDUCATION CODE

### § 66281.5. State policy; institution's written policy

(a) It is the policy of the State of California, pursuant to Section 66251, that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind in the postsecondary educational institution of the state. The purpose of this section is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies.

(b) Each postsecondary educational institution in the State of California shall have a written policy on sexual harassment. It is the intent of the Legislature that each educational institution in this state include this policy in its regular policy statement rather than distribute an additional written document.

(c) The postsecondary educational institution's written policy on sexual harassment shall include information on where to obtain the specific rules and procedures for reporting charges of sexual harassment and for pursuing available remedies.

(d) A copy of the postsecondary educational institution's written policy on sexual harassment shall be displayed in a prominent location in the main administrative building or other area of the campus or schoolsite. "Prominent location" means that location, or those locations, in the main administrative building or other area where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.

(e) A copy of the postsecondary educational institution's written policy on sexual harassment, as it pertains to students, shall be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.

(f) A copy of the postsecondary educational institution's written policy on sexual harassment shall be provided for each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired.

(g) A copy of the postsecondary educational institution's written policy on sexual harassment shall appear in any publication of the institution that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution.

(Added by Stats.1998, c. 914 (A.B.499), § 49.)

## EDUCATION CODE

### § 66721.5. Current transfer core curriculum; copies provided to students; availability

(a)(1) The governing board of each community college district shall direct the appropriate officials at their respective campuses to provide each of their students with a copy of the current transfer core curriculum.

(2) As used in this section, "transfer core curriculum" means the lower-division, general education transfer curriculum that, pursuant to Section 66720, is fully articulated between the California Community Colleges and the California State University and University of California.

(b) A copy of the current transfer core curriculum shall be distributed to each newly admitted community college student who is enrolled in a degree or certification program and is physically in attendance at the institution.

(c) The governing board of a community college district shall ensure that the text of the current transfer core curriculum is included in the published class schedule for each academic term. Copies of the transfer core curriculum may also be made available in other locations on each campus, including, but not necessarily limited to, all of the following:

- (1) The admissions office.
- (2) The bookstore.
- (3) The career counseling center.
- (4) The veteran's affairs office.

(d) Notwithstanding subdivision (c), the governing board of a community college may, as an alternative to the methods of distribution set forth in subdivision (c), distribute copies of the current transfer core curriculum by any of the following means:

- (1) During the registration process.
- (2) By mail, with the registration materials or the enrollment materials, or both, or with other items sent to students.
- (3) During the issuance of student identification cards.
- (4) During student orientation programs.

(e) Nothing in this section shall be construed to limit the distribution of the transfer core curriculum to community college students.

(Added by Stats.2000, c. 187 (A.B.1918), § 8.)

Exhibit 4  
Title 5, Code of Regulations Cited

(b) file a copy of its regulations, and any amendments thereto, with the Chancellor; and

(c) substantially comply with its regulations and the regulations of the Board of Governors pertaining to standards of scholarship.

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

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 15).

### § 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) adopt regulations consistent with regulations contained in Subchapter 10 (commencing with Section 55800) of Chapter 6;

(b) file a copy of its regulations and any amendments thereto with the Chancellor; and

(c) substantially comply with its regulations and the regulations of the Board of Governors pertaining to degrees and certificates.

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

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 15).

### § 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "The policy of this district is that, unless specifically exempted by statute or regulation, every course, course section, or class, reported for state aid, wherever offered and maintained by the district, shall be fully open to enrollment and participation by any person who has been admitted to the college(s) and who meets such prerequisites as may be established pursuant to regulations contained in Article 2.5 (commencing with Section 55200) of Subchapter 1 of Chapter 6 of Division 6 of Title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to Subsection (a) shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which full-time equivalent student (FTES) is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78020 et seq., Education Code.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
3. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 1 (Register 95, No. 15).

### § 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for, and approve, comprehensive or master plans which include academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that the plans shall also address planning requirements specified by the Board of Governors.

(b) Such plans, as well as any annual updates or changes to such plans, shall be submitted to the Chancellor's Office for review and approval in

accordance with Section 70901(b)(9) of the Education Code and with regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 70901, 70902, 71020.5, 81820, 81821 and 81822, Education Code.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 15).

### § 51010. Equal Employment Opportunity.

The governing board of a community college district shall:

(a) adopt a district policy which describes its equal employment opportunity program and meets the requirements of section 53002;

(b) develop and adopt a district equal employment opportunity plan which meets the requirements of section 53003;

(c) ensure that its employment patterns are annually surveyed in the manner required by section 53004;

(d) ensure that a program of recruitment is carried out as required by section 53021;

(e) ensure that screening and selection procedures are developed and used in accordance with section 53024;

(f) ensure that, where necessary, additional steps are taken consistent with the requirements of section 53006;

(g) ensure that the pattern of hiring and retention, when viewed over time, is consistent with the objectives established in the district's equal employment opportunity plan; and

(h) substantially comply with the other provisions of subchapter 1 (commencing with section 53000) of chapter 4.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135-11139.5, Government Code.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 3-26-92; operative 4-24-92. (Register 92, No. 17).
3. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 1 (Register 95, No. 15).
5. New subsection (f), subsection relettering and amendment of newly design subsection (g) and NOTE filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
6. Amendment of section heading, section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

### § 51012. Student Fees.

The governing board of a community college district may only establish such mandatory student fees as it is expressly authorized to establish by law.

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

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 15).

### § 51014. Approval of New Colleges and Educational Centers.

(a) The governing board of a community college district planning formation of a new college or educational center shall obtain approval of such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

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 CFR 99.3.

#### HISTORY

1. Amendment filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment of subsection (c) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. New subsection (c)(7) filed 8-4-78; effective thirtieth day thereafter (Register 78, No. 31).
4. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

### § 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 70901, 76220 and 76246, Education Code. Reference: Section 72603, Education Code; 20 USC 1232(g); and 45 CFR 99.3.

#### HISTORY

1. New section filed 10-8-76; effective thirtieth day thereafter (Register 76, No. 41).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

### § 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).

#### HISTORY

1. Amendment filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12).
2. Repealer of Article 2 heading and Section 54610 and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

### § 54612. Waiver.

A student may waive his or her right to access to student records as provided in Education Code Section 76231. Such waivers shall be in writing and signed by the student.

NOTE: Authority cited: Sections 76220 and 76246, Education Code. Reference: Section 76231, Education Code; 20 USC 1232(g); and 45 CFR 99.6.

#### HISTORY

1. Amendment filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment filed 8-4-78; effective thirtieth day thereafter (Register 78, No. 31).
3. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

### § 54614. Confidential Maintenance of Records.

#### HISTORY

1. Repealer of Article 3 heading and Section 54614 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

### § 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.

#### HISTORY

1. Amendment filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

### § 54618. Mandatory Access.

#### HISTORY

1. Repealer filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12).

### § 54620. Court Orders.

#### HISTORY

1. Amendment filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12).
2. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

### § 54622. Access.

#### HISTORY

1. Repealer and new section filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment filed 8-4-78; effective thirtieth day thereafter (Register 78, No. 31).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

### § 54624. Access to Statistical Data.

#### HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

### § 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.

#### HISTORY

1. Amendment filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment of subsection (d) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment of subsections (b) and (d) filed 8-4-78; effective thirtieth day thereafter (Register 78, No. 31).

## HISTORY

1. New section filed 5-12-88; operative 5-12-88 (Register 88, No. 20).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).

## § 54803. Termination of Fee.

(a) Any student representation fee that has been instituted pursuant to the procedures enumerated in section 54801 may be terminated by a majority of the students voting in an election called in one of the following two manners:

(1) By placing the issue on the ballot for the next regular associated student body election. The issue shall be placed on the ballot upon receipt of a petition indicating an interest in the termination of the representation fee signed by a majority of the number of students who voted in the election establishing the fee.

(2) Pursuant to procedures pre-established by the student body association for calling such an election. Such procedures shall be available for public inspection during regular business hours.

(b) The elections shall be conducted in accordance with the procedures established pursuant to section 54801.

NOTE: Authority cited: Section 66700, 70901 and 76060.5, Education Code. Reference: Sections 76060 and 76060.5, Education Code.

## HISTORY

1. New section filed 5-12-88; operative 5-12-88 (Register 88, No. 20).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).

## § 54805. Collection of the Fee.

District governing boards shall include in the materials given to each student at registration, information pertaining to the representation fee. The form used by a college for the purpose of collecting the fee shall contain, at a minimum, the following:

(a) a statement indicating that the money collected pursuant to this article shall be expended to provide support for students or representatives who may be stating their positions and viewpoints before city, county, and district government, and before offices and agencies of the state and federal government;

(b) the amount of the fee;

(c) a statement informing the students of their right to refuse to pay the fee for religious, political, moral or financial reasons.

NOTE: Authority cited: Sections 66700, 70901 and 76060.5, Education Code. References: Sections 76060 and 76060.5, Education Code.

## HISTORY

1. New section filed 5-12-88; operative 5-12-88 (Register 88, No. 20).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).

## § 54912. Residence Questionnaires.

NOTE: Authority cited: Sections 66700, 68044 and 70901, Education Code. Reference: Sections 68044 and 68062, Education Code.

## HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

## Chapter 6. Curriculum and Instruction

## Subchapter 1. Programs, Courses and Classes

## Article 1. Program, Course and Class Classification and Standards

## § 55000. Definitions.

For the purpose of this chapter, the following definitions shall apply:

(a) "Course" means an organized pattern of instruction on a specified subject offered by a community college.

(b) "Educational program" is an organized sequence of courses leading to a defined objective, a degree, a certificate, a diploma, a license, or transfer to another institution of higher education.

(c) "Class" means a community services offering.

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

## HISTORY

1. Repealer of chapter 1 (subchapters 1-3, sections 55000-55144, not consecutive) and new chapter 1 (articles 1-2, sections 55000-55180, not consecutive) filed 12-21-81; effective thirtieth day thereafter (Register 81, No. 52). For prior history, see Registers 80, No. 11; 77, No. 45; and 71, No. 9.
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).

## § 55000.5. Handbook; Monitoring and Review of Approved Courses and Programs.

(a) The Chancellor shall prepare, distribute, and maintain a detailed handbook for use by the local educational agencies. The handbook shall contain course approval criteria, implementation plans for administrative regulations, and procedures for securing course and program approvals.

(b) The Chancellor shall monitor and review courses and programs which were approved under the provisions of section 70901 of the Education Code for compliance with applicable statutes and regulations on a periodic basis.

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

## HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).

## § 55001. Community College Educational Program.

(a) The instructional services of community colleges include:

(1) liberal arts and sciences education:

(A) baccalaureate oriented/transfer programs and courses

(B) associate degree programs and courses

(C) developmental programs and courses

1. compensatory programs and courses

2. adult elementary and secondary basic skills programs and courses

(D) community education programs and courses

1. personal development and survival courses

2. parenting and family support courses

3. community and civic development courses

4. general and cultural courses

(2) occupational education:

(A) vocational/technical transfer programs and courses

(B) vocational/technical associate degree and certificate programs and courses

dards 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.

#### HISTORY

1. Amendment of subsection (a) filed 12-28-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 53).
2. Amendment filed 5-18-84; effective thirtieth day thereafter (Register 84, No. 20).  
Repealer and new section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).  
Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 7).
6. Amendment filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
7. Editorial correction of HISTORY 4 (Register 95, No. 20).

#### § 5002.5. 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 than 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.

#### HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).

#### § 55004. Social Science Courses.

The course of instruction in social sciences shall include a study of the role, participation, and contribution of both men and women, black Americans, American Indians, Mexicans, Asians, Pacific Island people, and other ethnic groups to the economic, political, and social development of California and the United States of America.

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

#### HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23).

Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Editorial correction of HISTORY 1 (Register 95, No. 20).

#### § 55005. Publication of Course Standards.

For each course offered, a community college shall make available to students through college publications all of the following facts before they enroll in the course:

- (a) Whether the course is offered as a credit or noncredit course, or a community services class.
- (b) Whether the course is transferable to four-year colleges and universities.
- (c) Whether the course fulfills a major or general education requirement.
- (d) Whether the course is offered on the basis of credit-no credit, and if so, which provision of subsection (a) of section 51302 is applicable.

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

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).

#### § 55006. Records and Reports.

Authorities of each community college maintaining credit and non-credit courses and community services classes and activities shall keep and submit such current records and reports concerning their total activities as may be required by the Chancellor to fulfill statutory responsibilities.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78401, Education Code.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).

#### § 55008. Appointment of Vocational Education Advisory Committee by School District Participating in Vocational Education Program.

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

#### HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error in second paragraph (Register 91, No. 43).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
4. Editorial correction of HISTORY 1 (Register 95, No. 20).

## Article 2. Approval of Courses, Programs and Classes

### § 55100. Course Approval.

Except as provided in subsection (b) and section 55160, each course to be offered by a community college shall be approved by the Chancellor before the course is offered by the college. The course shall be submitted to the Chancellor on forms provided by the Chancellor's Office.

(b) If an educational program has been approved by the Chancellor, the governing board of a district shall establish policies for, and may approve individual courses which are offered as part of an approved program. Such courses need not be approved by the Chancellor, but shall be reported in the manner provided in subsection (c).

(c) For each course approved by a district, whether or not approval by the Chancellor is required, the district shall designate the appropriate classification of the course or activity in accordance with section 55001.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78401, Education Code.

(1) it was established prior to July 6, 1990, and is part of a sequence of degree-applicable courses within a given discipline; or

(2) it was established between July 6, 1990, and the effective date of this regulation, in accordance with regulations in effect during this period of time; or

(3) it is required by statute or regulation; or

(4) it is part of a closely-related lecture-laboratory course pairing within a discipline; or

(5) it is required by four-year institutions.

(e) A course in communication or computation skills may be established as a prerequisite or corequisite for any course other than another course in communication or computation skills only if, in addition to conducting a content review, the district gathers data according to sound research practices and shows that a student is highly unlikely to succeed in the course unless the student has met the proposed prerequisite or corequisite. If the curriculum committee initially determines, pursuant to Section 55002(a)(2)(E), that a new course needs to have a communication or computation skill prerequisite or corequisite, then, despite Subsection (d) of this Section, the prerequisite or corequisite may be established for a single period of not more than two years while the research is being conducted and the final determination is being made, provided that all other requirements for establishing the prerequisite or corequisite have been met. The requirements of this subdivision related to collection of data shall not apply when:

(1) four-year institutions will not grant credit for a course unless it has the particular communication or computation skill prerequisite; or

(2) the prerequisite or corequisite is required for enrollment in a program, that program is subject to approval by a state agency other than the Chancellor's Office and both of the following conditions are satisfied:

(A) colleges in at least six different districts have previously satisfied the data collection requirements of this subdivision with respect to the same prerequisite or corequisite for the same program; and

(B) the district establishing the prerequisite or corequisite conducts an evaluation to determine whether the prerequisite or corequisite has a disproportionate impact on particular groups of students described in terms of race, ethnicity, gender, age or disability, as defined by the Chancellor. When there is a disproportionate impact on any such group of students, the district shall, in consultation with the Chancellor, develop and implement a plan setting forth the steps the district will take to correct the disproportionate impact.

(f) Any prerequisite or corequisite may be challenged by a student on one or more of the grounds listed below. The student shall bear the initial burden of showing that grounds exist for the challenge. Challenges shall be resolved in a timely manner and, if the challenge is upheld, the student shall be permitted to enroll in the course or program in question. Grounds for challenge are:

(1) The prerequisite or corequisite has not been established in accordance with the district's process for establishing prerequisites and corequisites;

(2) The prerequisite or corequisite is in violation of this Article;

(3) The prerequisite or corequisite is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;

(4) The student has the knowledge or ability to succeed in the course or program despite not meeting the prerequisite or corequisite;

(5) The student will be subject to undue delay in attaining the goal of his or her educational plan because the prerequisite or corequisite course has not been made reasonably available; and

(6) Such other grounds for challenge as may be established by the district governing board.

(g) In the case of a challenge under Subsection (f)(3) of this Section, the district shall, upon completion of the challenge procedure established pursuant to this Section, advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to Subchapter 5 (commencing with Section 59300) of Chapter 10 of this Division. Completion of the challenge procedure shall be deemed to satisfy the requirement of

Section 59328(b) that the district and the student attempt informal resolution of the complaint.

(h) District policies adopted pursuant to this section shall be submitted to the Chancellor as part of the district's matriculation plan pursuant to Section 55510 of Subchapter 6 of Chapter 6 of this Division.

NOTE: Authority cited: Section 70901, Education Code. Reference: Section 70901, Education Code.

#### HISTORY

1. New section filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).

2. Amendment of subsection (e), new subsections (e)(1)-(e)(2)(B) and amendment of NOTE filed 2-9-98; operative 3-11-98. Submitted to OAL for printing only (Register 98, No. 7).

#### § 55202. Additional Rules.

The following additional rules apply to the establishment of prerequisites and corequisites:

(a) Prerequisites, corequisites, and advisories on recommended preparation must be identified in college publications available to students as well as the course outline of any course for which they are established.

(b) Prerequisites establishing communication or computational skill requirements may not be established across the entire curriculum unless established on a course-by-course basis.

(c) The determination of whether a student meets a prerequisite shall be based on successful completion of an appropriate course or on an assessment using multiple measures. Any assessment instrument used shall be selected and used in accordance with the provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

(d) If a prerequisite requires precollegiate skills in reading, written expression, or mathematics, the governing board of a district shall ensure that precollegiate basic skills courses designed to teach the required skills are offered with reasonable frequency and that the number of sections available is reasonable given the number of students who are required to meet the associated skills prerequisites and who diligently seek enrollment in the prerequisite course.

(e) Whenever a corequisite course is established, sufficient sections shall be offered to reasonably accommodate all students who are required to take the corequisite. A Corequisite shall be waived as to any student for whom space in the corequisite course is not available.

(f) No exit test may be required to satisfy a prerequisite or corequisite unless it is incorporated into the grading for the prerequisite or corequisite course.

(g) The determination of whether a student meets a prerequisite shall be made prior to his or her enrollment in the course requiring the prerequisite, provided, however, that enrollment may be permitted pending verification that the student has met the prerequisite or corequisite. If the verification shows that the student has failed to meet the prerequisite, the student may be involuntarily dropped from the course if the applicable enrollment fees are promptly refunded. Otherwise a student may only be involuntarily removed from a course due to excessive absences or as a result of disciplinary action taken pursuant to law or to the student code of conduct.

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

#### HISTORY

1. New section filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).

### Article 3. Distance Education

#### § 55205. Definition and Application.

Distance education means instruction in which the instructor and student are separated by distance and interact through the assistance of communication technology. All distance education is subject to the general requirements of this chapter as well as the specific requirements of this article. In addition, instruction provided as distance education is subject to the requirements that may be imposed by the Americans with Disabilities

tended Opportunity Programs and Services (EOPS) and Disabled Students Programs and Services (DSPS) are authorized, consistent with the provisions of chapter 1 (commencing with section 56000) and chapter 2.5 (commencing with section 56200) of division 7 of this part, to provide specialized matriculation services and modified or alternative matriculation services to their respective student populations. Notwithstanding this authorization, participation in the EOPS and DSPS programs is voluntary and no student may be denied necessary accommodations in the assessment process because he or she chooses not to use specialized matriculation services provided by these programs. Modified or alternative matriculation services for limited or non-English-speaking students may be provided in English as a Second Language programs.

NOTE: Authority cited: Section 11138, Government Code; Sections 66700, 70901, and 84500.1, Education Code. Reference: Section 11135, Government Code; Sections 72011, 78211, 78213, and 84500.1, Education Code.

#### HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

#### § 55523. Counseling and Advisement.

(a) If not already required to do so by the minimum standards for counseling services set forth in section 51018 of division 1 of this Part, each community college district shall do all of the following:

(1) make reasonable efforts to ensure that all nonexempt students who are on probation participate in counseling as provided in section 55759 of this Part;

(2) make reasonable efforts to ensure that all nonexempt students who have not declared a specific educational goal participate in counseling to assist them in the process of selecting a specified educational goal pursuant to section 55525;

(3) make reasonable efforts to ensure that all nonexempt students who are enrolled in pre-collegiate basic skills courses participate in counseling or advisement; and

(4) make available to all students, as defined in section 55502(i), advisement or counseling on general academic requirements and the selection of specific courses by counselors or appropriately trained instructor/advisors, and/or other appropriately trained staff working in consultation with counselors.

(b) Counseling by appropriately trained counselors or advisement by appropriately trained staff may also be made available in any other area the district deems appropriate, including but not limited to, the interpretation of assessment results and the development of a student's educational plan as required by section 55525.

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

#### HISTORY

1. New section filed 6-5-90 by the Board of Governor's, California Community Colleges, with the Secretary of State, operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (b) (Register 90, No. 37).

#### § 55524. Assessment.

The Chancellor shall establish and update, at least annually, a list of approved assessment instruments and guidelines for their use by community college districts. These guidelines shall identify modifications of an assessment instrument or the procedures for its use which may be made in order to provide special accommodations required by section 55522 without separate approval by the Chancellor. Such guidelines shall also describe the procedure by which districts may seek to have assessment instruments approved and added to the list. The Chancellor shall ensure that all assessment instruments included on the list minimize or eliminate cultural or linguistic bias, are normed on the appropriate populations, yield valid and reliable information, identify the learning needs of students, make efficient use of student and staff time, and are otherwise consistent with the educational and psychological testing standards of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 78213, Education Code.

#### HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

#### § 55525. Student Educational Plan.

(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 or 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 of 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.

#### HISTORY

1. New section filed 6-5-90 by the Board of Governor's, California Community Colleges, with the Secretary of State, operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (b) (Register 90, No. 37).
2. Amendment of subsections (a), (c) and (d) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

#### § 55526. Student Follow-up.

Each community college district shall establish a student follow-up process to assist the student in achieving his/her educational goal. The follow-up system shall ensure that the academic progress of each student is regularly monitored to detect early signs of academic difficulty and students shall be provided with advice or referral to specialized services or curriculum offerings where necessary. Districts shall also identify and refer to counseling or advisement, as appropriate pursuant to section 55523(a), any students who have not declared a specific educational goal as required by section 55530, who are enrolled in pre-collegiate basic skills courses, or who have been placed on probation.

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

#### HISTORY

1. New section filed 6-5-90 by the Board of Governor's, California Community Colleges, with the Secretary of State, operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (b) (Register 90, No. 37).

## Article 4. Appeals, Waivers, Student Rights and Responsibilities

### § 55530. Student Rights and Responsibilities.

(a) Nothing in this Subchapter shall be construed to interfere with the right of a student admitted to a community college in accord with district admission policies adopted pursuant to Education Code Section 76000, et seq. to enroll in any course for which he or she can meet necessary and appropriate prerequisites, if any, which have been established pursuant to the requirements of Article 2.5 (commencing with Section 55200) of Subchapter 1 of Chapter 6 of this Division.

(b) Community college districts shall take steps to ensure that information is available in written form to all students during or prior to enrollment (e.g., during orientation) and is included in class schedules, catalogs or other appropriate publications, describing their rights and responsibilities under this Chapter.

(c) Districts shall also take steps to ensure that the matriculation process is efficient so that students are not discouraged from participating in college programs. Whenever possible, students should be permitted to avoid additional testing by submitting scores on recently taken tests that correlate with those used by the district.

(d) Students shall be required to express at least a broad educational intent upon admission; declare a specific educational goal within a reasonable period after admission; participate in counseling or advisement pursuant to Section 55523(a)(1), (2), and (3); diligently attend class and complete assigned coursework; and complete courses and maintain progress toward an educational goal according to standards established by the district, consistent with the requirements of Chapter 9 (commencing with Section 55750) of Division 6 of this Part. The governing board of each community college district shall adopt clear written policies not inconsistent with law, specifically defining these responsibilities of students and the consequences of failure to fulfill such responsibilities. This policy shall define the period of time within which a student must identify a specific educational goal as required by this Subsection, provided however, that all students shall be required to declare such a goal during the term after which the student completes 15 semester units or 22 quarter units of degree-applicable credit course work, unless the district policy establishes a shorter period. Once the student has developed a specific educational goal, the district must provide the student with an opportunity to develop a student educational plan pursuant to Section 55525. Student responsibilities shall also be identified in the student's educational plan developed pursuant to Section 55525. If a student fails to fulfill the responsibilities listed in this Subsection, fails to cooperate with the district in the development of a student educational plan within 90 days after declaring his or her specific educational goal, or fails to abide by the terms of his or her student educational plan, the district may, subject to the requirements of this Chapter, suspend or terminate the provision of services authorized in Section 55520, provided however, that nothing in this Section shall be construed to permit a district to suspend or terminate any service to which a student is otherwise entitled under any other provision of law.

(e) Information obtained from the matriculation process shall be considered student records and shall be subject to the requirements of Chapter 6 (commencing with Section 54600) of Division 5 of this Part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 76000, 76001, 76001.5 and 78212, Education Code.

#### HISTORY

1. Amendment filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsection (b) filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
3. Amendment of subsections (a), (b) and (d) filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).

#### § 55532. Exemptions.

(a) Community college districts may elect to exempt certain students from participation in orientation, assessment, counseling or advisement, as required by subsections (b), (c), or (d) of section 55520. Each such district shall establish policies specifying the grounds for exemption. Such policies shall be identified in the matriculation plan required under section 55510 and the number of students so exempted shall be reported, by category, to the Chancellor pursuant to section 55514.

(b) District policies may exempt from orientation, assessment, counseling, or advisement any student who has completed a associate degree or higher.

(c) Any student exempted pursuant to this section shall be notified that he or she is covered by an exemption and shall be given the opportunity to choose whether or not to participate in that part of the matriculation process.

(d) District policies may not use any of the following as the sole criterion for exempting any student who does not wish to participate:

- (1) the student has enrolled only in evening classes;
- (2) the student has enrolled in fewer than some specified number of units;

(3) the student is undecided about his or her educational objectives; or  
(4) the student does not intend to earn a degree or certificate.

(e) As part of the statewide evaluation provided for under subsection (c) of section 55512, the Chancellor shall analyze and recommend necessary changes regarding the impact on the matriculation program of the exemption policies adopted by community college districts.

NOTE: Authority cited: Sections 66700, 70901, and 78215, Education Code. Reference: Section 78215, Education Code.

#### HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

#### § 55534. Violations, Waivers and Appeals.

(a) Each community college district shall establish written procedures by which students may challenge any alleged violation of the provisions of this Subchapter. Districts shall investigate and attempt to resolve any such complaints in a timely manner. Such complaint procedures may be consolidated with existing student grievance procedures by action of the governing board. Records of all such complaints shall be retained for at least three years after the complaint has been resolved and shall be subject to review by the Chancellor as part of the statewide evaluation required under Section 55512(c).

(b) When a challenge contains an allegation that a community college district has violated the provisions of Section 55521(a)(6), the district shall, upon completion of the challenge procedure established pursuant to this Section, advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to Subchapter 5 (commencing with Section 59300) of Chapter 10 of this Division. Completion of the challenge procedure shall be deemed to satisfy the requirement of Section 59328(b) that the district and the student attempt informal resolution of the complaint.

NOTE: Authority cited: Section 11138, Government Code; Sections 66700 and 70901, Education Code. Reference: Sections 11135-11139.5, Government Code; Sections 78211 and 78213, Education Code.

#### HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
3. Amendment of subsection (b) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

## Subchapter 7. Occupational Education

### Article 1. Vocational Education Contracts

#### § 55600. Definitions.

For the purposes of this article the following definitions apply:

(a) "Vocational education contract" means a written agreement between any community college district and a contractor which meets standards prescribed herein to provide vocational instruction to students enrolled in community colleges. Such agreements shall also be required to comply with the provisions of article 5 (commencing with section 8090) of chapter 1, part 6 of the Education Code.

(b) "The California State Plan for Vocational Education" means an official agreement between the United States Commissioner of Education and the California State Board of Education which provides standards, policies, and procedures that shall apply to the operation of various phases of vocational education to qualify for financial support from the Education Amendments of 1976 (Public Law 94-482 and 95-40), part A, Vocational Education, or any subsequent federal legislation.

(c) "Contractor" as used in section 55602 means any private postsecondary school authorized or approved pursuant to the provisions of chapter 3 (commencing with section 94300), and which has been in operation

**§ 55728. Flexible Calendar Attendance Reporting.**

(a) On forms provided by the Chancellor, districts with approved flexible calendar operations shall report at least the following:  
 (1) the total hours of classroom assignments (teaching time) which instructors specified in the district's approved plan were required to teach;  
 (2) of the total in Subsection (a)(1), the total faculty contact hours of instruction for which staff, student, and instructional improvement activities are being substituted. This total of faculty contact hours shall further be reported in terms of credit and noncredit faculty contact hours of instruction; and

(3) the number of faculty contact hours of instruction for which instruction during the designated days is being substituted. Such instruction during the designated days meeting the attendance accounting standards may be claimed for apportionment; and the faculty contact hours shall not be eligible for adjustment pursuant to Section 55729.

(b) Districts with approved flexible calendar operations shall also report such additional data as deemed necessary by the Chancellor including any data necessary to compute the FTES adjustment specified in Section 55729.

NOTE: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Section 84890, Education Code.

**HISTORY**

1. New section filed 11-10-82; effective thirtieth day thereafter (Register 82, No. 46).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 7).
3. Amendment of subsections (a)(1), (a)(3), (b) and NOTE filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
4. Amendment of subsections (a)(2)-(b) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

**§ 55729. Full-time Equivalent Student (FTES) Units; Adjustments to Reflect Activities; Computation by Multiplier Factor.**

(a) The Chancellor's Office shall adjust the actual units of full-time equivalent student of a district operating under a plan approved in accordance with Sections 55720-32 to reflect the conduct of staff, student, and instructional improvement activities in lieu of scheduled instruction during flexible time. The adjusted units of full-time equivalent student shall be computed by multiplying the actual units of full-time equivalent student in the academic year, exclusive of any intersessions, computed pursuant to Section 58003.1, by a factor which does not change the full-time equivalent student which would have otherwise been generated if the time for the improvement activities had not been permitted and scheduled instruction had instead taken place.

(b) For courses other than those described in Subsection (b) of Section 58003.1, the multiplier factor shall equal the sum of the following:

- (1) 1.0; and
- (2) the total of all the actual hours of flexible time of all instructors pursuant to Section 55720 in the fiscal year, divided by the total of all the actual hours of classroom instruction of all instructors in the academic year, exclusive of any intersessions.

(c) For those courses described in Subsection (b) of Section 58003.1, this multiplier factor shall equal the maximum term length multiplier set forth in that Subsection.

(d) The Chancellor shall also withhold the appropriate amount of state aid whenever there is a final audit finding that an instructor did not spend at least as much time performing staff, student, and instructional improvement activities as the amount of time he or she was released from classroom instruction.

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

**HISTORY**

1. New section filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
2. Amendment of section heading and text filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

**§ 55730. Ongoing Responsibilities of Districts.**

A district conducting an approved flexible calendar shall do all of the following to ensure effective use of resources during flex days:

- (a) conduct and annually update a survey of the most critical staff, student, and instructional improvement needs in the district;
- (b) develop and carry out a plan of activities to address the critical needs;
- (c) maintain records on the description, type and number of activities scheduled and the number of district employees and students participating in these activities;
- (d) evaluate annually the effectiveness of conducted activities and update the plan to reflect needed changes;
- (e) appoint and hold regular meetings of an advisory committee composed of faculty, students, administrators and other interested persons to make recommendations on staff, student, and instructional improvement activities; and
- (f) provide, upon request of the Chancellor, copies of documents and information specified in Subsections (a) through (d), inclusive.

NOTE: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Section 84890, Education Code.

**HISTORY**

1. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 7).

**§ 55732. Ongoing Responsibilities of the Chancellor.**

The Chancellor shall:

- (a) Adjust state aid for districts with approved flexible calendar operations in accordance with the provisions of section 55729 of this Part;
- (b) Periodically review documentation from selected districts to determine whether they are in compliance with the provisions of sections 55726, 55728, and 55730, and to determine whether they are conducting their flexible calendar operations in a manner consistent with the approved requests. Districts which are found to be out of compliance shall be notified and be given an opportunity to respond; and
- (c) Terminate approval of any flexible calendar operation if it is found that the district has, without good cause:

- (1) failed to conduct its flexible calendar operation in a manner consistent with its approved request;
  - (2) failed to carry out the responsibilities specified in section 55726;
- or
- (3) failed to meet its ongoing responsibilities as specified in section 55730.

NOTE: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Section 84890, Education Code.

**HISTORY**

1. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 7).
2. Amendment filed 5-15-93; operative 6-14-93 (Register 93, No. 25).

**Subchapter 9. Standards of Scholarship**

**§ 55750. Regulations.**

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.

**HISTORY**

1. New chapter 9 (sections 55750-55765) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 22).

**§ 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 also 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.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).

### § 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.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).

### § 55753. Credit by Examination.

(a) The governing board of each community college district shall adopt and publish procedures and regulations pertaining to credit by examination in accordance with the provisions of this Subchapter.

(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 may be 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 nature and content of the examination shall be determined solely by faculty in the discipline that normally teaches the course for which credit is to be granted in accordance with policies and procedures approved by the curriculum committee established pursuant to Section 55002. The faculty shall determine that the examination adequately measures mastery of the course content as set forth in the outline of record. The faculty may accept an examination conducted at a location other than the community college for this purpose.

(d) A separate examination shall be conducted for each course for which credit is to be granted. Credit may be awarded for prior experience or prior learning only in terms of individually identified courses for which examinations are conducted pursuant to this section.

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

(f) Grading shall be according to the regular grading scale approved by the governing board pursuant to Section 55758, except that students

shall be offered a credit-no credit option if that option is ordinarily available for the course.

(g) 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.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Amendment filed 1-4-2002; operative 7-1-2002. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2002, No. 8).

### § 55753.5. Articulation of High School Courses.

(a) For purposes of this section, the term "articulated high school course" means a high school course or courses that the faculty in the appropriate discipline, using policies and procedures approved by the curriculum committee established pursuant to Section 55002, have determined to be comparable to a specific community college course.

(b) The governing board of a community college district may adopt policies to permit articulated high school courses to be applied to community college requirements in accordance with this Section. Articulated high school courses may be accepted in lieu of comparable community college courses to partially satisfy:

(1) requirements for a certificate program, including the total number of units required for the certificate; or,

(2) the major requirements in a degree program.

(c) Articulated high school courses used to partially satisfy certificate or major requirements shall be clearly noted as such on the student's academic record. Notations of community college course credit shall be made only if community college courses are successfully completed or if credit is earned via credit by examination.

(d) Except through credit by examination, as defined in Section 55753, high school courses may not be used to satisfy:

(1) the requirement of Section 55806 that students complete at least 60 semester or 90 quarter units in order to receive an associate degree; or,

(2) any general education requirement for the associate degree established by the district.

(e) All community college district-high school articulation agreements shall be subject to the provisions of this Section. However, any student who, prior to the date this Section takes effect, has successfully completed a high school course articulated under the terms of a previous agreement shall be permitted to apply the credit so earned according to the terms of the previous agreement.

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

#### HISTORY

1. New section filed 1-4-2002; operative 7-1-2002. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2002, No. 8).

### § 55753.7. Advanced Placement Examinations.

The governing board of a community college district may adopt policies to grant credit for satisfactory completion of advanced placement examinations typically recognized by colleges and universities as measuring competencies comparable to those achieved in baccalaureate level courses.

The faculty in the appropriate discipline must approve advanced placement examinations, scores deemed to constitute satisfactory performance, courses offered by the college for which credit will be granted, and requirements that may be met by such examinations in accordance with policies and procedures approved by the curriculum committee established pursuant to Section 55002.

The student's academic record shall be clearly annotated to reflect that credit was earned through an advanced placement examination.

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

(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 71020, 71062 and 84500.1, Education Code. Reference: Sections 84500 and 84500.1, Education Code.

**HISTORY**

- 1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

**§ 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.

**HISTORY**

- 1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
- 2. Editorial correction of HISTORY 1 (Register 95; No. 22).

**§ 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 using only the following evaluative symbols, except as provided in subsections (b) and (c):

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 of a community college district may use "plus" and "minus" designations in combination with letter grades, except that the grade of C minus shall not be used. If pluses and minuses are used, the grade point value of a plus shall be computed by adding 0.3 to the value assigned to the letter grade with which it is combined, and the grade point value of a minus shall be computed by subtracting 0.3 from the value assigned to the letter grade with which it is combined, except that no grade point value shall be less than 0 or greater than 4.0.

(c) Regardless of whether the governing board elects to use plus and minus grading, it may provide for the use of the "FW" grade symbol to indicate that a student has both ceased participating in a course some time after the last day to officially withdraw from the course without having achieved a final passing grade, and that the student has not received district authorization to withdraw from the course under extenuating circumstances. The "FW" symbol may not be used if a student has qualified for and been granted military withdrawal. If "FW" is used, its grade point value shall be zero (0).

(d) The governing board for each community college district shall publish the point equivalencies for the grades used in subsection (a) or subsections (a) and (b) (if pluses and minuses are used) in the catalog or catalogs of that community college district as a part of its grading practice.

es. In the event the governing board chooses to use the "FW" described in subsection (c), it shall be included in the grading scale and point equivalencies published in the catalog.

(e) The governing board of each community college district may authorize the use under specified controls and conditions of only the following nonevaluative symbols:

**Symbol**

**Definition**

I

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 its 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" may be 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 this Section other than a "W."

## Symbol

## Definition

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.

## MW

**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. In no case would a military withdrawal result in a student being assigned an "FW" grade.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

## HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of subsection (c) filed 5-20-91 and submitted to OAL on 5-24-91 for printing only pursuant to Education Code section 10901.5; operative 6-19-91 (Register 91, No. 31).
3. Editorial correction of printing error in NOTE (Register 91, No. 43).
4. Editorial correction restoring omitted definition of "Military Withdrawal" and its HISTORY NOTE (Register 92, No. 5).
5. Editorial correction of HISTORY 1 (Register 95, No. 22).
6. Amendment of subsection (a), new subsection (b), subsection relettering, amendment of newly designated subsection (c), and amendment of NOTE filed 1-12-98; operative 2-11-98. Submitted to OAL for printing only (Register 98, No. 3).
7. Amendment of subsection (a), new subsection (c), subsection relettering, and amendment of newly designated subsections (d) and (e) filed 12-8-2000; operative 1-7-2001. Submitted to OAL for printing only (Register 2000, No. 50).

### § 55758.5. Grade Point Averaging.

(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 nondegree credit courses shall not be included.

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

## HISTORY

1. New section filed 10-25-91; operative 11-24-91 (Register 92, No. 7).

### § 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.

## HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 22).

### § 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 standard 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.

## HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).

**§ 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 "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.

**HISTORY**

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).

**§ 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 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;

(e) Shall, when adopted procedures or regulations permit course repetition, publish specific procedures to implement this section;

(f) May, in determining transfer of a student's credits, honor similar, prior course repetition actions by other accredited colleges and universities; and

(g) 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: Section 70901, Education Code. Reference: Sections 70901, 70902 and 76224, Education Code.

**HISTORY**

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer of subsection (d), subsection relettering, and amendment of NOTE filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).

**§ 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.

(b) Except as provided in Subsection (c), 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. Grades awarded for courses repeated under the provisions of this subsection shall not be counted in calculating a student's grade point average.

(c) If a district permits repetition of courses where substandard work has not been recorded, repetition shall be permitted, without petition, in instances when such repetition is necessary for a student to meet a legally mandated training requirement as a condition of continued paid or volunteer employment. Such courses must conform to all attendance accounting, course approval, and other requirements imposed by applicable provisions of law. Such courses may be repeated for credit any number of times, regardless of whether or not substandard work was previously recorded, and the grade received each time shall be included for purposes of calculating the student's grade point average. The governing board of a district may establish policies and procedures requiring students to certify or document that course repetition is necessary to complete legally mandated training pursuant to this subsection.

(d) 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.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

**HISTORY**

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Amendment of section and NOTE filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).

**§ 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

[The next page is 360.4(c).]

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.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).

### § 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.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error in NOTE (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 22).

## Subchapter 10. Degrees and Certificates

### § 55800. Regulations.

The governing board of community college districts shall adopt policy consistent with the provisions of this chapter. The policy shall be published in the college catalog under appropriate headings, and filed with the Chancellor's Office as required by section 51004 of this part.

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

#### HISTORY

1. New chapter 10 (sections 55800-55810, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

3. Editorial correction of HISTORY 2 (Register 95, No. 22).

### § 55800.5. Minimum Credit Hours for Graduation from Two-Year Course.

An associate degree shall be awarded to any student who successfully completes the prescribed course of study for the degree while maintaining the requisite grade point average, the course of study required for the student's major, and any required academic elective courses.

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

#### HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).

### § 55801. Definitions.

For the purpose of this chapter, "satisfactorily completed" means either credit earned on a "credit-no credit" basis or a grade point average of 2.0 or better in community college credit courses in the curriculum upon which the degree is based.

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

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).

### § 55802. Associate in Arts Degree (Applicable Until July 1, 1983).

The governing board of a community college district shall confer the degree of associate in arts upon a student who in grades 13 and 14 has satisfactorily completed from 60 to 64 semester hours of work in a curriculum which the district accepts toward the degree (as shown by its catalog) and which includes all of the following minimum requirements, provided that 12 hours of the required credit hours were secured in residence at that community college:

(a) 18 semester units of study taken in a discipline or from related disciplines as listed in the Community Colleges "Classification of Instructional Disciplines."

(b) 15 semester units of general education which shall include at least one course in each of the following areas

(1) Natural sciences. Those courses of study which deal with matter and energy and their interrelations and transformations (e.g., chemistry, physics, biology).

(2) Social sciences. The body of knowledge that relates to the human being as a member of society or component of society, such as the state, family, or any systematized human institution (e.g., economics, political science, sociology).

(3) Humanities. Those courses of study having primarily a cultural character (e.g., languages, literature, philosophy, fine arts).

(4) Learning skills. Courses, such as oral and written communication, logic, mathematics, and statistics, designed to facilitate acquisition and utilization of knowledge in natural sciences, social sciences, and humanities.

These courses may be eligible for partial satisfaction of the general education requirements for a baccalaureate degree at the California State University in accordance with the provisions of Section 40405 of this title.

(c) Ethnic studies courses shall be offered in one or more of the areas listed in subdivision (b).

The community college may determine which courses satisfy the requirements of this subdivision.

The governing board may make exceptions to the residence requirement in any instance in which it determines that an injustice or hardship would otherwise be placed upon an individual student.

2. Editorial correction of HISTORY 1 (Register 95, No. 23).

### § 58056. Immediate Supervision and Control.

(a) Subdivision (a)(1) of section 58051 requires, as a condition for claiming attendance for apportionment purposes, the immediate supervision and control of an academic employee authorized to render service in a capacity and during the period in which he or she served. Immediate supervision and control requires the presence of the authorized employee. More specifically, immediate supervision or presence is characterized by all of the following:

(1) The authorized employee is able, in terms of physical proximity and range of communication, to provide immediate instructional supervision and control; and

(2) The authorized employee is in a position to provide the supervision and control necessary for the protection of the health and safety of students; and

(3) The authorized employee is not to have any other assigned duty during the instructional activity for which attendance is being claimed. The criteria specified above are to be applied in recognition of the fact that the need for immediate supervision will vary according to the course being offered, as well as with the design or mode of instruction of such course or program.

(b) Under the following limited circumstances, attendance of students enrolled in a course or program which does not meet the requirements of subdivision (a) shall qualify for apportionment purposes if:

(1) The course or program is approved and being conducted as distance education in accordance with article 3 (commencing with section 55205) of subchapter 1 of chapter 6; or

(2) The course or program is approved and being conducted as independent study in accordance with subchapter 4 (commencing with section 55300) of chapter 6; or

(3) The course or program is approved and being conducted as work experience education in accordance with subchapter 3 (commencing with section 55250) of chapter 6 of this part; or

(4) The course or program is approved and is being conducted as health sciences education in accordance with section 58055(a).

(c) Attendance generated solely under an instructional assistant or aide does not qualify for apportionment. In addition, instructional aides shall not be used to increase the number of students in relation to the number of classroom instructors in the district. However, attendance may qualify for apportionment under the following limited circumstances:

(1) The assistant or aide functions under the exclusive direction of the authorized employee assigned to that educational activity, and not independently; and

(2) The assistant or aide performs only those duties specifically authorized by law, including, but not limited to, sections 88240-88249 of the Education Code; and,

(3) The authorized employee is able, in terms of physical proximity and range of communication, to provide necessary supervision and control of students, so that by working in conjunction with the assistant or aide, the requirements of subsection (a) of this section are met.

NOTE: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901 and 84500, Education Code.

#### HISTORY

1. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

### § 58058. Employee of the District.

(a) A person is an "employee of the district" within the meaning of subdivision (a)(1) of Section 58051 if:

(1) The district has the primary right to control and direct the person's activities during the time such person is serving the district; and

(2) A contract exists between the person and the district, indicia of which may include provisions which specify the terms and conditions of work, salary and other compensation, work to be performed, and employment classification; and,

(3) The district compensates the person according to an adopted salary or wage schedule which complies with the provisions of Article 8 (commencing with Section 87801), Chapter 3, Part 51 of the Education Code.

(b) For the purposes of complying with the requirements of this section, a district may also contract for instruction to be provided by a public or private agency. Such contracts shall specify that the district has the primary right to control and direct the activities of the person or persons furnished by the public or private agency during the term of the contract. In addition, the district shall enter into a written contract with each person furnished by the public or private agency; and said contracts shall meet the requirements of subsection (a)(1) and (2) of this section. In this manner an individual employed will continue to be an employee of a public or private agency, while at the same time qualifying as an employee of the district.

NOTE: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901, 84500 and 87801, Education Code.

#### HISTORY

1. Amendment of subsections (a) and (a)(3) and NOTE filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

### § 58060. Valid Employment Qualifications.

For the purposes of Sections 58051 and 58056, the employee is deemed authorized to perform the services because he or she is employed pursuant to a valid, unrevoked credential issued by the Board of Governors or pursuant to minimum qualifications adopted by the Board of Governors or equivalencies pursuant to Section 53430.

(a) If the person serves pursuant to a credential,

(1) It must authorize the holder to provide instruction in the particular subject matter or matters; and

(2) It must authorize the holder to provide that instruction during the period in which the holder is providing it.

(b) If the person serves pursuant to minimum qualifications adopted by the Board of Governors or equivalencies, the qualifications or equivalencies must be related to the assignment and effective during the period of instruction for which attendance is being claimed.

(c) For purposes of this section, an employee is deemed authorized to perform the services if he or she is employed as a faculty intern.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 84500 and 87487, Education Code.

#### HISTORY

1. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).  
2. Editorial correction of subsection (b) (Register 95, No. 47).

## Subchapter 2. Limitations on State Aid

### Article 1. Open Courses

#### § 58100. Open Enrollment.

NOTE: Authority cited: Sections 71020, 71062 and 84500.1, Education Code. Reference: Section 84500 and 84500.1, Education Code.

#### HISTORY

1. Repealer filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

#### § 58102. Course Description.

The description of each course shall be clear and understandable to the prospective student and shall be published in the official catalog, and/or schedule of classes, and/or addenda.

A course description may indicate that the course is designed to meet certain specialized needs. If so indicated, the availability of the course to all qualified students must also be affirmed.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84500, Education Code.

#### HISTORY

1. Amendment of NOTE filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

#### § 58104. Dissemination of Information.

All courses to be conducted shall be described in the official general catalog and/or addenda and listed in the schedules of classes.

Courses which are established or conducted after publication of the general catalog or regular schedule of classes shall be reasonably well publicized.

Announcements of course offerings shall not be limited to a specialized clientele, nor shall any group or individual receive notice prior to the general public for the purposes of preferential enrollment, limiting accessibility, or exclusion of qualified students.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84500, Education Code.

#### HISTORY

1. Amendment of NOTE filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

### § 58106. Limitations on Enrollment.

In order to be claimed for purposes of state apportionment, all courses shall be open to enrollment by any student who has been admitted to the college, provided that enrollment in specific courses or programs may be limited as follows:

(a) Enrollment may be limited to students meeting prerequisites and corequisites established pursuant to Sections 55200-55202 of this Division,

(b) Enrollment may be limited due to health and safety considerations, facility limitations, faculty workload, the availability of qualified instructors, funding limitations, the constraints of regional planning or legal requirements imposed by statutes, regulations, or contracts. The governing board shall adopt policies identifying any such limitations and requiring fair and equitable procedures for determining who may enroll in affected courses or programs. Such procedures shall be consistent with one or more of the following approaches:

(1) limiting enrollment to a "first-come, first-served" basis or using other nonevaluative selection techniques to determine who may enroll; or

(2) limiting enrollment using a registration procedure authorized by Section 58108; or

(3) in the case of intercollegiate completion, honors courses, or public performance courses, allocating available seats to those students judged most qualified; or

(4) limiting enrollment in one or more sections of a course to a cohort of students enrolled in one or more other courses, provided however, that a reasonable percentage of all sections of the course do not have such restrictions; or

(5) with respect to students on probation or subject to dismissal, the governing board may, consistent with the provisions of Sections 55754-55755 of this Part, limit enrollment to a total number of units or to selected courses, or require students to follow a prescribed educational plan.

(c) A student may challenge an enrollment limitation established pursuant to Subsection (b) of this Section on any of the following grounds:

(1) the enrollment limitation is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;

(2) the district is not following its policy on enrollment limitations;

(3) the basis upon which the district has established an enrollment limitation does not in fact exist; or

(4) any other criteria established by the district.

(d) The student shall bear the burden of showing that grounds exists for the challenge. Challenges shall be handled in a timely manner, and if the challenge is upheld, the district shall waive the enrollment limitation with respect to that student.

(e) In the case of a challenge under Subsection (c)(1) of this Section, the district shall, upon completion of the challenge procedure established pursuant to this Section, advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to Subchapter 5 (commencing with Section 59300) of Chapter 10 of this Division. Completion of the challenge procedure shall be deemed to satisfy the requirement of Section 59328(b) that the district and the student attempt informal resolution of the complaint.

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

#### HISTORY

1. Repealer and new section filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42). For prior history, see Register 92, No. 15.

### § 58107. Facilities and Opportunities for Participation.

Notwithstanding any other provision of law, no public funds shall be used in connection with athletic programs conducted under the auspices of a community college district governing board or any student organization within the district, which do not provide facilities and opportunities for participation by both sexes on an equitable basis. Facilities and opportunities for participation include, but are not limited to, equipment and supplies, scheduling of games and practice time, compensation for coaches, travel arrangements, per diem, locker rooms, and medical services.

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

#### HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

### § 58108. Registration and Enrollment Procedures.

Procedures for registration and standards for enrollment in any course shall be only those which are consistent with these and other sections of Title 5 and uniformly administered by appropriately authorized employees of the district.

Except as otherwise provided by state law, no student shall be required to confer or consult with or be required to receive permission to enroll in any class from any person other than those employed by the college in the district.

Students will not be required to participate in any preregistration activity not uniformly required; nor shall the college or district allow anyone to place or enforce nonacademic requisites as barriers to enrollment in or the successful completion of a class.

No registration procedures shall be used that result in restricting enrollment to a specialized clientele.

The following registration procedures are permissible: special registration assistance to the handicapped or disadvantaged student as defined by statute, for the purpose of providing equalization of educational opportunity; and enrollment of students in accordance with a priority system established pursuant to legal authority by the local board of trustees.

With respect to accessibility to off-campus sites and facilities, no student is to be required to make any special effort not required of all students to register in any class or course section. Once enrolled in the class, all students must have equal access to the site.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84500, Education Code.

#### HISTORY

1. Amendment of NOTE filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

### § 58110. Enrollment Limitations.

NOTE: Authority cited: Sections 71020, 71062 and 84500.1, Education Code. Reference: Sections 84500 and 84500.1, Education Code.

#### HISTORY

1. Repealer filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

## Article 2. 175-Day Rule

### § 58120. Conditions for Inclusion as a Day.

(a) For a day to count towards meeting the requirements of section 58142, courses of instruction must be offered for a minimum of three hours during the period of 7 a.m. and 11 p.m.

(b) Notwithstanding subsection (a) of this section, days of final examination may be counted toward meeting the requirements of section 58142, provided that:

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 probable cause to believe the district has violated the provisions of this subchapter.

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

#### HISTORY

1. Amendment of section and NOTE filed 2-7-2001; operative 3-9-2001. Submitted to OAL for printing only (Register 2001, No. 6).
2. Amendment filed 3-20-2002; operative 4-19-2002. Submitted to OAL for printing only (Register 2002, No. 13).

#### § 59358. Hearing.

If the Chancellor finds the district has violated the provisions of this subchapter, 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 I, division 3, title 2 of the Government Code, to determine whether the violation did occur.

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

#### HISTORY

1. Amendment of section and NOTE filed 2-7-2001; operative 3-9-2001. Submitted to OAL for printing only (Register 2001, No. 6).
- Amendment filed 3-20-2002; operative 4-19-2002. Submitted to OAL for printing only (Register 2002, No. 13).

#### § 59360. Enforcement.

(a) Upon a determination that a district has violated the provisions of this subchapter, 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) Make 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 pursuant to this section shall be made until the Chancellor has determined that compliance cannot be secured by voluntary means.

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

#### HISTORY

1. Amendment of subsections (a), (a)(2) and (b) and amendment of NOTE filed 2-7-2001; operative 3-9-2001. Submitted to OAL for printing only (Register 2001, No. 6).
2. Amendment filed 3-20-2002; operative 4-19-2002. Submitted to OAL for printing only (Register 2002, No. 13).

#### § 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; and Section 71020, Education Code. Reference: Sections 11135 and 11138, Government Code.

#### HISTORY

1. Amendment of section and NOTE filed 3-20-2002; operative 4-19-2002. Submitted to OAL for printing only (Register 2002, No. 13).

## Subchapter 6. Waiver of Part-Time Instructor Limit

NOTE: Authority cited: Sections 71020 and 87613, Education Code. Reference: Section 87613, Education Code.

#### HISTORY

1. New Chapter 6 (Sections 59380-59388, not consecutive) filed 6-1-82; effective thirtieth day thereafter (Register 82, No. 23).
2. Repealer of Chapter 6 (Sections 59380-59388, not consecutive) filed 3-7-85; effective thirtieth day thereafter (Register 85, No. 10).

## Subchapter 7. Instructional and Other Materials

#### § 59400. Required Instructional and Other Materials.

(a) The governing board of a district may, consistent with the provisions of this Subchapter, require students to provide instructional and other materials required for a credit or noncredit course, provided that such materials are of continuing value to a student outside of the classroom setting, and provided that such materials are not solely or exclusively available from the district.

(b) Except as specifically authorized or required in the Education Code, the governing board of a community college district shall not require a student to pay a fee for any instructional and other materials required for a credit or noncredit course.

NOTE: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

#### HISTORY

1. New chapter 7 (sections 59400-59408, not consecutive) filed 5-16-85; effective thirtieth day thereafter (Register 85, No. 20).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Amendment of subsection (a) and NOTE filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 2 (Register 95, No. 29).

#### § 59402. Definitions.

For the purposes of this Subchapter the following definitions apply:

- (a) "Instructional and other materials" means any tangible personal property which is owned or primarily controlled by an individual student.
- (b) "Required instructional and other materials" means any instructional and other materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which is necessary to achieve those required objectives of a course which are to be accomplished under the supervision of an instructor during class hours.
- (c) "Solely or exclusively available from the district" means that the material is not available except through the district, or that the district requires that the material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the district if it is provided to the student at the district's actual cost and:

- (1) the material is otherwise generally available, but is provided solely or exclusively by the district for health and safety reasons; or
- (2) the material is provided in lieu of other generally available but more expensive material which would otherwise be required.

(d) "Required instructional and other materials which are of continuing value outside of the classroom setting" are materials which can be taken from the classroom setting, and which are not wholly consumed, used up, or rendered valueless as they are applied in achieving the required objectives of a course which are to be accomplished under the supervision of an instructor during class hours.

NOTE: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of opening statement, subsections (a) and (c)-(c)(2) and NOTE filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).

#### § 59404. District Policies and Regulations for Instructional and Other Materials.

(a) The governing board of a community college district which requires that students provide instructional or other materials for a course

shall adopt policies or regulations, consistent with the provisions of this Subchapter, which specify the conditions under which such materials will be required.

(b) The policies or regulations specified in Subsection (a) shall be adopted no later than January 1, 1986, forwarded to the Chancellor's Office upon adoption, and thereafter published in each college catalog developed after the date of adoption.

NOTE: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section and NOTE filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).

### § 59406. Report to Chancellor.

The governing board of a community college district which prescribes required instructional and other materials for its courses shall respond to periodic surveys or inquiries of the Chancellor on the subject.

NOTE: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of NOTE filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).

### § 59406.5. Reports Re Instructional Materials Used.

Each district board shall make reports, whenever required, directly to the Board of Governors or Chancellor's Office, concerning the instructional materials used in its colleges.

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

#### HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).

### § 59408. Operative Date and Violations of Subchapter.

(a) The regulations in this Subchapter shall become operative on August 15, 1985, provided that a district governing board which wishes to implement these regulations earlier may do so.

(b) The governing board of a district which prescribes required instructional and other materials in violation of this Subchapter shall be deemed to have established a student fee not expressly established by law.

NOTE: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

#### HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section heading, text and NOTE filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).

## Subchapter 7.5. Student Financial Obligations

### § 59410. Withholding Grades, Transcripts, etc., for Nonrepayment of Financial Obligations.

The governing board of a community college district may provide by appropriate rules and regulations that grades, transcripts, diplomas and registration privileges, or any combination thereof, shall be withheld from any student or former student who has been provided with written notice that he or she has failed to pay a proper financial obligation due to the district or a college. Any item or items withheld shall be released when the student satisfactorily meets the financial obligation.

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

#### HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. New subchapter 7.5 heading filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).

## Subchapter 8. District Reorganization

### § 59420. Newly Formed District.

A community college district is a newly formed district up to the close of the fiscal year in which its formation became effective for all purposes.

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

#### HISTORY

1. New subchapter 8 and section filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

### § 59422. Use of Bond Proceeds.

When the territory of a district is reorganized, any funds derived from the sale of the bonds issued by the former district shall be used for the acquisition, construction, or improvement of college property only in the territory which comprised the former district or to discharge the bonded indebtedness of the former district, except that if the bonded indebtedness is assumed by the new district, the funds may be used in any area of the new district for the purposes for which the bonds were originally voted.

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

#### HISTORY

1. Renumbering and amendment of former section 53530 to section 59422 filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

### § 59424. Territory of District Becoming Part of Two or More Districts; Disposition of Records.

If all the territory of any reorganized district becomes part of two or more districts, and the inclusion in the two or more districts of the several portions of territory comprising the whole of the original district is effective for all purposes on the same date, the records of the original district shall be disposed of as follows:

(a) All records of the original district which are required by law to be kept on file shall be deposited with the governing board of the district which, after the reorganization has become effective for all purposes, has located within its boundaries the former office of the superintendent of the original district.

(b) Records of employees shall be transferred to the district thereafter employing the personnel or thereafter maintaining the last place of employment.