Exhibit L

SixTen and Associates
Mandate Reimbursement Services

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March 14, 2008

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COMMISSION ON
STATE MANDATES

Paula Higashi, Executive Director
Commission on State Mandates
U.S. Bank Plaza Building
980 Ninth Street, Suite 300
Sacramento, California 95814

Re: No. CSM. 02-TC-31
Minimum Conditions for State Aid

Dear Ms. Higashi:

Please find enclosed a supplement to the test claim filing, specifically, a history of the Title 5, CCR, sections included in the test claim.

Sincerely,

Keith B. Petersen

C: Douglas Brinkley, Vice-Chancellor
Finance and Administration
State Center Community College District
1525 East Weldon
Fresno, CA 93704-6398

Keith B. Petersen
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BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

Supplement to the:	No. CSM. 02-TC-31
Test Claim Filed June 23, 2003	Minimum Conditions for State Aid:
by **Santa Monica Community College District**	History Index for Title 5, California Code of Regulations
	Section 51000
	Section 51002
	Section 51004
	Section 51006
	Section 51008
	Section 51010
	Section 51012
	Section 51014
	Section 51016
	Section 51018
	Section 51020
	Section 51021
	Section 51022
	Section 51023
	Section 51023.5
	Section 51023.7
	Section 51024
	Section 51025
	Section 51026
	Section 51027
	Section 51100
	Section 51102
	Section 53000

) Section 53001
) Section 53002
) Section 53003
) Section 53004
) Section 53005
) Section 53006
) Section 53020
) Section 53021
) Section 53022
) Section 53023
) Section 53024
) Section 53025
) Section 53026
) Section 53027
) Section 53030
) Section 53033
) Section 53034
) Section 53200
) Section 53202
) Section 53203
) Section 53204
) Section 53206
) Section 53207
) Section 53300
) Section 53301
) Section 53302
) Section 53308
) Section 53309
) Section 53310
) Section 53311
) Section 53312
) Section 53314
) Section 54220
) Section 55000
) Section 55000.5
) Section 55001
) Section 55002
) Section 55002.5
) Section 55004
) Section 55005
) Section 55006
) Section 55100

1) Section 55130
2) Section 55150
3) Section 55160
4) Section 55170
5) Section 55180
6) Section 55182
7) Section 55200
8) Section 55201
9) Section 55202
10) Section 55205
11) Section 55207
12) Section 55209
13) Section 55211
14) Section 55213
15) Section 55215
16) Section 55217
17) Section 55219
18) Section 55300
19) Section 55310
20) Section 55316
21) Section 55316.5
22) Section 55320
23) Section 55321
24) Section 55322
25) Section 55340
26) Section 55350
27) Section 55401
28) Section 55402
29) Section 55403
30) Section 55404
31) Section 55405
32) Section 55500
33) Section 55502
34) Section 55510
35) Section 55512
36) Section 55514
37) Section 55516
38) Section 55518
39) Section 55520
40) Section 55521
41) Section 55522
42) Section 55523

1	)	Section 55524
2	)	Section 55525
3	)	Section 55526
4	)	Section 55530
5	)	Section 55532
6	)	Section 55534
7	)	Section 55600
8	)	Section 55601
9	)	Section 55602
10	)	Section 55602.5
11	)	Section 55603
12	)	Section 55605
13	)	Section 55607
14	)	Section 55620
15	)	Section 55630
16	)	Section 55750
17	)	Section 55751
18	)	Section 55752
19	)	Section 55753
20	)	Section 55753.5
21	)	Section 55753.7
22	)	Section 55754
23	)	Section 55755
24	)	Section 55756
25	)	Section 55756.5
26	)	Section 55757
27	)	Section 55758
28	)	Section 55758.5
29	)	Section 55759
30	)	Section 55760
31	)	Section 55761
32	)	Section 55762
33	)	Section 55763
34	)	Section 55764
35	)	Section 55765
36	)	Section 55800
37	)	Section 55800.5
38	)	Section 55801
39	)	Section 55805
40	)	Section 55805.5
41	)	Section 55806
42	)	Section 55807

)	Section 55808
)	Section 55809
)	Section 55825
)	Section 55827
)	Section 55828
)	Section 55829
)	Section 55830
)	Section 55831
)	Section 58102
)	Section 58104
)	Section 58106
)	Section 58107
)	Section 58108
)	
)	

SUPPLEMENTAL INFORMATION

This supplement to the test claim provides an index and copy of each change to the Title 5, CCR, sections included in the test claim. The Registers cited are attached as Exhibit A. Amended language is underlined (new language) or stricken out (deleted language).

HISTORY OF TITLE 5, CCR, SECTIONS INCLUDED IN THE TEST CLAIM

Register 71-27 New Chapter 5 (§§ 55400 - 55405).

Register 72-01 New Division 9, Subchapter 2, Article 1 (§§ 58100 - 58110).

Register 74-17 New chapter 7 (sections 55600-55631, not consecutive).

Register 77-30 New Chapter 1 (§§ 53000 - 53004).

Renumbering of Chapter 1 (Sections 53100 - 53205) to Chapter 2 (Sections 53100 -53205).

Register 77-45 § 53200: Amendment of NOTE.

	§ 55400: Amendment of section and NOTE.
	§ 55405: Amendment of section.
	§ 55600: Amendment of section and NOTE.
	§ 55601: Amendment of section.
	§ 55602: Amendment of section.
	§ 55604: Amendment of section.
	§ 55605: Amendment of section.
	§ 55607: Amendment of section.
	§ 55620: Amendment of section.
	§ 55631: Amendment of section.
Register 78-06	§ 53201: Amendment of section.
	§ 53202: Amendment of section.
Register 78-19	§ 53206: New section filed.
Register 78-51	Repealer of chapter 4 (sections 55300 - 55344, not consecutive) and new chapter 4 (articles 1-5; sections 55300 - 55360, not consecutive).
Register 79-46	§ 55300: Amendment of section.
	§ 55310: Amendment of section.
	§ 55604: Amendment of section.
Register 81-03	§ 53203: Amendment of section.
	§ 53205: Amendment of section.

Register 81-52	Repealer of Chapter 1 (Subchapters 1-3, Sections 55000 - 55144, not consecutive) and new Chapter 1 (Articles 1-2, Sections 55000-55180, not consecutive).
	Repealer of Division 9, Subchapter 2, Article 1 (§§ 58100 - 58110).
Register 82-06	Repealer of Chapter 1 (Subchapter 1, §§ 53000 - 53004) and new Chapter 1 (Subchapters 1 - 4, §§ 53000 - 53052, not consecutive).
Register 82-09	§ 53023: New section filed.
Register 82-31	New Division 9, Subchapter 2, Article 1 (§§ 58100 - 58110).
Register 83-18	§ 53200: Amendment of NOTE.
	§ 53201: Amendment of NOTE.
	§ 53202: Amendment of section.
	§ 53204: Amendment of section.
	§ 53205: Amendment of NOTE.
	§ 53206: Amendment of section.
	§ 55300: Amendment of chapter 4 heading, repealer of article 1 heading, and amendment of section.
	§ 55310: Repealer of Article 2 heading.
	§ 55312: Repealed.
	§ 55314: Amendment of section.
	§ 55316: Amendment of section.
	§ 55318: Amendment of NOTE.

§ 55320: Repealer of article 3 heading.

§ 55321: Amendment of section.

§ 55322: Amendment of NOTE.

§ 55323: Amendment of NOTE.

§ 55340: Repealer of article 4 heading and amendment of section.

§ 55342: Repealed.

§ 55343: Repealed.

§ 55344: Repealed.

§ 55346: Repealed.

§ 55348: Repealed.

§ 55350: Amendment of section.

§ 55360: Repealed.

§ 55600: Repealer of subchapter 1 heading, amendment of article 1 heading, and repealer and new section 55600.

§ 55601: Repealed.

§ 55602: Repealed.

§ 55603: Added new NOTE.

§ 55604: Repealed.

§ 55605: Repealed, new section filed.

§ 55606: Repealed.

§ 55607: Amendment of section.

	§ 55608: Repealed.
	§ 55620: Repealer, new section added.
	§ 55630: Repealer, new section added.
Register 83-29	Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000-51021, not consecutive).
	Repealer of Chapter 2 (sections 51100 and 51101) and new Chapter 2 (sections 51100 and 51102).
	New Chapter 9 (sections 55750 - 55765).
	New Chapter 10 (Sections 55800 - 55810).
	New Chapter 11 (sections 55825-55831, not consecutive).
	§ 55806: Editorial correction of subsection (b)(1)(A).
Register 83-53	§ 55002: Amendment of subsection (a).
	§ 55182: Added new section.
Register 84-20	§ 55002: Amendment of section.
Register 84-26	§ 51022: Added new section.
	§ 51023: Added new section.
Register 84-51	§ 55323: Repealed.
Register 88-42	§ 55002: Repealer and new section.
	§ 55805.5: new section filed.
Register 90-37	§ 51024: New section by the Board of Governors, California Community Colleges, with the Secretary of State.

1 Submitted to OAL for printing only pursuant to Education
2 Code section 70901.5(b).
3 § 53300: New section filed by the Board of Governors, California
4 Community Colleges, with the Secretary of State.
5 Submitted to OAL for printing only pursuant to Education
6 Code section 70901.5(b).
7 § 53302: New section filed by the Board of Governors, California
8 Community Colleges, with the Secretary of State.
9 Submitted to OAL for printing only pursuant to Education
10 Code section 70901.5(b).
§ 53310: New section filed by the Board of Governors, California
12 Community Colleges, with the Secretary of State.
13 Submitted to OAL for printing only pursuant to Education
14 Code section 70901.5(b).
15 § 53311: New section filed by the Board of Governors, California
16 Community Colleges, with the Secretary of State.
17 Submitted to OAL for printing only pursuant to Education
18 Code section 70901.5(b).
19 § 53312: New section filed by the Board of Governors, California
20 Community Colleges, with the Secretary of State.
21 Submitted to OAL for printing only pursuant to Education

1 Code section 70901.5(b).

2 § 53314: New section filed by the Board of Governors, California

3 Community Colleges, with the Secretary of State.

4 Submitted to OAL for printing only pursuant to Education

5 Code section 70901.5(b).

6 § 55756.5: New section filed by the Board of Governors, California

7 Community Colleges, with the Secretary of State.

8 Submitted to OAL for printing only pursuant to

9 Education Code section 70901.5(b).

10 § 55500: New section by the Board of Governors, California

11 Community Colleges, with the Secretary of State.

12 Submitted to OAL for printing only pursuant to Education

13 Code section 70901.5(b).

14 § 55502: Amendment of subsection (a) and (b) and new

15 subsections (g), (h), (i), (j) and (k) filed by the Board of

16 Governors, California Community Colleges, with the

17 Secretary of State; submitted to OAL for printing only

18 pursuant to Education Code section 70901.5(b).

19 § 55510: New section by the Board of Governors, California

20 Community Colleges, with the Secretary of State.

21 Submitted to OAL for printing only pursuant to Education

1 Code section 70901.5(b).

2 § 55512: Amendment filed by the Board of Governors, California

3 Community Colleges, with the Secretary of State.

4 Submitted to OAL for printing only pursuant to Education

5 Code section 70901.5(b).

6 § 55514: Amendment filed by the Board of Governors, California

7 Community Colleges, with the Secretary of State.

8 Submitted to OAL for printing only pursuant to Education

9 Code section 70901.5(b).

10 § 55516: New section by the Board of Governors, California

11 Community Colleges, with the Secretary of State.

12 Submitted to OAL for printing only pursuant to Education

13 Code section 70901.5(b).

14 § 55518: New section by the Board of Governors, California

15 Community Colleges, with the Secretary of State.

16 Submitted to OAL for printing only pursuant to Education

17 Code section 70901.5(b).

18 § 55520: Amendment filed by the Board of Governors, California

19 Community Colleges, with the Secretary of State.

20 Submitted to OAL for printing only pursuant to Education

21 Code section 70901.5(b).

1 § 55521: Amendment of subsection (d), (e), and (f) filed by the
2 Board of Governors, California Community Colleges, with
3 the Secretary of State; submitted to OAL for printing only
4 pursuant to Education Code section 70901.5(b).
5 § 55522: New section by the Board of Governors, California
6 Community Colleges, with the Secretary of State.
7 Submitted to OAL for printing only pursuant to Education
8 Code section 70901.5(b).
9 § 55523: New section by the Board of Governors, California
10 Community Colleges, with the Secretary of State.
11 Submitted to OAL for printing only pursuant to Education
12 Code section 70901.5(b).
13 § 55524: New section by the Board of Governors, California
14 Community Colleges, with the Secretary of State.
15 Submitted to OAL for printing only pursuant to Education
16 Code section 70901.5(b).
17 § 55525: New section by the Board of Governors, California
18 Community Colleges, with the Secretary of State.
19 Submitted to OAL for printing only pursuant to Education
20 Code section 70901.5(b).
21 § 55526: New section by the Board of Governors, California

Community Colleges, with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55530: Amendment filed by the Board of Governors, California Community Colleges, with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55532: New section by the Board of Governors, California Community Colleges, with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55534: New section by the Board of Governors, California Community Colleges, with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 58106: Repealer and new section filed by the Board of Governors, California Community Colleges, with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

Register 90-41 § 58106: Editorial correction of printing error inadvertently omitting text.

Register 90-45 § 53060: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State.

§ 53061: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State.

§ 53062: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State.

§ 53063: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State.

§ 53064: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State.

Register 90-49 § 53200: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53201: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53202: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to

Education Code section 70901.5(b).

§ 53203: Repealer and new section filed with Secretary of State by Board of Governors, California Community Colleges; submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53204: Repealer and new section filed with Secretary of State by Board of Governors, California Community Colleges; submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53205: Repealer filed with Secretary of State by Board of Governors, California Community Colleges; submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

Register 91-23 § 51000: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 51002: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

1 § 51004: Amendment filed by Board of Governors of California
2 Community Colleges with the Secretary of State.
3 Submitted to OAL for printing only pursuant to
4 Education Code section 70901.5(b).
5 § 51006: Amendment of section filed by Board of Governors of
6 California Community Colleges with the Secretary of
7 State. Submitted to OAL for printing only pursuant to
8 Education Code Section 70901.5(b).
9 § 51008: Amendment of section filed by Board of Governors of
10 California Community Colleges with the Secretary of
11 State. Submitted to OAL for printing only pursuant to
12 Education Code Section 70901.5(b).
13 § 51010: Amendment filed by Board of Governors of California
14 Community Colleges with the Secretary of State.
15 Submitted to OAL for printing only pursuant to
16 Education Code section 70901.5(b).
17 § 51012: Amendment by Board of Governors of California
18 Community Colleges with the Secretary of State.
19 Submitted to OAL for printing only pursuant to
20 Code Section 70901.5(b).
21 § 51014: Amendment filed by Board of Governors of California

1 Community Colleges with the Secretary of State.
2 Submitted to OAL for printing only pursuant to
3 Education Code section 70901.5(b).
4 § 51016: Amendment filed by Board of Governors of California
5 Community Colleges with the Secretary of State.
6 Submitted to OAL for printing only pursuant to
7 Education Code section 70901.5(b).
8 § 51018: Amendment filed by Board of Governors of California
9 Community Colleges with the Secretary of State.
10 Submitted to OAL for printing only pursuant to
Education Code section 70901.5(b).
12 § 51020: Amendment filed by Board of Governors of California
13 Community Colleges with the Secretary of State.
14 Submitted to OAL for printing only pursuant to
15 Education Code section 70901.5(b).
16 § 51021: Amendment filed by Board of Governors of California
17 Community Colleges with the Secretary of State.
18 Submitted to OAL for printing only pursuant to
19 Education Code section 70901.5(b).
20 § 51022: Amendment filed by Board of Governors of California
21 Community Colleges with the Secretary of State.

1 Submitted to OAL for printing only pursuant to
2 Education Code section 70901.5(b).
3 § 51023: Amendment filed by Board of Governors of California
4 Community Colleges with the Secretary of State.
5 Submitted to OAL for printing only pursuant to
6 Education Code section 70901.5(b).
7 § 51203.5: New section filed by Board of Governors of California
8 Community Colleges with the Secretary of State.
9 Submitted to OAL for printing only pursuant to
10 Education Code section 70901.5(b).
11 § 51203.7: New section filed by Board of Governors of California
12 Community Colleges with the Secretary of State.
13 Submitted to OAL for printing only pursuant to
14 Education Code section 70901.5(b).
15 § 51100: Amendment filed by Board of Governors of California
16 Community Colleges with the Secretary of State.
17 Submitted to OAL for printing only pursuant to
18 Education Code section 70901.5(b).
19 § 51102: Amendment filed by Board of Governors of California
20 Community Colleges with the Secretary of State.
21 Submitted to OAL for printing only pursuant to

1 Education Code section 70901.5(b).

2 § 53206: Amendment filed by Board of Governors of California

3 Community Colleges with the Secretary of State.

4 Submitted to OAL for printing only pursuant to

5 Education Code section 70901.5(b).

6 § 55000: Amendment filed by Board of Governors of California

7 Community Colleges with the Secretary of State.

8 Submitted to OAL for printing only pursuant to

9 Education Code section 70901.5(b).

10 § 55000.5: Amendment filed by Board of Governors of California

Community Colleges with the Secretary of State.

12 Submitted to OAL for printing only pursuant to

13 Education Code section 70901.5(b).

14 § 55001: Amendment filed by Board of Governors of California

15 Community Colleges with the Secretary of State.

16 Submitted to OAL for printing only pursuant to

17 Education Code section 70901.5(b).

18 § 55002: Amendment filed by Board of Governors of California

19 Community Colleges with the Secretary of State.

20 Submitted to OAL for printing only pursuant to

21 Education Code section 70901.5(b).

1 § 55002.5: New section filed by Board of Governors of California
2 Community Colleges with the Secretary of State.
3 Submitted to OAL for printing only pursuant to Education
4 Code section 70901.5(b).
5 § 55004: New section filed by Board of Governors of California
6 Community Colleges with the Secretary of State.
7 Submitted to OAL for printing only pursuant to Education
8 Code section 70901.5(b).
9 § 55005: Amendment filed by Board of Governors of California
10 Community Colleges with the Secretary of State.
11 Submitted to OAL for printing only pursuant to
12 Education Code section 70901.5(b).
13 § 55006: Amendment filed by Board of Governors of California
14 Community Colleges with the Secretary of State.
15 Submitted to OAL for printing only pursuant to
16 Education Code section 70901.5(b).
17 § 55008: New section filed by Board of Governors of California
18 Community Colleges with the Secretary of State.
19 Submitted to OAL for printing only pursuant to Education
20 Code section 70901.5(b).
21 § 55100: Amendment filed by Board of Governors of California

1 Community Colleges with the Secretary of State.
2 Submitted to OAL for printing only pursuant to
3 Education Code section 70901.5(b).
4 § 55130: Amendment filed by Board of Governors of California
5 Community Colleges with the Secretary of State.
6 Submitted to OAL for printing only pursuant to
7 Education Code section 70901.5(b).
8 § 55150: Amendment filed by Board of Governors of California
9 Community Colleges with the Secretary of State.
10 Submitted to OAL for printing only pursuant to
Education Code section 70901.5(b).
12 § 55160: Amendment filed by Board of Governors of California
13 Community Colleges with the Secretary of State.
14 Submitted to OAL for printing only pursuant to
15 Education Code section 70901.5(b).
16 § 55170: Amendment filed by Board of Governors of California
17 Community Colleges with the Secretary of State.
18 Submitted to OAL for printing only pursuant to
19 Education Code section 70901.5(b).
20 § 55180: Repealer filed by Board of Governors of California
21 Community Colleges with the Secretary of State.

1 Submitted to OAL for printing only pursuant to
2 Education Code section 70901.5(b).
3 § 55182: Amendment filed by Board of Governors of California
4 Community Colleges with the Secretary of State.
5 Submitted to OAL for printing only pursuant to
6 Education Code section 70901.5(b).
7 § 55300: Amendment filed by Board of Governors of California
8 Community Colleges with the Secretary of State.
9 Submitted to OAL for printing only pursuant to
10 Education Code section 70901.5(b).
11 § 55310: Amendment filed by Board of Governors of California
12 Community Colleges with the Secretary of State.
13 Submitted to OAL for printing only pursuant to
14 Education Code section 70901.5(b).
15 § 55314: Amendment filed by Board of Governors of California
16 Community Colleges with the Secretary of State.
17 Submitted to OAL for printing only pursuant to
18 Education Code section 70901.5(b).
19 § 55316: Amendment filed by Board of Governors of California
20 Community Colleges with the Secretary of State.
21 Submitted to OAL for printing only pursuant to

1 Education Code section 70901.5(b).

2 § 55318: Amendment filed by Board of Governors of California

3 Community Colleges with the Secretary of State.

4 Submitted to OAL for printing only pursuant to

5 Education Code section 70901.5(b).

6 § 55320: Amendment filed by Board of Governors of California

7 Community Colleges with the Secretary of State.

8 Submitted to OAL for printing only pursuant to

9 Education Code section 70901.5(b).

10 § 55321: Amendment filed by Board of Governors of California

Community Colleges with the Secretary of State.

12 Submitted to OAL for printing only pursuant to

13 Education Code section 70901.5(b).

14 § 55322: Amendment filed by Board of Governors of California

15 Community Colleges with the Secretary of State.

16 Submitted to OAL for printing only pursuant to

17 Education Code section 70901.5(b).

18 § 55340: Amendment filed by Board of Governors of California

19 Community Colleges with the Secretary of State.

20 Submitted to OAL for printing only pursuant to

21 Education Code section 70901.5(b).

1 § 55350: Amendment filed by Board of Governors of California
2 Community Colleges with the Secretary of State.
3 Submitted to OAL for printing only pursuant to
4 Education Code section 70901.5(b).
5 § 55400: Amendment filed by Board of Governors of California
6 Community Colleges with the Secretary of State.
7 Submitted to OAL for printing only pursuant to
8 Education Code section 70901.5(b).
9 § 55600: Amendment filed by Board of Governors of California
10 Community Colleges with the Secretary of State.
11 Submitted to OAL for printing only pursuant to
12 Education Code section 70901.5(b).
13 § 55602: New section filed by Board of Governors of California
14 Community Colleges with the Secretary of State.
15 Submitted to OAL for printing only pursuant to
16 Education Code section 70901.5(b).
17 § 55602.5: New section filed by Board of Governors of California
18 Community Colleges with the Secretary of State.
19 Submitted to OAL for printing only pursuant to
20 Education Code section 70901.5(b).
21 § 55603: New section filed by Board of Governors of California

1 Community Colleges with the Secretary of State.
2 Submitted to OAL for printing only pursuant to
3 Education Code section 70901.5(b).
4 § 55605: New section filed by Board of Governors of California
5 Community Colleges with the Secretary of State.
6 Submitted to OAL for printing only pursuant to
7 Education Code section 70901.5(b).
8 § 55607: New section filed by Board of Governors of California
9 Community Colleges with the Secretary of State.
10 Submitted to OAL for printing only pursuant to
Education Code section 70901.5(b).
12 § 55620: New section filed by Board of Governors of California
13 Community Colleges with the Secretary of State.
14 Submitted to OAL for printing only pursuant to
15 Education Code section 70901.5(b).
16 § 55630: New section filed by Board of Governors of California
17 Community Colleges with the Secretary of State.
18 Submitted to OAL for printing only pursuant to
19 Education Code section 70901.5(b).
20 § 55750: Amendment filed by Board of Governors of California
21 Community Colleges with the Secretary of State.

1 Submitted to OAL for printing only pursuant to
2 Education Code section 70901.5(b).
3 § 55751: Amendment filed by Board of Governors of California
4 Community Colleges with the Secretary of State.
5 Submitted to OAL for printing only pursuant to
6 Education Code section 70901.5(b).
7 § 55752: Amendment filed by Board of Governors of California
8 Community Colleges with the Secretary of State.
9 Submitted to OAL for printing only pursuant to
10 Education Code section 70901.5(b).
11 § 55753: Amendment filed by Board of Governors of California
12 Community Colleges with the Secretary of State.
13 Submitted to OAL for printing only pursuant to
14 Education Code section 70901.5(b).
15 § 55754: Amendment filed by Board of Governors of California
16 Community Colleges with the Secretary of State.
17 Submitted to OAL for printing only pursuant to
18 Education Code section 70901.5(b).
19 § 55755: Amendment filed by Board of Governors of California
20 Community Colleges with the Secretary of State.
21 Submitted to OAL for printing only pursuant to

1 Education Code section 70901.5(b).

2 § 55756: Amendment filed by Board of Governors of California

3 Community Colleges with the Secretary of State.

4 Submitted to OAL for printing only pursuant to

5 Education Code section 70901.5(b).

6 § 55757: Amendment filed by Board of Governors of California

7 Community Colleges with the Secretary of State.

8 Submitted to OAL for printing only pursuant to

9 Education Code section 70901.5(b).

10 § 55758: Amendment filed by Board of Governors of California

Community Colleges with the Secretary of State.

12 Submitted to OAL for printing only pursuant to

13 Education Code section 70901.5(b).

14 § 55759: Amendment filed by Board of Governors of California

15 Community Colleges with the Secretary of State.

16 Submitted to OAL for printing only pursuant to

17 Education Code section 70901.5(b).

18 § 55760: Amendment filed by Board of Governors of California

19 Community Colleges with the Secretary of State.

20 Submitted to OAL for printing only pursuant to

21 Education Code section 70901.5(b).

1 § 55761: Amendment filed by Board of Governors of California
2 Community Colleges with the Secretary of State.
3 Submitted to OAL for printing only pursuant to
4 Education Code section 70901.5(b).
5 § 55762: Amendment filed by Board of Governors of California
6 Community Colleges with the Secretary of State.
7 Submitted to OAL for printing only pursuant to
8 Education Code section 70901.5(b).
9 § 55763: Amendment filed by Board of Governors of California
10 Community Colleges with the Secretary of State.
11 Submitted to OAL for printing only pursuant to
12 Education Code section 70901.5(b).
13 § 55764: Amendment filed by Board of Governors of California
14 Community Colleges with the Secretary of State.
15 Submitted to OAL for printing only pursuant to
16 Education Code section 70901.5(b).
17 § 55765: Amendment filed by Board of Governors of California
18 Community Colleges with the Secretary of State.
19 Submitted to OAL for printing only pursuant to
20 Education Code section 70901.5(b).
21 § 55800: Amendment filed by Board of Governors of California

1 Community Colleges with the Secretary of State.
2 Submitted to OAL for printing only pursuant to
3 Education Code section 70901.5(b).
4 § 55800.5: New Section filed by Board of Governors of California
5 Community Colleges with the Secretary of State.
6 Submitted to OAL for printing only pursuant to
7 Education Code section 70901.5(b).
8 § 55801: Amendment filed by Board of Governors of California
9 Community Colleges with the Secretary of State.
10 Submitted to OAL for printing only pursuant to
Education Code section 70901.5(b).
12 § 55802: Amendment filed by Board of Governors of California
13 Community Colleges with the Secretary of State.
14 Submitted to OAL for printing only pursuant to
15 Education Code section 70901.5(b).
16 § 55803: Amendment filed by Board of Governors of California
17 Community Colleges with the Secretary of State.
18 Submitted to OAL for printing only pursuant to
19 Education Code section 70901.5(b).
20 § 55805: Amendment filed by Board of Governors of California
21 Community Colleges with the Secretary of State.

1 Submitted to OAL for printing only pursuant to
2 Education Code section 70901.5(b).
3 § 55805.5: Amendment filed by Board of Governors of California
4 Community Colleges with the Secretary of State.
5 Submitted to OAL for printing only pursuant to
6 Education Code section 70901.5(b).
7 § 55806: Amendment filed by Board of Governors of California
8 Community Colleges with the Secretary of State.
9 Submitted to OAL for printing only pursuant to
10 Education Code section 70901.5(b).
11 § 55807: Amendment filed by Board of Governors of California
12 Community Colleges with the Secretary of State.
13 Submitted to OAL for printing only pursuant to
14 Education Code section 70901.5(b).
15 § 55808: Amendment filed by Board of Governors of California
16 Community Colleges with the Secretary of State.
17 Submitted to OAL for printing only pursuant to
18 Education Code section 70901.5(b).
19 § 55809: Amendment filed by Board of Governors of California
20 Community Colleges with the Secretary of State.
21 Submitted to OAL for printing only pursuant to

1 Education Code section 70901.5(b).

2 § 55810: Amendment filed by Board of Governors of California

3 Community Colleges with the Secretary of State.

4 Submitted to OAL for printing only pursuant to

5 Education Code section 70901.5(b).

6 § 55825: Amendment filed by Board of Governors of California

7 Community Colleges with the Secretary of State.

8 Submitted to OAL for printing only pursuant to

9 Education Code section 70901.5(b).

10 § 55827: Amendment filed by Board of Governors of California

Community Colleges with the Secretary of State.

12 Submitted to OAL for printing only pursuant to

13 Education Code section 70901.5(b).

14 § 55828: Amendment filed by Board of Governors of California

15 Community Colleges with the Secretary of State.

16 Submitted to OAL for printing only pursuant to

17 Education Code section 70901.5(b).

18 § 55829: Amendment filed by Board of Governors of California

19 Community Colleges with the Secretary of State.

20 Submitted to OAL for printing only pursuant to

21 Education Code section 70901.5(b).

§ 55830: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55831: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 58107: New section filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

Register 91-31

§ 53061: Editorial correction of printing error in subsection (c).

§ 53300: Editorial correction of printing error in Subchapter 3 heading.

§ 53310: Editorial correction of printing error in Article 2 heading.

§ 55758: Amendment of subsection (c) and submitted to OAL for printing only pursuant to Education Code section 10901.5.

Register 91-43

§ 51203.5: Editorial correction of printing errors in subsection (b) and HISTORY 1.

§ 51203.7: Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1.

§ 55008: Editorial correction of printing error in second paragraph.

§ 55602.5: Editorial correction of printing error.

§ 55758: Editorial correction of printing error in NOTE.

§ 55759: Editorial correction of printing error.

§ 55765: Editorial correction of printing error in NOTE.

§ 55806: Editorial correction of printing error in NOTE.

§ 55825: Editorial correction of printing error.

Register 91-45 § 55400: Amendment filed; submitted to OAL for printing only pursuant to Government Code section 11343.8.

Register 91-46 § 51025: New section filed and submitted to OAL for printing only pursuant to Education Code 70901.5.

Register 92-01 § 55400: Amendment of NOTE; submitted to OAL for printing only pursuant to Government Code section 11343.8.

Register 92-04 § 51027: Added new section.

Register 92-05 § 55758: Editorial correction restoring omitted definition of "Military Withdrawal" and its HISTORY NOTE.

Register 92-07 § 55002: Amendment of section.

§ 55758.5: New section filed.

Register 92-09 § 53300: Amendment of section.

1 **Register 92-15** § 51024: Amendment of first paragraph and subsection (e).

2 § 55300: New article heading.

3 § 55521: Amendment of subsection (a) and redesignating following

4 subsections (1)-(6), adoption of subsection (b) and

5 amendment of NOTE.

6 § 55530: Amendment of subsection (b).

7 § 58100: Section repealed.

8 § 58110: Section repealed.

9 **Register 92-17** § 53000: Repealed; new section filed.

10 § 53001: Repealed; new section filed.

11 § 53002: Repealed, new section filed.

12 § 53003: Repealed, new section filed.

13 § 53004: Repealed, new section filed.

14 § 53005: Repealed, new section filed.

15 § 53010: Repealed.

16 § 53011: Repealed.

17 § 53012: Repealed.

18 § 53020: Repealed, new section filed.

19 § 53021: Repealed, new section filed.

20 § 53022: Repealed, new section filed.

21 § 53023: Repealed, new section filed.

1 § 53024: Repealed, new section filed.

2 § 53025: Repealed, new section filed.

3 § 53026: Repealed, new section filed.

4 § 53027: Repealed, new section filed.

5 § 53028: Repealed.

6 § 53029: Repealed.

7 § 53030: Repealed, new section filed.

8 § 53031: Repealed, new section filed.

9 § 53032: New section filed.

10 § 53033: New section filed.

§ 53034: New section filed.

12 § 53040: Repealed.

13 § 53041: Repealed.

14 § 53042: Repealed.

15 § 53043: Repealed.

16 § 53044: Repealed.

17 § 53045: Repealed.

18 § 53046: Repealed.

19 § 53049: Repealed.

20 § 53050: Repealed.

21 § 53051: Repealed.

1 § 53052: Repealed.

2 § 53060: Repealed.

3 § 53061: Repealed.

4 § 53062: Repealed.

5 § 53063: Repealed.

6 § 53064: Repealed.

7 § 55500: Amendment of subsection (a) and repealer of subsection

8 (c).

9 **Register 92-34** § 51025: New first paragraph, amendment of subsections (a)-(a)(4)

10 and (c) and NOTE.

11 § 53300: Repealer and new section and amendment of NOTE.

12 § 53302: Amendment of NOTE.

13 § 53310: New subsections (f)-(h) and amendment of NOTE.

14 § 53311: Amendment of section heading, text and NOTE.

15 § 53312: Amendment of subsections (a) and (c) and NOTE and

16 new subsection (d).

17 § 53314: Repealer and new section and amendment of NOTE.

18 **Register 93-06** § 54220: New Subchapter 4 and section.

19 § 53310: Amendment of subsection (h).

20 **Register 93-25** § 53200: Relocation of article 2 heading.

21 § 55008: Section repealed.

§ 55600: Amendment of section.

§ 58102: Amendment of NOTE.

§ 58104: Amendment of NOTE.

§ 58108: Amendment of NOTE.

Register 93-42 § 55002: Amendment of section. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55200: New article 2.5 and section. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55201: Added new section. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55202: Added new section. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55510: Amendment of section. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55530: Amendment of subsections (a), (b) and (d). Submitted to OAL only pursuant to Education Code section 70901.5(b).

§ 55534: Amendment of section. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 58106: Repealer and new section; submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

Register 94-18 § 55314: Repealed. Submitted to OAL for printing only.

§ 55316: Amendment of opening statement, subsection (b) and NOTE.

§ 55316.5: New section filed; submitted to OAL for printing only.

§ 55317: New section filed, submitted to OAL for printing only.

§ 55318: Repealed. Submitted to OAL for printing only.

§ 55340: Amendment of section and NOTE. Submitted to OAL for printing only.

§ 55352: Repealer and new section. Submitted to OAL for printing only.

Register 94-38 § 51000: Amendment of section; submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 51002: Amendment of section; submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 51004: Amendment of section. Submitted to OAL for printing only pursuant to Education Code Section 70901.5.

§ 51006: Amendment of section; submitted to OAL for printing only pursuant to Education Code Section 70901.5.

§ 51008: Amendment of section; submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 51010: Amendment of section; submitted to OAL for printing only pursuant to Education Code section 70901.5.

1 § 51014: Amendment of section; submitted to OAL for printing
2 only pursuant to Education Code section 70901.5.
3 § 51016: Amendment of section; submitted to OAL for printing
4 only pursuant to Education Code section 70901.5.
5 § 51018: Amendment of section; submitted to OAL for printing
6 only pursuant to Education Code section 70901.5.
7 § 51021: Amendment of section; submitted to OAL for printing
8 only pursuant to Education Code section 70901.5.
9 § 51023: Amendment of section. Submitted to OAL for printing only
10 pursuant to Education Code section 70901.5.
§ 51203.5: Amendment of subsections (a)(1), (a)(3), (a)(5), (a)(7),
12 (b), (c), and (d). Submitted to OAL for printing only
13 pursuant to Education Code section 70901.5.
14 § 51203.7: Amendment of subsections (a)(2), (a)(4), (b), (b)(10),
15 (d) and (e). Submitted to OAL for printing only pursuant to
16 Education Code section 70901.5.
17 § 51025: Amendment of section. Submitted to OAL for printing only
18 pursuant to Education Code section 70901.5.
19 § 51027: Amendment of section; submitted to OAL for printing
20 only pursuant to Education Code Section 70901.5.
21 § 51100: Amendment of subsection (a). Submitted to OAL for

printing only pursuant to Education Code section 70901.5.

§ 51102: Amendment of section. Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53001: Amendment of subsections (a), (b)(1) - (b)-(3), (c), (k) and (m). Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53002: Amendment of section. Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53003: Amendment of subsections (c)(4) and (7). Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53020: Amendment of subsections (a) and (c). Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53021: Amendment of subsections (b) and (d)-(e)(2). Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53025: Amendment of section and NOTE. Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53026: Amendment of section. Submitted to OAL for printing only

1 pursuant to Education Code section 70901.5.

2 § 53030: Amendment of section. Submitted to OAL for printing only

3 pursuant to Education Code section 70901.5..

4 § 53031: Amendment of subsection (a). Submitted to OAL for

5 printing only pursuant to Education Code section 70901.5.

6 § 53200: Amendment of section. Submitted to OAL for printing only

7 pursuant to Education Code section 70901.5.

8 § 53203: Amendment of section. Submitted to OAL for printing only

9 pursuant to Education Code section 70901.5.

10 § 53204: Amendment of section. Submitted to OAL for printing only

pursuant to Education Code section 70901.5.

12 § 53206: Amendment of subsection (a). Submitted to OAL for

13 printing only pursuant to Education Code section 70901.5.

14 § 53300: Amendment of section. Submitted to OAL for printing only

15 pursuant to Education Code section 70901.5.

16 § 53302: Amendment of section. Submitted to OAL for printing only

17 pursuant to Education Code section 70901.5.

18 § 53310: Amendment of subsections (d), (e), (g), and (h).

19 Submitted to OAL for printing only pursuant to Education

20 Code section 70901.5.

21 § 53311: Amendment of section. Submitted to OAL for printing only

1 pursuant to Education Code section 70901.5.
2 § 53314: Amendment of section. Submitted to OAL for printing only
3 pursuant to Education Code section 70901.5.
4 § 55001: Amendment of section; submitted to OAL for printing
5 only pursuant to Education Code section 70901.5.
6 § 55502: Amendment of first paragraph and subsections (a) and
7 (c)-(k). Submitted to OAL for printing only pursuant to
8 Education Code Section 70901.5.
9 § 55510: Amendment of subsection (a)(6), new subsection (a)(7)
10 and subsection renumbering. Submitted to OAL for
11 printing only pursuant to Education Code Section
12 70901.5.
13 § 55525: Amendment of subsections (a), (c) and (d). Submitted to
14 OAL for printing only pursuant to Education Code
15 70901.5.
16 § 55534: Amendment of subsection (b). Submitted to OAL for
17 printing only pursuant to Education Code 70901.5.
18 § 55602.5: Amendment of section. Submitted to OAL for printing
19 only pursuant to Education Code section 70901.5.
20 § 55827: Amendment of subsections (a), (a)(3) and (b). Submitted
21 to OAL for printing only pursuant to Education Code

1 section 70901.5.

2 **Register 95-15** § 51000: Editorial correction of HISTORY 2.

3 § 51002: Editorial correction of HISTORY 1.

4 § 51004: Editorial correction of HISTORY 1.

5 § 51006: Editorial correction of HISTORY 1.

6 § 51008: Editorial correction of HISTORY 1.

7 § 51010: Editorial correction of HISTORY 1.

8 § 51012: Editorial correction of HISTORY 1.

9 § 51014: Editorial correction of HISTORY 1.

10 § 51016: Editorial correction of HISTORY 1.

§ 51018: Editorial correction of HISTORY 1.

12 § 51020: Editorial correction of HISTORY 1.

13 § 51021: Editorial correction of HISTORY 1.

14 § 51022: Editorial correction of HISTORY 2.

15 § 51023: Editorial correction of HISTORY 2.

16 § 51100: Editorial correction of HISTORY 2.

17 § 51102: Editorial correction of HISTORY 1.

18 **Register 95-19** § 53206: Editorial correction of HISTORY 3.

19 **Register 95-20** § 55000: Editorial correction of HISTORY 2.

20 § 55000.5: Editorial correction of HISTORY 1.

21 § 55001: Editorial correction of HISTORY 1.

1 § 55002: Editorial correction of HISTORY 4.

2 § 55002.5: Editorial correction of HISTORY 1.

3 § 55004: Editorial correction of HISTORY 1.

4 § 55005: Editorial correction of HISTORY 1.

5 § 55006: Editorial correction of HISTORY 1.

6 § 55008: Editorial correction of HISTORY 1.

7 § 55100: Editorial correction of HISTORY 1.

8 § 55130: Editorial correction of HISTORY 1.

9 § 55150: Editorial correction of HISTORY 1.

10 § 55160: Editorial correction of HISTORY 1.

11 § 55170: Editorial correction of HISTORY 1.

12 § 55180: Editorial correction of HISTORY 2.

13 § 55182: Editorial correction of HISTORY 2.

14 § 55200: Editorial correction of Article heading.

15 § 55300: Editorial correction of HISTORY 4.

16 § 55310: Editorial correction of HISTORY 3.

17 § 55314: Editorial correction of HISTORY 2.

18 § 55316: Editorial correction of HISTORY 2.

19 § 55318: Editorial correction of HISTORY 2.

20 § 55320: Editorial correction of HISTORY 2.

21 § 55321: Editorial correction of HISTORY 2.

1 § 55322: Editorial correction of HISTORY 2.

2 § 55340: Editorial correction of HISTORY 2.

3 § 55350: Editorial correction of HISTORY 2.

4 § 55400: Editorial correction of HISTORY 3.

5 **Register 95-22** § 55600: Editorial correction of HISTORY 4.

6 § 55602: Editorial correction of HISTORY 1.

7 § 55602.5: Editorial correction of HISTORY 1.

8 § 55603: Editorial correction of HISTORY 2.

9 § 55605: Editorial correction of HISTORY 3.

10 § 55607: Editorial correction of HISTORY 3.

§ 55620: Editorial correction of HISTORY 3.

12 § 55630: Editorial correction of HISTORY 2.

13 § 55750: Editorial correction of HISTORY 2.

14 § 55751: Editorial correction of HISTORY 1.

15 § 55752: Editorial correction of HISTORY 1.

16 § 55753: Editorial correction of HISTORY 1.

17 § 55754: Editorial correction of HISTORY 1.

18 § 55755: Editorial correction of HISTORY 1.

19 § 55756: Editorial correction of HISTORY 1.

20 § 55757: Editorial correction of HISTORY 1.

21 § 55758: Editorial correction of HISTORY 1.

1 § 55759: Editorial correction of HISTORY 1.

2 § 55760: Editorial correction of HISTORY 1.

3 § 55761: Editorial correction of HISTORY 1.

4 § 55762: Editorial correction of HISTORY 1.

5 § 55763: Editorial correction of HISTORY 1.

6 § 55764: Editorial correction of HISTORY 1.

7 § 55765: Editorial correction of HISTORY 1.

8 § 55800: Editorial correction of HISTORY 2.

9 § 55800.5: Editorial correction of HISTORY 1.

10 § 55801: Editorial correction of HISTORY 1.

11 § 55802: Editorial correction of HISTORY 1.

12 § 55803: Editorial correction of HISTORY 1.

13 § 55805: Editorial correction of HISTORY 1.

14 § 55805.5: Editorial correction of HISTORY 2.

15 § 55806: Editorial correction of HISTORY 3.

16 § 55807: Editorial correction of HISTORY 1.

17 § 55808: Editorial correction of HISTORY 1.

18 § 55809: Editorial correction of HISTORY 1.

19 § 55810: Editorial correction of HISTORY 1.

20 § 55825: Editorial correction of HISTORY 2.

21 § 55827: Editorial correction of HISTORY 1.

§ 55828: Editorial correction of HISTORY 1.

§ 55829: Editorial correction of HISTORY 1.

§ 55830: Editorial correction of HISTORY 1.

§ 55831: Editorial correction of HISTORY 1.

Register 95-23 § 58107: Editorial correction of HISTORY 1.

Register 96-23 § 53000: Amendment of subsection (a) and NOTE. Submitted to OAL for printing only.

§ 53001: Amendment of subsections (a), (b), (e), (f), (h), (j), and (m), new subsections (m)(1)-(q)(3), and amendment of NOTE. Submitted to OAL for printing only.

§ 53003: Amendment of subsections (b), (c), and (c)(7), new subsections (c)(8)-(9) and subsection renumbering, amendment of newly designated subsection (c)(10), and new subsection (f). Submitted to OAL for printing only.

§ 53004: Amendment of subsections (a) and (b). Submitted to OAL for printing only.

§ 53006: New section added. Submitted to OAL for printing only.

§ 53021: Amendment of subsections (a) and (b)(1)-(b)(2), repealer of subsection (b)(3), amendment of subsections (c), (d) and (e)(1)-(e)(4) and new subsection (e)(5). Submitted to OAL for printing only.

§ 53023: Amendment of subsections (a) and (b), repealer of subsection (b)(2) and subsection renumbering, and amendment of subsection (c)(2). Submitted to OAL for printing only.

§ 53024: Amendment of subsections (a)(2)-(c), (e) and (g). Submitted to OAL for printing only.

§ 53025: Repealer of subsections (a) and (b) and deletion of subsection designator. Submitted to OAL for printing only.

§ 53030: Amendment of subsections (b) and (b)(3) and repealer of subsections (b)(4) and (b)(5). Submitted to OAL for printing only.

§ 53031: Repealed. Submitted to OAL for printing only.

§ 53032: Repealed. Submitted to OAL for printing only.

§ 53033: Amendment of section. Submitted to OAL for printing only.

Register 98-03 § 51026: Added new section. Submitted to OAL for printing only.

§ 54220: Amendment of subsections (a)(1), (a)(2) and (b), repealer of subsections (d)-(d)(2), and new subsection (d). Submitted to OAL for printing only.

§ 55758: Amendment of subsection (a), new subsection (b), subsection relettering, and amendment of newly

1 designated subsection (c). Submitted to OAL for printing
2 only.
3 **Register 98-07** § 55201: Amendment of subsection (c), new subsections (e)(1)-
4 (e)(2)(B) and amendment of NOTE. Submitted to OAL for
5 printing only.
6 **Register 98-14** § 51025: Amendment of subsections (a)-(a)(4), (b) and (c).
7 Submitted to OAL for printing only.
8 § 53300: Amendment of section. Submitted to OAL for printing only
9 pursuant to Education Code section 70901.5.
10 § 53302: Amendment of section heading and section. Submitted to
OAL for printing only.
12 § 53310: Amendment of section heading and section. Submitted to
13 OAL for printing only.
14 § 53311: Amendment of section. Submitted to OAL for printing only
15 pursuant to Education Code section 70901.5.
16 § 55762: Repealer of subsection (d), subsection relettering, and
17 amendment of NOTE. Submitted to OAL for printing only.
18 § 55763: Amendment of section and NOTE. Submitted to OAL
19 for printing only.
20 **Register 98-36** § 55316.5: Amendment of last paragraph and NOTE. Submitted to
21 OAL for printing only.

§ 55317: Amendment of subsection (b), last paragraph and NOTE. Submitted to OAL for printing only.

Register 2000-26 § 51025: Amendment of section. Submitted to OAL for printing only.

§ 53301: Added new section. Submitted to OAL for printing only.

§ 53302: Amendment of section and NOTE. Submitted to OAL for printing only.

§ 53308: Added new section. Submitted to OAL for printing only.

§ 53309: Added new section. Submitted to OAL for printing only.

§ 53310: Repealer and new section filed. Submitted to OAL for printing only.

§ 53311: Amendment of section. Submitted to OAL for printing only.

§ 53312: Amendment of subsection (a). Submitted to OAL for printing only.

§ 53314: Amendment of section. Submitted to OAL for printing only.

Register 2000-50 § 55758: Amendment of subsection (a), new subsection (c), subsection relettering, and amendment of newly designated subsections (d) and (e). Submitted to OAL for printing only.

1 **Register 2001-06** § 53002: Amendment of section. Submitted to OAL for printing
2 only.
3 **Register 2001-43** § 53309: Amendment of subsection (i). Submitted to OAL for
4 printing only.
5 § 53310: New subsection (c)(4). Submitted to OAL for printing only.
6 **Register 2001-50** § 55316.5: Amendment of subsection (b). Submitted to OAL for
7 printing only.
8 § 55317: Amendment of subsections (b)-(c). Submitted to OAL for
9 printing only.
10 **Register 2002-08** § 55753.5: New section filed. Submitted to OAL for printing only
pursuant to Education Code section 70901.5.
12 § 55753.7: New section filed. Submitted to OAL for printing only
13 pursuant to Education Code section 70901.5.
14 **Register 2002-26** § 55205: New article 3 (sections 55205 - 55219) and section.
15 Submitted to OAL for printing only.
16 § 55207: Added new section. Submitted to OAL for printing only.
17 § 55209: Added new section. Submitted to OAL for printing only.
18 § 55211: Added new section. Submitted to OAL for printing only.
19 § 55213: Added new section. Submitted to OAL for printing only.
20 § 55215: Added new section. Submitted to OAL for printing only.
21 § 55217: Added new section. Submitted to OAL for printing only.

1 § 55219: Added new section. Submitted to OAL for printing only.

2 § 55316.5: Repealed.

3 § 55317: Repealed.

4 § 55352: Repealed. Submitted to OAL for printing only.

5 **Register 2002-35** § 53000: Amendment of subchapter heading, section and NOTE.

6 Submitted to OAL for printing only.

7 § 53001: Amendment of section and NOTE. Submitted to OAL for

8 printing only.

9 § 53002: Amendment of section and NOTE. Submitted to OAL for

10 printing only.

11 § 53003: Amendment of section and NOTE. Submitted to OAL for

12 printing only.

13 § 53004: Amendment of subsections (a) and (b) and amendment of

14 NOTE. Submitted to OAL for printing only.

15 § 53005: Amendment of section and NOTE. Submitted to OAL for

16 printing only.

17 § 53006: Amendment of section heading, section and NOTE.

18 Submitted to OAL for printing only.

19 § 53020: Amendment of section and NOTE. Submitted to OAL for

20 printing only.

21 § 53021: Amendment of section and NOTE. Submitted to OAL for

1 printing only.

2 § 53022: Amendment of section heading, section and NOTE.

3 Submitted to OAL for printing only.

4 § 53024: Amendment of section and NOTE. Submitted to OAL for

5 printing only.

6 § 53025: Amendment of section and NOTE. Submitted to OAL for

7 printing only.

8 § 53026: Amendment of section and NOTE. Submitted to OAL for

9 printing only.

10 § 53027: Amendment of section and NOTE. Submitted to OAL for

printing only.

12 § 53030: Amendment of section heading, section and NOTE.

13 Submitted to OAL for printing only.

14 § 53033: Amendment of section and NOTE. Submitted to OAL for

15 printing only.

16 § 53034: Amendment of section and NOTE. Submitted to OAL for

17 printing only.

18 **Register 2003-18** § 53207: New section filed. Submitted to OAL for printing only

19 pursuant to Education Code section 70901.5(b).

20 **Subsequent Registers**: There may be changes to the regulations after the date the

21 test claim was filed, which are not included.

1 CERTIFICATION

2 By my signature below, I hereby declare, under penalty of perjury under the laws
3 of the State of California, that the information in this document is true and complete to
4 the best of my own knowledge or information or belief, and that the attached regulations
5 are true and correct copies of documents from archives of a recognized law library.

6 EXECUTED this 14th day of March 2008, at Sacramento, California

7

8 _____

9 FOR THE TEST CLAIMANT

10 Keith Petersen, President

11 SixTen and Associates

12 ATTACHMENT

13 Exhibit A Title 5, CCR Registers

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part 01: Standards of Scholarship

History Index for
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Register 83-29 Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000-51021, not consecutive).

New Chapter 9 (sections 55750 - 55765).

Register 90-37 § 55756.5: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

Register 91-23 § 51002: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55750: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55751: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55752: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55753: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55754: Amendment filed by Board of Governors of California

1 Community Colleges with the Secretary of State.
2 Submitted to OAL for printing only pursuant to
3 Education Code section 70901.5(b).
4 § 55755: Amendment filed by Board of Governors of California
5 Community Colleges with the Secretary of State.
6 Submitted to OAL for printing only pursuant to
7 Education Code section 70901.5(b).
8 § 55756: Amendment filed by Board of Governors of California
9 Community Colleges with the Secretary of State.
10 Submitted to OAL for printing only pursuant to
1 Education Code section 70901.5(b).
12 § 55757: Amendment filed by Board of Governors of California
13 Community Colleges with the Secretary of State.
14 Submitted to OAL for printing only pursuant to
15 Education Code section 70901.5(b).
16 § 55758: Amendment filed by Board of Governors of California
17 Community Colleges with the Secretary of State.
18 Submitted to OAL for printing only pursuant to
19 Education Code section 70901.5(b).
20 § 55759: Amendment filed by Board of Governors of California
21 Community Colleges with the Secretary of State.

1 Submitted to OAL for printing only pursuant to
2 Education Code section 70901.5(b).
3 § 55760: Amendment filed by Board of Governors of California
4 Community Colleges with the Secretary of State.
5 Submitted to OAL for printing only pursuant to
6 Education Code section 70901.5(b).
7 § 55761: Amendment filed by Board of Governors of California
8 Community Colleges with the Secretary of State.
9 Submitted to OAL for printing only pursuant to
10 Education Code section 70901.5(b).
11 § 55762: Amendment filed by Board of Governors of California
12 Community Colleges with the Secretary of State.
13 Submitted to OAL for printing only pursuant to
14 Education Code section 70901.5(b).
15 § 55763: Amendment filed by Board of Governors of California
16 Community Colleges with the Secretary of State.
17 Submitted to OAL for printing only pursuant to
18 Education Code section 70901.5(b).
19 § 55764: Amendment filed by Board of Governors of California
20 Community Colleges with the Secretary of State.
21 Submitted to OAL for printing only pursuant to

	Education Code section 70901.5(b).
	§ 55765: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
Register 91-31	§ 55758: Amendment of subsection (c) and submitted to OAL for printing only pursuant to Education Code section 10901.5.
Register 91-43	§ 55758: Editorial correction of printing error in NOTE.
	§ 55759: Editorial correction of printing error.
	§ 55765: Editorial correction of printing error in NOTE.
Register 92-05	§ 55758: Editorial correction restoring omitted definition of "Military Withdrawal" and its HISTORY NOTE.
Register 92-07	§ 55758.5: New section filed.
Register 94-38	§ 51002: Amendment of section; submitted to OAL for printing only pursuant to Education Code section 70901.5.
Register 95-15	§ 51002: Editorial correction of HISTORY 1.
Register 95-22	§ 55750: Editorial correction of HISTORY 2.
	§ 55751: Editorial correction of HISTORY 1.
	§ 55752: Editorial correction of HISTORY 1.
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§ 55759: Editorial correction of HISTORY 1.

§ 55760: Editorial correction of HISTORY 1.

§ 55761: Editorial correction of HISTORY 1.

§ 55762: Editorial correction of HISTORY 1.

§ 55763: Editorial correction of HISTORY 1.

§ 55764: Editorial correction of HISTORY 1.

§ 55765: Editorial correction of HISTORY 1.

Register 98-03 § 55758: Amendment of subsection (a), new subsection (b), subsection relettering, and amendment of newly designated subsection (c). Submitted to OAL for printing only.

Register 98-14 § 55762: Repealer of subsection (d), subsection relettering, and amendment of NOTE. Submitted to OAL for printing only.

§ 55763: Amendment of section and NOTE. Submitted to OAL for printing only.

Register 2000-50 § 55758: Amendment of subsection (a), new subsection (c),

subsection relettering, and amendment of newly designated subsections (d) and (e). Submitted to OAL for printing only.

Register 2002-08 § 55753.5: New section filed. Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 55753.7: New section filed. Submitted to OAL for printing only pursuant to Education Code section 70901.5.

Subsequent Registers: There may be changes to the regulations after the date the test claim was filed, which are not included.

Register 1983-29

§ 51002
§§ 55750 - 55765

CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78007 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be 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 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700, 71025 and 84500.1, Education Code. Reference: Sections 71025 and 84500.1, Education Code.

51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 71028 of the Education Code and regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 71025 and 81805, Education Code. Reference: Sections 71025, 71028, 71091, 72231.5, 81820, 81821 and 81822, Education Code.

51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of Section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of Section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by Section 53004 of this part;

(d) Undertake a program of recruitment as required by Section 53021 of this part; and

(e) Substantially comply with the provisions of Chapter 1 (commencing with Section 53000) of Division 4 of this part.

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

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 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Chapter 11 (commencing with Section 55225) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

CHAPTER 9. STANDARDS OF SCHOLARSHIP

55750. Regulations.

The governing board of a district maintaining a community college shall adopt regulations consistent with the provisions of 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 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

HISTORY:

1. New Chapter 9 (Sections 55750–55765) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

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, 71020, 71024, 71025, 71027 and 71066, Education Code. Reference: Sections 71066 and 72285, Education Code.

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 specifiy 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 satisfactory 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 71020, 71025, 71027 and 71066, Education Code. Reference: Sections 71027, 71066 and 78207, Education Code.

55753. Credit by Examination.

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

(b) The governing board may grant credit to any student who satisfactorily passes an examination approved or conducted by proper authorities of the college. Such credit 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 student's academic record shall be clearly annotated to reflect that credit was earned by examination.

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

NOTE: Authority cited: Sections 71020, 71025, 71066 and 78207, Education Code. Reference: Sections 71066, 72285, 78205 and 78207, Education Code.

55754. Standards for Probation.

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

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

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

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

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

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

NOTE: Authority cited: Sections 66700, 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

55755. Removal from Probation.

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

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

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

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

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

NOTE: Authority cited: Sections 66700, 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

55756. Standards for Dismissal.

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

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

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

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

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

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

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

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

NOTE: Authority cited: Sections 66700, 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

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 71020, 71025 and 71066, Education Code. Reference: Sections 72285 and 76000, Education Code.

55758. Academic Record Symbols and Grade Point Average.

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

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

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

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

Symbol	Definition
	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:
	Withdrawl from a class or classes shall be authorized through the last day of the fourteenth week of instruction (or 75% of a term, whichever is less).
	The governing board, however, may establish a final withdrawal date which prohibits withdrawal after a designated point in time between the end of the fourth week of instruction (or 30% of a term, whichever is less) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less). The academic record of a student who remains in a class beyond the time allowed by district policy must reflect a symbol as authorized in Section 55758 of this part, other than a "W."
	The governing board may by regulation authorize withdrawal from a class or classes in extenuating circumstances after the last day of the fourteenth week (or 75% of the term, whichever is less) upon petition of the student or his 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.

NOTE: Authority cited: Sections 71020, 71025 and 71066, Education Code. Reference: Sections 72285 and 76000, Education Code.

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 71020, 71025 and 71066, Education Code. Reference: Sections 72285 and 76000, Education Code.

55760. Grade Changes.

(a) In any course of instruction in a community college district for which grades are awarded, the instructor of the course shall determine the grade to be awarded each student in accordance with Section 55758 of this chapter. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetency. Procedures for the correction of grades given in error shall include expunging the incorrect grade from the record.

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

NOTE: Authority cited: Sections 71020, 71025, 71027 and 71066, Education Code. Reference: Sections 71066 and 76224, Education Code.

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 71020, 71025, 71027 and 71066, Education Code. Reference: Sections 71066 and 72285, Education Code.

55762. Course Repetition: Implementation.

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

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

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

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

(b) May permit repetition of any course which was taken in an accredited college or university and for which substandard academic performance as defined in Section 55761 is recorded;

(c) Shall, when adopted procedures or regulations permit course repetition, indicate any specific courses or categories of courses which are exempt from consideration under these regulations;

(d) Shall, in accordance, deem any course repetition permitted under Section 55761 to require "prior written permission from the district superintendent or the district superintendent's authorized representative or representatives;"

(e) Shall clearly indicate any courses repeated under the provisions of this section and Section 55761 on the student's permanent academic record, using an appropriate symbol;

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

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

(h) Shall maintain a careful record of actions taken under course repetition procedures or regulations adopted in compliance with this section and Section 55761, since periodic reports may be required by the Chancellor.

NOTE: Authority cited: Sections 66700, 71020, 71025, 71027 and 71066, Education Code. Reference: Sections 71066, 72285, 76224, 78205 and 78207, Education Code.

55763. Course Repetition: Special Circumstances.

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

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

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

NOTE: Authority cited: Sections 71020, 71025 and 71066, Education Code. Reference: Sections 72285 and 76000, Education Code.

55764. District Policy for Academic Renewal Without Course Repetition.

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

NOTE: Authority cited: Sections 66700, 71020, 71025, 71027 and 71066, Education Code. Reference: Sections 71066, 72285, 76224, 78205 and 78207, Education Code.

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, 71020, 71025, 71027 and 71066, Education Code. Reference: Sections 71066, 72285, 76224, 78205 and 78207, Education Code.

proved requests. Districts which are found to be out of compliance shall be notified and be given an opportunity to respond.

(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.

(3) Failed to meet its ongoing responsibilities as specified in Section 55730.

(d) 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.

(e) Report to the Legislature as required by Section 84896 of the Education Code.

NOTE: Authority cited: Sections 71020 and 84890, Education Code. Reference: Sections 84890, 84893, 84894, 84895, 84895.5 and 84896, Education Code.

Subchapter 9. Standards of Scholarship

§ 55750. Regulations.

The governing board of a district maintaining a community college shall adopt regulations consistent with the provisions of 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 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

HISTORY

1. New Chapter 9 (Sections 55750–55765) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29).

§ 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, 71020, 71024, 71025, 71027 and 71066, Education Code. Reference: Sections 71066 and 72285, Education Code.

§ 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 satisfactory 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 71020, 71025, 71027 and 71066, Education Code. Reference: Sections 71027, 71066 and 78207, Education Code.

§ 55753. Credit by Examination.

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

(b) The governing board may grant credit to any student who satisfactorily passes an examination approved or conducted by proper authorities of the college. Such credit 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 student's academic record shall be clearly annotated to reflect that credit was earned by examination.

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

NOTE: Authority cited: Sections 71020, 71025, 71066 and 78207, Education Code. Reference: Sections 71066, 72285, 78205 and 78207, Education Code.

§ 55754. Standards for Probation.

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

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

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

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

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

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

NOTE: Authority cited: Sections 66700, 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

§ 55755. Removal from Probation.

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

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

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

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

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

NOTE: Authority cited: Sections 66700, 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

§ 55756. Standards for Dismissal.

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

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

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

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

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

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

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

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

NOTE: Authority cited: Sections 66700, 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

§ 55756.5. Remedial Coursework Limit.

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

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

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

(1) Students enrolled in one or more courses of English as a Second Language (ESL);

(2) Students identified by the district as having a learning disability as defined in section 56014 of this part.

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

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

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

(g) The governing board of a 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 71020, 71025 and 71066, Education Code. Reference: Sections 72285 and 76000, Education Code.

§ 55758. Academic Record Symbols and Grade Point Average.

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

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

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

(c) The governing board of each community college district may authorize the use under specified controls and conditions of only the following 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 Section 55758 of this part, other than a "W."

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4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income if the business entity or source of income provides education, training, or experience to persons toward attaining a valid credential for employment as an instructor, supervisor, chief administrative officer, librarian, counselor, supervisor of health, student personnel worker, or other similar position within a Community College district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations affirming and fixing the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in chapter 9 (commencing with section 55750) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in chapter 10 (commencing with section 55800) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district 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 1 (commencing with section 58100) of chapter 2, division 9 of title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by section 53004 of this part;

(d) Undertake a program of recruitment as required by section 53021 of this part; and

(c) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 o. the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

ommendations on staff, student, and instructional improvement activities.

(f) Provide, upon request of the Chancellor, copies of documents and information specified in Subsections (a) through (d), inclusive.

NOTE: Authority cited: Sections 71020 and 84890, Education Code. Reference: Section 84894, Education Code.

§ 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 Sections 84895 and 84895.5 of the Education Code. For fiscal year 1982–83, the Chancellor shall also adjust the ADA of any district which has been newly approved to operate a flexible calendar operation during that fiscal year. The adjustment shall be made in order that those districts do not experience an arbitrary gain or loss in average daily attendance as a result of shifting to a flexible calendar operation.

(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.

(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.

(3) Failed to meet its ongoing responsibilities as specified in Section 55730.

(d) 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.

(e) Report to the Legislature as required by Section 84896 of the Education Code.

NOTE: Authority cited: Sections 71020 and 84890, Education Code. Reference: Sections 84890, 84893, 84894, 84895, 84895.5 and 84896, Education Code.

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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55753. Credit by Examination.

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

(b) The governing board may grant credit to any student who satisfactorily passes an examination approved or conducted by proper authorities of the college. Such credit 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 student's academic record shall be clearly annotated to reflect that credit was earned by examination.

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55754. Standards for Probation.

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

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

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

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55755. Removal from Probation.

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

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

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55756. Standards for Dismissal.

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

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

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

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

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

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55756.5. Remedial Coursework Limit.

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

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

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

(1) Students enrolled in one or more courses of English as a Second Language (ESL);

(2) Students identified by the district as having a learning disability as defined in section 56014 of this part.

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

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

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

(g) The governing board of a 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55758. Academic Record Symbols and Grade Point Average.

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

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

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

(c) The governing board of each community college district may authorize the use under specified controls and conditions of only the following 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.

Symbol — *Definition*

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

W — Withdrawal: The governing board of a district which decides to provide a withdrawal procedure shall adopt a policy consistent with the following:

Withdrawal from a class or classes shall be authorized through the last day of the fourteenth week of instruction (or 75% of a term, whichever is less).

The governing board, however, may establish a final withdrawal date which prohibits withdrawal after a designated point in time between the end of the fourth week of instruction (or 30% of a term, whichever is less) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less). The academic record of a student who remains in a class beyond the time allowed by district policy must reflect a symbol as authorized in Section 55758 of this part, other than a "W."

The governing board may by regulation authorize withdrawal from a class or classes in extenuating circumstances after the last day of the fourteenth week (or 75% of the term, whichever is less) upon petition of the student or his or her representative and after consultation with the instructor(s) or appropriate faculty. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student.

No notation ("W" or other) shall be made on the academic record of the student who withdraws during the first four weeks or 30% of a term, whichever is less. The governing board may establish a period of time shorter than the first four weeks or 30% of a term, during which no notation shall be made.

Withdrawal between the end of the fourth week (or such time as established by the district) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less) shall be authorized after informing the appropriate faculty.

Withdrawal after the end of the fourteenth week (or 75% of a term, whichever is less) when the district has authorized such withdrawal in extenuating circumstances, after consultation with appropriate faculty, shall be recorded as a "W."

For purposes of withdrawal policies, the term "appropriate faculty" means the instructor of each course in question or, in the event the instructor cannot be contacted, the department chair or equivalent faculty officer.

The "W" shall not be used in calculating grade point averages, but excessive "W"s (as defined in sections 55754 and 55756 of this part) shall be used as factors in probation and dismissal procedures.

Within these guidelines, criteria for withdrawal and the procedures to accomplish it shall be established by governing boards and published in college catalogs.

A district's responsibilities with respect to enrollment or attendance accounting shall not be modified or superseded in any way by adoption of a withdrawal policy.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 72285 and 76000, Education Code.

History

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 timeliness 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55760. Grade Changes.

(a) In any course of instruction in a community college district for which grades are awarded, the instructor of the course shall determine the grade to be awarded each student in accordance with section 55758 of this chapter. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetency. Procedures for the correction of grades given in error shall include expunging the incorrect grade from the record.

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

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

History

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55762. Course Repetition: Implementation.

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

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

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

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

(b) May permit repetition of any course which was taken in an accredited college or university and for which substandard academic performance as defined in section 55761 is recorded;

(c) Shall, when adopted procedures or regulations permit course repetition, indicate any specific courses or categories of courses which are exempt from consideration under these regulations;

(d) Shall, in accordance, deem any course repetition permitted under section 55761 to require "prior written permission from the district superintendent or the district superintendent's authorized representative or representatives";

(e) Shall clearly indicate any courses repeated under the provisions of this section and section 55761 on the student's permanent academic record, using an appropriate symbol;

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

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

(h) Shall maintain a careful record of actions taken under course repetition procedures or regulations adopted in compliance with this section and section 55761, since periodic reports may be required by the Chancellor.

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

History

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55763. Course Repetition: Special Circumstances.

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

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

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

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

History

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 76624, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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.

(d) The provisions of this section shall be applicable to all students in attendance prior to July 1, 1983, unless provided otherwise by governing board policy adopted pursuant to subsection (b) of section 55810.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55803. Associate in Science Degree (Applicable Until July 1, 1983).

The governing board of a community college district may confer the degree of associate in science upon a student who in grades 13 and 14 has completed satisfactorily a minimum of 60 semester hours of work, which shall satisfy all the requirements for an associate in arts degree and shall

ommendations on staff, student, and instructional improvement activities.

(f) Provid^ upon request of the Chancellor, copies of documents and information specified in Subsections (a) through (d), inclusive.

NOTE: Authority cited: Sections 71020 and 84890, Education Code. Reference: Section 84894, Education Code.

§ 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 Sections 84895 and 84895.5 of the Education Code. For fiscal year 1982–83, the Chancellor shall also adjust the ADA of any district which has been newly approved to operate a flexible calendar operation during that fiscal year. The adjustment shall be made in order that those districts do not experience an arbitrary gain or loss in average daily attendance as a result of shifting to a flexible calendar operation.

(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.

(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.

(3) Failed to meet its ongoing responsibilities as specified in Section 55730.

(d) 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.

(e) Report to the Legislature as required by Section 84896 of the Education Code.

NOTE: Authority cited: Sections 71020 and 84890, Education Code. Reference: Sections 84890, 84893, 84894, 84895, 84895.5 and 84896, Education Code.

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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55753. Credit by Examination.

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

(b) The governing board may grant credit to any student who satisfactorily passes an examination approved or conducted by proper authorities of the college. Such credit 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 student's academic record shall be clearly annotated to reflect that credit was earned by examination.

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55754. Standards for Probation.

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

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

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

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55755. Removal from Probation.

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

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

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55756. Standards for Dismissal.

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

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

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

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

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

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55756.5. Remedial Coursework Limit.

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

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

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

(1) Students enrolled in one or more courses of English as a Second Language (ESL);

(2) Students identified by the district as having a learning disability as defined in section 56014 of this part.

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

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

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

(g) The governing board of a 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55758. Academic Record Symbols and Grade Point Average.

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

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

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

(c) The governing board of each community college district may authorize the use under specified controls and conditions of only the following 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 section 55758 of this part, other than a "W." The governing board may by regulation authorize withdrawal from a class or classes in extenuating circumstances after the last day of the fourteenth week (or 75% of the term, whichever is less) upon petition of the student or his or her representative and after consultation with the instructor(s) or appropriate faculty. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. No notation ("W" or other) shall be made on the academic record of the student who withdraws during the first four weeks or 30% of a term, whichever is less. The governing board may establish a period of time shorter than the first four weeks or 30% of a term, during which no notation shall be made. Withdrawal between the end of the fourth week (or such time as established by the district) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less) shall be authorized after informing the appropriate faculty. Withdrawal after the end of the fourteenth week (or 75% of a term, whichever is less) when the district has authorized such withdrawal in extenuating circumstances, after consultation with appropriate faculty, shall be recorded as a "W." For purposes of withdrawal policies, the term "appropriate faculty" means the instructor of each course in question or, in the event the instructor cannot be contacted, the department chair or equivalent faculty officer. The "W" shall not be used in calculating grade point averages, but excessive "W"s (as defined in sections 55754 and 55756 of this part) shall be used as factors in probation and dismissal procedures. Within these guidelines, criteria for withdrawal and the procedures to accomplish it shall be established by governing boards and published in college catalogs. A district's responsibilities with respect to enrollment or attendance accounting shall not be modified or superseded in any way by adoption of a withdrawal policy.

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

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 72285 and 76000, Education Code.

HISTORY

1. Amendment of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 timeliness 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55760. Grade Changes.

(a) In any course of instruction in a community college district for which grades are awarded, the instructor of the course shall determine the grade to be awarded each student in accordance with section 55758 of this chapter. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetency. Procedures for the correction of grades given in error shall include expunging the incorrect grade from the record.

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55762. Course Repetition: Implementation.

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

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

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

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

(b) May permit repetition of any course which was taken in an accredited college or university and for which substandard academic performance as defined in section 55761 is recorded;

(c) Shall, when adopted procedures or regulations permit course repetition, indicate any specific courses or categories of courses which are exempt from consideration under these regulations;

(d) Shall, in accordance, deem any course repetition permitted under section 55761 to require "prior written permission from the district superintendent or the district superintendent's authorized representative or representatives";

(e) Shall clearly indicate any courses repeated under the provisions of this section and section 55761 on the student's permanent academic record, using an appropriate symbol;

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

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

(h) Shall maintain a careful record of actions taken under course repetition procedures or regulations adopted in compliance with this section and section 55761, since periodic reports may be required by the Chancellor.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55763. Course Repetition: Special Circumstances.

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55755. Removal from Probation.

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

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

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55756. Standards for Dismissal.

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

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

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

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

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

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55756.5. Remedial Coursework Limit.

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

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

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

(1) Students enrolled in one or more courses of English as a Second Language (ESL);

(2) Students identified by the district as having a learning disability as defined in section 56014 of this part.

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

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

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

(g) The governing board of a 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55758. Academic Record Symbols and Grade Point Average.

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

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

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

(c) The governing board of each community college district may authorize the use under specified controls and conditions of only the following 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 Section 55758 of this part, other than a "W." The governing board may by regulation authorize withdrawal from a class or classes in extenuating circumstances after the last day of the fourteenth week (or 75% of the term, whichever is less) upon petition of the student or his or her representative and after consultation with the instructor(s) or appropriate faculty. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. No notation ("W" or other) shall be made on the academic record of the student who withdraws during the first four weeks or 30% of a term, whichever is less. The governing board may establish a period of time shorter than the first four weeks or 30% of a term, during which no notation shall be made. Withdrawal between the end of the fourth week (or such time as established by the district) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less) shall be authorized after informing the appropriate faculty. Withdrawal after the end of the fourteenth week (or 75% of a term, whichever is less) when the district has authorized such withdrawal in extenuating circumstances, after consultation with appropriate faculty, shall be recorded as a "W." For purposes of withdrawal policies, the term "appropriate faculty" means the instructor of each course in question or, in the event the instructor cannot be contacted, the department chair or equivalent faculty officer. The "W" shall not be used in calculating grade point averages, but excessive "W"s (as defined in sections 55754 and 55756 of this part) shall be used as factors in probation and dismissal procedures. Within these guidelines, criteria for withdrawal and the procedures to accomplish it shall be established by governing boards and published in college catalogs. A district's responsibilities with respect to enrollment or attendance accounting shall not be modified or superseded in any way by adoption of a withdrawal policy.

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

HISTORY

1. Amendment of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in NOTE (Register 91, No. 43).

§ 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 of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error (Register 91, No. 43).

§ 55760. Grade Changes.

(a) In any course of instruction in a community college district for which grades are awarded, the instructor of the course shall determine the grade to be awarded each student in accordance with section 55758 of this chapter. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetency. Procedures for the correction of grades given in error shall include expunging the incorrect grade from the record.

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55762. Course Repetition: Implementation.

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

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

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

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

(b) May permit repetition of any course which was taken in an accredited college or university and for which substandard academic performance as defined in section 55761 is recorded;

(c) Shall, when adopted procedures or regulations permit course repetition, indicate any specific courses or categories of courses which are exempt from consideration under these regulations;

(d) Shall, in accordance, deem any course repetition permitted under section 55761 to require "prior written permission from the district superintendent or the district superintendent's authorized representative or representatives";

(e) Shall clearly indicate any courses repeated under the provisions of this section and section 55761 on the student's permanent academic record, using an appropriate symbol;

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

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

(h) Shall maintain a careful record of actions taken under course repetition procedures or regulations adopted in compliance with this section and section 55761, since periodic reports may be required by the Chancellor.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55763. Course Repetition: Special Circumstances.

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in NOTE (Register 91, No. 43).

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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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.

(d) The provisions of this section shall be applicable to all students in attendance prior to July 1, 1983, unless provided otherwise by governing board policy adopted pursuant to subsection (b) of section 55810.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55803. Associate in Science Degree (Applicable Until July 1, 1983).

The governing board of a community college district may confer the degree of associate in science upon a student who in grades 13 and 14 has completed satisfactorily a minimum of 60 semester hours of work, which shall satisfy all the requirements for an associate in arts degree and shall include a major of at least 18 semester hours in the fields of engineering, physical and biological sciences, or occupational curriculum.

The provisions of this section shall be applicable to all students in attendance prior to July 1, 1983, unless provided otherwise by governing board policy adopted pursuant to subsection (b) of section 55810.

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

§ 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 Sections 84895 and 84895.5 of the Education Code. For fiscal year 1982–83, the Chancellor shall also adjust the ADA of any district which has been newly approved to operate a flexible calendar operation during that fiscal year. The adjustment shall be made in order that those districts do not experience an arbitrary gain or loss in average daily attendance as a result of shifting to a flexible calendar operation.

(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.

(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.

(3) Failed to meet its ongoing responsibilities as specified in Section 55730.

(d) 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.

(e) Report to the Legislature as required by Section 84896 of the Education Code.

NOTE: Authority cited: Sections 71020 and 84890, Education Code. Reference: Sections 84890, 84893, 84894, 84895, 84895.5 and 84896, Education Code.

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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55753. Credit by Examination.

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

(b) The governing board may grant credit to any student who satisfactorily passes an examination approved or conducted by proper authorities of the college. Such credit 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 student's academic record shall be clearly annotated to reflect that credit was earned by examination.

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55754. Standards for Probation.

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

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

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

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

§ 55758. Academic Record Symbols and Grade Point Average.

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

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

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

(c) The governing board of each community college district may authorize the use under specified controls and conditions of only the following 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 Section 55758 of this part, other than a "W." The governing board may by regulation authorize withdrawal from a class or classes in extenuating circumstances after the last day of the fourteenth week (or 75% of the term, whichever is less) upon petition of the student or his or her representative and after consultation with the instructor(s) or appropriate faculty. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. No notation ("W" or other) shall be made on the academic record of the student who withdraws during the first four weeks or 30% of a term, whichever is less. The governing board may establish a period of time shorter than the first four weeks or 30% of a term, during which no notation shall be made. Withdrawal between the end of the fourth week (or such time as established by the district) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less) shall be authorized after informing the appropriate faculty. Withdrawal after the end of the fourteenth week (or 75% of a term, whichever is less) when the district has authorized such withdrawal in extenuating circumstances, after consultation with appropriate faculty, shall be recorded as a "W." For purposes of withdrawal policies, the term "appropriate faculty" means the instructor of each course in question or, in the event the instructor cannot be contacted, the department chair or equivalent faculty officer. The "W" shall not be used in calculating grade point averages, but excessive "W"s (as defined in sections 55754 and 55756 of this part) shall be used as factors in probation and dismissal procedures. Within these guidelines, criteria for withdrawal and the procedures to accomplish it shall be established by governing boards and published in college catalogs. A district's responsibilities with respect to enrollment or attendance accounting shall not be modified or superseded in any way by adoption of a withdrawal policy. Military Withdrawal: The governing board of a district which decides to provide a withdrawal policy shall also adopt military withdrawal procedures consistent with the following: "Military withdrawal" occurs when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. Upon verification of such orders, a withdrawal

symbol may be assigned at any time after the period established by the governing board during which no notation is made for withdrawals. The withdrawal symbol so assigned may be a "W" or, if necessary to distinguish military withdrawals, may be a "MW." Military withdrawals shall not be counted in progress probation and dismissal calculations. "W"s incurred during the period between January 1, 1990 and the effective date of this paragraph, which meet the definition of military withdrawal herein, shall not be counted in progress probation and dismissal calculations and may be changed to "MW"s.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error (Register 91, No. 43).

§ 55760. Grade Changes.

(a) In any course of instruction in a community college district for which grades are awarded, the instructor of the course shall determine the grade to be awarded each student in accordance with section 55758 of this chapter. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetency. Procedures for the correction of grades given in error shall include expunging the incorrect grade from the record.

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55762. Course Repetition: Implementation.

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

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

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

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

(b) May permit repetition of any course which was taken in an accredited college or university and for which substandard academic performance as defined in section 55761 is recorded;

(c) Shall, when adopted procedures or regulations permit course repetition, indicate any specific courses or categories of courses which are exempt from consideration under these regulations;

(d) Shall, in accordance, deem any course repetition permitted under section 55761 to require "prior written permission from the district superintendent or the district superintendent's authorized representative or representatives";

(e) Shall clearly indicate any courses repeated under the provisions of this section and section 55761 on the student's permanent academic record, using an appropriate symbol;

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

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

(h) Shall maintain a careful record of actions taken under course repetition procedures or regulations adopted in compliance with this section and section 55761, since periodic reports may be required by the Chancellor.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55763. Course Repetition: Special Circumstances.

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

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

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

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

History

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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

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

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

History

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in NOTE (Register 91, No. 43).

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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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.

sonably assure success in college-level courses, request reinstatement to proceed with college-level coursework.

(g) The governing board of a 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55758. Academic Record Symbols and Grade Point Average.

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

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

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

(c) The governing board of each community college district may authorize the use under specified controls and conditions of only the following 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 Section 55758 of this part, other than a "W." The governing board may by regulation authorize withdrawal from a class or classes in extenuating circumstances after the last day of the fourteenth week (or 75% of the term, whichever is less) upon petition of the student or his or her representative and after consultation with the instructor(s) or appropriate faculty. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. No notation ("W" or other) shall be made on the academic record of the student who withdraws during the first four weeks or 30% of a term, whichever is less. The governing board may establish a period of time shorter than the first four weeks or 30% of a term, during which no notation shall be made. Withdrawal between the end of the fourth week (or such time as established by the district) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less) shall be authorized after informing the appropriate faculty.

Symbol	*Definition*
	Withdrawal after the end of the fourteenth week (or 75% of a term, whichever is less) when the district has authorized such withdrawal in extenuating circumstances, after consultation with appropriate faculty, shall be recorded as a "W."

For purposes of withdrawal policies, the term "appropriate faculty" means the instructor of each course in question or, in the event the instructor cannot be contacted, the department chair or equivalent faculty officer.

The "W" shall not be used in calculating grade point averages, but excessive "W"s (as defined in sections 55754 and 55756 of this part) shall be used as factors in probation and dismissal procedures.

Within these guidelines, criteria for withdrawal and the procedures to accomplish it shall be established by governing boards and published in college catalogs.

A district's responsibilities with respect to enrollment or attendance accounting shall not be modified or superseded in any way by adoption of a withdrawal policy.

Military Withdrawal: The governing board of a district which decides to provide a withdrawal policy shall also adopt military withdrawal procedures consistent with the following:

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error (Register 91, No. 43).

§ 55760. Grade Changes.

(a) In any course of instruction in a community college district for which grades are awarded, the instructor of the course shall determine the grade to be awarded each student in accordance with section 55758 of this chapter. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetency. Procedures for the correction of grades given in error shall include expunging the incorrect grade from the record.

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55762. Course Repetition: Implementation.

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

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

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

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

(b) May permit repetition of any course which was taken in an accredited college or university and for which substandard academic performance as defined in section 55761 is recorded;

(c) Shall, when adopted procedures or regulations permit course repetition, indicate any specific courses or categories of courses which are exempt from consideration under these regulations;

(d) Shall, in accordance, deem any course repetition permitted under section 55761 to require "prior written permission from the district superintendent or the district superintendent's authorized representative or representatives";

(e) Shall clearly indicate any courses repeated under the provisions of this section and section 55761 on the student's permanent academic record, using an appropriate symbol;

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

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

(h) Shall maintain a careful record of actions taken under course repetition procedures or regulations adopted in compliance with this section and section 55761, since periodic reports may be required by the Chancellor.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55763. Course Repetition: Special Circumstances.

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in NOTE (Register 91, No. 43).

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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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.

may be claimed for apportionment; and the faculty contact hours shall not be eligible for adjustment pursuant to Section 58188 of this Part.

(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 ADA adjustment specified in Section 58188 of this Part.

NOTE: Authority cited: Section 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).

§ 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 58188 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).

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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55753. Credit by Examination.

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

(b) The governing board may grant credit to any student who satisfactorily passes an examination approved or conducted by proper authorities of the college. Such credit 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 student's academic record shall be clearly annotated to reflect that credit was earned by examination.

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55754. Standards for Probation.

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

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

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

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55755. Removal from Probation.

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

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

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55756. Standards for Dismissal.

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

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

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

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

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

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

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55756.5. Remedial Coursework Limit.

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

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

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

(1) Students enrolled in one or more courses of English as a Second Language (ESL);

(2) Students identified by the district as having a learning disability as defined in section 56014 of this part.

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

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

(f) A student may, upon successful completion of appropriate "remedial coursework," or upon demonstration of skills levels which will rea-

Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

History

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

History

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

History

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

History

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

History

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 standards of scholarship.

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

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51010. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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. 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

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

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each

Senior Accounting Officers (Specialists) 3
Accounting Officers (Specialists) 3
Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

History

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

History

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

History

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

History

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

History

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
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 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. 15).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 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. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, 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 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).

§ 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 the formation of a new college or educational center shall obtain approval for such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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).

ıbmitted to OAL for printing only pursuant to Education Code Section ,0901.5(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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, ·nning, and implementing his or her immediate and long-range aca- ·nic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

(2) Participation structures and procedures for the staff positions defined or categorized.

(3) In performing the requirements of Subsections (a)(1) and (2), the governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations, and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this Section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.

(7) The selection of staff representatives to serve on college and district task forces, committees, or other governance groups shall, when required by law, be made by those councils, committees, employee organizations, or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation. In all other instances, the selection shall either be made by, or in consultation with, such staff groups. In all cases, representatives shall be selected from the category that they represent.

(b) In developing and carrying out policies and procedures pursuant to Subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code Sections 3540, et seq., such procedures for staff participation shall not intrude on matters within the scope of representation under Section 3543.2 of the Government Code. In addition, governing boards shall not interfere with the exercise of employee rights to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer–employee relations. Nothing in this Section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards. It is the intent of the Board of Governors to respect lawful agreements between staff and exclusive representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to staff pursuant to these regulations.

(c) Nothing in this Section shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to Sections 53200–53204, and Section 51023.7, respectively.

(d) The governing board of a community college district shall comply substantially with the provisions of this Section.

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

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b), (Register 91, No. 23).

2. Editorial correction of printing error in subsection (b) and HISTORY 1. (Register 91, No. 43).

3. Amendment of subsections (a)(1), (a)(3), (a)(5), (a)(7), (b), (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).

§ 51023.7. Students.

(a) The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance. Among other matters, said policies and procedures shall include the following:

(1) Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures.

(2) Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

(3) Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration.

(4) For the purpose of this Section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code Section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.

(b) For the purposes of this Section, district and college policies and procedures that have or will have a "significant effect on students" includes the following:

(1) grading policies;
(2) codes of student conduct;
(3) academic disciplinary policies;
(4) curriculum development;
(5) courses or programs which should be initiated or discontinued;
(6) processes for institutional planning and budget development;
(7) standards and policies regarding student preparation and success;
(8) student services planning and development;
(9) student fees within the authority of the district to adopt; and
(10) any other district and college policy, procedure, or related matter that the district governing board determines will have a significant effect on students.

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.

(d) Nothing in this Section shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to the regulations on academic senates contained in Sections 53200–53206.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this Section.

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901 (b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3-12-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 23).
2. Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1 (Register 91, No. 43).
3. Amendment of subsections (a)(2), (a)(4), (b), (b)(10), (d) and (e) 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).

§ 51024. Matriculation Services.

The governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under Section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under Section 55512(c);

(c) provide matriculation services to its students in accordance with Sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with Section 55534; and

(e) substantially comply with all other provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210-78218, Education Code.

HISTORY

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

Amendment of first paragraph and subsection (e) filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

§ 51025. Full-Time/Part-Time Faculty.

This Section relates to and should be read in conjunction with Subchapter 3 (commencing with Section 53300) of Chapter 4 of this Division.

(a) Community college districts which have less than 75 percent of their hours of credit instruction taught by full-time instructors, as determined from their base data calculated pursuant to Section 53311, shall apply the growth revenues received related to increases in credit FTES in accordance with Section 58774 and a portion of the program improvement allocation received in accordance with Section 58775, as follows:

(1) Of the growth revenues received related to increases in credit FTES pursuant to Section 58774, the districts shall increase the base number of full-time instructors, subject to Subsection (e) below, by the Fall term of the succeeding fiscal year, by the product of their base number of full-time faculty multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

(2) Districts which, as determined from their base data, had 67 percent or greater, but less than 75 percent of their hours of credit instruction taught by full-time instructors shall apply up to 33 percent of their program improvement allocation pursuant to Subsection (b) of Section 58775, as necessary to reach the 75 percent standard pursuant to Subsection (a)(4) below.

(3) Districts which, as determined from their base data, had less than 67 percent of their hours of credit instruction taught by full-time instructors shall apply up to 40 percent of their program improvement allocation pursuant to Subsection (b) of Section 58775, as necessary to reach the 75 percent standard pursuant to Subsection (a)(4) below.

(4) Of the program improvement funds identified in Subsection (a)(2) or (3), as appropriate, the district shall increase the number of full-time instructors, by the Fall term of the succeeding fiscal year, by the quotient of the applicable program improvement funds divided by the statewide average replacement cost, rounded down to the nearest whole number.

(5) If the number of full-time faculty derived in Subsections (a)(1) and (4) result in the district exceeding the 75 percent standard, the Chancellor shall reduce the number to a whole number to a whole number that leaves the district as close as possible to, but in excess of, the 75 percent standard.

(b) Statewide average replacement cost is the statewide average faculty salary plus benefits, minus the product of the statewide average hourly rate of compensation for part-time instructors times the statewide average full-time teaching load.

(c) On or before December 31 of each year, the Chancellor shall determine, based on information submitted by districts, the extent to which each district, by the Fall term of that year, has maintained or hired the number of additional full-time instructors determined pursuant to Subsection (a) for the prior fiscal year. To the extent that the number of full-time faculty has not been maintained or additional full-time instructors have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equivalent to the average replacement cost for the prior fiscal year times the deficiency in the number of full-time faculty. To the extent a district hires the additional full-time instructors in subsequent fiscal years the reductions made to the district's revenue shall be restored.

(d) All revenues available due to reductions made pursuant to Subsection (c), shall be made available on a one-time basis for that fiscal year, for purposes of faculty and staff diversity pursuant to Education Code, Section 87107.

(e) By January 20 of each fiscal year the Board of Governors shall determine whether adequate growth funds and adequate cost-of-living funds have been provided to allow full or partial implementation of the provisions of Subsection (a)(1).

(f) For districts that experience a reduction in base credit FTES, the Chancellor shall make a proportionate reduction to their base number of full-time faculty.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 7-3-91 and submitted to OAL on 7-12-91 for printing only pursuant to Education Code section 70901.5; operative 8-3-91 (Register 91, No. 46).
2. New first paragraph, amendment of subsections (a)-(a)(4) and (c) and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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).

§ 51027. Transfer Centers: Minimum Program Standards.

(a) The governing board of each community college district shall recognize transfer as one of its primary missions, and shall place priority emphasis on the preparation and transfer of underrepresented students, including African-American, Chicano/Latino, American Indian, disabled, low-income and other students historically and currently underrepresented in the transfer process.

(b) Each community college district governing board shall direct the development and adoption of a transfer center plan describing the activities of the transfer center and the services to be provided to students, incorporating the provisions established in the standards outlined below. Plans shall identify target student populations and shall establish target increases in the number of applicants baccalaureate institutions from these populations, including specific targets for increasing the transfer applications of underrepresented students among transfer students. Plans shall be developed in consultation with baccalaureate college and university personnel as available.

Plan components shall include, but not be limited to: services to be provided to students; facilities; staffing; advisory committee; and evaluation and reporting.

(1) Required Services. Districts shall:

(A) Identify, contact, and provide transfer support services to targeted student populations as identified in the transfer center plan, with a priority emphasis placed on African-American, Chicano/Latino, American Indian, disabled, low-income, and other underrepresented students. These

activities shall be developed and implemented in cooperation with student services departments and with faculty.

(B) Ensure the provision of academic planning for transfer, the development and use of transfer admission agreements with baccalaureate institutions where available and as appropriate, and the development and use of course-to-course and major articulation agreements. Academic planning and articulation activities shall be provided in cooperation with student services, with faculty, and with baccalaureate institution personnel as available.

(C) Ensure that students receive accurate and up-to-date academic and transfer information through coordinated transfer counseling services.

(D) Monitor the progress of transfer students to the point of transfer, in accordance with monitoring activities established in the Transfer Center Plan.

(E) Support the progress of transfer students through referral as necessary, to such services as ability and diagnostic testing, tutoring, financial assistance, counseling, and to other instructional and student services on campus as appropriate.

(F) Assist students in the transition process, including timely completion and submittal of necessary forms and applications.

(G) In cooperation with baccalaureate institution personnel as available, develop and implement a schedule of services for transfer students to be provided by baccalaureate institution staff.

(H) Provide a resource library of college catalogs, transfer guides, articulation information and agreements, applications to baccalaureate institutions, and related transfer information.

(2) Facilities. Each district governing board shall provide space and facilities adequate to support the transfer center and its activities. Each district shall designate a particular location on campus as the focal point of transfer functions. This location should be readily identifiable and accessible to students, faculty, and staff.

(3) Staffing. Each district governing board shall provide clerical support for the transfer center and assign college staff to coordinate the activities of the transfer center; to coordinate underrepresented student transfer efforts; to serve as liaison to articulation, to student services, and to instructional programs on campus; and to work with baccalaureate institution personnel.

(4) Advisory Committee. Each district shall designate an advisory committee to plan the development, implementation, and ongoing operations of the transfer center. Membership shall be representative of campus departments and services. Baccalaureate institution personnel shall be included as available.

(5) Evaluation and Reporting. Each district governing board shall include in its transfer center plan a plan of institutional research for ongoing internal evaluation of the effectiveness of the college's transfer efforts, and the achievement of its transfer center plan.

Each community college district shall submit an annual report to the Chancellor describing the status of the district's efforts to implement its transfer center(s), achievement of transfer center plan targets and goals, and expenditures supporting transfer center operations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66010.4 and 70901, Education Code.

HISTORY

1. New section filed 7-22-91; operative 8-21-91 (Register 92, No. 4).
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).

Subchapter 2. Investigation and Enforcement of Minimum Conditions

§ 51100. Review of Colleges.

(a) At least once each seven years, and at such other times as he or she deems necessary, the Chancellor shall review each community college to determine whether it has met the minimum conditions contained in Subchapter 1 (commencing with Section 51000) of Chapter 2.

(b) In the event that the Chancellor determines that a visit to the college is necessary to investigate compliance, he or she shall inform the chief executive officer of the district at least one month in advance of such visit, and shall specify the particular minimum conditions which will be investigated.

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

HISTORY

1. Repealer of chapter 2 (sections 51100 and 51101) and new chapter 2 (sections 51100 and 51102) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 2, see Registers 81, No. 52; 77, No. 45; and 71, No. 27.
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) 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. 15).

§ 51102. Enforcement.

(a) If any review pursuant to Section 51100 discloses that a college is not in compliance with the provisions of Subchapter 1 (commencing with Section 51100) of Chapter 2, the Chancellor shall notify the chief executive officer of the district in writing, and shall request an official written response from the district by a date which the Chancellor shall specify.

(b) After receiving the district's written response, or after the time for response has lapsed, the Chancellor shall pursue one or more of the following courses of action:

(1) accept in whole or part the district's response regarding noncompliance;

(2) require the district to submit and adhere to a plan and timetable for achieving compliance as a condition for continued receipt of state aid;

(3) withhold all or part of the district's state aid. The amount of withholding shall be related to the extent and gravity of noncompliance and shall require approval of the Board of Governors.

(c) The Chancellor shall report to the Board of Governors on any actions taken pursuant to Subsection (b) of this Section, provided that, in the event he or she determines to withhold all or a portion of a district's state aid, the Chancellor shall inform and obtain the approval of the Board prior to the withholding.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

Subchapter 3. Faculty

NOTE: Authority cited: Sections 71020, 71024 and 71025, Education Code.

HISTORY

1. Repealer of Chapter 3[216z (Sections 51200 and 51201) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 4. Standards of Scholarship

NOTE: Authority cited: Section 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

HISTORY

1. Repealer of Chapter 4 (Sections 51300-51319, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 4, see Registers 82, No. 20; 80, No. 19; 80, No. 11; 77, No. 45; and 71, No. 27.

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

(b) The governing board may grant credit to any student who satisfactorily passes an examination approved or conducted by proper authorities of the college. Such credit 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 student's academic record shall be clearly annotated to reflect that credit was earned by examination.

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

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

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).

§ 55754. Standards for Probation.

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

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

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

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

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

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

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

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).

§ 55755. Removal from Probation.

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

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

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

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

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

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

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).

§ 55756. Standards for Dismissal.

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

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

(b) A student who has been placed on progress probation shall be subject to dismissal if the percentage of units in which the student has been

enrolled for which entries of "W," "I," and "NC" (as defined in section 55758) are recorded in at least 3 consecutive semesters (5 consecutive quarters) reaches or exceeds fifty percent (50%) in accordance with section 55754.

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

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

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

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

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

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

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).

§ 55756.5. Remedial Coursework Limit.

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

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

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

(1) Students enrolled in one or more courses of English as a Second Language (ESL);

(2) Students identified by the district as having a learning disability as defined in section 56014 of this part.

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

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

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

(g) The governing board of a 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. The highest grade shall receive four points, and the lowest grade shall receive 0 points, using only the following evaluative symbols:

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

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

(c) The governing board of each community college district may authorize the use under specified controls and conditions of only the following 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.

Symbol	Definition
	The "I" Symbol shall not be used in calculating units attempted nor for grade points. The governing board shall provide a process whereby a student may petition for a time extension due to unusual circumstances.
IP	In progress: The "IP" symbol shall be used only in those courses which extend beyond the normal end of an academic term. It indicates that work is "in progress," but that assignment of an evaluative symbol (grade) must await its completion. The "IP" symbol shall remain on the student's permanent record in order to satisfy enrollment documentation. The appropriate evaluative symbol (grade) and unit credit shall be assigned and appear on the student's permanent record for the term in which the course is completed. The "IP" shall not be used in calculating grade point averages. If a student enrolled in an "open–entry, open–exit" course is assigned an "IP" at the end of an attendance period and does not re–enroll in that course during the subsequent attendance period, the appropriate faculty will assign an evaluative symbol (grade) in accordance with subsection (a) of this part to be recorded on the student's permanent record for the course.
RD	Report Delayed: The "RD" symbol may be assigned by the registrar only. It is to be used when there is a delay in reporting the grade of a student due to circumstances beyond the control of the student. It is a temporary notation to be replaced by a permanent symbol as soon as possible. "RD" shall not be used in calculating grade point averages.
W	Withdrawal: The governing board of a district which decides to provide a withdrawal procedure shall adopt a policy consistent with the following: Withdrawal from a class or classes shall be authorized through the last day of the fourteenth week of instruction (or 75% of a term, whichever is less). The governing board, however, may establish a final withdrawal date which prohibits withdrawal after a designated point in time between the end of the fourth week of instruction (or 30% of a term, whichever is less) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less). The academic record of a student who remains in a class beyond the time allowed by district policy must reflect a symbol as authorized in Section 55758 of this part, other than a "W." The governing board may by regulation authorize withdrawal from a class or classes in extenuating circumstances after the last day of the fourteenth week (or 75% of the term, whichever is less) upon petition of the student or his or her representative and after consultation with the instructor(s) or appropriate faculty. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. No notation ("W" or other) shall be made on the academic record of the student who withdraws during the first four weeks or 30% of a term, whichever is less. The governing board may establish a period of time shorter than the first four weeks or 30% of a term, during which no notation shall be made. Withdrawal between the end of the fourth week (or such time as established by the district) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less) shall be authorized after informing the appropriate faculty. Withdrawal after the end of the fourteenth week (or 75% of a term, whichever is less) when the district has authorized such withdrawal in extenuating circumstances, after consultation with appropriate faculty, shall be recorded as a "W." For purposes of withdrawal policies, the term "appropriate faculty" means the instructor of each course in question or, in the event the instructor cannot be contacted, the department chair or equivalent faculty officer. The "W" shall not be used in calculating grade point averages, but excessive "W"s (as defined in sections 55754 and 55756 of this part) shall be used as factors in probation and dismissal procedures. Within these guidelines, criteria for withdrawal and the procedures to accomplish it shall be established by governing boards and published in college catalogs. A district's responsibilities with respect to enrollment or attendance accounting shall not be modified or superseded in any way by adoption of a withdrawal policy. Military Withdrawal: The governing board of a district which decides to provide a withdrawal policy shall also adopt military withdrawal procedures consistent with the following: "Military withdrawal" occurs when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. Upon verification of such orders, a withdrawal symbol may be assigned at any time after the period established by the governing board during which no notation is made for withdrawals. The withdrawal symbol so assigned may be a "W" or, if necessary to distinguish military withdrawals, may be a "MW." Military withdrawals shall not be counted in progress probation and dismissal calculations. "W"s incurred during the period between January 1, 1990 and the effective date of this paragraph, which meet the definition of military withdrawal herein, shall not be counted in progress probation and dismissal calculations and may be changed to "MW"s.

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

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).

§ 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 substandard work has been recorded in accordance with sections 55761 and 55762. When grade changes are made in accordance with these sections, appropriate annotations of any courses repeated shall be entered on the student's permanent academic record in such a manner that all work remains legible, insuring a true and complete academic history.

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

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, in accordance, deem any course repetition permitted under section 55761 to require "prior written permission from the district superintendent or the district superintendent's authorized representative or representatives";

(e) Shall clearly indicate any courses repeated under the provisions of this section and section 55761 on the student's permanent academic record, using an appropriate symbol;

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

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

(h) Shall maintain a careful record of actions taken under course repetition procedures or regulations adopted in compliance with this section and section 55761, since periodic reports may be required by the Chancellor.

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

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).

§ 55763. Course Repetition: Special Circumstances.

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

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

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

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

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).

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

The governing board of a district maintaining a community college shall adopt and publish procedures or regulations pertaining to the alleviation of previously recorded substandard academic performance, as defined in section 55761, which is not reflective of a student's demonstrated ability. Such procedures or regulations shall include a clear statement of the educational principles upon which they are based, and shall be referred to as academic renewal regulations. When academic renewal procedures or regulations adopted by the districts permit previously recorded, substandard course work to be disregarded in the computation of

grade point averages, the permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

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

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.

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

(b) The governing board may grant credit to any student who satisfactorily passes an examination approved or conducted by proper authorities of the college. Such credit 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 student's academic record shall be clearly annotated to reflect that credit was earned by examination.

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

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

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).

§ 55754. Standards for Probation.

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

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

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

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

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

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

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

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).

§ 55755. Removal from Probation.

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

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

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

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

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

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

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).

§ 55756. Standards for Dismissal.

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

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

(b) A student who has been placed on progress probation shall be subject to dismissal if the percentage of units in which the student has been

enrolled for which entries of "W," "I," and "NC" (as defined in section 58) are recorded in at least 3 consecutive semesters (5 consecutive quarters) reaches or exceeds fifty percent (50%) in accordance with section 55754.

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

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

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

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

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

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

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).

§ 55756.5. Remedial Coursework Limit.

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

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

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

(1) Students enrolled in one or more courses of English as a Second Language (ESL);

(2) Students identified by the district as having a learning disability as defined in section 56014 of this part.

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

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

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

(g) The governing board of a 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 subsection (b):

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) 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 practices.

(d) 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 Section 55758 of this part, other than a "W." The governing board may by regulation authorize withdrawal from a class or classes in extenuating circumstances after the last day of the fourteenth week (or 75% of the term, whichever is less) upon petition of the student or his or her representative and after consultation with the instructor(s) or appropriate faculty. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. No notation ("W" or other) shall be made on the academic record of the student who withdraws during the first four weeks or 30% of a term, whichever is less. The governing board may establish a period of time shorter than the first four weeks or 30% of a term, during which no notation shall be made. Withdrawal between the end of the fourth week (or such time as established by the district) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less) shall be authorized after informing the appropriate faculty. Withdrawal after the end of the fourteenth week (or 75% of a term, whichever is less) when the district has authorized such withdrawal in extenuating circumstances, after consultation with appropriate faculty, shall be recorded as a "W." For purposes of withdrawal policies, the term "appropriate faculty" means the instructor of each course in question or, in the event the instructor cannot be contacted, the department chair or equivalent faculty officer. The "W" shall not be used in calculating grade point averages, but excessive "W"s (as defined in sections 55754 and 55756 of this part) shall be used as factors in probation and dismissal procedures. Within these guidelines, criteria for withdrawal and the procedures to accomplish it shall be established by governing boards and published in college catalogs. A district's responsibilities with respect to enrollment or attendance accounting shall not be modified or superseded in any way by adoption of a withdrawal policy. Military Withdrawal: The governing board of a district which decides to provide a withdrawal policy shall also adopt military withdrawal procedures consistent with the following: "Military withdrawal" occurs when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. Upon verification of such orders, a withdrawal symbol may be assigned at any time after the period established by the governing board during which no notation is made for withdrawals. The withdrawal symbol so assigned may be a "W" or, if necessary to distinguish military withdrawals, may be a "MW." Military withdrawals shall not be counted in progress probation and dismissal calculations. "W"s incurred during the period between January 1, 1990 and the effective date of this paragraph, which meet the definition of military withdrawal herein, shall not be counted in progress probation and dismissal calculations and may be changed to "MW"s.

NOTE: Authority cited: 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).

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 1-1.'-98; operative 2-11-98. Submitted to OAL for printing only (Register 98, No. 3).

§ 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 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.

TE: Authority cited: Sections 66700 and 70901, Education Code. Reference: ctions 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 substandard work has been recorded in accordance with sections 55761 and 55762. When grade changes are made in accordance with these sections, appropriate annotations of any courses repeated shall be entered on the student's permanent academic record in such a manner that all work remains legible, insuring a true and complete academic history.

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

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, in accordance, deem any course repetition permitted under section 55761 to require "prior written permission from the district superintendent or the district superintendent's authorized representative or representatives";

(e) Shall clearly indicate any courses repeated under the provisions of this section and section 55761 on the student's permanent academic record, using an appropriate symbol;

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

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

(h) Shall maintain a careful record of actions taken under course repetition procedures or regulations adopted in compliance with this section and section 55761, since periodic reports may be required by the Chancellor.

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

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).

§ 55763. Course Repetition: Special Circumstances.

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

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 Section 55758 of this part, other than a "W." The governing board may by regulation authorize withdrawal from a class or classes in extenuating circumstances after the last day of the fourteenth week (or 75% of the term, whichever is less) upon petition of the student or his or her representative and after consultation with the instructor(s) or appropriate faculty. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. No notation ("W" or other) shall be made on the academic record of the student who withdraws during the first four weeks or 30% of a term, whichever is less. The governing board may establish a period of time shorter than the first four weeks or 30% of a term, during which no notation shall be made. Withdrawal between the end of the fourth week (or such time as established by the district) and the last day of the fourteenth week of instruction (or 75% of a term, whichever is less) shall be authorized after informing the appropriate faculty. Withdrawal after the end of the fourteenth week (or 75% of a term, whichever is less) when the district has authorized such withdrawal in extenuating circumstances, after consultation with appropriate faculty, shall be recorded as a "W." For purposes of withdrawal policies, the term "appropriate faculty" means the instructor of each course in question or, in the event the instructor cannot be contacted, the department chair or equivalent faculty officer. The "W" shall not be used in calculating grade point averages, but excessive "W"s (as defined in sections 55754 and 55756 of this part) shall be used as factors in probation and dismissal procedures. Within these guidelines, criteria for withdrawal and the procedures to accomplish it shall be established by governing boards and published in college catalogs. A district's responsibilities with respect to enrollment or attendance accounting shall not be modified or superseded in any way by adoption of a withdrawal policy. Military Withdrawal: The governing board of a district which decides to provide a withdrawal policy shall also adopt military withdrawal procedures consistent with the following: "Military withdrawal" occurs when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. Upon verification of such orders, a withdrawal symbol may be assigned at any time after the period established by the governing board during which no notation is made for withdrawals. The withdrawal symbol so assigned may be a "W" or, if necessary to distinguish military withdrawals, may be a "MW." Military withdrawals shall not be counted in progress probation and dismissal calculations. "W"s incurred during the period between January 1, 1990 and the effective date of this paragraph, which meet the definition of military withdrawal herein, shall not be counted in progress probation and dismissal calculations and may be changed to "MW"s.

NOTE: Authority cited: 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).

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

(b) The governing board may grant credit to any student who satisfactorily passes an examination approved or conducted by proper authorities of the college. Such credit 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 student's academic record shall be clearly annotated to reflect that credit was earned by examination.

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

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

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).

§ 55754. Standards for Probation.

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

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

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

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

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

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

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

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).

§ 55755. Removal from Probation.

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

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

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

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

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

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

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).

§ 55756. Standards for Dismissal.

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

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

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

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

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

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

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

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

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

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).

§ 55756.5. Remedial Coursework Limit.

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

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

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

(1) Students enrolled in one or more courses of English as a Second Language (ESL);

(2) Students identified by the district as having a learning disability as defined in section 56014 of this part.

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

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

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

(g) The governing board of a 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 practices. 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." 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 substandard work has been recorded in accordance with sections 55761 and 55762. When grade changes are made in accordance with these sections, appropriate annotations of any courses repeated shall be entered on the student's permanent academic record in such a manner that all work remains legible, insuring a true and complete academic history.

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

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 gov-

erning 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

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(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.

HISTORY

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

§ 55754. Standards for Probation.

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

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

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

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

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

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

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

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).

'orial correction of HISTORY 1 (Register 95, No. 22).

.5755. Removal from Probation.

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

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

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

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

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

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

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).

§ 55756. Standards for Dismissal.

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

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

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

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

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

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

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

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

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

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).

§ 55756.5. Remedial Coursework Limit.

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

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

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

(1) Students enrolled in one or more courses of English as a Second Language (ESL);

(2) Students identified by the district as having a learning disability as defined in section 56014 of this part.

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

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

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

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

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

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).]

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part 02: Degrees and Certificates

History Index for
Title 5, California Code of Regulations

Section 51004
Section 55800
Section 55800.5
Section 55801
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Register 83-29 Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000-51021, not consecutive).

New Chapter 10 (Sections 55800 - 55810).

§ 55806: Editorial correction of subsection (b)(1)(A).

Register 88-42 § 55805.5: new section filed.

Register 91-23 § 51004: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55800: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

1 § 55800.5: New Section filed by Board of Governors of California
2 Community Colleges with the Secretary of State.
3 Submitted to OAL for printing only pursuant to
4 Education Code section 70901.5(b).
5 § 55801: Amendment filed by Board of Governors of California
6 Community Colleges with the Secretary of State.
7 Submitted to OAL for printing only pursuant to
8 Education Code section 70901.5(b).
9 § 55802: Amendment filed by Board of Governors of California
10 Community Colleges with the Secretary of State.
Submitted to OAL for printing only pursuant to
12 Education Code section 70901.5(b).
13 § 55803: Amendment filed by Board of Governors of California
14 Community Colleges with the Secretary of State.
15 Submitted to OAL for printing only pursuant to
16 Education Code section 70901.5(b).
17 § 55805: Amendment filed by Board of Governors of California
18 Community Colleges with the Secretary of State.
19 Submitted to OAL for printing only pursuant to
20 Education Code section 70901.5(b).
21 § 55805.5: Amendment filed by Board of Governors of California

1 Community Colleges with the Secretary of State.
2 Submitted to OAL for printing only pursuant to
3 Education Code section 70901.5(b).
4 § 55806: Amendment filed by Board of Governors of California
5 Community Colleges with the Secretary of State.
6 Submitted to OAL for printing only pursuant to
7 Education Code section 70901.5(b).
8 § 55807: Amendment filed by Board of Governors of California
9 Community Colleges with the Secretary of State.
10 Submitted to OAL for printing only pursuant to
Education Code section 70901.5(b).
12 § 55808: Amendment filed by Board of Governors of California
13 Community Colleges with the Secretary of State.
14 Submitted to OAL for printing only pursuant to
15 Education Code section 70901.5(b).
16 § 55809: Amendment filed by Board of Governors of California
17 Community Colleges with the Secretary of State.
18 Submitted to OAL for printing only pursuant to
19 Education Code section 70901.5(b).
20 § 55810: Amendment filed by Board of Governors of California
21 Community Colleges with the Secretary of State.

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

Register 91-43 § 55806: Editorial correction of printing error in NOTE.

Register 94-38 § 51004: Amendment of section. Submitted to OAL for printing only pursuant to Education Code Section 70901.5.

Register 95-15 § 51004: Editorial correction of HISTORY 1.

Register 95-22 § 55800: Editorial correction of HISTORY 2.

§ 55800.5: Editorial correction of HISTORY 1.

§ 55801: Editorial correction of HISTORY 1.

§ 55802: Editorial correction of HISTORY 1.

§ 55803: Editorial correction of HISTORY 1.

§ 55805: Editorial correction of HISTORY 1.

§ 55805.5: Editorial correction of HISTORY 2.

§ 55806: Editorial correction of HISTORY 3.

§ 55807: Editorial correction of HISTORY 1.

§ 55808: Editorial correction of HISTORY 1.

§ 55809: Editorial correction of HISTORY 1.

§ 55810: Editorial correction of HISTORY 1.

Subsequent Registers: There may be changes to the regulations after the date the test claim was filed, which are not included.

Register 1983-29

§ 51004
§ 55800
§ 55801
§ 55802
§ 55803
§ 55805
§ 55806
§ 55807
§ 55808
§ 55809
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CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78007 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be 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 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700, 71025 and 84500.1, Education Code. Reference: Sections 71025 and 84500.1, Education Code.

51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 71028 of the Education Code and regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 71025 and 81605, Education Code. Reference: Sections 71025, 71028, 71091, 72231.5, 81820, 81821 and 81822, Education Code.

51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of Section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of Section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by Section 53004 of this part;

(d) Undertake a program of recruitment as required by Section 53021 of this part; and

(e) Substantially comply with the provisions of Chapter 1 (commencing with Section 53000) of Division 4 of this part.

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

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 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Chapter 11 (commencing with Section 55025) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

CHAPTER 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, 71022 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

HISTORY:

1. New Chapter 10 (Sections 55800–55810, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

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, 71022 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

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.

(d) The provisions of this section shall be applicable to all students in attendance prior to July 1, 1983, unless provided otherwise by governing board policy adopted pursuant to subsection (b) of Section 55810.

NOTE: Authority cited: Sections 66700, 71022 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

55803. Associate in Science Degree (Applicable Until July 1, 1983).

The governing board of a community college district may confer the degree of associate in science upon a student who in grades 13 and 14 has completed satisfactorily a minimum of 60 semester hours of work, which shall satisfy all the requirements for an associate in arts degree and shall include a major of at least 18 semester hours in the fields of engineering, physical and biological sciences, or occupational curriculum.

The provisions of this section shall be applicable to all students in attendance prior to July 1, 1983, unless provided otherwise by governing board policy adopted pursuant to subsection (b) of Section 55810.

NOTE: Authority cited: Sections 66700, 71022 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

55805. Philosophy and Criteria for Associate Degree and General Education.

(a) The governing board of a community college district shall adopt policy which states its specific philosophy on General Education. In developing this policy governing boards shall consider the following policy of the Board of Governors:

The awarding of an Associate Degree is intended to represent more than an accumulation of units. It is to symbolize a successful attempt on the part of the college to lead students through patterns of learning experiences designed to develop certain capabilities and insights. Among these are the ability to think and to communicate clearly and effectively both orally and in writing; to use mathematics; to understand the modes of inquiry of the major disciplines; to be aware of other cultures and times; to achieve insights gained through experience in thinking about ethical problems; and to develop the capacity for self-understanding. In addition to these accomplishments, the student shall possess sufficient depth in some field of knowledge to contribute to lifetime interest.

Central to an Associate Degree, General Education is designed to introduce students to the variety of means through which people comprehend the modern world. It reflects the conviction of colleges that those who receive their degrees must possess in common certain basic principles, concepts and methodologies both unique to and shared by the various disciplines. College educated persons must be able to use this knowledge when evaluating and appreciating the physical environment, the culture, and the society in which they live. Most importantly, General Education should lead to better self-understanding.

In establishing or modifying a general education program, ways shall be sought to create coherence and integration among the separate requirements. It is also desirable that general education programs involve students actively in examining values inherent in proposed solutions to major social problems.

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

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

NOTE: Authority cited: Sections 66700, 71022 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

55806. Minimum Requirements for the Associate Degree (Applicable July 1, 1983).

The governing board of a community college district shall confer the degree of Associate in Arts or Associate in Science upon a student who has demonstrated competence in reading, in written expression, and in mathematics, and who has satisfactorily completed at least 60 semester units or 90 quarter units of college work. This course work requirement must be fulfilled in a curriculum accepted toward the degree by a college within the district (as shown in its catalog). It must include at least 18 semester or 27 quarter units in General Education and at least 18 semester or 27 quarter units in a major as prescribed in this section. Of the required units, at least 12 semester or 18 quarter units must be completed in residence at the college granting the degree. Exceptions to residence requirements for the Associate Degree may be made by the governing board when it determines that an injustice or undue hardship would be placed on the student.

(a) Major Requirements. At least 18 semester or 27 quarter units of study taken in a single discipline or related disciplines, as listed in the Community Colleges "Taxonomy of Programs," shall be required.

(b) General Education Requirements.

(1) Students receiving an Associate Degree shall complete a minimum of 18 semester or 27 quarter units of general education, including a minimum of three semester or four quarter units in each of the areas (A), (B) and (C) and the same minimum in each part of (D). The remainder of the unit requirement is also to be selected from among these four divisions of learning or as determined by local option:

(A) Natural Sciences. Courses in the natural sciences are those which examine the physical universe, its life forms, and its natural phenomena. To satisfy the General Education Requirement in natural sciences, a course shall be designed to help the student develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities. This category would include introductory or integrative courses in astronomy, biology, chemistry, general physical science, geology, meteorology, oceanography, physical geography, physical anthropology, physics and other scientific disciplines.

(B) Social and Behavioral Sciences. Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the general education requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the method of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. This category would include introductory or integrative survey courses in cultural anthropology, cultural geography, economics, history, political science, psychology, sociology and related disciplines.

(C) Humanities. Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the general education requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Such courses could include introductory or integrative courses in the arts, foreign languages, literature, philosophy, and religion.

(D) Language and Rationality. Courses in language and rationality are those which develop for the student the principles and applications of language toward logical thought, clear and precise expression and critical evaluation of communication in whatever symbol system the student uses.

1. English Composition. Courses fulfilling the written composition requirement shall be designed to include both expository and argumentative writing.

2. Communication and Analytical Thinking. Courses fulfilling the communication and analytical thinking requirement include oral communication, mathematics, logic, statistics, computer languages and programming, and related disciplines.

(2) While a course might satisfy more than one general education requirement, it may not be counted more than once for these purposes. A course may be used to satisfy both a general education requirement and a major requirement. Whether it may be counted again for a different degree requirement is a matter for each college to determine. Students may use the same course to meet a general education requirement for the Associate Degree and to partially satisfy a general education requirement at the California State University, if such course is eligible under the provisions of Section 40405 of this title.

(3) Ethnic Studies will be offered in at least one of the required areas.

(c) The provisions of this section shall be applicable to all students who enter a community college on or after July 1, 1983, provided that a governing board may specify an earlier implementation date pursuant to subsection (b) of Section 55810.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

HISTORY:

1. Editorial correction of subsection (b) (1) (A) filed 7-19-83; designated effective 8-12-83 (Register 83, No. 29).

55807. Conversion to Credit.

Upon student petition to and certification by a local board of trustees of credit-level achievement and prescribed academic rigor, and evidence of prescribed competence as approved by the faculty, noncredit courses may count toward associate degrees.

NOTE: Authority cited: Sections 71020, 71027 and 78405, Education Code. Reference: Sections 66701, 78200, 78201 and 78405, Education Code.

55808. Certificate of Achievement.

The governing board of a community college district shall issue a certificate of achievement to any student whom the governing board determines has completed successfully any course of study or curriculum for which a certificate of achievement is offered.

NOTE: Authority cited: Sections 66700, 71020 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

55809. Duty to Grant Diploma.

The governing board of a community college district shall award the appropriate diploma, degree or certificate whenever a student has completed all requirements for the degree, diploma or certificate without regard to the length of time actually taken by the student to complete such requirements. The governing board shall grant to any student, who has satisfactorily completed the requirements of any course of study in less than the prescribed time, credit for the full number of semester hours scheduled for such course.

NOTE: Authority cited: Sections 66700, 71020 and 71066, Education Code. Reference: Sections 71066 and 72285, Education Code.

55810. Implementation by Governing Boards.

(a) The governing board of a community college district shall adopt necessary policies and procedures to implement the transition between degree requirements applicable until July 1, 1983 (Sections 55802 and 55803) and requirements applicable on or after July 1, 1983 (Sections 55805 and 55806).

(b) The governing board of a community college may implement Sections 55805 and 55806 prior to July 1, 1983, provided that it develops the necessary policies and procedures to implement the transition and notifies the Chancellor as to when the implementation will commence.

NOTE: Authority cited: Sections 66700, 71022 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

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

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

NOTE: Authority cited: Sections 66700, 71022 and 71066, Education Code. Reference: Sections 66701, 71066 and 72265, Education Code.

55805.5. Types of Courses Appropriate to the Associate Degree.

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

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

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

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

(d) All mathematics courses above and including Elementary Algebra.

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

NOTE: Authority cited: Sections 66700, 71020 and 71066, Education Code. Reference: Sections 66701, 71066 and 72265, Education Code.

HISTORY:

1. New section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).

55806. Minimum Requirements for the Associate Degree (Applicable July 1, 1983).

The governing board of a community college district shall confer the degree of Associate in Arts or Associate in Science upon a student who has demonstrated competence in reading, in written expression, and in mathematics, and who has satisfactorily completed at least 60 semester units or 90 quarter units of college work. This course work requirement must be fulfilled in a curriculum accepted toward the degree by a college within the district (as shown in its catalog). It must include at least 18 semester or 27 quarter units in General Education and at least 18 semester or 27 quarter units in a major as prescribed in this section. Of the required units, at least 12 semester or 18 quarter units must be completed in residence at the college granting the degree. Exceptions to residence requirements for the Associate Degree may be made by the governing board when it determines that an injustice or undue hardship would be placed on the student.

(a) Major Requirements. At least 18 semester or 27 quarter units of study taken in a single discipline or related disciplines, as listed in the Community Colleges "Taxonomy of Programs," shall be required.

(b) General Education Requirements.

(1) Students receiving an Associate Degree shall complete a minimum of 18 semester or 27 quarter units of general education, including a minimum of three semester or four quarter units in each of the areas (A), (B) and (C) and the same minimum in each part of (D). The remainder of the unit requirement is also to be selected from among these four divisions of learning or as determined by local option:

(A) Natural Sciences. Courses in the natural sciences are those which examine the physical universe, its life forms, and its natural phenomena. To satisfy the General Education Requirement in natural sciences, a course shall be designed to help the student develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities. This category would include introductory or integrative courses in astronomy, biology, chemistry, general physical science, geology, meteorology, oceanography, physical geography, physical anthropology, physics and other scientific disciplines.

(B) Social and Behavioral Sciences. Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the general education requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the method of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. This category would include introductory or integrative survey courses in cultural anthropology, cultural geography, economics, history, political science, psychology, sociology and related disciplines.

(C) Humanities. Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the general education requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Such courses could include introductory or integrative courses in the arts, foreign languages, literature, philosophy, and religion.

(D) Language and Rationality. Courses in language and rationality are those which develop for the student the principles and applications of language toward logical thought, clear and precise expression and critical evaluation of communication in whatever symbol system the student uses.

1. English Composition. Courses fulfilling the written composition requirement shall be designed to include both expository and argumentative writing.

2. Communication and Analytical Thinking. Courses fulfilling the communication and analytical thinking requirement include oral communication, mathematics, logic, statistics, computer languages and programming, and related disciplines.

(2) While a course might satisfy more than one general education requirement, it may not be counted more than once for these purposes. A course may be used to satisfy both a general education requirement and a major requirement. Whether it may be counted again for a different degree requirement is a matter for each college to determine. Students may use the same course to meet a general education requirement for the Associate Degree and to partially

satisfy a general education requirement at the California State University, if such course is eligible under the provisions of Section 40405 of this title.

(3) Ethnic Studies will be offered in at least one of the required areas.

(c) The provisions of this section shall be applicable to all students who enter a community college on or after July 1, 1983, provided that a governing board may specify an earlier implementation date pursuant to subsection (b) of Section 55810.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

HISTORY:

1. Editorial correction of subsection (b) (1) (A) filed 7-19-83; designated effective 8-12-83 (Register 83, No. 29).

55807. Conversion to Credit.

Upon student petition to and certification by a local board of trustees of credit-level achievement and prescribed academic rigor, and evidence of prescribed competence as approved by the faculty, noncredit courses may count toward associate degrees.

NOTE: Authority cited: Sections 71020, 71027 and 78405, Education Code. Reference: Sections 66701, 78200, 78201 and 78405, Education Code.

55808. Certificate of Achievement.

The governing board of a community college district shall issue a certificate of achievement to any student whom the governing board determines has completed successfully any course of study or curriculum for which a certificate of achievement is offered.

NOTE: Authority cited: Sections 66700, 71020 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

55809. Duty to Grant Diploma.

The governing board of a community college district shall award the appropriate diploma, degree or certificate whenever a student has completed all requirements for the degree, diploma or certificate without regard to the length of time actually taken by the student to complete such requirements. The governing board shall grant to any student, who has satisfactorily completed the requirements of any course of study in less than the prescribed time, credit for the full number of semester hours scheduled for such course.

NOTE: Authority cited: Sections 66700, 71020 and 71066, Education Code. Reference: Sections 71066 and 72285, Education Code.

55810. Implementation by Governing Boards.

(a) The governing board of a community college district shall adopt necessary policies and procedures to implement the transition between degree requirements applicable until July 1, 1983 (Sections 55802 and 55803) and requirements applicable on or after July 1, 1983 (Sections 55805 and 55806).

(b) The governing board of a community college may implement Sections 55805 and 55806 prior to July 1, 1983, provided that it develops the necessary policies and procedures to implement the transition and notifies the Chancellor as to when the implementation will commence.

NOTE: Authority cited: Sections 66700, 71022 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

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4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income if the business entity or source of income provides education, training, or experience to persons toward attaining a valid credential for employment as an instructor, supervisor, chief administrative officer, librarian, counselor, supervisor of health, student personnel worker, or other similar position within a Community College district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations affirming and fixing the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in chapter 9 (commencing with section 55750) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in chapter 10 (commencing with section 55800) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district 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 1 (commencing with section 58100) of chapter 2, division 9 of title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by section 53004 of this part;

(d) Undertake a program of recruitment as required by section 53021 of this part; and

(c) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 o. the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 76624, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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.

(d) The provisions of this section shall be applicable to all students in attendance prior to July 1, 1983, unless provided otherwise by governing board policy adopted pursuant to subsection (b) of section 55810.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55803. Associate in Science Degree (Applicable Until July 1, 1983).

The governing board of a community college district may confer the degree of associate in science upon a student who in grades 13 and 14 has completed satisfactorily a minimum of 60 semester hours of work, which shall satisfy all the requirements for an associate in arts degree and shall

clude a major of at least 18 semester hours in the fields of engineering, physical and biological sciences, or occupational curriculum.

The provisions of this section shall be applicable to all students in attendance prior to July 1, 1983, unless provided otherwise by governing board policy adopted pursuant to subsection (b) of section 55810.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55805. Philosophy and Criteria for Associate Degree and General Education.

(a) The governing board of a community college district shall adopt policy which states its specific philosophy on General Education. In developing this policy governing boards shall consider the following policy of the Board of Governors:

The awarding of an Associate Degree is intended to represent more than an accumulation of units. It is to symbolize a successful attempt on the part of the college to lead students through patterns of learning experiences designed to develop certain capabilities and insights. Among these are the ability to think and to communicate clearly and effectively both orally and in writing; to use mathematics; to understand the modes of inquiry of the major disciplines; to be aware of other cultures and times; to achieve insights gained through experience in thinking about ethical problems; and to develop the capacity for self-understanding. In addition to these accomplishments, the student shall possess sufficient depth in some field of knowledge to contribute to lifetime interest.

Central to an Associate Degree, General Education is designed to introduce students to the variety of means through which people comprehend the modern world. It reflects the conviction of colleges that those who receive their degrees must possess in common certain basic principles, concepts and methodologies both unique to and shared by the various disciplines. College educated persons must be able to use this knowledge when evaluating and appreciating the physical environment, the culture, and the society in which they live. Most importantly, General Education should lead to better self-understanding.

In establishing or modifying a general education program, ways shall be sought to create coherence and integration among the separate requirements. It is also desirable that general education programs involve students actively in examining values inherent in proposed solutions to major social problems.

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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

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

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

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

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

(d) All mathematics courses above and including Elementary Algebra.

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

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

HISTORY

1. New section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55806. Minimum Requirements for the Associate Degree (Applicable July 1, 1983).

The governing board of a community college district shall confer the degree of Associate in Arts or Associate in Science upon a student who has demonstrated competence in reading, in written expression, and in mathematics, and who has satisfactorily completed at least 60 semester units or 90 quarter units of college work. This course work requirement must be fulfilled in a curriculum accepted toward the degree by a college within the district (as shown in its catalog). It must include at least 18 semester or 27 quarter units in General Education and at least 18 semester or 27 quarter units in a major as prescribed in this section. Of the required units, at least 12 semester or 18 quarter units must be completed in residence at the college granting the degree. Exceptions to residence requirements for the Associate Degree may be made by the governing board when it determines that an injustice or undue hardship would be placed on the student.

(a) Major Requirements. At least 18 semester or 27 quarter units of study taken in a single discipline or related disciplines, as listed in the Community Colleges "Taxonomy of Programs," shall be required.

(b) General Education Requirements.

(1) Students receiving an Associate Degree shall complete a minimum of 18 semester or 27 quarter units of general education, including a minimum of three semester or four quarter units in each of the areas (A), (B) and (C) and the same minimum in each part of (D). The remainder of the unit requirement is also to be selected from among these four divisions of learning or as determined by local option:

(A) Natural Sciences. Courses in the natural sciences are those which examine the physical universe, its life forms, and its natural phenomena. To satisfy the General Education Requirement in natural sciences, a course shall be designed to help the student develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities. This category would include introductory or integrative courses in astronomy, biology, chemistry, general physical science, geology, meteorology, oceanography, physical geography, physical anthropology, physics and other scientific disciplines.

(B) Social and Behavioral Sciences. Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the general education requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the method of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. This category would include introductory or integrative survey courses in cultural anthropology, cultural geography, economics, history, political science, psychology, sociology and related disciplines.

(C) Humanities. Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the general education requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to them-

selves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Such courses could include introductory or integrative courses in the arts, foreign languages, literature, philosophy, and religion.

(D) Language and Rationality. Courses in language and rationality are those which develop for the student the principles and applications of language toward logical thought, clear and precise expression and critical evaluation of communication in whatever symbol system the student uses.

1. English Composition. Courses fulfilling the written composition requirement shall be designed to include both expository and argumentative writing.

2. Communication and Analytical Thinking. Courses fulfilling the communication and analytical thinking requirement include oral communication, mathematics, logic, statistics, computer languages and programming, and related disciplines.

(2) While a course might satisfy more than one general education requirement, it may not be counted more than once for these purposes. A course may be used to satisfy both a general education requirement and a major requirement. Whether it may be counted again for a different degree requirement is a matter for each college to determine. Students may use the same course to meet a general education requirement for the Associate Degree and to partially satisfy a general education requirement at the California State University, if such course is eligible under the provisions of section 40405 of this title.

(3) Ethnic Studies will be offered in at least one of the required areas.

(c) The provisions of this section shall be applicable to all students who enter a community college on or after July 1, 1983, provided that a governing board may specify an earlier implementation date pursuant to subsection (b) of Section 55810.

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

HISTORY

1. Editorial correction of subsection (b)(1)(A) filed 7-19-83; designated effective 8-12-83 (Register 83, No. 29).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55807. Conversion to Credit.

Upon student petition to and certification by a governing board of credit-level achievement and prescribed academic rigor, and evidence of prescribed competence as approved by the faculty, noncredit courses may count toward associate degrees.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 78405, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55808. Certificate of Achievement.

The governing board of a community college district shall issue a certificate of achievement to any student whom the governing board determines has completed successfully any course of study or curriculum for which a certificate of achievement is offered.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55809. Duty to Grant Diploma.

The governing board of a community college district shall award the appropriate diploma, degree or certificate whenever a student has completed all requirements for the degree, diploma or certificate without regard to the length of time actually taken by the student to complete such requirements. The governing board shall grant to any student, who has satisfactorily completed the requirements of any course of study in less than the prescribed time, credit for the full number of semester hours scheduled for such course.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55810. Implementation by Governing Boards.

(a) The governing board of a community college district shall adopt necessary policies and procedures to implement the transition between degree requirements applicable until July 1, 1983 (sections 55802 and 55803) and requirements applicable on or after July 1, 1983 (sections 55805 and 55806).

(b) The governing board of a community college may implement sections 55805 and 55806 prior to July 1, 1983, provided that it develops the necessary policies and procedures to implement the transition and notifies the Chancellor as to when the implementation will commence.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 11. New Colleges and Education Centers

§ 55825. Responsibilities of District Governing Boards.

The governing board of a community college district planning the formation of a new college or educational center as defined in section 51827 shall employ and comply with the standards contained in sections 51829, 51830 and 51831 of this chapter.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, Education Code.

HISTORY

1. New chapter 11 (sections 55825-55831, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55827. Definitions.

(a) College. As used in this chapter, "college" means a degree-granting institution intended to provide instruction through the second year of college, including but not limited to one or more of the following categories:

(1) standard collegiate courses for transfer to higher institutions;

(2) vocational and technical fields leading to employment; or

(3) general or liberal arts courses and for which institution the district intends to obtain accreditation.

(b) Education Center. As used in this chapter, "educational center" means a postsecondary operation established and administered by an existing college or district at a location away from the campus of the parent institution. An educational center is an operation planned to continue for three or more years and expected to enroll over 500 ADA by the third year of operation. The center typically has an on-site administrator and may offer programs leading to certificates and/or degrees conferred by the parent institution.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55828. Responsibilities of the Chancellor's Office, Community College Districts and the Board of Governors.

(a) The Chancellor's Office shall maintain an inventory of all off-campus programs and facilities in the community colleges. This inventory shall be updated annually, and shall be distributed to each community

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§ 55806

§ 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 of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in NOTE (Register 91, No. 43).

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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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.

(d) The provisions of this section shall be applicable to all students in attendance prior to July 1, 1983, unless provided otherwise by governing board policy adopted pursuant to subsection (b) of section 55810.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55803. Associate in Science Degree (Applicable Until July 1, 1983).

The governing board of a community college district may confer the degree of associate in science upon a student who in grades 13 and 14 has completed satisfactorily a minimum of 60 semester hours of work, which shall satisfy all the requirements for an associate in arts degree and shall include a major of at least 18 semester hours in the fields of engineering, physical and biological sciences, or occupational curriculum.

The provisions of this section shall be applicable to all students in attendance prior to July 1, 1983, unless provided otherwise by governing board policy adopted pursuant to subsection (b) of section 55810.

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

HISTORY

Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55805. Philosophy and Criteria for Associate Degree and General Education.

(a) The governing board of a community college district shall adopt policy which states its specific philosophy on General Education. In developing this policy governing boards shall consider the following policy of the Board of Governors:

The awarding of an Associate Degree is intended to represent more than an accumulation of units. It is to symbolize a successful attempt on the part of the college to lead students through patterns of learning experiences designed to develop certain capabilities and insights. Among these are the ability to think and to communicate clearly and effectively both orally and in writing; to use mathematics; to understand the modes of inquiry of the major disciplines; to be aware of other cultures and times; to achieve insights gained through experience in thinking about ethical problems; and to develop the capacity for self-understanding. In addition to these accomplishments, the student shall possess sufficient depth in some field of knowledge to contribute to lifetime interest.

Central to an Associate Degree, General Education is designed to introduce students to the variety of means through which people comprehend the modern world. It reflects the conviction of colleges that those who receive their degrees must possess in common certain basic principles, concepts and methodologies both unique to and shared by the various disciplines. College educated persons must be able to use this knowledge when evaluating and appreciating the physical environment, the culture, and the society in which they live. Most importantly, General Education should lead to better self-understanding.

In establishing or modifying a general education program, ways shall be sought to create coherence and integration among the separate requirements. It is also desirable that general education programs involve students actively in examining values inherent in proposed solutions to major social problems.

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

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

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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

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

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

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

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

(d) All mathematics courses above and including Elementary Algebra.

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

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

HISTORY

1. New section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55806. Minimum Requirements for the Associate Degree (Applicable July 1, 1983).

The governing board of a community college district shall confer the degree of Associate in Arts or Associate in Science upon a student who has demonstrated competence in reading, in written expression, and in mathematics, and who has satisfactorily completed at least 60 semester units or 90 quarter units of college work. This course work requirement must be fulfilled in a curriculum accepted toward the degree by a college within the district (as shown in its catalog). It must include at least 18 semester or 27 quarter units in General Education and at least 18 semester or 27 quarter units in a major as prescribed in this section. Of the required units, at least 12 semester or 18 quarter units must be completed in residence at the college granting the degree. Exceptions to residence requirements for the Associate Degree may be made by the governing board when it determines that an injustice or undue hardship would be placed on the student.

(a) Major Requirements. At least 18 semester or 27 quarter units of study taken in a single discipline or related disciplines, as listed in the Community Colleges "Taxonomy of Programs," shall be required.

(b) General Education Requirements.

(1) Students receiving an Associate Degree shall complete a minimum of 18 semester or 27 quarter units of general education, including a minimum of three semester or four quarter units in each of the areas (A), (B) and (C) and the same minimum in each part of (D). The remainder of the unit requirement is also to be selected from among these four divisions of learning or as determined by local option:

(A) Natural Sciences. Courses in the natural sciences are those which examine the physical universe, its life forms, and its natural phenomena. To satisfy the General Education Requirement in natural sciences, a course shall be designed to help the student develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities. This category would include introductory or integrative courses in astronomy, biology, chemistry, general physical science, geology, meteorology, oceanography, physical geography, physical anthropology, physics and other scientific disciplines.

(B) Social and Behavioral Sciences. Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the general education requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the method of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. This category would include introductory or integrative survey courses in cultural anthropology, cultural geography, economics, history, political science, psychology, sociology and related disciplines.

(C) Humanities. Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the general education requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Such courses could include introductory or integrative courses in the arts, foreign languages, literature, philosophy, and religion.

(D) Language and Rationality. Courses in language and rationality are those which develop for the student the principles and applications of language toward logical thought, clear and precise expression and critical

evaluation of communication in whatever symbol system the student uses.

1. English Composition. Courses fulfilling the written composition requirement shall be designed to include both expository and argumentative writing.

2. Communication and Analytical Thinking. Courses fulfilling the communication and analytical thinking requirement include oral communication, mathematics, logic, statistics, computer languages and programming, and related disciplines.

(2) While a course might satisfy more than one general education requirement, it may not be counted more than once for these purposes. A course may be used to satisfy both a general education requirement and a major requirement. Whether it may be counted again for a different degree requirement is a matter for each college to determine. Students may use the same course to meet a general education requirement for the Associate Degree and to partially satisfy a general education requirement at the California State University, if such course is eligible under the provisions of section 40405 of this title.

(3) Ethnic Studies will be offered in at least one of the required areas.

(c) The provisions of this section shall be applicable to all students who enter a community college on or after July 1, 1983, provided that a governing board may specify an earlier implementation date pursuant to subsection (b) of Section 55810.

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

HISTORY

1. Editorial correction of subsection (b)(1)(A) filed 7-19-83; designated effective 8-12-83 (Register 83, No. 29).
2. New section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).
3. Amendment of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
4. Editorial correction of printing error in NOTE (Register 91, No. 43).

§ 55807. Conversion to Credit.

Upon student petition to and certification by a governing board of credit-level achievement and prescribed academic rigor, and evidence of prescribed competence as approved by the faculty, noncredit courses may count toward associate degrees.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 78405, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55808. Certificate of Achievement.

The governing board of a community college district shall issue a certificate of achievement to any student whom the governing board determines has completed successfully any course of study or curriculum for which a certificate of achievement is offered.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55809. Duty to Grant Diploma.

The governing board of a community college district shall award the appropriate diploma, degree or certificate whenever a student has completed all requirements for the degree, diploma or certificate without regard to the length of time actually taken by the student to complete such requirements. The governing board shall grant to any student, who has satisfactorily completed the requirements of any course of study in less than the prescribed time, credit for the full number of semester hours scheduled for such course.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55810. Implementation by Governing Boards.

(a) The governing board of a community college district shall adopt necessary policies and procedures to implement the transition between degree requirements applicable until July 1, 1983 (sections 55802 and 55803) and requirements applicable on or after July 1, 1983 (sections 55805 and 55806).

(b) The governing board of a community college may implement sections 55805 and 55806 prior to July 1, 1983, provided that it develops the necessary policies and procedures to implement the transition and notifies the Chancellor as to when the implementation will commence.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 11. New Colleges and Education Centers

§ 55825. Responsibilities of District Governing Boards.

The governing board of a community college district planning the formation of a new college or educational center as defined in section 55827 shall employ and comply with the standards contained in sections 55829, 55830 and 55831 of this chapter.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, Education Code.

HISTORY

1. New chapter 11 (sections 55825-55831, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).
2. Amendment of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
3. Editorial correction of printing error (Register 91, No. 43).

§ 55827. Definitions.

(a) College. As used in this chapter, "college" means a degree-granting institution intended to provide instruction through the second year of college, including but not limited to one or more of the following categories:

(1) standard collegiate courses for transfer to higher institutions;

(2) vocational and technical fields leading to employment; or

(3) general or liberal arts courses and for which institution the district intends to obtain accreditation.

(b) Education Center. As used in this chapter, "educational center" means a postsecondary operation established and administered by an existing college or district at a location away from the campus of the parent institution. An educational center is an operation planned to continue for three or more years and expected to enroll over 500 ADA by the third year of operation. The center typically has an on-site administrator and may offer programs leading to certificates and/or degrees conferred by the parent institution.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55828. Responsibilities of the Chancellor's Office, Community College Districts and the Board of Governors.

(a) The Chancellor's Office shall maintain an inventory of all off-campus programs and facilities in the community colleges. This inventory shall be updated annually, and shall be distributed to each community college district and the Postsecondary Education Commission for use in planning activities.

(b) The Chancellor's Office shall develop procedures to identify and review plans for new colleges and new educational centers within the district's Five-Year Academic and Capital Outlay Master Plans.

Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

History

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

History

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

History

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

History

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

History

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 standards of scholarship.

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

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51010. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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. 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

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

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each

Senior Accounting Officers (Specialists) 3
Accounting Officers (Specialists) 3
Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

History

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

History

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

History

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

History

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

History

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
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 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. 15).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 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. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, 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 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).

§ 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 the formation of a new college or educational center shall obtain approval for such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

§ 55800
§ 55800.5
§ 55801
§ 55802
§ 55803
§ 55805
§ 55805.5
§ 55806
§ 55807
§ 55808
§ 55809
§ 55810

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.

(d) The provisions of this section shall be applicable to all students in attendance prior to July 1, 1983, unless provided otherwise by governing board policy adopted pursuant to subsection (b) of section 55810.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701 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. 22).

§ 55803. Associate in Science Degree (Applicable Until July 1, 1983).

The governing board of a community college district may confer the degree of associate in science upon a student who in grades 13 and 14 has completed satisfactorily a minimum of 60 semester hours of work, which shall satisfy all the requirements for an associate in arts degree and shall include a major of at least 18 semester hours in the fields of engineering, physical and biological sciences, or occupational curriculum.

The provisions of this section shall be applicable to all students in attendance prior to July 1, 1983, unless provided otherwise by governing board policy adopted pursuant to subsection (b) of section 55810.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701 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. 22).

§ 55805. Philosophy and Criteria for Associate Degree and General Education.

(a) The governing board of a community college district shall adopt policy which states its specific philosophy on General Education. In developing this policy governing boards shall consider the following policy of the Board of Governors:

The awarding of an Associate Degree is intended to represent more than an accumulation of units. It is to symbolize a successful attempt on the part of the college to lead students through patterns of learning experiences designed to develop certain capabilities and insights. Among these are the ability to think and to communicate clearly and effectively both orally and in writing; to use mathematics; to understand the modes of inquiry of the major disciplines; to be aware of other cultures and times; to achieve insights gained through experience in thinking about ethical problems; and to develop the capacity for self-understanding. In addition to these accomplishments, the student shall possess sufficient depth in some field of knowledge to contribute to lifetime interest.

Central to an Associate Degree, General Education is designed to introduce students to the variety of means through which people comprehend the modern world. It reflects the conviction of colleges that those who receive their degrees must possess in common certain basic principles, concepts and methodologies both unique to and shared by the various disciplines. College educated persons must be able to use this knowledge when evaluating and appreciating the physical environment, the culture, and the society in which they live. Most importantly, General Education should lead to better self-understanding.

In establishing or modifying a general education program, ways shall be sought to create coherence and integration among the separate requirements. It is also desirable that general education programs involve students actively in examining values inherent in proposed solutions to major social problems.

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

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

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

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).

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

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

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

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

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

(d) All mathematics courses above and including Elementary Algebra.

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

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

HISTORY

1. New section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).
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).

§ 55806. Minimum Requirements for the Associate Degree (Applicable July 1, 1983).

The governing board of a community college district shall confer the degree of Associate in Arts or Associate in Science upon a student who has demonstrated competence in reading, in written expression, and in mathematics, and who has satisfactorily completed at least 60 semester units or 90 quarter units of college work. This course work requirement must be fulfilled in a curriculum accepted toward the degree by a college within the district (as shown in its catalog). It must include at least 18 semester or 27 quarter units in General Education and at least 18 semester or 27 quarter units in a major as prescribed in this section. Of the required units, at least 12 semester or 18 quarter units must be completed in residence at the college granting the degree. Exceptions to residence requirements for the Associate Degree may be made by the governing board when it determines that an injustice or undue hardship would be placed on the student.

(a) Major Requirements. At least 18 semester or 27 quarter units of study taken in a single discipline or related disciplines, as listed in the Community Colleges "Taxonomy of Programs," shall be required.

(b) General Education Requirements.

(1) Students receiving an Associate Degree shall complete a minimum of 18 semester or 27 quarter units of general education, including a minimum of three semester or four quarter units in each of the areas (A), (B) and (C) and the same minimum in each part of (D). The remainder of the unit requirement is also to be selected from among these four divisions of learning or as determined by local option:

(A) Natural Sciences. Courses in the natural sciences are those which examine the physical universe, its life forms, and its natural phenomena. To satisfy the General Education Requirement in natural sciences, a course shall be designed to help the student develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities. This

category would include introductory or integrative courses in astronomy, biology, chemistry, general physical science, geology, meteorology, oceanography, physical geography, physical anthropology, physics and other scientific disciplines.

(B) Social and Behavioral Sciences. Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the general education requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the method of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. This category would include introductory or integrative survey courses in cultural anthropology, cultural geography, economics, history, political science, psychology, sociology and related disciplines.

(C) Humanities. Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the general education requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Such courses could include introductory or integrative courses in the arts, foreign languages, literature, philosophy, and religion.

(D) Language and Rationality. Courses in language and rationality are those which develop for the student the principles and applications of language toward logical thought, clear and precise expression and critical evaluation of communication in whatever symbol system the student uses.

1. English Composition. Courses fulfilling the written composition requirement shall be designed to include both expository and argumentative writing.

2. Communication and Analytical Thinking. Courses fulfilling the communication and analytical thinking requirement include oral communication, mathematics, logic, statistics, computer languages and programming, and related disciplines.

(2) While a course might satisfy more than one general education requirement, it may not be counted more than once for these purposes. A course may be used to satisfy both a general education requirement and a major requirement. Whether it may be counted again for a different degree requirement is a matter for each college to determine. Students may use the same course to meet a general education requirement for the Associate Degree and to partially satisfy a general education requirement at the California State University, if such course is eligible under the provisions of section 40405 of this title.

(3) Ethnic Studies will be offered in at least one of the required areas.

(c) The provisions of this section shall be applicable to all students who enter a community college on or after July 1, 1983, provided that a governing board may specify an earlier implementation date pursuant to subsection (b) of Section 55810.

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

HISTORY

1. Editorial correction of subsection (b)(1)(A) filed 7-19-83; designated effective 8-12-83 (Register 83, No. 29).
2. New section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).
3. 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).
4. Editorial correction of printing error in NOTE (Register 91, No. 43).
5. Editorial correction of HISTORY 3 (Register 95, No. 22).

§ 55807. Conversion to Credit.

Upon student petition to and certification by a governing board of credit-level achievement and prescribed academic rigor, and evidence of prescribed competence as approved by the faculty, noncredit courses may count toward associate degrees.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 78405, 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).

§ 55808. Certificate of Achievement.

The governing board of a community college district shall issue a certificate of achievement to any student whom the governing board determines has completed successfully any course of study or curriculum for which a certificate of achievement is offered.

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

§ 55809. Duty to Grant Diploma.

The governing board of a community college district shall award the appropriate diploma, degree or certificate whenever a student has completed all requirements for the degree, diploma or certificate without regard to the length of time actually taken by the student to complete such requirements. The governing board shall grant to any student, who has satisfactorily completed the requirements of any course of study in less than the prescribed time, credit for the full number of semester hours scheduled for such course.

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).

§ 55810. Implementation by Governing Boards.

(a) The governing board of a community college district shall adopt necessary policies and procedures to implement the transition between degree requirements applicable until July 1, 1983 (sections 55802 and 55803) and requirements applicable on or after July 1, 1983 (sections 55805 and 55806).

(b) The governing board of a community college may implement sections 55805 and 55806 prior to July 1, 1983, provided that it develops the necessary policies and procedures to implement the transition and notifies the Chancellor as to when the implementation will commence.

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

Subchapter 11. New Colleges and Education Centers

§ 55825. Responsibilities of District Governing Boards.

The governing board of a community college district planning the formation of a new college or educational center as defined in section 55827 shall employ and comply with the standards contained in sections 55829, 55830 and 55831 of this chapter.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, Education Code.

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part 03. Open Courses

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Register 72-01 New Division 9, Subchapter 2, Article 1 (§§ 58100 - 58110).

Register 81-52 Repealer of Division 9, Subchapter 2, Article 1 (§§ 58100 - 58110).

Register 82-31 New Division 9, Subchapter 2, Article 1 (§§ 58100 - 58110).

Register 83-29 Repealer of Chapter 1 (section 51000) and new Chapter 1 (sections 51000-51021, not consecutive).

Register 90-37 § 58106: Repealer and new section filed by the Board of Governors, California Community Colleges, with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

Register 90-41 § 58106: Editorial correction of printing error inadvertently omitting text.

Register 91-23 § 51006: Amendment of section filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to

1 Education Code Section 70901.5(b).

2 § 58107: New section filed by Board of Governors of California

3 Community Colleges with the Secretary of State.

4 Submitted to OAL for printing only pursuant to

5 Education Code Section 70901.5(b).

6 **Register 92-15** § 58100: Section repealed.

7 § 58110: Section repealed.

8 **Register 93-25** § 58102: Amendment of NOTE.

9 § 58104: Amendment of NOTE.

10 § 58108: Amendment of NOTE.

11 **Register 93-42**: § 58106: Repealer and new section; submitted to OAL for printing

12 only pursuant to Education Code Section 70901.5(b).

13 **Register 94-38** § 51006: Amendment of section; submitted to OAL for printing

14 only pursuant to Education Code Section 70901.5.

15 **Register 95-15** § 51006: Editorial correction of HISTORY 1.

16 **Register 95-23** § 58107: Editorial correction of HISTORY 1.

17 **Subsequent Registers**: There may be changes to the regulations after the date the

18 test claim was filed, which are not included.

Register 1972-01

§§ 58100 - 58110

CHAPTER 1. GENERAL PROVISIONS

58000. Continuing Education. Continuing education in Community Colleges is comprised of the following kinds of classes:

(a) Adult classes.

(b) Graded classes.

(c) Community service classes offered under the provisions of Article 12 (commencing with Section 6321) of Chapter 6, Division 6, of the Education Code.

(d) Contract classes.

NOTE: Authority cited for Division 9: Sections 197, 5708, 22650, Education Code.

History: 1. New Division 9, Chapters 1 through 4 (§§ 58000–58253, not consecutive) filed 12-29-71; effective thirtieth day thereafter (Register 72, No. 1).

58001. Function of Community Colleges. Continuing education is one of the major functions of the Community Colleges and should be fully supported, organized, and supervised.

CHAPTER 2. ADULT CLASSES

SUBCHAPTER 1. GENERAL PROVISIONS

58100. Credit. District boards of trustees may grant credit toward an associate of arts or sciences degree for an adult class provided that the class also meets the criteria and standards for graded classes as set forth in Sections 55001 and 55002 of this title.

58101. Definitions. For purposes of this chapter the following definitions are adopted:

(a) "District" means a Community College district.

(b) "Adult class" means an ungraded course which has been designed primarily to meet the special needs of adult students and determined to be an adult class by the governing board of the district.

58102. Payment for Attendance. For the purposes of Section 5753 of the Education Code, state support may not be claimed for students attending an adult class (except classes in hospitals for military personnel) who are paid by their employers while in attendance when all the following conditions exist:

(a) Class membership consists of persons regularly employed by one company, concern, or agency public or private.

(b) The class is conducted on other than school premises.

(c) The class is conducted during the hours of paid employment of class members.

SUBCHAPTER 2. STANDARDS FOR CONTINUING EDUCATION CENTERS

58110. Standards Defined. In addition to the requirements established elsewhere in the law for the conduct of adult classes, continuing education centers must meet the requirements set forth in this article.

58111. Standards for Continuing Education Centers. Continuing education centers may be defined as adult schools under the provisions of Education Code Sections 5701 and 5716.

58112. Program of Studies. Each continuing education center shall establish a program of studies based upon the educational needs of persons eligible for admission.

58116. Personnel. District boards of trustees shall make a sufficient assignment of properly credentialed personnel for instruction, administration, supervision, evaluation, curriculum development, and guidance and counseling in the continuing education center.

SUBCHAPTER 3. STANDARDS FOR ADULT CLASSES

58120. Approval. The district shall file an application with the Chancellor for the approval of each adult class not part of the educational program (Administrative Code, Title 5, Sections 55130–55144) for which it desires state support.

58121. Requirements. Adult classes shall meet the following criteria in order to be approved:

(a) The class is designed to meet educational needs and capabilities of adults.

(b) The class is conducted in accordance with a course outline. Adult classes may require prerequisites before a student can enroll. Adult classes need not be a part of an organized sequence of classes.

58122. Non State-Supported Classes. Attendance in the following adult classes shall not qualify for state support:

(a) Recreational physical education, which is an activity program organized primarily for adult participation as a recreational outlet and includes all classes organized primarily for participation in sports and games.

(b) Recreational dancing.

(c) Military subjects, if the class is offered only to military personnel and conducted on military establishments.

(d) Classes for which the district receives compensation from any public or private agency, individual, or group of individuals, except fees authorized by Section 5757 of the Education Code and apportionments from the state and federal government.

(e) Classes which are not open to the general public.

58123. Vocational Training for Military Personnel. Vocational training adult classes provided to military personnel on a military establishment shall not duplicate any military training received by the students in that field.

58124. Summer Adult Classes. Adult classes offered between the close of one academic year and the beginning of the next academic year shall meet the same standards and are subject to the same rules and regulations as those offered during the academic year.

58125. Enrollment. The district board of trustees may establish the regular enrollment procedures for adult classes of the Community College.

58126. Course Outlines. Course outlines in all subjects offered in adult classes shall be on file in the Community College offering the courses.

58127. Governing Law. Continuing education centers and classes shall be governed by, and operated in accordance with, the provisions of Chapter 5.5 (commencing with Section 5701) of Division 6 of the Education Code.

SUBCHAPTER 4. SPECIAL ADULT CLASSES

Article 1. General Provisions

58130. Applicability of Other Provisions. Each adult class which is a physical education, crafts, forum series or lecture series class shall be conducted in accordance with the requirements of Subchapter 3 (commencing with Section 58120) of this chapter as well as the requirements of the appropriate article in this subchapter.

58131. Approval. In considering an application for approval of an adult class which is a physical education, crafts, forum series or lecture series class, the Chancellor shall evaluate the class on the basis of the provisions of the appropriate article of this subchapter in addition to the requirements set forth in Subchapter 3 (commencing with Section 58120 of this chapter). These classes and forum or lecture series shall be approved by the Chancellor prior to their first meeting in order for attendance in these sessions to receive credit for purposes of state support.

Article 2. Physical Education Classes

58135. Permitted Classes. Community College adult classes in physical education shall include only those organized primarily for instruction and which are planned to:

(a) Develop individual and public safety through swimming and life saving.

(b) Develop leaders in physical and recreational education.

(c) Provide education for improved posture, efficient body movement, and physical conditioning.

58136. Application for Approval. All applications for approval of physical education adult classes shall be accompanied by evidence that the class is instructional and shall include the following information:

(a) Purpose of course
(b) Instructional units (in detail)
(c) Hours planned for each unit
(d) Methods and procedures used

Article 3. Craft Classes

58140. Application. In the application for approval of adult courses in crafts, including leather, clay, plastic, metals, and needle craft, there shall be a statement stipulating maximum number of course hours to be allowed for each student to complete the courses in this field.

58141. Maximum Hours. The maximum number of hours allowed for completion of adult crafts classes shall be approved by the Chancellor.

Article 4. Forum Series

58150. Definition. A "forum series" as used in this article is an adult class which provides for free discussion of public affairs under qualified leadership.

58151. Discussion Subject. The subject for discussion at any class session may be presented by the regular forum leader or other qualified persons. In either case the forum leader shall be responsible for leadership and guidance of discussion.

58152. Credentialed Personnel. Each forum series shall be conducted under the immediate supervision and direction of an employee of the community college district who holds a credential.

58153. Active Participation. A forum series shall be conducted in such a manner as to provide opportunity for active participation in discussion by the members. Enrollment in a forum series shall be limited to insure such participation.

58154. Minimum Sessions. Each forum series shall comprise at least four class sessions relating to the same general topic unless a fewer number of sessions has previously been approved by the Chancellor. Not more than one session in the same forum series shall be held the same day.

A class session may be repeated for different groups of students as many times in a single day or on different days as the governing board may determine.

58155. Limitation of Attendance. The number of persons attending each class session of a forum series shall be limited to a number which will permit effective participation in discussion.

Article 5. Lecture Series

58160. Definition. A "lecture series" is an adult class concerned with regulated subjects of educational value excluding those in public affairs.

58161. Credential. A lecturer shall hold a California credential authorizing teaching service for the level and subject in which he is lecturing if he lectures more than four times in a semester or quarter, whichever system is used at the particular Community College.

58162. Minimum Sessions. Each lecture series shall comprise at least four class sessions related to the same general topic unless a fewer number of sessions has been approved previously by the Chancellor. No more than one session in the same lecture series shall be held on the same day.

A class session may be repeated for different groups of students as many times in a single day or on different days as the governing board may determine.

SUBCHAPTER 5. ATTENDANCE AND APPORTIONMENTS

58185. State Support. State support shall be provided in accordance with the provisions of the Education Code on the basis of actual attendance, except as provided in this chapter.

58186. Records and Reports. Authorities of each Community College maintaining adult classes shall keep such current records and reports concerning their total activities as may be required by the Chancellor.

58187. Attendance. Attendance of persons not regularly enrolled in a class shall not be counted. A person is regularly enrolled only when his class enrollment has been entered on forms which meet the requirements of the Chancellor. Sign-up sheets used at a class session for attendance keeping purposes do not constitute regular enrollment.

58188. Supplementary Lectures. Where lectures are used in adult classes to supplement instruction, only attendance of regularly enrolled students shall be credited for apportionment purposes.

58190. Crafts. Attendance of persons who have completed the maximum hours allowed in an adult crafts class pursuant to Article 3 shall not thereafter be counted in such course.

58191. Lecture. No person shall be counted in attendance in a lecture series who has not been in attendance for at least two sessions.

58192. Forum. Attendance of only regularly enrolled persons in a forum series shall be credited for apportionment purposes. Attendance for any class session of a forum series which is primarily for entertainment purposes or which is conducted for the general public rather than for regularly enrolled members of the forum series shall not be credited for apportionment purposes.

CHAPTER 3. STANDARDS FOR COMMUNITY SERVICE CLASSES

58210. Authority. Districts are authorized, without the approval of the Chancellor, to establish and maintain community service classes in accordance with the provisions of Article 12 (commencing with Section 6321) of Chapter 6, Division 6, of the Education Code.

58211. Purpose of Class. Such classes shall be designed for the physical, mental, moral, economic, or civic development of persons enrolled therein, to provide instruction in subjects not entitled to state apportionment under the provisions of this division.

58212. Admission. Community services shall be available and open for admission of adults and such minors who may profit therefrom, as the governing board of the district may decide.

58213. Hours. District boards of trustees may determine the hours for such community service classes, length of time during the day or evening, and length of time during the school year for presentation.

58214. Certificates. District boards of trustees may grant appropriate certificates of recognition for completion of community service classes.

58215. Apportionment. No state apportionment shall be made to districts for establishment or maintenance of community service classes.

58216. Attendance. Attendance and average daily attendance in community service classes need not be reported to the Chancellor.

58217. Funds. District boards of trustees may expend from the general fund of the college district any money budgeted for community services to establish and maintain community service classes. Student fees not to exceed cost of maintaining such classes may be charged. Fees may be paid to the district on the basis of a contract or by contributions or donations from individuals or groups.

CHAPTER 4. CONTRACT CLASSES

58250. Contract Classes. "Contract classes" means those classes which a Community College district offers in fulfillment of a contract between itself and a public or private agency, corporation, association, or other body or person. For purposes of state support for such classes, the contract payment will be deemed to be tuition.

58251. Approval. No approval of a contract class is required if the district does not claim state support for the class. If the district claims state support for a contract class, approval of the class shall be obtained in the manner provided for classes of the same type. State support for contract classes shall not be greater than the difference between the amount provided per ADA under terms of the contract and the average current expenditures by the district for such classes.

58252. Operation. Contract classes shall be operated in accordance with the applicable provisions of the law and in accordance with the provisions of the contract to the extent that they are not inconsistent with the applicable provisions of law.

58253. Funds. Under experimental, pilot, or model programs, the district may collect state A.D.A. or other funds for such purposes.

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 independent study in accordance with Chapter 4 (commencing with Section 55300) of Division 6 of this part; or

(2) The course or program is approved and being conducted as work experience education in accordance with Chapter 3 (commencing with Section 55250) of Division 6 of this part; or

(3) The course or program is approved and is being conducted as health sciences education in accordance with Section 84500.5 of the Education Code.

(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 teachers 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 certificated 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 certificated 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 71020, 76300 and 78405, Education Code. Reference: Sections 76300, 78405, 84500 84500.5, 84520, 84530 and 88240–88249, Education Code.

§ 58058. Employee of the District.

(a) A person is an "employee of the district" within the meaning of subdivision (a)(1) of Section 84500 of the Education Code 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 87800), 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 71020, 76300 and 78405, Education Code. Reference: Sections 76300, 78405 and 84500, Education Code.

§ 58060. Valid Certification Document.

For the purposes of Section 84500 of the Education Code, a certification document must meet the following requirements relative to the activity for which attendance is being claimed:

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

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

NOTE: Authority cited: Sections 71020, 76300 and 78405, Education Code. Reference: Sections 76300, 78405 and 84500, Education Code.

Subchapter 2. Limitations on State Aid

Article 1. Open Courses

§ 58100. Open Enrollment.

Unless specifically exempted by statute, every course, course section or class for which average daily attendance is to be reported for state aid shall be open for enrollment and participation by any person who has been admitted to the college and who meets the prerequisites of such course as defined in Section 58104 of this chapter.

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

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

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

§ 58106. Prerequisites.

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

HISTORY

1. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "Chapter" was renamed to "Subchapter"; "Division" was renamed to "Chapter"; and "Part" was renamed to "Division." The organizational headings referenced in this regulation and/or HISTORY/NOTE have not been renamed; refer to the renamed organizational headings described in this paragraph.
2. Repealer and new section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

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

§ 58110. Enrollment Limitations.

Nothing in this chapter shall be deemed to impose obligations upon colleges to admit students to classes, courses, or programs beyond the limitations imposed by the size of physical facilities, availability of qualified instructors, funding limitations, and the constraints of regional planning. In all cases, when limitations do exist it is incumbent upon the governing board of a district to insure that each college establishes fair and equitable procedures for admission of qualified students.

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

Article 2. 175-Day Rule

§ 58120. Conditions for Inclusion as a Day.

(a) For a day to count towards meeting the requirements of Education Code Section 84370, the total hours of course offerings scheduled during the day must be at least fifty percent (50%) of the average daily hours of course offerings for the academic year. The average daily hours of course offerings shall be computed by dividing the previous fiscal year's total scheduled hours of course offerings by the total number of days in which instruction was scheduled during the same fiscal year.

(b) Notwithstanding subsection (a) of this section, days of final examination may be counted toward meeting the requirements of Education Code Section 84370, provided that:

(1) Such examinations are administered under the immediate supervision and control of an appropriately certificated employee of the district; and

(2) Not more than fourteen days of final examinations shall be counted for any academic year, as defined by the district.

NOTE: Authority cited: Sections 71020, 76300, 78405 and 84370, Education Code. Reference: Sections 76301, 76302, 76311, 76320, 78206, 79000, 79028 and 84370, Education Code.

Article 3. (Reserved)

Article 4. (Reserved)

Article 5. Other Limitations

§ 58160. Noncredit Course Funding.

(a) Only those noncredit courses which are eligible for funding pursuant to Section 84711 of the Education Code may be claimed for purposes of state apportionments.

(b) The provisions of Education Code Sections 8538, 78412, 78460, 84500, and 84500.1 also apply in determining whether a noncredit course is eligible for funding.

NOTE: Authority cited: Sections 71020, 71062, 76300 and 78405, Education Code. Reference: Sections 8538, 78412, 78460, 84500, 84500.1 and 84711, Education Code.

HISTORY

1. Amendment of subsection (a) filed 3-7-85; effective thirtieth day thereafter (Register 85, No. 10).

§ 58161. State Apportionment for Course Repetition.

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

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

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

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

(3) The district has determined that a student should repeat a course because there has been a significant lapse of time since the student previously took the course.

The attendance of students repeating a course as authorized by this subsection may be claimed only once for state apportionment.

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

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

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

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

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

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

The attendance of students repeating a course pursuant to this subsection, when approved by the Chancellor, may be claimed for state apportionment for not more than three semesters or five quarters.

NOTE: Authority cited: Sections 71020 and 76300, Education Code. Reference: Sections 76300 and 84500, Education Code.

HISTORY

1. New section filed 8-25-83; effective thirtieth day thereafter (Register 83, No. 35).

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 independent study in accordance with Chapter 4 (commencing with Section 55300) of Division 6 of this part; or

(2) The course or program is approved and being conducted as work experience education in accordance with Chapter 3 (commencing with Section 55250) of Division 6 of this part; or

(3) The course or program is approved and is being conducted as health sciences education in accordance with Section 84500.5 of the Education Code.

(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 teachers 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 certificated 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 certificated 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 71020, 76300 and 78405, Education Code. Reference: Sections 76300, 78405, 84500 84500.5, 84520, 84530 and 88240–88249, Education Code.

§ 58058. Employee of the District.

(a) A person is an "employee of the district" within the meaning of subdivision (a)(1) of Section 84500 of the Education Code 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 87800), 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 71020, 76300 and 78405, Education Code. Reference: Sections 76300, 78405 and 84500, Education Code.

§ 58060. Valid Certification Document.

For the purposes of Section 84500 of the Education Code, a certification document must meet the following requirements relative to the activity for which attendance is being claimed:

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

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

NOTE: Authority cited: Sections 71020, 76300 and 78405, Education Code. Reference: Sections 76300, 78405 and 84500, Education Code.

Subchapter 2. Limitations on State Aid

Article 1. Open Courses

§ 58100. Open Enrollment.

Unless specifically exempted by statute, every course, course section or class for which average daily attendance is to be reported for state aid shall be open for enrollment and participation by any person who has been admitted to the college and who meets the prerequisites of such course as defined in Section 58104 of this chapter.

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

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

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

§ 58106. Prerequisites and Other Limitations On Enrollment.

(a) 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, except that students may be required to meet necessary and valid prerequisites established pursuant to this section. In addition, a community college district may also limit enrollment in a course based on health and safety considerations, facility limitations, or legal requirements imposed by statute or regulations. The district governing board shall adopt policies identifying any such requirements and establishing fair and equitable procedures for determining who may enroll in affected courses. Such procedures may:

(1) limit enrollment on a "first come first served" basis or utilize other nonevaluative selection techniques to determine who may enroll; or

(2) limit enrollment to those students capable of meeting relevant skill prerequisites established pursuant to subsection (b)(3) of this section.

(b) Upon recommendation by the curriculum committee, pursuant to section 55002 of this part, a district may, subject to the conditions set forth in subdivision (c), require completion of any of the following types of prerequisites:

(1) It is permissible to require, as a prerequisite, the completion of any course in a sequence of related courses in a given discipline in which understanding or technical performance in such course is necessary for success in later courses in the sequence.

(2) As used in this section, the term "prerequisite" also includes "corequisites" which require a student to concurrently enroll in one course as a condition of enrollment in another course. A student may be required

to concurrently enroll in a corequisite only when the college has conducted a comprehensive assessment of the student using multiple measures and the objectives of the courses are clearly complementary, the interrelation of the units of instruction is evident, and completion of the corequisite is necessary for success in the related course. In addition, community college districts shall ensure that corequisite courses are available at the college in sufficient numbers to accommodate all students who are required to take them.

(3) Prerequisites may be defined in terms of skills measured by relevant assessment instruments, methods or procedures where the required level of performance is necessary to success in a particular course or program and the assessment instruments are selected and used in accordance with the provisions of chapter 6 (commencing with section 55500) of division 6 of this part. Community college districts shall ensure that precollegiate basic skills courses designed to teach required skills are available to accommodate students required to meet the associated skill prerequisites. Any student obtaining a passing grade in such a pre-collegiate basic skills course shall be deemed to satisfy the associated the skill prerequisite.

(4) Eligibility for enrollment in entry level associate degree courses in English and/or mathematics may be used in a prerequisite where communication or computation skills are necessary for success in a course.

(c) No prerequisite described in subdivision (b) may be imposed unless it conforms to all of the following requirements:

(1) Prerequisites shall not state or imply that enrollment in a course is limited to a specialized clientele unless such limitation is directly and specifically authorized by statute or regulation.

(2) Prerequisites for a course shall be clearly related to course content and must be validated as being necessary for success in such course. A sequential coursework prerequisite described in subdivision (b)(1) need not be validated if it was established prior to the effective date of this section or is required to ensure transferability of subsequent courses to a four-year institution.

(3) Prerequisites involving experience requirements may not be established solely on the basis of "hours of exposure."

(4) Community college districts may not establish communication or computational skill prerequisites which apply across the entire curriculum.

(d) Any prerequisite may be challenged by a student, using the procedures provided for in subsections (b) and (c) of section 55534 on one or more of the following grounds:

(1) the prerequisite is not valid because it is not necessary to success in the course for which it is required;

(2) the student has the knowledge or ability to succeed in the course despite not meeting the prerequisite; or

(3) the prerequisite is discriminatory or is being applied in a discriminatory manner.

(e) Districts shall adopt policies and procedures for validating prerequisites in accord with the provisions of this section. The Chancellor shall, as part of the evaluation required pursuant to section 55512(c), review district policies and procedures for validation of prerequisites.

(f) Notwithstanding the provisions of this section, prerequisites for Work Experience shall be as stated in chapter 3 (commencing with section 55250) of division 6 of this part.

NOTE: Authority cited: Sections 66700, 70901 and 84500.1, Education Code. Reference: Sections 78211, 78213 and 84500.1, Education Code.

HISTORY

1. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "Chapter" was renamed to "Subchapter"; "Division" was renamed to "Chapter"; and "Part" was renamed to "Division." The organizational headings referenced in this regulation and/or HISTORY/NOTE have not been renamed; refer to the renamed organizational headings described in this paragraph.
2. Repealer and new section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
3. Editorial correction of printing error inadvertently omitting text (Register 90, No. 41).

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

§ 58110. Enrollment Limitations.

Nothing in this chapter shall be deemed to impose obligations upon colleges to admit students to classes, courses, or programs beyond the limitations imposed by the size of physical facilities, availability of qualified instructors, funding limitations, and the constraints of regional planning. In all cases, when limitations do exist it is incumbent upon the governing board of a district to insure that each college establishes fair and equitable procedures for admission of qualified students.

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

Article 2. 175-Day Rule

§ 58120. Conditions for Inclusion as a Day.

(a) For a day to count towards meeting the requirements of Education Code Section 84370, the total hours of course offerings scheduled during the day must be at least fifty percent (50%) of the average daily hours of course offerings for the academic year. The average daily hours of course offerings shall be computed by dividing the previous fiscal year's total scheduled hours of course offerings by the total number of days in which instruction was scheduled during the same fiscal year.

(b) Notwithstanding subsection (a) of this section, days of final examination may be counted toward meeting the requirements of Education Code Section 84370, provided that:

(1) Such examinations are administered under the immediate supervision and control of an appropriately certificated employee of the district; and

(2) Not more than fourteen days of final examinations shall be counted for any academic year, as defined by the district.

Register 1981-52

§§ 58100 - 58110

DIVISION 9. CONTINUING EDUCATION

NOTE: Authority cited for Division 9: Sections 71020, 78405 and 66700, Education Code.

HISTORY:

1. New Division 9, Chapters 1 through 4 (§§ 58000–58253, not consecutive) filed 12-29-71; effective thirtieth day thereafter (Register 72, No. 1).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Division 9 (Chapters 1–4, Sections 58000–58253, not consecutive) filed 12-21-81; effective thirtieth day thereafter (Register 81, No. 52). For prior history, see Registers 79, No. 46; 77, No. 45; and 72, No. 1.

Register 1982-31

§§ 58100 - 58110

CHAPTER 1. ATTENDANCE

Article 1. General Provisions

58000. Introduction.

The documentation requirements set forth in this chapter have been developed to promote standardized, accurate reporting of data used for calculating the State general apportionment, and to facilitate audits of related community college records. This documentation, based on detailed tabulations of course sections and appropriate support records as described below, shall be available to the auditor retained by the district pursuant to Education Code Section 84040, the Department of Finance, the Auditor General, and the Chancellor's Office. These records may also be required by federal auditors when federal funds are involved.

NOTE: Authority cited: Sections 71020, 71062, 76300 and 78405, Education Code. Reference: Sections 84040 and 84040.5, Education Code.

HISTORY:

1. New Division 9, Chapters 1 through 4 (§§ 58000–58253, not consecutive) filed 12-29-71; effective thirtieth day thereafter (Register 72, No. 1).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Division 9 (Chapters 1–4, Sections 58000–58253, not consecutive) filed 12-21-81; effective thirtieth day thereafter (Register 81, No. 52). For prior history, see Registers 79, No. 46; 77, No. 45; and 72, No. 1.
4. New Division 9 (Chapters 1–4, Sections 58000–58308, not consecutive) filed 7-29-82; effective thirtieth day thereafter (Register 82, No. 31).

58002. Change in Academic Year Terms.

Prior to any change in academic year terms, including the addition, deletion, shortening or lengthening of any term, the governing board of a district shall request and obtain the approval of the Chancellor. The provisions of Chapter 8 (commencing with Section 55700) of Division 6 shall govern the content, review and approval of such requests.

NOTE: Authority cited: Sections 71020, 71062, 78002 and 84520, Education Code. Reference: Sections 78002 and 84520, Education Code.

Article 2. Attendance Reporting Procedures

58006. Application of Actual Student Contact Hours of Attendance Procedure.

The actual student contact hours of attendance procedure is based upon a count of students present at each course meeting, and shall apply to:

(a) All credit courses, exclusive of independent study and work experience education courses, scheduled to meet for fewer than five days, or credit courses of five or more days which are scheduled irregularly with respect to the number of days of the week and the number of hours the course meets;

(b) All open entry/open exit courses;

(c) All noncredit courses otherwise eligible for state aid;

(d) Inservice training courses in the areas of police, fire, corrections, and other criminal justice system occupations as defined in subdivision (c) of Education Code Section 84500.

(e) The attendance of students other than indentured apprentices who are actively enrolled in apprenticeship courses of related and supplemental instruction.

CHAPTER 2. LIMITATIONS ON STATE AID

Article 1. Open Courses

58100. Open Enrollment.

Unless specifically exempted by statute, every course, course section or class for which average daily attendance is to be reported for state aid shall be open for enrollment and participation by any person who has been admitted to the college and who meets the prerequisites of such course as defined in Section 58104 of this chapter.

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

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

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

58106. Prerequisites.

Prerequisites shall not state or imply that enrollment in a course is limited to a specialized clientele, unless such limitation is specifically authorized by law.

(a) Academic prerequisites for a course shall be clearly related to course content and academic foundation of such course.

(b) In activity or laboratory type courses, prerequisites may require demonstrated ability or technical performance to a level of proficiency to be determined by equitable district procedures. Experience requirements may not be established solely on the basis of "hours of exposure."

(c) That a course is one in a related sequence of courses in which understanding or technical performance of the one is dependent upon successful completion of the preceding is an acceptable prerequisite.

(d) "Permission of the instructor" as an alternative to a prerequisite shall be limited in application to the determination of equivalence to stated academic prerequisites or performance standards in activity or laboratory type courses.

(e) Concurrent enrollment in a course may be a prerequisite only when the objectives of the courses are clearly complementary and the interrelation of the units of instruction is evident.

(f) Where health, safety, legal requirements or the facility is a limiting factor in the conduct of a course, the governing board shall establish official policy delineating prerequisites, requirements and fair and equitable procedures to meet such limitation.

(g) Prerequisites for Work Experience shall be as stated in Division 6, Chapter 3 (commencing with Section 55250) of Title 5 of the California Administrative Code.

(h) Scoring on a relevant standardized examination or test at a level sufficient to clearly indicate ability to benefit from instruction is an acceptable prerequisite.

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

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

58110. Enrollment Limitations.

Nothing in this chapter shall be deemed to impose obligations upon colleges to admit students to classes, courses, or programs beyond the limitations imposed by the size of physical facilities, availability of qualified instructors, funding limitations, and the constraints of regional planning. In all cases, when limitations do exist it is incumbent upon the governing board of a district to insure that each college establishes fair and equitable procedures for admission of qualified students.

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

Article 2. 175-Day Rule

58120. Conditions for Inclusion as a Day.

(a) For a day to count towards meeting the requirements of Education Code Section 84370, the total hours of course offerings scheduled during the day must be at least fifty percent (50%) of the average daily hours of course offerings for the academic year. The average daily hours of course offerings shall be computed by dividing the previous fiscal year's total scheduled hours of course offerings by the total number of days in which instruction was scheduled during the same fiscal year.

(b) Notwithstanding subsection (a) of this section, days of final examination may be counted toward meeting the requirements of Education Code Section 84370, provided that:

(1) Such examinations are administered under the immediate supervision and control of an appropriately certificated employee of the district; and

(2) Not more than fourteen days of final examinations shall be counted for any academic year, as defined by the district.

NOTE: Authority cited: Sections 71020, 76300, 78405 and 84370, Education Code. Reference: Sections 76301, 76302, 76311, 76320, 78206, 79000, 79028 and 84370, Education Code.

Article 3. (Reserved)

Article 4. (Reserved)

Article 5. Other Limitations

58160. Noncredit Course Funding.

(a) Only those noncredit courses which are eligible for funding pursuant to Section 84641 of the Education Code may be claimed for purposes of state apportionments.

(b) The provisions of Education Code Sections 8538, 78412, 78460, 84500, and 84500.1 also apply in determining whether a noncredit course is eligible for funding.

NOTE: Authority cited: Sections 71020, 71062, 76300 and 78405, Education Code. Reference: Sections 8538, 78412, 78460, 84500, 84500.1 and 84641, Education Code.

58162. Intercollegiate Athletics.

(a) State apportionment may be claimed for the attendance of students enrolled in approved courses of intercollegiate athletics otherwise eligible for state assistance.

(b) State apportionment for students in courses of intercollegiate athletics shall not be claimed for more than 175 hours of attendance for each enrolled student in each fiscal year for each sport in which the student participates.

NOTE: Authority cited: Sections 71020 and 76300, Education Code. Reference: Section 76300, Education Code.

58164. Open Entry/Open Exit Courses.

(a) The term "open entry/open exit courses" refers to courses in which students may enroll at various times, which students may complete at various times or at varying paces, and for which students may receive varying credit. Open entry/open exit courses may be conducted with or without regularly scheduled hours.

(b) Average daily attendance of students enrolled in open entry/open exit courses shall be computed pursuant to the provisions of subdivision (e) of Education Code Section 84520.

(c) State apportionment for the attendance of students in open entry/open exit courses shall not be claimed for more than two times the class hours normally required to complete the course as determined by the district governing board.

NOTE: Authority cited: Sections 71020 and 76300, Education Code. Reference: Section 76300, Education Code.

58166. Field Trips.

(a) State apportionment may be claimed for the attendance of students in courses which include a field trip or excursion pursuant to Education Code Section 72640.

(b) State apportionment for the attendance of students in courses which include a field trip or excursion shall not be claimed for more than forty-eight hours per unit of credit earned. No more attendance may be claimed for a field trip or excursion than if the class were held on campus.

NOTE: Authority cited: Sections 71020 and 76300, Education Code. Reference: Sections 72640 and 76300, Education Code.

CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78007 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be 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 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700, 71025 and 84500.1, Education Code. Reference: Sections 71025 and 84500.1, Education Code.

51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 71028 of the Education Code and regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 71025 and 81805, Education Code. Reference: Sections 71025, 71028, 71091, 72231.5, 81820, 81821 and 81822, Education Code.

51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of Section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of Section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by Section 53004 of this part;

(d) Undertake a program of recruitment as required by Section 53021 of this part; and

(e) Substantially comply with the provisions of Chapter 1 (commencing with Section 53000) of Division 4 of this part.

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

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 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Chapter 11 (commencing with Section 55825) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

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4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income if the business entity or source of income provides education, training, or experience to persons toward attaining a valid credential for employment as an instructor, supervisor, chief administrative officer, librarian, counselor, supervisor of health, student personnel worker, or other similar position within a Community College district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations affirming and fixing the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in chapter 9 (commencing with section 55750) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in chapter 10 (commencing with section 55800) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district 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 1 (commencing with section 58100) of chapter 2, division 9 of title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by section 53004 of this part;

(d) Undertake a program of recruitment as required by section 53021 of this part; and

(3) The course or program is approved and is being conducted as health sciences education in accordance with Section 84500.5 of the Education Code.

(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 teachers 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 certificated 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 certificated 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 71020, 76300 and 78405, Education Code. Reference: Sections 76300, 78405, 84500 84500.5, 84520, 84530 and 88240–88249, Education Code.

§ 58058. Employee of the District.

(a) A person is an "employee of the district" within the meaning of subdivision (a)(1) of Section 84500 of the Education Code 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 87800), 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 71020, 76300 and 78405, Education Code. Reference: Sections 76300, 78405 and 84500, Education Code.

§ 58060. Valid Certification Document.

For the purposes of Section 84500 of the Education Code, a certification document must meet the following requirements relative to the activity for which attendance is being claimed:

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

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

NOTE: Authority cited: Sections 71020, 76300 and 78405, Education Code. Reference: Sections 76300, 78405 and 84500, Education Code.

Subchapter 2. Limitations on State Aid

Article 1. Open Courses

§ 58100. Open Enrollment.

Unless specifically exempted by statute, every course, course section or class for which average daily attendance is to be reported for state aid shall be open for enrollment and participation by any person who has been admitted to the college and who meets the prerequisites of such course as defined in Section 58104 of this chapter.

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

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

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

§ 58106. Prerequisites and Other Limitations On Enrollment.

(a) 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, except that students may be required to meet necessary and valid prerequisites established pursuant to this section. In addition, a community college district may also limit enrollment in a course based on health and safety considerations, facility limitations, or legal requirements imposed by statute or regulations. The district governing board shall adopt policies identifying any such requirements and establishing fair and equitable procedures for determining who may enroll in affected courses. Such procedures may:

(1) limit enrollment on a "first come first served" basis or utilize other nonevaluative selection techniques to determine who may enroll; or

(2) limit enrollment to those students capable of meeting relevant skill prerequisites established pursuant to subsection (b)(3) of this section.

(b) Upon recommendation by the curriculum committee, pursuant to section 55002 of this part, a district may, subject to the conditions set forth in subdivision (c), require completion of any of the following types of prerequisites:

(1) It is permissible to require, as a prerequisite, the completion of any course in a sequence of related courses in a given discipline in which understanding or technical performance in such course is necessary for success in later courses in the sequence.

(2) As used in this section, the term "prerequisite" also includes "corequisites" which require a student to concurrently enroll in one course as a condition of enrollment in another course. A student may be required to concurrently enroll in a corequisite only when the college has conducted a comprehensive assessment of the student using multiple measures and the objectives of the courses are clearly complementary, the interrelation of the units of instruction is evident, and completion of the corequisite is necessary for success in the related course. In addition, community college districts shall ensure that corequisite courses are available at the college in sufficient numbers to accommodate all students who are required to take them.

(3) Prerequisites may be defined in terms of skills measured by relevant assessment instruments, methods or procedures where the required level of performance is necessary to success in a particular course or program and the assessment instruments are selected and used in accordance with the provisions of chapter 6 (commencing with section 55500) of di-

vision 6 of this part. Community college districts shall ensure that pre-collegiate basic skills courses designed to teach required skills are available to accommodate students required to meet the associated skill prerequisites. Any student obtaining a passing grade in such a pre-collegiate basic skills course shall be deemed to satisfy the associated the skill prerequisite.

(4) Eligibility for enrollment in entry level associate degree courses in English and/or mathematics may be used in a prerequisite where communication or computation skills are necessary for success in a course.

(c) No prerequisite described in subdivision (b) may be imposed unless it conforms to all of the following requirements:

(1) Prerequisites shall not state or imply that enrollment in a course is limited to a specialized clientele unless such limitation is directly and specifically authorized by statute or regulation.

(2) Prerequisites for a course shall be clearly related to course content and must be validated as being necessary for success in such course. A sequential coursework prerequisite described in subdivision (b)(1) need not be validated if it was established prior to the effective date of this section or is required to ensure transferability of subsequent courses to a four-year institution.

(3) Prerequisites involving experience requirements may not be established solely on the basis of "hours of exposure."

(4) Community college districts may not establish communication or computational skill prerequisites which apply across the entire curriculum.

(d) Any prerequisite may be challenged by a student, using the procedures provided for in subsections (b) and (c) of section 55534 on one or more of the following grounds:

(1) the prerequisite is not valid because it is not necessary to success in the course for which it is required;

(2) the student has the knowledge or ability to succeed in the course despite not meeting the prerequisite; or

(3) the prerequisite is discriminatory or is being applied in a discriminatory manner.

(e) Districts shall adopt policies and procedures for validating prerequisites in accord with the provisions of this section. The Chancellor shall, as part of the evaluation required pursuant to section 55512(c), review district policies and procedures for validation of prerequisites.

(f) Notwithstanding the provisions of this section, prerequisites for Work Experience shall be as stated in chapter 3 (commencing with section 55250) of division 6 of this part.

NOTE: Authority cited: Sections 66700, 70901 and 84500.1, Education Code. Reference: Sections 78211, 78213 and 84500.1, Education Code.

HISTORY

1. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "Chapter" was renamed to "Subchapter"; "Division" was renamed to "Chapter"; and "Part" was renamed to "Division." The organizational headings referenced in this regulation and/or HISTORY/NOTE have not been renamed; refer to the renamed organizational headings described in this paragraph.
2. Repealer and new section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
3. Editorial correction of printing error inadvertently omitting text (Register 90, No. 41).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, 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 71020, 71062 and 84500.1, Education Code. Reference: Sections 84500 and 84500.1, Education Code.

§ 58110. Enrollment Limitations.

Nothing in this chapter shall be deemed to impose obligations upon colleges to admit students to classes, courses, or programs beyond the limitations imposed by the size of physical facilities, availability of qualified instructors, funding limitations, and the constraints of regional planning. In all cases, when limitations do exist it is incumbent upon the governing board of a district to insure that each college establishes fair and equitable procedures for admission of qualified students.

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

Article 2. 175-Day Rule

§ 58120. Conditions for Inclusion as a Day.

(a) For a day to count towards meeting the requirements of Education Code Section 84370, the total hours of course offerings scheduled during the day must be at least fifty percent (50%) of the average daily hours of course offerings for the academic year. The average daily hours of course offerings shall be computed by dividing the previous fiscal year's total scheduled hours of course offerings by the total number of days in which instruction was scheduled during the same fiscal year.

(b) Notwithstanding subsection (a) of this section, days of final examination may be counted toward meeting the requirements of Education Code Section 84370, provided that:

(1) Such examinations are administered under the immediate supervision and control of an appropriately certificated employee of the district; and

(2) Not more than fourteen days of final examinations shall be counted for any academic year, as defined by the district.

(2) 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

(3) 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, 84500 and 88240–88249, 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 asignment 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).

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

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

§ 58106. Prerequisites and Other Limitations On Enrollment.

(a) 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, except that students may be required to meet prerequisites established pursuant to this section. In addition, a community college district may also limit enrollment in a course based on 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 statute, regulations or contracts. The district governing board shall adopt policies identifying any such requirements and establishing fair and equitable procedures for determining who may enroll in affected courses. Such procedures may:

(1) limit enrollment on a "first come first served" basis or utilize other nonevaluative selection techniques to determine who may enroll; or

(2) limit enrollment to those students capable of safely performing required tasks as measured by relevant skill prerequisites established pursuant to subsection (b)(3) of this section.

(b) After review pursuant to Sections 53200–53203, and 55002 of this Part, a district may, subject to the conditions set forth in subdivision (c), require a student to meet any of the following types of prerequisites as a condition for enrollment in a course:

(1) It is permissible to require, as a prerequisite, the completion of any course where understanding or technical performance taught in that course is necessary for success in later courses.

(2) As used in this section, the term "prerequisite" also includes "corequisites" which require a student to concurrently enroll in one course as a condition of enrollment in another course. A student may be required to concurrently enroll in a corequisite only when the college has conducted a comprehensive assessment of the student using multiple measures and the objectives of the courses are clearly complementary, the interrelation of the units of instruction is evident, and completion of the corequisite is necessary for success in the related course. In addition, community college districts shall ensure that corequisite courses are available at the college in sufficient numbers to accommodate all students who are required to take them. If this is not the case, the corequisite shall be waived pursuant to Section 55534(a) of this Division.

(3) Prerequisites may be defined in terms of skills necessary to success in a particular course or program. This includes, but is not limited to, skill competencies in reading, written expression, and mathematics established pursuant to Section 55806 of this Division. The determination of whether a student possesses the required skills shall be based on a comprehensive assessment using multiple measures and any assessment instruments relied upon shall be selected and used in accordance with the provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division. Community college districts shall ensure that pre-collegiate basic skills courses designed to teach required skills are available to accommodate students required to meet the associated skill prerequisites. Any student obtaining a satisfactory grade in such a pre-collegiate basic skills course shall be deemed to meet the associated skill prerequisite.

(4) Eligibility for enrollment in entry level associate degree courses in English and/or mathematics may be used as a prerequisite where communications or computation skills are necessary for success in a course.

(c) No prerequisite described in subdivision (b) may be imposed unless it conforms to all of the following requirements:

(1) Prerequisites shall not state or imply that enrollment in a course is limited to a specialized clientele unless such limitation is directly and specifically authorized by statute or regulation.

(2) Prerequisites for a course shall be clearly related to course content and must be validated as being necessary for success in such course. Provided, however, that a prerequisite need not be validated if it:

(A) was established prior to the effective date of this section and is part of a sequence of degree-applicable courses within a given discipline;

(B) is required by statute or regulation;

(C) is part of a closely related lecture-laboratory course pairing which requires concurrent enrollment; or

(D) is required by a four-year institution to ensure transferability of subsequent courses.

(3) Prerequisites involving experience requirements may not be established solely on the basis of "hours of exposure."

(4) Community college districts may not establish communication or computational skill prerequisites which apply across the entire curriculum.

(d) Any prerequisite may be challenged by a student, using the procedures provided for in subsections (b) and (c) of Section 55534, on one or more of the grounds listed below. Challenges shall be resolved in a timely manner and the student shall be permitted to enroll in the course in question if the challenge is upheld. Grounds for challenge are:

(1) a prerequisite which must be validated pursuant to subdivision (c)(2) has not been so validated or is being applied in a discriminatory manner;

(2) the student has the knowledge or ability to succeed in the course despite not meeting the prerequisite; or

(3) a prerequisite which need not be validated under subdivision (c)(2) and has not been so validated is discriminatory or is being applied in a discriminatory manner.

(e) Districts shall adopt policies and procedures for validating prerequisites in accord with the provisions of this section. In order to show that a prerequisite is necessary to success in a particular course, the validation procedure must establish that a student who has not met the prerequisite is highly unlikely to obtain a satisfactory grade in the course. The Chancellor shall, as part of the evaluation required pursuant to Section 55512(c), review district policies and procedures for validation of prerequisites.

(f) Notwithstanding the provisions of this section, prerequisites for Work Experience shall be as stated in Subchapter 3 (commencing with Section 55250) of Chapter 6 of this Division.

(g) The determination of whether a student meets a prerequisite shall be made prior to his or her enrollment in the course requiring that prerequisite; provided, however, that enrollment may be permitted pending verification that the student obtained a satisfactory grade in a prerequisite course. 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 the student code of conduct.

(h) A student who obtains a satisfactory grade in a prerequisite course described in subsection (b)(1) shall be deemed to meet the prerequisite for enrollment in a subsequent course in the sequence. No "exit" test may be required unless it is incorporated into the grading for the prerequisite course. A student who obtains satisfactory grades in all required courses in a program shall be deemed to have completed the program and no additional "exit" test may be required.

(i) As used in this section, the term "satisfactory grade" means that, for the course in question, the student's academic record has been annotated with the symbol A, B, C or "CR" as those symbols are defined in Section 55758 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78211 and 78213, Education Code.

HISTORY

1. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "chapter" was renamed to "subchapter"; "division" was renamed to "chapter"; and "part" was renamed to "division." The organizational headings referenced in this regulation and/or HISTORY/NOTE have not been renamed; refer to the renamed organizational headings described in this paragraph.
2. Repealer and new section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
3. Editorial correction of printing error restoring text (Register 91, No. 29).
4. Amendment filed 4-3-92; operative 5-4-92 (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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, 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 71020, 71062 and 84500.1, Education Code. Reference: Sections 84500 and 84500.1, Education Code.

§ 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 Education Code Section 84370, the total hours of course offerings scheduled during the day must be at least fifty percent (50%) of the average daily hours of course offerings for the academic year. The average daily hours of course

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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 asignment 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).

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. Prerequisites and Other Limitations On Enrollment.

(a) 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, except that students may be required to meet prerequisites established pursuant to this section. In addition, a community college district may also limit enrollment in a course based on 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 statute, regulations or contracts. The district governing board shall adopt policies identifying any such requirements and establishing fair and equitable procedures for determining who may enroll in affected courses. Such procedures may:

(1) limit enrollment on a "first come first served" basis or utilize other nonevaluative selection techniques to determine who may enroll; or

(2) limit enrollment to those students capable of safely performing required tasks as measured by relevant skill prerequisites established pursuant to subsection (b)(3) of this section.

(b) After review pursuant to Sections 53200–53203, and 55002 of this Part, a district may, subject to the conditions set forth in subdivision (c), require a student to meet any of the following types of prerequisites as a condition for enrollment in a course:

(1) It is permissible to require, as a prerequisite, the completion of any course where understanding or technical performance taught in that course is necessary for success in later courses.

(2) As used in this section, the term "prerequisite" also includes "corequisites" which require a student to concurrently enroll in one course as a condition of enrollment in another course. A student may be required to concurrently enroll in a corequisite only when the college has conducted a comprehensive assessment of the student using multiple measures and the objectives of the courses are clearly complementary, the interrelation of the units of instruction is evident, and completion of the corequisite is necessary for success in the related course. In addition, community college districts shall ensure that corequisite courses are available at the college in sufficient numbers to accommodate all students who are required to take them. If this is not the case, the corequisite shall be waived pursuant to Section 55534(a) of this Division.

(3) Prerequisites may be defined in terms of skills necessary to success in a particular course or program. This includes, but is not limited to, skill competencies in reading, written expression, and mathematics established pursuant to Section 55806 of this Division. The determination of whether a student possesses the required skills shall be based on a comprehensive assessment using multiple measures and any assessment instruments relied upon shall be selected and used in accordance with the provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division. Community college districts shall ensure that pre-collegiate basic skills courses designed to teach required skills are available to accommodate students required to meet the associated skill prerequisites. Any student obtaining a satisfactory grade in such a pre-collegiate basic skills course shall be deemed to meet the associated skill prerequisite.

(4) Eligibility for enrollment in entry level associate degree courses in English and/or mathematics may be used as a prerequisite where communications or computation skills are necessary for success in a course.

(c) No prerequisite described in subdivision (b) may be imposed unless it conforms to all of the following requirements:

(1) Prerequisites shall not state or imply that enrollment in a course is limited to a specialized clientele unless such limitation is directly and specifically authorized by statute or regulation.

(2) Prerequisites for a course shall be clearly related to course content and must be validated as being necessary for success in such course. Provided, however, that a prerequisite need not be validated if it:

(A) was established prior to the effective date of this section and is part of a sequence of degree–applicable courses within a given discipline;

(B) is required by statute or regulation;

(C) is part of a closely related lecture–laboratory course pairing which requires concurrent enrollment; or

(D) is required by a four–year institution to ensure transferability of subsequent courses.

(3) Prerequisites involving experience requirements may not be established solely on the basis of "hours of exposure."

(4) Community college districts may not establish communication or computational skill prerequisites which apply across the entire curriculum.

(d) Any prerequisite may be challenged by a student, using the procedures provided for in subsections (b) and (c) of Section 55534, on one or more of the grounds listed below. Challenges shall be resolved in a timely manner and the student shall be permitted to enroll in the course in question if the challenge is upheld. Grounds for challenge are:

(1) a prerequisite which must be validated pursuant to subdivision (c)(2) has not been so validated or is being applied in a discriminatory manner;

(2) the student has the knowledge or ability to succeed in the course despite not meeting the prerequisite; or

(3) a prerequisite which need not be validated under subdivision (c)(2) and has not been so validated is discriminatory or is being applied in a discriminatory manner.

(e) Districts shall adopt policies and procedures for validating prerequisites in accord with the provisions of this section. In order to show that a prerequisite is necessary to success in a particular course, the validation procedure must establish that a student who has not met the prerequisite is highly unlikely to obtain a satisfactory grade in the course. The Chancellor shall, as part of the evaluation required pursuant to Section 55512(c), review district policies and procedures for validation of prerequisites.

(f) Notwithstanding the provisions of this section, prerequisites for Work Experience shall be as stated in Subchapter 3 (commencing with Section 55250) of Chapter 6 of this Division.

(g) The determination of whether a student meets a prerequisite shall be made prior to his or her enrollment in the course requiring that prerequisite; provided, however, that enrollment may be permitted pending verification that the student obtained a satisfactory grade in a prerequisite course. 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 the student code of conduct.

(h) A student who obtains a satisfactory grade in a prerequisite course described in subsection (b)(1) shall be deemed to meet the prerequisite for enrollment in a subsequent course in the sequence. No "exit" test may be required unless it is incorporated into the grading for the prerequisite course. A student who obtains satisfactory grades in all required courses in a program shall be deemed to have completed the program and no additional "exit" test may be required.

(i) As used in this section, the term "satisfactory grade" means that, for the course in question, the student's academic record has been annotated with the symbol A, B, C or "CR" as those symbols are defined in Section 55758 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78211 and 78213, Education Code.

HISTORY

1. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "chapter" was renamed to "subchapter"; "division" was renamed to "chapter"; and "part" was renamed to "division." The organizational headings referenced in this regulation and/or HISTORY/NOTE have not been renamed; refer to the renamed organizational headings described in this paragraph.
2. Repealer and new section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
3. Editorial correction of printing error restoring text (Register 91, No. 29).
4. Amendment filed 4–3–92; operative 5–4–92 (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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, 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).

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 asignment 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).

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

tion 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, 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 a 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, the total hours of course offerings scheduled during the day must be at least fifty percent (50%) of the average daily hours of course offerings for the academic year. The average daily hours of course offerings shall be computed by dividing the previous fiscal year's total scheduled hours of course offerings by the total number of days in which instruction was scheduled during the same fiscal year.

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

(1) such examinations are administered under the immediate supervision and control of an appropriate academic employee of the district; and

(2) not more than fourteen days of final examinations shall be counted for any academic year, as defined by the district.

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

HISTORY

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

Article 3. (Reserved)

Article 4. (Reserved)

Article 5. Other Limitations

§ 58130. Noncredit Classes in Dancing or Recreational Physical Education; State Aid or Apportionment for Attendance.

No state aid or apportionment may be claimed on account of the attendance of students in noncredit classes in dancing or recreational physical education.

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

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 58130.5. Estimate of School Money to Be Apportioned.

The Chancellor shall, not later than the 25th day of July in each year, prepare an estimate of the amount of state school money that will be apportioned to each community college district during the current school year, and furnish a certified copy of the estimate to each community college district.

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

HISTORY

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

§ 58131. Second Principal Apportionment.

The Chancellor shall on or before June 25th of each year apportion to each community college district the total amounts allowed to them under section 84850. This apportionment shall be called the second principal apportionment.

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

HISTORY

1. Adoption of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Editorial correcton of printing error (Register 91, No. 43).

§ 58132. Final Apportionment.

The Chancellor shall on or before June 25th of each year apportion to each community college district the total of the amounts allowed to the district. This apportionment shall be called the final apportionment.

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

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 standards of scholarship.

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

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51010. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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. 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

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

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each

Senior Accounting Officers (Specialists) 3
Accounting Officers (Specialists) 3
Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
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 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. 15).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 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. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, 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 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).

§ 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 the formation of a new college or educational center shall obtain approval for such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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).

NOTE: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901, 84500 and 88240–88249, 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).

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, the total hours of course offerings scheduled during the day must be at least fifty percent (50%) of the average daily hours of course offerings for the academic year. The average daily hours of course offerings shall be computed by dividing the previous fiscal year's total scheduled hours of course offerings by the total number of days in which instruction was scheduled during the same fiscal year.

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

(1) such examinations are administered under the immediate supervision and control of an appropriate academic employee of the district; and

(2) not more than fourteen days of final examinations shall be counted for any academic year, as defined by the district.

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

HISTORY

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

Article 3. (Reserved)

Article 4. (Reserved)

Article 5. Other Limitations

§ 58130. Noncredit Classes in Dancing or Recreational Physical Education; State Aid or Apportionment for Attendance.

No state aid or apportionment may be claimed on account of the attendance of students in noncredit classes in dancing or recreational physical education.

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).

§ 58130.5. Estimate of School Money to Be Apportioned.

The Chancellor shall, not later than the 25th day of July in each year, prepare an estimate of the amount of state school money that will be apportioned to each community college district during the current school year, and furnish a certified copy of the estimate to each community college district.

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. Amendment filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58131. Second Principal Apportionment.

The Chancellor shall on or before June 25th of each year apportion to each community college district the total amounts allowed to them under

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part 04. Comprehensive Plan

History Index for
Title 5, California Code of Regulations

Section 51008
Section 55401
Section 55402
Section 55403
Section 55404
Section 55405

Register 71-27 New Chapter 5 (§§ 55400 - 55405).

Register 77-45 § 55400: Amendment of section and NOTE.

§ 55405: Amendment of section.

Register 83-29 Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000-51021, not consecutive).

Register 91-23 § 51008: Amendment of section filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

§ 55400: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

Register 91-45 § 55400: Amendment filed; submitted to OAL for printing only

1 pursuant to Government Code section 11343.8.

2 **Register 92-01** § 55400: Amendment of NOTE; submitted to OAL for printing only

3 pursuant to Government Code section 11343.8.

4 **Register 94-38** § 51008: Amendment of section; submitted to OAL for printing

5 only pursuant to Education Code section 70901.5.

6 **Register 95-15** § 51008: Editorial correction of HISTORY 1.

7 **Register 95-20** § 55400: Editorial correction of HISTORY 3.

8 **Subsequent Registers**: There may be changes to the regulations after the date the

9 test claim was filed, which are not included.

Register 1971-27

§§ 55400 - 55405

CHAPTER 5. EDUCATIONAL MASTER PLANS

55400. Definitions. The definitions provided in the *Handbook of Definitions* issued by the Chancellor shall apply to the provisions of this chapter.

NOTE: Authority cited: Section 199, Education Code.

History: 1. New Chapter 5 (§§ 55400 through 55405) filed 7-1-71; effective thirtieth day thereafter (Register 71, No. 27).

55401. Current and Long Range Plans. The governing board of each Community College district shall establish policies for, and approve, current and long range educational plans and programs for each Community College which it maintains and for the district as a whole.

55402. Educational Master Plans. On or before January 1, 1972, the governing board of each Community College district shall submit to the Chancellor an educational master plan for each Community College which it maintains and for the district as a whole. Each plan shall be modified and brought up to date annually and shall be submitted to the Chancellor on or before November 1 of each year thereafter.

55403. Form. Each plan shall be submitted on a form provided by the Chancellor and shall contain such information as the Chancellor shall require.

55404. Contents. Each plan shall contain the educational objectives of the Community College or district and the future plans for transfer programs, occupational programs, continuing education courses, and remedial and developmental programs. On the basis of current and future enrollment, it shall contain plans for the development and expansion of ancillary services, including services in the library and for counseling, placement, and financial aids.

55405. Review and Approval. The Chancellor shall review each master plan. On or before February 1 following the submission of each plan, he shall send a copy of his approval of it to the superintendent of each district.

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CHAPTER 5. EDUCATIONAL MASTER PLANS

55400. Definitions. The definitions provided in the *Student Attendance Accounting Manual* issued by the Chancellor shall apply to the provisions of this chapter.

NOTE: Authority cited for Chapter 5: Sections 71028, 72231.5 and 71026, Education Code.

History: 1. New Chapter 5 (§§ 55400 through 55405) filed 7-1-71; effective thirtieth day thereafter (Register 71, No. 27).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

55401. Current and Long Range Plans. The governing board of each Community College district shall establish policies for, and approve, current and long range educational plans and programs for each Community College which it maintains and for the district as a whole.

55402. Educational Master Plans. On or before January 1, 1972, the governing board of each Community College district shall submit to the Chancellor an educational master plan for each Community College which it maintains and for the district as a whole. Each plan shall be modified and brought up to date annually and shall be submitted to the Chancellor on or before November 1 of each year thereafter.

55403. Form. Each plan shall be submitted on a form provided by the Chancellor and shall contain such information as the Chancellor shall require.

55404. Contents. Each plan shall contain the educational objectives of the Community College or district and the future plans for transfer programs, occupational programs, continuing education courses, and remedial and developmental programs. On the basis of current and future enrollment, it shall contain plans for the development and expansion of ancillary services, including services in the library and for counseling, placement, and financial aids.

55405. Review and Approval. The Chancellor shall review each master plan. On or before February 1 following the submission of each plan, the Chancellor shall send a copy of the approval of it to the superintendent of each district.

History: 1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

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CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78007 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be 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 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700, 71025 and 84500.1, Education Code. Reference: Sections 71025 and 84500.1, Education Code.

51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 71028 of the Education Code and regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 71025 and 81805, Education Code. Reference: Sections 71025, 71028, 71091, 72231.5, 81820, 81821 and 81822, Education Code.

51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of Section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of Section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by Section 53004 of this part;

(d) Undertake a program of recruitment as required by Section 53021 of this part; and

(e) Substantially comply with the provisions of Chapter 1 (commencing with Section 53000) of Division 4 of this part.

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

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 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Chapter 11 (commencing with Section 55825) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

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4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income if the business entity or source of income provides education, training, or experience to persons toward attaining a valid credential for employment as an instructor, supervisor, chief administrative officer, librarian, counselor, supervisor of health, student personnel worker, or other similar position within a Community College district.

Subchapter 3. Committees

History

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

History

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

History

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

History

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations affirming and fixing the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges.

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

History

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in chapter 9 (commencing with section 55750) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in chapter 10 (commencing with section 55800) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district 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 1 (commencing with section 58100) of chapter 2, division 9 of title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by section 53004 of this part;

(d) Undertake a program of recruitment as required by section 53021 of this part; and

instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55323. Learning Assistance.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 12-17-84; effective thirtieth day thereafter (Register 84, No. 51).

§ 55340. Eligibility for State Funds.

(a) In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this chapter, the course must be reported as required by this chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

(b) For purposes of computing attendance, one weekly student contact hour shall be counted for each unit of independent study credit for which a student is enrolled.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 4 heading and amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55342. Average Daily Attendance.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55343. Grades Awarded.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55344. Enrollment.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55346. Records.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55348. Supervision.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55350. Instruction.

The instructor assigned to a course conducted pursuant to this chapter shall:

(a) Be qualified to provide service in that capacity during the period in which that service is rendered;

(b) Be responsible for the supervision, control, and evaluation of the course and the enrolled students;

(c) Provide orientation, guidance, and information regarding course content materials and services for each student as soon as possible subsequent to the student's official enrollment by the college; and

(d) Provide each student with the instructor's consultation schedule for the semester, quarter, or other prescribed term of the course, this schedule to be included in the written record.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55352. Number of Students.

The number of students assigned to any one instructor of courses offered pursuant to this section shall not exceed 125 students per instructor unless exempted by the Chancellor.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55360. Evaluation Reports.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer of Article 5 heading and Section 55360 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Subchapter 5. Educational Master Plans

§ 55400. Definitions.

The definitions provided in the Student Attendance Accounting Manual issued by the Chancellor shall apply to the provisions of this chapter.

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

HISTORY

1. New chapter 5 (sections 55400 through 55405) filed 7-1-71; effective thirtieth day thereafter (Register 71, No. 27).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55401. Current and Long Range Plans.

The governing board of each Community College district shall establish policies for, and approve, current and long range educational plans and programs for each Community College which it maintains and for the district as a whole.

§ 55402. Educational Master Plans.

On or before January 1, 1972, the governing board of each Community College district shall submit to the Chancellor an educational master plan for each Community College which it maintains and for the district as a whole. Each plan shall be modified and brought up to date annually and shall be submitted to the Chancellor on or before November 1 of each year thereafter.

§ 55403. Form.

Each plan shall be submitted on a form provided by the Chancellor and shall contain such information as the Chancellor shall require.

§ 55404. Contents.

Each plan shall contain the educational objectives of the Community College or district and the future plans for transfer programs, occupational programs, continuing education courses, and remedial and developmental programs. On the basis of current and future enrollment, it shall contain plans for the development and expansion of ancillary services,

including services in the library and for counseling, placement, and financial aids.

§ 55405. Review and Approval.

The Chancellor shall review each master plan. On or before February 1 following the submission of each plan, the Chancellor shall send a copy of the approval of it to the superintendent of each district.

History

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

§ 55450. Excursions of Field Trips.

The governing board of a community college district may:

(a) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or college band activities to and from places in the state, or any other state, the District of Columbia, or a foreign country for students enrolled in a college. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district's course of study for the students.

(b) Engage instructors, supervisors, and other personnel who desire to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for the field trip or excursion.

(c) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of students, instructors, supervisors or other personnel to and from places in the state, any other state, the District of Columbia, or a foreign country where the excursions and field trips are being conducted; provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, the liability insurance shall be secured from a carrier licensed to transact insurance business in the foreign country.

(d) Provide supervision of students involved in field trips or excursions by academic employees of the district.

No student shall be required to pay a fee to participate in an instructionally related field trip or excursion within the state.

No student shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end the governing board shall coordinate efforts of community service groups to supply funds for students in need of them.

No group shall be authorized to take a field trip or excursion authorized by this section if any student who is a member of such an identifiable group will be excluded from participation in the field trip or excursion because of lack of sufficient funds.

No expenses of students participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with district funds. Expenses of instructors, chaperons, and other personnel participating in a field trip or excursion authorized by this section may be paid from district funds, and the district may pay from district funds all incidental expenses for the use of district equipment during a field trip or excursion authorized by this section.

The attendance or participation of a student in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from such field trip or excursion shall be limited to the amount of attendance that would have accrued had the students not been engaged in the field trip or excursion. No more contact hours shall be generated by a field trip or excursion than if a class were held on campus.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims.

(e) Nothing in this section shall be construed to require the governing board to pay the costs of meals, lodging, and other incidental expenses for students participating in field trips and excursions. The costs of meals and lodging are incidental in nature and shall not be applied in determining the funds necessary for a student to participate in a filed trip or excursion.

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

History

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55451. Provision for Medical or Hospital Service for Pupils; Duration of Section.

The governing board of any community college district conducting excursions and field trips pursuant to this article shall provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance from authorized insurer, for students of the district injured while participating in the excursions and field trips under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any college of the district. The cost of the insurance or membership shall be paid from the funds of the district.

The insurance may be purchased from, or the membership may be taken in, only companies or corporations that are authorized to do business in this state.

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

History

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 6. Matriculation Programs

Article 1. Scope and Definitions

§ 55500. Scope and Implementation.

(a) This chapter implements and should be read in conjunction with the provisions of the Seymour-Campbell Matriculation Act of 1986, c. 1467, Stats. 1986, codified as Education Code section 78210 et seq. The purpose of this chapter is to further equality of educational opportunity and success for all students in the California Community Colleges. This chapter sets forth minimum standards for district matriculation programs and further elaborates requirements for the assessment component of matriculation.

(b) The requirements of this chapter apply only to districts receiving funds pursuant to Education Code section 78216 for the period of time during which such funds are received. The Chancellor shall, in consultation with districts and other interested parties, adopt a schedule for implementing the provisions of this chapter as expeditiously as possible within the constraints of available funding. The schedule shall be coordinated with the implementation and funding of the systemwide management information system and the accountability mechanisms established pursuant to Education Code section 71020.5.

(c) Minimum standards for the enforcement of this chapter, as set forth in section 51024, shall not become effective until the Chancellor certifies, in accordance with established policies of the Board of Governors, that matriculation has been fully funded. Until that time, the Chancellor shall ensure that funds allocated to community college districts pursuant to Education Code section 78216 are used in accordance with district matriculation plans developed as provided in section 55510.

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instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55323. Learning Assistance.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 12-17-84; effective thirtieth day thereafter (Register 84, No. 51).

§ 55340. Eligibility for State Funds.

(a) In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this chapter, the course must be reported as required by this chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

(b) For purposes of computing attendance, one weekly student contact hour shall be counted for each unit of independent study credit for which a student is enrolled.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 4 heading and amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55342. Average Daily Attendance.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55343. Grades Awarded.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55344. Enrollment.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55346. Records.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55348. Supervision.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55350. Instruction.

The instructor assigned to a course conducted pursuant to this chapter shall:

(a) Be qualified to provide service in that capacity during the period in which that service is rendered;

(b) Be responsible for the supervision, control, and evaluation of the course and the enrolled students;

(c) Provide orientation, guidance, and information regarding course content materials and services for each student as soon as possible subsequent to the student's official enrollment by the college; and

(d) Provide each student with the instructor's consultation schedule for the semester, quarter, or other prescribed term of the course, this schedule to be included in the written record.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55352. Number of Students.

The number of students assigned to any one instructor of courses offered pursuant to this section shall not exceed 125 students per instructor unless exempted by the Chancellor.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55360. Evaluation Reports.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer of Article 5 heading and Section 55360 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Subchapter 5. Educational Master Plans

§ 55400. Definitions.

The definitions provided in the Student Attendance Accounting Manualissued by the Chancellor shall apply to the provisions of this chapter.

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

HISTORY

1. New chapter 5 (sections 55400 through 55405) filed 7-1-71; effective thirtieth day thereafter (Register 71, No. 27).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
4. Amendment of section filed 6-11-91; operative 7-11-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 45).

§ 55401. Current and Long Range Plans.

The governing board of each Community College district shall establish policies for, and approve, current and long range educational plans and programs for each Community College which it maintains and for the district as a whole.

§ 55402. Educational Master Plans.

On or before January 1, 1972, the governing board of each Community College district shall submit to the Chancellor an educational master plan for each Community College which it maintains and for the district as a whole. Each plan shall be modified and brought up to date annually and shall be submitted to the Chancellor on or before November 1 of each year thereafter.

§ 55403. Form.

Each plan shall be submitted on a form provided by the Chancellor and shall contain such information as the Chancellor shall require.

§ 55404. Contents.

Each plan shall contain the educational objectives of the Community College or district and the future plans for transfer programs, occupational programs, continuing education courses, and remedial and developmental programs. On the basis of current and future enrollment, it shall contain plans for the development and expansion of ancillary services, including services in the library and for counseling, placement, and financial aids.

§ 55405. Review and Approval.

The Chancellor shall review each master plan. On or before February 1 following the submission of each plan, the Chancellor shall send a copy of the approval of it to the superintendent of each district.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

§ 55450. Excursions or Field Trips.

The governing board of a community college district may:

(a) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or college band activities to and from places in the state, or any other state, the District of Columbia, or a foreign country for students enrolled in a college. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district's course of study for the students.

(b) Engage instructors, supervisors, and other personnel who desire to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for the field trip or excursion.

(c) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of students, instructors, supervisors or other personnel to and from places in the state, any other state, the District of Columbia, or a foreign country where the excursions and field trips are being conducted; provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, the liability insurance shall be secured from a carrier licensed to transact insurance business in the foreign country.

(d) Provide supervision of students involved in field trips or excursions by academic employees of the district.

No student shall be required to pay a fee to participate in an instructionally related field trip or excursion within the state.

No student shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end the governing board shall coordinate efforts of community service groups to supply funds for students in need of them.

No group shall be authorized to take a field trip or excursion authorized by this section if any student who is a member of such an identifiable group will be excluded from participation in the field trip or excursion because of lack of sufficient funds.

No expenses of students participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with district funds. Expenses of instructors, chaperons, and other personnel participating in a field trip or excursion authorized by this section may be paid from district funds, and the district may pay from district funds all incidental expenses for the use of district equipment during a field trip or excursion authorized by this section.

The attendance or participation of a student in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from such field trip or excursion shall be limited to the amount of attendance that would have accrued had the students not been engaged in the field trip or excursion. No more contact hours shall be generated by a field trip or excursion than if the class were held on campus.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims.

(e) Nothing in this section shall be construed to require the governing board to pay the costs of meals, lodging, and other incidental expenses for students participating in field trips and excursions. The costs of meals and lodging are incidental in nature and shall not be applied in determining the funds necessary for a student to participate in a field trip or excursion.

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

HISTORY

1. Adoption of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in section heading and subsection (e) (Register 91, No. 43).

§ 55451. Provision for Medical or Hospital Service for Pupils; Duration of Section.

The governing board of any community college district conducting excursions and field trips pursuant to this article shall provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance from authorized insurer, for students of the district injured while participating in the excursions and field trips under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any college of the district. The cost of the insurance or membership shall be paid from the funds of the district.

The insurance may be purchased from, or the membership may be taken in, only companies or corporations that are authorized to do business in this state.

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

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 6. Matriculation Programs

Article 1. Scope and Definitions

§ 55500. Scope and Implementation.

(a) This chapter implements and should be read in conjunction with the provisions of the Seymour-Campbell Matriculation Act of 1986, c. 1467, Stats. 1986, codified as Education Code section 78210 et seq. The purpose of this chapter is to further equality of educational opportunity and success for all students in the California Community Colleges. This chapter sets forth minimum standards for district matriculation programs and further elaborates requirements for the assessment component of matriculation.

(b) The requirements of this chapter apply only to districts receiving funds pursuant to Education Code section 78216 for the period of time during which such funds are received. The Chancellor shall, in consultation with districts and other interested parties, adopt a schedule for implementing the provisions of this chapter as expeditiously as possible within the constraints of available funding. The schedule shall be coordinated with the implementation and funding of the systemwide management information system and the accountability mechanisms established pursuant to Education Code section 71020.5.

(c) Minimum standards for the enforcement of this chapter, as set forth in section 51024, shall not become effective until the Chancellor certifies, in accordance with established policies of the Board of Governors, that matriculation has been fully funded. Until that time, the Chancellor shall ensure that funds allocated to community college districts pursuant to Education Code section 78216 are used in accordance with district matriculation plans developed as provided in section 55510.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 71020.5, 78210-78218, Education Code.

HISTORY

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

instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55323. Learning Assistance.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 12-17-84; effective thirtieth day thereafter (Register 84, No. 51).

§ 55340. Eligibility for State Funds.

(a) In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this chapter, the course must be reported as required by this chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

(b) For purposes of computing attendance, one weekly student contact hour shall be counted for each unit of independent study credit for which a student is enrolled.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 4 heading and amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55342. Average Daily Attendance.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55343. Grades Awarded.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55344. Enrollment.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55346. Records.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55348. Supervision.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55350. Instruction.

The instructor assigned to a course conducted pursuant to this chapter shall:

(a) Be qualified to provide service in that capacity during the period in which that service is rendered;

(b) Be responsible for the supervision, control, and evaluation of the course and the enrolled students;

(c) Provide orientation, guidance, and information regarding course content materials and services for each student as soon as possible subsequent to the student's official enrollment by the college; and

(d) Provide each student with the instructor's consultation schedule for the semester, quarter, or other prescribed term of the course, this schedule to be included in the written record.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55352. Number of Students.

The number of students assigned to any one instructor of courses offered pursuant to this section shall not exceed 125 students per instructor unless exempted by the Chancellor.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55360. Evaluation Reports.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer of Article 5 heading and Section 55360 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Subchapter 5. Educational Master Plans

§ 55400. Definitions.

The definitions provided in the Student Attendance Accounting Manual issued by the Chancellor shall apply to the provisions of this chapter.

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

HISTORY

1. New chapter 5 (sections 55400 through 55405) filed 7-1-71; effective thirtieth day thereafter (Register 71, No. 27).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
4. Amendment of section filed 6-11-91; operative 7-11-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 45).
5. Amendment of NOTE filed 6-11-91; operative 7-11-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 92, No. 1).

§ 55401. Current and Long Range Plans.

The governing board of each Community College district shall establish policies for, and approve, current and long range educational plans and programs for each Community College which it maintains and for the district as a whole.

§ 55402. Educational Master Plans.

On or before January 1, 1972, the governing board of each Community College district shall submit to the Chancellor an educational master plan for each Community College which it maintains and for the district as a whole. Each plan shall be modified and brought up to date annually and shall be submitted to the Chancellor on or before November 1 of each year thereafter.

§ 55403. Form.

Each plan shall be submitted on a form provided by the Chancellor and shall contain such information as the Chancellor shall require.

§ 55404. Contents.

Each plan shall contain the educational objectives of the Community College or district and the future plans for transfer programs, occupational programs, continuing education courses, and remedial and developmental programs. On the basis of current and future enrollment, it shall contain plans for the development and expansion of ancillary services,

including services in the library and for counseling, placement, and financial aids.

§ 55405. Review and Approval.

The Chancellor shall review each master plan. On or before February 1 following the submission of each plan, the Chancellor shall send a copy of the approval of it to the superintendent of each district.

History

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

§ 55450. Excursions or Field Trips.

The governing board of a community college district may:

(a) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or college band activities to and from places in the state, or any other state, the District of Columbia, or a foreign country for students enrolled in a college. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district's course of study for the students.

(b) Engage instructors, supervisors, and other personnel who desire to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for the field trip or excursion.

(c) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of students, instructors, supervisors or other personnel to and from places in the state, any other state, the District of Columbia, or a foreign country where the excursions and field trips are being conducted; provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, the liability insurance shall be secured from a carrier licensed to transact insurance business in the foreign country.

(d) Provide supervision of students involved in field trips or excursions by academic employees of the district.

No student shall be required to pay a fee to participate in an instructionally related field trip or excursion within the state.

No student shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end the governing board shall coordinate efforts of community service groups to supply funds for students in need of them.

No group shall be authorized to take a field trip or excursion authorized by this section if any student who is a member of such an identifiable group will be excluded from participation in the field trip or excursion because of lack of sufficient funds.

No expenses of students participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with district funds. Expenses of instructors, chaperons, and other personnel participating in a field trip or excursion authorized by this section may be paid from district funds, and the district may pay from district funds all incidental expenses for the use of district equipment during a field trip or excursion authorized by this section.

The attendance or participation of a student in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from such field trip or excursion shall be limited to the amount of attendance that would have accrued had the students not been engaged in the field trip or excursion. No more contact hours shall be generated by a field trip or excursion than if the class were held on campus.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims.

(e) Nothing in this section shall be construed to require the governing board to pay the costs of meals, lodging, and other incidental expenses for students participating in field trips and excursions. The costs of meals and lodging are incidental in nature and shall not be applied in determining the funds necessary for a student to participate in a field trip or excursion.

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

History

1. Adoption of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in section heading and subsection (e) (Register 91, No. 43).

§ 55451. Provision for Medical or Hospital Service for Pupils; Duration of Section.

The governing board of any community college district conducting excursions and field trips pursuant to this article shall provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance from authorized insurer, for students of the district injured while participating in the excursions and field trips under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any college of the district. The cost of the insurance or membership shall be paid from the funds of the district.

The insurance may be purchased from, or the membership may be taken in, only companies or corporations that are authorized to do business in this state.

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

History

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 6. Matriculation Programs

Article 1. Scope and Definitions

§ 55500. Scope and Implementation.

(a) This chapter implements and should be read in conjunction with the provisions of the Seymour-Campbell Matriculation Act of 1986, c. 1467, Stats. 1986, codified as Education Code section 78210 et seq. The purpose of this chapter is to further equality of educational opportunity and success for all students in the California Community Colleges. This chapter sets forth minimum standards for district matriculation programs and further elaborates requirements for the assessment component of matriculation.

(b) The requirements of this chapter apply only to districts receiving funds pursuant to Education Code section 78216 for the period of time during which such funds are received. The Chancellor shall, in consultation with districts and other interested parties, adopt a schedule for implementing the provisions of this chapter as expeditiously as possible within the constraints of available funding. The schedule shall be coordinated with the implementation and funding of the systemwide management information system and the accountability mechanisms established pursuant to Education Code section 71020.5.

(c) Minimum standards for the enforcement of this chapter, as set forth in section 51024, shall not become effective until the Chancellor certifies, in accordance with established policies of the Board of Governors, that matriculation has been fully funded. Until that time, the Chancellor shall ensure that funds allocated to community college districts pursuant to Education Code section 78216 are used in accordance with district matriculation plans developed as provided in section 55510.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 71020.5, 78210-78218, Education Code.

History

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

Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

History

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

History

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

History

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

History

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

History

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 standards of scholarship.

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

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51010. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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. 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

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

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each

Senior Accounting Officers (Specialists) 3
Accounting Officers (Specialists) 3
Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
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 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. 15).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 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. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, 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 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).

§ 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 the formation of a new college or educational center shall obtain approval for such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

Register 1995-20

§ 55400

HISTORY

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
2. Amendment of section heading and text filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55378. Separate Course Approval.

Each proposed or existing course if delivered by distance education, shall be separately reviewed and approved, according to the district's certified course approval procedures.

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

HISTORY

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
2. Amendment filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55380. Faculty Selection.

Instructors of sections delivered via distance education technology shall be selected by the same procedures used to determine all instructional assignments. Instructors shall possess the minimum qualifications for the discipline into which the course's subject matter most appropriately falls, in accordance with Article 2 of Chapter 4 of Division 4 of this Part (commencing with Section 53410), and with the list of disciplinary definitions and requirements adopted by the Board of Governors to implement that Article, as such list may be amended from time to time.

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

HISTORY

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
2. Amendment filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

Subchapter 5. Educational Master Plans

§ 55400. Definitions.

The definitions provided in the Student Attendance Accounting Manual issued by the Chancellor shall apply to the provisions of this chapter.

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

HISTORY

1. New chapter 5 (sections 55400 through 55405) filed 7-1-71; effective thirtieth day thereafter (Register 71, No. 27).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. 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).
4. Amendment of section filed 6-11-91; operative 7-11-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 45).
5. Amendment of NOTE filed 6-11-91; operative 7-11-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 92, No. 1).
6. Editorial correction of HISTORY 3 (Register 95, No. 20).

§ 55401. Current and Long Range Plans.

The governing board of each Community College district shall establish policies for, and approve, current and long range educational plans and programs for each Community College which it maintains and for the district as a whole.

§ 55402. Educational Master Plans.

On or before January 1, 1972, the governing board of each Community College district shall submit to the Chancellor an educational master plan for each Community College which it maintains and for the district as a whole. Each plan shall be modified and brought up to date annually and shall be submitted to the Chancellor on or before November 1 of each year thereafter.

§ 55403. Form.

Each plan shall be submitted on a form provided by the Chancellor and shall contain such information as the Chancellor shall require.

§ 55404. Contents.

Each plan shall contain the educational objectives of the Community College or district and the future plans for transfer programs, occupational programs, continuing education courses, and remedial and developmental programs. On the basis of current and future enrollment, it shall contain plans for the development and expansion of ancillary services, including services in the library and for counseling, placement, and financial aids.

§ 55405. Review and Approval.

The Chancellor shall review each master plan. On or before February 1 following the submission of each plan, the Chancellor shall send a copy of the approval of it to the superintendent of each district.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

§ 55450. Excursions or Field Trips.

The governing board of a community college district may:

(a) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or college band activities to and from places in the state, or any other state, the District of Columbia, or a foreign country for students enrolled in a college. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district's course of study for the students.

(b) Engage instructors, supervisors, and other personnel who desire to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for the field trip or excursion.

(c) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of students, instructors, supervisors or other personnel to and from places in the state, any other state, the District of Columbia, or a foreign country where the excursions and field trips are being conducted; provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, the liability insurance shall be secured from a carrier licensed to transact insurance business in the foreign country.

(d) Provide supervision of students involved in field trips or excursions by academic employees of the district.

No student shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end the governing board shall coordinate efforts of community service groups to supply funds for students in need of them.

No group shall be authorized to take a field trip or excursion authorized by this section if any student who is a member of such an identifiable group will be excluded from participation in the field trip or excursion because of lack of sufficient funds.

No expenses of students participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with district funds. Expenses of instructors, chaperons, and other personnel participating in a field trip or excursion authorized by this section may be paid from district funds, and the district may pay from district funds all incidental expenses for the use of district equipment during a field trip or excursion authorized by this section.

The attendance or participation of a student in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from such field trip or excursion shall be limited to the amount of attendance that would have accrued had the students not been engaged in the field trip or excursion. No more contact hours shall be generated by a field trip or excursion than if the class were held on campus.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part 05. Equal Employment Opportunity

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Register 77-30 New Chapter 1 (§§ 53000 - 53004).

Register 82-06 Repealer of Chapter 1 (Subchapter 1, §§ 53000 - 53004) and new Chapter 1 (Subchapters 1 - 4, §§ 53000 - 53052, not consecutive).

Register 82-09 § 53023: New section filed.

Register 83-29 Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000-51021, not consecutive).

Register 90-45 § 53060: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State.

	§ 53061: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State.
	§ 53062: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State.
	§ 53063: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State.
	§ 53064: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State.
Register 91-23	§ 51010: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
Register 91-31	§ 53061: Editorial correction of printing error in subsection (c).
Register 92-17	§ 53000: Repealed; new section filed.
	§ 53001: Repealed; new section filed.
	§ 53002: Repealed, new section filed.
	§ 53003: Repealed, new section filed.
	§ 53004: Repealed, new section filed.
	§ 53005: Repealed, new section filed.
	§ 53010: Repealed.
	§ 53011: Repealed.

1 § 53012: Repealed.

2 § 53020: Repealed, new section filed.

3 § 53021: Repealed, new section filed.

4 § 53022: Repealed, new section filed.

5 § 53023: Repealed, new section filed.

6 § 53024: Repealed, new section filed.

7 § 53025: Repealed, new section filed.

8 § 53026: Repealed, new section filed.

9 § 53027: Repealed, new section filed.

10 § 53028: Repealed.

1 § 53029: Repealed.

12 § 53030: Repealed, new section filed.

13 § 53031: Repealed, new section filed.

14 § 53032: New section filed.

15 § 53033: New section filed.

16 § 53034: New section filed.

17 § 53040: Repealed.

18 § 53041: Repealed.

19 § 53042: Repealed.

20 § 53043: Repealed.

21 § 53044: Repealed.

§ 53045: Repealed.

§ 53046: Repealed.

§ 53049: Repealed.

§ 53050: Repealed.

§ 53051: Repealed.

§ 53052: Repealed.

§ 53060: Repealed.

§ 53061: Repealed.

§ 53062: Repealed.

§ 53063: Repealed.

§ 53064: Repealed.

Register 94-38 § 51010: Amendment of section; submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53001: Amendment of subsections (a), (b)(1) - (b)-(3), (c), (k) and (m). Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53002: Amendment of section. Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53003: Amendment of subsections (c)(4) and (7). Submitted to OAL for printing only pursuant to Education Code section 70901.5.

1 § 53020: Amendment of subsections (a) and (c). Submitted to OAL
2 for printing only pursuant to Education Code section
3 70901.5.
4 § 53021: Amendment of subsections (b) and (d)-(e)(2). Submitted
5 to OAL for printing only pursuant to Education Code
6 section 70901.5.
7 § 53025: Amendment of section and NOTE. Submitted to OAL for
8 printing only pursuant to Education Code section 70901.5.
9 § 53026: Amendment of section. Submitted to OAL for printing only
10 pursuant to Education Code section 70901.5.
1 § 53030: Amendment of section. Submitted to OAL for printing only
12 pursuant to Education Code section 70901.5..
13 § 53031: Amendment of subsection (a). Submitted to OAL for
14 printing only pursuant to Education Code section 70901.5.
15 **Register 95-15** § 51010: Editorial correction of HISTORY 1.
16 **Register 96-23** § 53000: Amendment of subsection (a) and NOTE. Submitted to
17 OAL for printing only.
18 § 53001: Amendment of subsections (a), (b), (e), (f), (h), (j), and
19 (m), new subsections (m)(1)-(q)(3), and amendment of
20 NOTE. Submitted to OAL for printing only.
21 § 53003: Amendment of subsections (b), (c), and (c)(7), new

subsections (c)(8)-(9) and subsection renumbering, amendment of newly designated subsection (c)(10), and new subsection (f). Submitted to OAL for printing only.

§ 53004: Amendment of subsections (a) and (b). Submitted to OAL for printing only.

§ 53006: New section added. Submitted to OAL for printing only.

§ 53021: Amendment of subsections (a) and (b)(1)-(b)(2), repealer of subsection (b)(3), amendment of subsections (c), (d) and (e)(1)-(e)(4) and new subsection (e)(5). Submitted to OAL for printing only.

§ 53023: Amendment of subsections (a) and (b), repealer of subsection (b)(2) and subsection renumbering, and amendment of subsection (c)(2). Submitted to OAL for printing only.

§ 53024: Amendment of subsections (a)(2)-(c), (e) and (g). Submitted to OAL for printing only.

§ 53025: Repealer of subsections (a) and (b) and deletion of subsection designator. Submitted to OAL for printing only.

§ 53030: Amendment of subsections (b) and (b)(3) and repealer of subsections (b)(4) and (b)(5). Submitted to OAL for printing only.

§ 53031: Repealed. Submitted to OAL for printing only.

§ 53032: Repealed. Submitted to OAL for printing only.

§ 53033: Amendment of section. Submitted to OAL for printing only.

Register 2001-06 § 53002: Amendment of section. Submitted to OAL for printing only.

Register 2002-35 § 53000: Amendment of subchapter heading, section and NOTE. Submitted to OAL for printing only.

§ 53001: Amendment of section and NOTE. Submitted to OAL for printing only.

§ 53002: Amendment of section and NOTE. Submitted to OAL for printing only.

§ 53003: Amendment of section and NOTE. Submitted to OAL for printing only.

§ 53004: Amendment of subsections (a) and (b) and amendment of NOTE. Submitted to OAL for printing only.

§ 53005: Amendment of section and NOTE. Submitted to OAL for printing only.

§ 53006: Amendment of section heading, section and NOTE. Submitted to OAL for printing only.

§ 53020: Amendment of section and NOTE. Submitted to OAL for

1 printing only.

2 § 53021: Amendment of section and NOTE. Submitted to OAL for

3 printing only.

4 § 53022: Amendment of section heading, section and NOTE.

5 Submitted to OAL for printing only.

6 § 53024: Amendment of section and NOTE. Submitted to OAL for

7 printing only.

8 § 53025: Amendment of section and NOTE. Submitted to OAL for

9 printing only.

10 § 53026: Amendment of section and NOTE. Submitted to OAL for

11 printing only.

12 § 53027: Amendment of section and NOTE. Submitted to OAL for

13 printing only.

14 § 53030: Amendment of section heading, section and NOTE.

15 Submitted to OAL for printing only.

16 § 53033: Amendment of section and NOTE. Submitted to OAL for

17 printing only.

18 § 53034: Amendment of section and NOTE. Submitted to OAL for

19 printing only.

20 **Subsequent Registers**: There may be changes to the regulations after the date the

21 test claim was filed, which are not included.

Register 1977-30

§§ 53000 - 53004

DIVISION 4. EMPLOYEES

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CHAPTER 1. PROVISIONS RELATING TO ALL EMPLOYEES

SUBCHAPTER 1. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

53000. Rationale and Intent. (a) Community Colleges have an obligation to promote cultural, racial, and human understanding within the communities they serve as well as within their spheres of influence.

(b) It is educationally sound for all students attending California Community Colleges to have available positive images provided by individuals from historically underrepresented groups, and to observe that such individuals can assume responsible and diverse roles in society.

(c) The richness which cultural and racial diversity brings to our national heritage and the exercise of democratic principles can best be taught in the presence of staffs of mixed races and ethnic groups as well as both sexes working toward mutually established goals.

(d) Efforts toward the adoption of affirmative action and equal employment opportunity policies and programs, leading to successful recruitment, employment and promotion of historically under-represented groups, should be increased.

(e) These regulations and the guidelines developed hereunder are aimed not only at correction of employment deficiencies but seek to improve and strengthen the total personnel programs of the California Community Colleges by providing opportunities for equitable consideration of all candidates for employment and promotion.

(f) The Board of Governors of the California Community Colleges reaffirms its commitment to equal employment opportunities. It emphasizes the determination that those practices employed by California Community College districts which result in certain groups of job applicants being excluded and/or underrepresented in the institution's workforce be eliminated and that the results of their employment practices through affirmative action will be increased representation and retention of historically underrepresented groups as defined by Federal regulations.

(g) Policies which call for efforts to promote action in the recruitment, employment, and promotion of persons, regardless of race, color, religion, national origin, sex, age, handicap, or marital status, should be more than proclamations of nondiscrimination in employment practice but should be affirmative and result-oriented efforts to produce a substantial increase in employment opportunities of underrepresented groups, in all areas and at all levels, including executive, administrative, and managerial.

(h) Since past efforts of Community College districts have been constrained by the multiplicity of Federal and State regulations and changing definitions within these regulations, guidelines are needed in order to provide assistance to Community College districts in implementing the provisions of this subchapter. Such guidelines shall be designed by the Chancellor's Office of the California Community Colleges to clarify and consolidate existing regulations and to respond to future additions and modifications to Federal and State regulations.

NOTE: Authority cited: Sections 66700, 71020, 71025, 71062 and 71068, Education Code. Reference: Sections 66700, 71023, 71025 and 71068, Education Code.

History: 1. New Chapter 1 (Sections 53000–53004) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).

53001. Definitions. As used in this subchapter:

(a) **Affirmative Action Programs.** "Affirmative action programs" means all the various methods by which equal employment opportunity for all is made a reality. Equal employment opportunity is a condition, and affirmative action is the means by which the condition is achieved. Further, an affirmative action program with goals and timetables is a set of specific and result-oriented procedures. The objective of such a program is to achieve equal employment opportunity by recognizing and overcoming the effects of past discrimination in employment.

(b) **Board of Governors.** "Board of Governors" means the Board of Governors of the California Community Colleges.

(c) **Chancellor.** "Chancellor" means the Chancellor of the California Community Colleges.

(d) **College.** "College" means a public Community College established pursuant to laws of this state.

(e) **District.** "District" means any college district in California that maintains one or more colleges pursuant to the provisions of the Education Code.

(f) **Ethnic Minorities.** "Ethnic minorities" means those protected ethnic minority groups so designated by Federal compliance agencies and includes Alaskan Natives/American Indians, Asians or Pacific Islanders, Blacks, and Hispanics.

(g) **Goals and Timetables.** "Goals and timetables" means projected new levels of employment of women and historically underrepresented ethnic minority groups as specified in Federal regulations to be worked toward on a specific schedule, given the expected turnover in the workforce and the availability of persons who are qualified through appropriate training or experience within a reasonable length of time. Goals are not "quotas" or rigid proportions. Quantitative measurements should only be used as management tools to assess the over-all effectiveness of the programs. They should relate both to the qualitative and quantitative needs of the district.

(h) **Handicapped Person.** "Handicapped person" is any individual who has or had a physical or mental disability who is otherwise qualified for employment, and who can perform the functions of the job when the district makes a reasonable physical accommodation in work location.

(i) **Historically underrepresented groups.** "Historically underrepresented groups" means women, ethnic minorities, handicapped persons, and persons forty to sixty-five years of age.

53002. Responsibilities of the Chancellor. The Chancellor shall provide guidelines for the development of policies, programs and procedures for affirmative action and equal employment opportunity programs. The Chancellor shall render assistance to Community Colleges in carrying out the provisions of this subchapter. These guidelines shall be available no later than July 1, 1977. The Chancellor shall review and approve programs submitted by districts pursuant to Section 53003.

The Chancellor shall report biannually to the Board of Governors on the progress of all California Community College districts in meeting the provisions of this subchapter.

53003. Responsibilities of Community College Districts. (a) The governing board of each California Community College district shall adopt by resolution an Affirmative Action Employment policy which will outline the district's commitment to implement "affirmatively" equal employment opportunity programs for all employees and applicants for employment regardless of race, color, religion, sex, national origin, age, handicap, or marital status. This policy shall cover all aspects of personnel policy and practice.

Each affirmative action and equal employment opportunity program designed to implement the adopted policy shall comply with the provisions of this subchapter. The policy statement shall be adopted no later than January 1, 1978.

(b) Each district shall develop and adopt a district-wide affirmative action and equal employment opportunity program to be submitted in writing for review and approval to the Chancellor no later than July 1, 1978. Documents submitted by districts shall become public records and shall be treated as such by the Chancellor's Office.

(c) Each affirmative action and equal employment opportunity program shall include goals and timetables for the implementation of these goals, including adequate enforcement procedures.

(d) Districts shall report every two years to the Chancellor in a manner designated by the Chancellor, their progress in reaching affirmative action goals.

(e) Such program shall provide adequate safeguards for the privacy of employees and prospective employees and shall include a requirement that no person be subjected to sanctions or discriminatory action for failing to identify himself or herself by age, race, color, ethnicity or religion.

53004. Minimum Standards. Policies and programs as provided herein shall constitute minimum standards within the meaning of Education Code Section 71025.

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CHAPTER 1. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

SUBCHAPTER 1. GENERAL

53000. Rationale and Intent.

(a) Community Colleges have an obligation to promote cultural, racial, and human understanding within the communities they serve as well as within their spheres of influence.

(b) It is educationally sound for all students attending California Community Colleges to have available positive images provided by individuals from historically underrepresented groups, and to observe that such individuals can assume responsible and diverse roles in society.

(c) The richness which cultural and racial diversity brings to our national heritage and the exercise of democratic principles can best be taught in the presence of staffs of mixed races and ethnic groups as well as both sexes working toward mutually established goals.

(d) Efforts toward the adoption of affirmative action and equal employment opportunity policies and programs, leading to successful recruitment, employment and promotion of historically underrepresented groups, should be increased.

(e) The intent of these regulations and the guidelines developed hereunder is not only to correct employment deficiencies but to seek to improve and strengthen the total personnel programs of the California Community Colleges by providing opportunities for equitable consideration of all candidates for employment and promotion.

(f) The Board of Governors of the California Community Colleges reaffirms its commitment to equal employment opportunities. It emphasizes the determination that those practices employed by California Community College districts which result in certain groups of job applicants being excluded and/or underrepresented in the institution's work force be eliminated and that the results of their employment practices through affirmative action will be increased representation and retention of historically underrepresented groups as defined by federal regulations.

(g) Policies which call for efforts to promote action in the recruitment, employment, and promotion of persons, regardless of race, color, religion, national origin, sex, age, handicap, or marital status, should be more than proclamations of nondiscrimination in employment practice but should be affirmative and result-oriented efforts to produce a substantial increase in employment opportunities of underrepresented groups, in all areas and at all levels, including executive, administrative, and managerial.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87100, Education Code.

HISTORY:

1. New Chapter 1 (Sections 53000–53004) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).

2. Repealer of Chapter 1 (Subchapter 1, Sections 53000–53004) and new Chapter 1 (Subchapters 1–4, Sections 53000–53052, not consecutive) filed 2-1-82; effective thirtieth day thereafter (Register 82, No. 6).

53001. Definitions.

As used in this subchapter:

(a) Affirmative Action Programs. "Affirmative action programs" means all the various methods by which equal employment opportunity for all is made a reality. Equal employment opportunity is a condition, and affirmative action is the means by which the condition is achieved. Further, an affirmative action program with goals and timetables is a set of specific and result-oriented procedures. The objective of such a program is to achieve equal employment opportunity by recognizing and overcoming the effects of past discrimination in employment. Affirmative action programs specifically address the underrepresentation of ethnic minorities, women, handicapped persons and Vietnam-Era veterans in the labor market and in certain employment classifications.

(b) Affirmative Action Plan. The "Affirmative Action Plan" is a written plan in which a district's work force is analyzed and includes a plan of specific result-oriented procedures to insure equal employment opportunity and proportionate representation of qualified representatives of protected class members.

(c) Business Necessity. "Business necessity" means circumstances necessitating an employment practice. Business necessity exists where the employment practice is necessary to avoid substantial extra costs or human risk. Business necessity requires greater cost than does mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.

(d) Equal Employment Opportunity. "Equal employment opportunity" is the goal of affirmative action programs. It means that individuals must have access to employment and are not to be excluded from participation in any employment process, advancement, or benefits of employment because of their race, color, religion, sex, national origin, age, marital status or handicap.

(e) Ethnic Minorities. "Ethnic minorities" means those protected ethnic minority groups so designated by federal compliance agencies for goal-setting and includes Alaskan Natives/American Indians, Asians or Pacific Islanders, Blacks, and Hispanics.

A person may be included in the group to which he or she appears to belong, identifies as his or her group, or is regarded in the community as belonging, but shall be counted in only one ethnic group.

(1) American Indian or Alaskan Native means all persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

(2) Asian or Pacific Islanders means all persons having origins in any of the original peoples of the Far East, Southeast Asia or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, Samoa, and the Indian subcontinent.

(3) Black (not of Hispanic origin) means all persons having origins in any of the black racial groups of Africa.

(4) Hispanic means all persons of Chicano, Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin regardless of race.

(f) Filipino. "Filipino" means all persons having origins in the original peoples of the Philippine Islands. Filipinos are to be counted and reported as part of the Asian/Pacific Islander group as well as in a separate group as required by state law. However, in the goal-setting process, separate employment goals are not needed for Filipinos.

(g) White Persons. "White persons" means all persons having origins in any of the original peoples of Europe, North Africa, the Middle East, and not of Hispanic origin.

(h) Goals and Timetables. "Goals and timetables" means projected new levels of employment of women and historically underrepresented ethnic minority groups as specified in federal regulations to be worked toward on a specific schedule, given the expected turnover in the work force and the availability of persons who are qualified through appropriate training or experience within a reasonable length of time. Goals are not "quotas" or rigid proportions. Quantitative measurements should only be used as management tools to assess the overall effectiveness of the programs. They should relate both to the qualitative and quantitative needs of the district.

Filipinos shall be included in the Asian/Pacific Islander group for goal setting purposes.

(i) Handicapped Persons. "Handicapped person" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such an impairment or (3) is regarded as having such an impairment. A handicapped individual is "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment because of a handicap.

(j) Protected Groups. "Protected groups" means ethnic minorities, women, handicapped persons and Vietnam-era veterans.

(k) Reasonable Accommodation. "Reasonable accommodation" means the efforts made on the part of the employer to remove artificial or real barriers, which prevent or limit the employment and upward mobility of disabled persons.

(*l*) Sexual Harassment. "Sexual harassment" means unwelcome sexual conduct which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87101, Education Code; Section 11092, Government Code; 29 C.F.R. 1602.48 (1981); 29 U.S.C. 793; 41 C.F.R. 60-741-2 (1980).

53002. District Affirmative Action Policy.

The governing board of each California Community College district shall adopt by resolution an Affirmative Action Employment policy which will outline the district's commitment to implement "affirmatively" equal employment opportunity programs for all employees and applicants for employment regardless of race, color, religion, sex, national origin, age, handicap, status as a Vietnam-era veteran, or marital status. This policy shall cover all aspects of personnel policy and practice for all personnel.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Section 87100, Education Code.

53003. District Affirmative Action Plan.

(a) Each community college district shall develop and adopt a district-wide written affirmative action and equal employment opportunity plan to implement its Affirmative Action Policy. Such plans and revisions shall be submitted to the Chancellor's Office for review and approval.

(b) Each community college district shall revise its affirmative action goals and timetables every three years and submit them to the Chancellor's Office for approval. Each community college district shall notify the Chancellor at least 30 days prior to adopting any other amendments to its affirmative action plan.

(c) The plans submitted to the Chancellor shall be public records.

(d) Each community college district shall make a continuous good faith effort to comply with the requirements of its affirmative action plan.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Section 87100, Education Code.

53004. District Evaluation and Report to Chancellor.

Each district shall annually survey its employment patterns in an effort to evaluate its progress in reaching the goals set forth in its affirmative action plan. Each district shall annually report to the Chancellor, in a manner prescribed by the Chancellor, the results of its annual survey.

The Chancellor's Office shall seek field input from community college districts in developing reporting formats.

NOTE: Authority cited: Sections 71020, 71025, 71060 and 87105, Education Code. Reference: Section 87100, Education Code.

53005. Minimum Standards.

The compliance with the requirements of Sections 53002, 53003, 53004, and 53021 shall be a minimum standard which a community college district must satisfy to receive state aid.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 71025 and 87100, Education Code.

SUBCHAPTER 2. RESPONSIBILITIES OF THE CHANCELLOR

53010. Assistance.

The Chancellor shall provide guidelines for the development of policies, programs and procedures for affirmative action and equal employment opportunity programs. The Chancellor shall cooperate with and render assistance to community colleges in carrying out the provisions of this subchapter. The Chancellor shall review and approve programs submitted by districts pursuant to Section 53003.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87103, Education Code.

53011. Report.

The Chancellor shall report annually to the Board of Governors and Legislature on the progress and/or effectiveness of all California Community College districts in meeting the provisions of this chapter.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87104, Education Code.

53012. Periodic Evaluation.

The Chancellor shall periodically evaluate community college districts to determine their compliance with the requirements of their affirmative action plans and this chapter. If the Chancellor finds that a district has failed to substantially comply with the requirements of its plan, the Chancellor shall offer assistance and take whatever action he or she deems necessary to effect compliance.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87102, Education Code.

SUBCHAPTER 3. RESPONSIBILITIES OF COMMUNITY COLLEGE DISTRICTS

53020. Implement Affirmative Action Plan.

The means specified in this subchapter are the essential requirements for implementing a district affirmative action plan.

NOTE: Authority cited: Sections 71020 and 87105, Education Code; Section 11138, Government Code. Reference: Section 87102, Education Code.

53021. Recruitment.

Community college districts shall undertake a program of verifiable affirmative action recruitment for protected group members in all job categories which reflect underrepresentation, including categorically funded positions and in all executive/administrative/managerial positions. Upward mobility programs may be used in conjunction with a recruitment effort when it promotes the goals of the district's affirmative action plan. "In house" or "promotional only" recruitment shall not be used except when "business necessity" dictates.

NOTE: Authority cited: Sections 71020 and 87105, Education Code; Section 11138, Government Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1–3.2, et seq. (1980); 29 U.S.C. 793; 41 C.F.R. 60-741.1–.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1–.9, et seq. (1980); Section 87100, Education Code.

53022. Job Announcements.

Job announcements shall state clearly job specifications setting forth those skills necessary to job performance and the required training and experience related to those skills. The requirements are to be based on a careful analysis of the job. Only bona fide occupational qualifications may be included in job announcements.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1–3.2, et seq. (1980); 29 U.S.C. 793; 41 C.F.R. 60-741.1–.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1–.9, et seq. (1980); Section 87100, Education Code.

53024. Screening.

All selection testing for employees shall follow procedures as outlined in Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures." Selection procedures established in the district's affirmative action plan shall be used to identify a reasonable number of qualified candidates for interviews for all recruited positions.

Selection committees shall include members of protected groups whenever possible.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1–3.2, et seq. (1980); 29 U.S.C. 793; 41 C.F.R. 60-741.1–.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1–.9, et seq. (1980); 29 C.F.R. 1607 (1978).

53025. Agents.

Any individual or group of individuals acting on behalf of the local governing board for the recruitment and screening of personnel, including superintendentships, are agents of the district and subject to all state and federal laws and regulations.

NOTE: Authority cited: Sections 71020 and 87105, Education Code; Section 11138, Government Code. Reference: Section 87100, Education Code.

53026. Selection Procedure.

(a) Selection devices such as interviews shall be solely based on job-related requirements.

(b) The Affirmative Action Officer shall ensure that the entire selection process shall be solely based on job-related criteria, a fair impartial examination of the candidates based on job-related criteria, with job-related questions prepared in advance.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1–3.2, et seq. (1980); 29 U.S.C. 793; 41 C.F.R. 60-741.1–.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1–.9, et seq. (1980).

53027. Final Selection.

(a) The results of the selection procedures shall be reviewed by the affirmative action officer to ensure that selection of a qualified candidate is supported by factual data and that the elimination of other candidates is based upon bona fide occupational qualifications.

(b) Throughout the entire selection process, the Affirmative Action Officer is responsible for monitoring for adverse impact. If discriminatory intent or effect is identified, the Affirmative Action Officer shall implement solutions and/or confer with the chief administrative officer or designee of the district or college to determine necessary remedies.

(c) Length of service in the district shall not be used as the sole determinant for decisions affecting hiring and promotions.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1–3.2, et seq. (1980); 29 U.S.C. 793; 41 C.F.R. 60-741.1–.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1–.9, et seq. (1980).

53028. Affirmative Action Commitment.

All employment practices, including selection, assignment, promotion, transfer, demotion, or termination decisions, shall be based on job-related factors which include qualifications and capabilities. Seniority shall be considered only where required by law. The goals of the affirmative action program shall also be designed to meet the special needs and aspirations of minority groups, students and the community in counseling, bilingual/multicultural education, and school-staff mobility.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

53029. Handicapped.

Districts shall make reasonable accommodation for the handicapped applicant or employee.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code; Section 11135, Government Code; 29 U.S.C. 705 and 706.

53030. Sexual Harassment Policy.

A work place free of sexual harassment and intimidation shall be maintained.

NOTE: Authority cited: Sections 71020, 71068 and 87105, Education Code; Section 11138, Government Code. Reference: 42 U.S.C. 2000e, et seq.; 29 C.F.R. 1604.11 (1981).

SUBCHAPTER 4. ESSENTIAL ELEMENTS OF AN AFFIRMATIVE ACTION PLAN

53040. Governing Board's Affirmative Action Employment Policy Statement.

Each affirmative action plan shall have a written policy statement adopted by the district governing board which sets forth the district's obligation and commitment to equal employment opportunity through affirmative action. The statement must include a plan to ensure nondiscrimination in employment, promotion, transfer, and assignment on the basis of race, color, religion, national origin, sex, age, handicap, status as Vietnam-era veteran and/or marital status. This plan must be applied to all levels of employment procedure and to all position classifications.

NOTE: Authority cited: Sections 71020, 71025, 71068, and 87105, Education Code. Reference: Section 87101, Education Code; Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1–3.2, et seq. (1980); 20 U.S.C. 793; 41 C.F.R. 60-741.1–.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1–.9, et seq. (1980).

53041. Affirmative Action Responsibilities and Duties.

The affirmative action plan shall state that the community college district governing board and the chief district administrator have the overall responsibility for ensuring affirmative action and equal employment opportunity including, but not limited to, recruitment, assignment, promotion, retention, compensation, and training; and for improving representation of minority racial and ethnic groups, women, handicapped persons and Vietnam-era veterans.

NOTE: Authority cited: Sections 71020, 71025, 71068, and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

53042. Affirmative Action Officer.

In the affirmative action plan the community college district shall designate an affirmative action officer to administer the affirmative action program. This officer shall report to the chief district administrator or designee who reports to the chief district administrator.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

53043. Internal Dissemination.

The affirmative action plan shall require that all district employees shall be apprised of the equal employment opportunity/affirmative action policy, affirmative action plan, and the importance of the employee's participation and responsibility in ensuring the plan's implementation.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

53044. External Dissemination.

The affirmative action plan shall require that a written notice be provided at least annually to various community organizations concerning the district's affirmative action policy and to solicit their assistance in recruiting ethnic minority, female, handicapped, and Vietnam-era veteran candidates.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

53045. Complaint Procedure.

The district affirmative action plan shall state that an employee or applicant for employment may file a complaint with the district affirmative action officer alleging that the district has failed to satisfy the requirements of this chapter. The affirmative action plan shall state the district's procedure for responding to complaints.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

53046. Work Force Analysis.

Each affirmative action plan shall contain a work force analysis in which the district shall determine statistically the racial, ethnic, and sex composition of existing staff by the following seven job categories:

Executive/Administrative/Managerial, Faculty and Other Instructional Staff, Professional Nonfaculty, Secretarial/Clerical, Technical and Paraprofessional, Skilled Crafts, Service and Maintenance.

Districts shall supply the information required by the Chancellor's Office Information System, Staff Data File.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: 29 C.F.R. 1602.48 (1981).

53049. Utilization Analysis.

The affirmative action plan shall include a utilization analysis that includes a determination of whether minorities and women are being underrepresented or underutilized in any job category. The district shall consider the numbers and percentages of staff in each position category within each of the job categories by ethnic and sex classification compared with the general availability of minorities and women in the relevant work force having requisite skills to fill vacancies as they occur.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1–3.2, et seq. (1980).

53050. Corrective Action.

The affirmative action plan shall require that when imbalances exist in the various job categories of the district work force, district practices and policies must be examined to determine the factors contributing to the imbalance. Employment practices within the personnel system which constitute barriers to equal opportunity shall be identified and corrective action designed to eliminate the barriers.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1–3.2, et seq. (1980).

53051. Goals and Timetables.

The affirmative action plan shall require that affirmative action programs be designed to eliminate discriminatory employment practices. Goals, timetables, and affirmative action commitments must be designed to correct any identifiable deficiencies in representation from ethnic minority groups and women at all employment levels within the district.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1–3.2, et seq. (1980).

53052. Affirmative Action Advisory Committee.

The district affirmative action plan shall require that an affirmative action advisory committee be established to assist the district to achieve understanding and support of affirmative action/equal employment opportunity policies and programs, and shall assist in developing the affirmative action program in conformity with state and federal statutes, regulations, and guidelines, monitoring its progress and acting as an advisory body to the affirmative action officer. The membership of the Affirmative Action Advisory Committee shall include ethnic minorities, women, the handicapped and Vietnam-era veterans whenever possible.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Section 87100, Education Code.

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§ 53023

SUBCHAPTER 2. RESPONSIBILITIES OF THE CHANCELLOR

53010. Assistance.

The Chancellor shall provide guidelines for the development of policies, programs and procedures for affirmative action and equal employment opportunity programs. The Chancellor shall cooperate with and render assistance to community colleges in carrying out the provisions of this subchapter. The Chancellor shall review and approve programs submitted by districts pursuant to Section 53003.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87103, Education Code.

53011. Report.

The Chancellor shall report annually to the Board of Governors and Legislature on the progress and/or effectiveness of all California Community College districts in meeting the provisions of this chapter.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87104, Education Code.

53012. Periodic Evaluation.

The Chancellor shall periodically evaluate community college districts to determine their compliance with the requirements of their affirmative action plans and this chapter. If the Chancellor finds that a district has failed to substantially comply with the requirements of its plan, the Chancellor shall offer assistance and take whatever action he or she deems necessary to effect compliance.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87102, Education Code.

SUBCHAPTER 3. RESPONSIBILITIES OF COMMUNITY COLLEGE DISTRICTS

53020. Implement Affirmative Action Plan.

The means specified in this subchapter are the essential requirements for implementing a district affirmative action plan.

NOTE: Authority cited: Sections 71020 and 87105, Education Code; Section 11138, Government Code. Reference: Section 87102, Education Code.

53021. Recruitment.

Community college districts shall undertake a program of verifiable affirmative action recruitment for protected group members in all job categories which reflect underrepresentation, including categorically funded positions and in all executive/administrative/managerial positions. Upward mobility programs may be used in conjunction with a recruitment effort when it promotes the goals of the district's affirmative action plan. "In house" or "promotional only" recruitment shall not be used except when "business necessity" dictates.

NOTE: Authority cited: Sections 71020 and 87105, Education Code; Section 11138, Government Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1–3.2, et seq. (1980); 29 U.S.C. 793; 41 C.F.R. 60-741.1–.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1–.9, et seq. (1980); Section 87100, Education Code.

53022. Job Announcements.

Job announcements shall state clearly job specifications setting forth those skills necessary to job performance and the required training and experience related to those skills. The requirements are to be based on a careful analysis of the job. Only bona fide occupational qualifications may be included in job announcements.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1–3.2, et seq. (1980); 29 U.S.C. 793; 41 C.F.R. 60-741.1–.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1–.9, et seq. (1980); Section 87100, Education Code.

53023. Applicant Pool.

All applicants shall be given an opportunity to identify themselves as being a member of a protected group when their application is submitted for purposes of monitoring employment practices. This confidential information will be maintained in the affirmative action office for use in research and in evaluating the effectiveness of the district's affirmative action program.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965, comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967, comp. 320; 41 C.F.R. 60–2.; 29 U.S.C. 793; 41 C.F.R. 60–741; 38 U.S.C. 2012; 41 C.F.R. 60–250.

HISTORY:

1. New section filed 2-26-82; designated effective 2-28-82 pursuant to Government Code Section 11346.2(d) (Register 82, No. 9).

53024. Screening.

All selection testing for employees shall follow procedures as outlined in Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures." Selection procedures established in the district's affirmative action plan shall be used to identify a reasonable number of qualified candidates for interviews for all recruited positions.

Selection committees shall include members of protected groups whenever possible.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1–3.2, et seq. (1980); 29 U.S.C. 793; 41 C.F.R. 60-741.1–.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1–.9, et seq. (1980); 29 C.F.R. 1607 (1978).

53025. Agents.

Any individual or group of individuals acting on behalf of the local governing board for the recruitment and screening of personnel, including superintendentships, are agents of the district and subject to all state and federal laws and regulations.

NOTE: Authority cited: Sections 71020 and 87105, Education Code; Section 11138, Government Code. Reference: Section 87100, Education Code.

CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78007 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be 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 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700, 71025 and 84500.1, Education Code. Reference: Sections 71025 and 84500.1, Education Code.

51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 71028 of the Education Code and regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 71025 and 81805, Education Code. Reference: Sections 71025, 71028, 71091, 72231.5, 81820, 81821 and 81822, Education Code.

51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of Section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of Section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by Section 53004 of this part;

(d) Undertake a program of recruitment as required by Section 53021 of this part; and

(e) Substantially comply with the provisions of Chapter 1 (commencing with Section 53000) of Division 4 of this part.

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

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 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Chapter 11 (commencing with Section 55225) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

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§ 53060
§ 53061
§ 53062
§ 53063
§ 53064

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

§ 53046. Work Force Analysis.

Each affirmative action plan shall contain a work force analysis in which the district shall determine statistically the racial, ethnic, and sex composition of existing staff by the following seven job categories:

Executive/Administrative/Managerial, Faculty and Other Instructional Staff, Professional Nonfaculty, Secretarial/Clerical, Technical and Paraprofessional, Skilled Crafts, Service and Maintenance.

Districts shall supply the information required by the Chancellor's Office Information System, Staff Data File.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: 29 C.F.R. 1602.48 (1981).

§ 53049. Utilization Analysis.

The affirmative action plan shall include a utilization analysis that includes a determination of whether minorities and women are being underrepresented or underutilized in any job category. The district shall consider the numbers and percentages of staff in each position category within each of the job categories by ethnic and sex classification compared with the general availability of minorities and women in the relevant work force having requisite skills to fill vacancies as they occur.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60–2.1–3.2, et seq. (1980).

§ 53050. Corrective Action.

The affirmative action plan shall require that when imbalances exist in the various job categories of the district work force, district practices and policies must be examined to determine the factors contributing to the imbalance. Employment practices within the personnel system which constitute barriers to equal opportunity shall be identified and corrective action designed to eliminate the barriers.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60–2.1–3.2, et seq. (1980).

§ 53051. Goals and Timetables.

The affirmative action plan shall require that affirmative action programs be designed to eliminate discriminatory employment practices. Goals, timetables, and affirmative action commitments must be designed to correct any identifiable deficiencies in representation from ethnic minority groups and women at all employment levels within the district.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp.

§ 53052. Affirmative Action Advisory Committee.

The district affirmative action plan shall require that an affirmative action advisory committee be established to assist the district to achieve understanding and support of affirmative action/equal employment opportunity policies and programs, and shall assist in developing the affirmative action program in conformity with state and federal statutes, regulations, and guidelines, monitoring its progress and acting as an advisory body to the affirmative action officer. The membership of the Affirmative Action Advisory Committee shall include ethnic minorities, women, the handicapped and Vietnam–era veterans whenever possible.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Section 87100, Education Code.

§ 53060. Fund Allocation.

Prior to the end of the fiscal year preceding the year of allocation, the Chancellor shall recommend to the Board of Governors an allocation formula for distribution of the Faculty and Staff Diversity Fund established pursuant to Education Code section 87170. The allocation shall be consistent with the following:

(a) A proportion of the fund, but not more than 25 percent, shall be set aside for the purposes of Education Code section 87107(c), provided that:

(1) sufficient funds to provide technical assistance, service, monitoring, and compliance functions shall be designated from these monies; and

(2) the remainder of these funds shall be distributed on the basis of the average daily attendance or full–time equivalent students of each district as a proportion of the total average daily attendance or full–time equivalent for all districts. These funds are to be used to reimburse costs as specified in Education Code section 87107.

(b) That portion of the funds not allocated pursuant to subsection (a) may be allocated to the districts in the following five categories:

(1) an amount proportional to the average daily attendance or full–time equivalent students of each district to the total average daily attendance or full–time equivalent students for all districts;

(2) an equal dollar amount to each district;

(3) an amount related success in employing ethnic minorities in EEO6 categories 1 through 3 (professional positions);

(4) an amount related to success in employing ethnic minorities in EEO6 categories 4 through 7 (non–professional positions); and

(5) an amount related to past success in employing ethnic minorities, women and, persons with disabilities, as evidenced by the proportion of ethnic minority and women staff in each of the EEO6 categories and for the proportion of persons with disabilities in the general staff. The inclusion of persons with disabilities will commence with the Fiscal Year 1991–92 allocation.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53061. Success.

For the purpose of this subchapter, "success" is defined as:

(a) for ethnic minorities, a hiring rate of 30 percent (30%) in each of the professional occupational areas and a hiring rate equivalent to the Standard Metropolitan Statistical Area (SMSA)/county availability rate, as provided by the Chancellor's Office, in each of the non–professional occupational areas;

(b) a hiring and staffing rate for women and a staffing rate for ethnic minorities equivalent to the availability rate, as provided by the Chancellor's Office; and

(c) an overall staffing rate for persons with disabilities equivalent to thegeneral availability rate, as provided by the Chancellor's Office

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53062. Point Factors.

(a) In determining the sub–allocations for section 53060(b)(3), (4), (5), a point–factor system shall be used. A district will receive points as shown below for (1) each of the above sections dealing with ethnic minorities and women in each EEO6 category, based on the latest annual survey required under section 53004 of this chapter; and (2) the total hiring reported in the section 53004 survey, or in a special survey of persons with disabilities, if necessary.

Degree of Success	*Proportion of Goal Met*	*Points*
None	0.00 %	0
Low	0.01 – 33.32 %	1
Moderate	33.33 – 66.66 %	2
High	66.67 – 99.99 %	3
Successful	100.00 %	4

(b) For each district, a statistical quantity will be calculated for each EEO6 category, or on the total staffing in the case of persons with disabilities, based on the ratio of points awarded to the district, divided by the total points awarded to all districts. The sum of a district's category calcu-

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income if the business entity or source of income provides education, training, or experience to persons toward attaining a valid credential for employment as an instructor, supervisor, chief administrative officer, librarian, counselor, supervisor of health, student personnel worker, or other similar position within a Community College district.

Subchapter 3. Committees

History

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

History

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

History

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

History

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations affirming and fixing the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges.

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

History

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in chapter 9 (commencing with section 55750) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in chapter 10 (commencing with section 55800) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district 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 1 (commencing with section 58100) of chapter 2, division 9 of title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by section 53004 of this part;

(d) Undertake a program of recruitment as required by section 53021 of this part; and

(c) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200–53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

§ 53048. Work Force Analysis.

Each affirmative action plan shall contain a work force analysis in which the district shall determine statistically the racial, ethnic, and sex composition of existing staff by the following seven job categories:

Executive/Administrative/Managerial, Faculty and Other Instructional Staff, Professional Nonfaculty, Secretarial/Clerical, Technical and Paraprofessional, Skilled Crafts, Service and Maintenance.

Districts shall supply the information required by the Chancellor's Office Information System, Staff Data File.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: 29 C.F.R. 1602.48 (1981).

§ 53049. Utilization Analysis.

The affirmative action plan shall include a utilization analysis that includes a determination of whether minorities and women are being underrepresented or underutilized in any job category. The district shall consider the numbers and percentages of staff in each position category within each of the job categories by ethnic and sex classification compared with the general availability of minorities and women in the relevant work force having requisite skills to fill vacancies as they occur.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60–2.1–3.2, et seq. (1980).

§ 53050. Corrective Action.

The affirmative action plan shall require that when imbalances exist in the various job categories of the district work force, district practices and policies must be examined to determine the factors contributing to the imbalance. Employment practices within the personnel system which constitute barriers to equal opportunity shall be identified and corrective action designed to eliminate the barriers.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60–2.1–3.2, et seq. (1980).

§ 53051. Goals and Timetables.

The affirmative action plan shall require that affirmative action programs be designed to eliminate discriminatory employment practices. Goals, timetables, and affirmative action commitments must be designed to correct any identifiable deficiencies in representation from ethnic minority groups and women at all employment levels within the district.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964–1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp.

§ 53052. Affirmative Action Advisory Committee.

The district affirmative action plan shall require that an affirmative action advisory committee be established to assist the district to achieve understanding and support of affirmative action/equal employment opportunity policies and programs, and shall assist in developing the affirmative action program in conformity with state and federal statutes, regulations, and guidelines, monitoring its progress and acting as an advisory body to the affirmative action officer. The membership of the Affirmative Action Advisory Committee shall include ethnic minorities, women, the handicapped and Vietnam–era veterans whenever possible.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Section 87100, Education Code.

§ 53060. Fund Allocation.

Prior to the end of the fiscal year preceding the year of allocation, the Chancellor shall recommend to the Board of Governors an allocation formula for distribution of the Faculty and Staff Diversity Fund established pursuant to Education Code section 87170. The allocation shall be consistent with the following:

(a) A proportion of the fund, but not more than 25 percent, shall be set aside for the purposes of Education Code section 87107(c), provided that:

(1) sufficient funds to provide technical assistance, service, monitoring, and compliance functions shall be designated from these monies; and

(2) the remainder of these funds shall be distributed on the basis of the average daily attendance or full–time equivalent students of each district as a proportion of the total average daily attendance or full–time equivalent for all districts. These funds are to be used to reimburse costs as specified in Education Code section 87107.

(b) That portion of the funds not allocated pursuant to subsection (a) may be allocated to the districts in the following five categories:

(1) an amount proportional to the average daily attendance or full–time equivalent students of each district to the total average daily attendance or full–time equivalent students for all districts;

(2) an equal dollar amount to each district;

(3) an amount related success in employing ethnic minorities in EEO6 categories 1 through 3 (professional positions);

(4) an amount related to success in employing ethnic minorities in EEO6 categories 4 through 7 (non–professional positions); and

(5) an amount related to past success in employing ethnic minorities, women and, persons with disabilities, as evidenced by the proportion of ethnic minority and women staff in each of the EEO6 categories and for the proportion of persons with disabilities in the general staff. The inclusion of persons with disabilities will commence with the Fiscal Year 1991–92 allocation.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53061. Success.

For the purpose of this subchapter, "success" is defined as:

(a) for ethnic minorities, a hiring rate of 30 percent (30%) in each of the professional occupational areas and a hiring rate equivalent to the Standard Metropolitan Statistical Area (SMSA)/county availability rate, as provided by the Chancellor's Office, in each of the non–professional occupational areas;

(b) a hiring and staffing rate for women and a staffing rate for ethnic minorities equivalent to the availability rate, as provided by the Chancellor's Office; and

(c) an overall staffing rate for persons with disabilities equivalent to the general availability rate, as provided by the Chancellor's Office.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Editorial correction of printing error in subsection (c) (Register 91, No. 31).

§ 53062. Point Factors.

(a) In determining the sub–allocations for section 53060(b)(3), (4), (5), a point–factor system shall be used. A district will receive points as shown below for (1) each of the above sections dealing with ethnic minorities and women in each EEO6 category, based on the latest annual survey required under section 53004 of this chapter; and (2) the total hiring reported in the section 53004 survey, or in a special survey of persons with disabilities, if necessary.

Degree of Success	*Proportion of Goal Met*	*Points*
None	0.00 %	0
Low	0.01 – 33.32 %	1
Moderate	33.33 – 66.66 %	2
High	66.67 – 99.99 %	3
Successful	100.00 %	4

(b) For each district, a statistical quantity will be calculated for each EEO6 category, or on the total staffing in the case of persons with disabilities, based on the ratio of points awarded to the district, divided by the

total points awarded to all districts. The sum of a district's category calculations, divided by the number of categories in which hiring/staffing took place, shall determine the share of the sub-allocation provided the district.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53063. Failure to Report.

Any district failing to provide the data required under section 53004 is not in compliance with this chapter. Faculty and Staff Diversity funds for any given fiscal year, other than those under section 53060(a) and (b)(1), (2), shall not be granted unless the district provides the data no later than March 31 of the year.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53064. Required Report.

Districts shall submit a report on the use of Faculty and Staff Diversity funds to the Chancellor's Office no later than September 30 of the fiscal year following the use of the funds. Until such time as a data element to calculate the staffing rate of persons with disabilities has been integrated into the report required under section 53004, districts will report the rate by a separate survey conducted, as directed by the Chancellor's Office.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

Subchapter 2. Certificated Positions

Article 1. Special Non-Credentialed Employees

§ 53100. Prerequisites for Employment Under Education Code Section 87401.

Prior to the employment of any noncredentialed instructor pursuant to Education Code Section 87401, the employee candidate shall:

(a) Furnish reasonable evidence, and be, of good character and answer the following questions:

(1) Have you ever had a diploma, credential, permit, or certificate, denied, revoked, or suspended?

(2) Have you ever failed or refused to fulfill a contract of employment entered into by you with any school district?

(3) Have you ever left the service of any school district without the consent of the superintendent or the governing board of such district?

(4) Have you ever been found guilty of immoral conduct or dismissed from any teaching position for immoral or unprofessional conduct or for unfitness for service?

(5) Have you ever been found guilty of or dismissed from any teaching position for persistent defiance of or refusal to obey the laws regulating the duties of persons serving in the public school system?

(6) Have you ever been arrested for any crime (other than a minor traffic violation) which resulted in a conviction or a plea of nolo contendere? If this has occurred, this question must be answered "yes" regardless of subsequent court action under Penal Code Section 1203.4 resulting in dismissal or "expungement." If this has occurred with subsequent court action sealing the juvenile record under Penal Code Section 1203.45, this question may be answered "no."

(7) Have you had military service? (Both men and women must answer this question.)

If yes, state type of discharge: _____

If other than honorable discharge, explain fully.

(b) Execute the oath prescribed in Education Code Section 87214.

(c) Be free from any contagious and communicable disease or other disabling disease or defect unfitting the applicant to instruct or associate with minors.

(d) Submit personal identification cards to the governing board of the district which is to employ such person upon the special form provided by the Chancellor and in the manner prescribed in Sections 52130 and 52135 of this title.

(e) Not be disqualified to receive a teaching credential under the provisions of Education Code Sections 87289 and 87290.

The governing board of the prospective employee district shall determine whether these requirements have been satisfied.

NOTE: Authority cited: Sections 71020, 71064, and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Renumbering of Chapter 1 (Sections 53100-53205) to Chapter 2 (Sections 53100-53205) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 53101. Processing of Fingerprint Cards.

The governing board shall submit the personal identification fingerprint cards of candidates for teaching positions under the provisions of this subchapter, in duplicate, to the Bureau of Criminal Identification and Investigation of the Department of Justice, Sacramento, California, with a request in writing that the Bureau render a report thereon for such governing board to the Chancellor's Office, California Community Colleges, Sacramento, California. At that time the governing board shall also notify the county superintendent of schools of the county in which the Community College is located that such request has been made. The governing board shall not employ any person pursuant to Education Code Section 87401 unless and until the board has received a report from the Credentials Office in connection therewith. Any processing charges shall be borne by the submitting governing board.

NOTE: Authority cited: Sections 71020, 71064, 87220 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 53102. Cause for Dismissal.

No person employed pursuant to Education Code Section 87401 and this subchapter, who has engaged in any conduct which would constitute cause for denial of an application for teaching credential under Education Code Sections 87289 and 87290 or cause for dismissal under Education Code Section 87732 shall be retained in employment after discovery thereof by the employing governing board.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 53103. Report of Persons Employed.

Promptly after the close of each school year, every governing board which employs noncredentialed persons pursuant to Education Code Section 87401 shall file a report with the Credentials Office, California

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§ 53000	§ 53025	§ 53044
§ 53001	§ 53026	§ 53045
§ 53002	§ 53027	§ 53046
§ 53003	§ 53028	§ 53049
§ 53004	§ 53029	§ 53050
§ 53005	§ 53030	§ 53051
§ 53010	§ 53031	§ 53052
§ 53011	§ 53032	§ 53060
§ 53012	§ 53033	§ 53061
§ 53020	§ 53034	§ 53062
§ 53021	§ 53040	§ 53063
§ 53022	§ 53041	§ 53064
§ 53023	§ 53042	
§ 53024	§ 53043	

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52310. Action by the Chancellor.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 87332, 87340, 87341 and 87342, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52311. Special Revocation.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 87332, 87340, 87341 and 87342, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Subarticle 3. Administrative Hearing Procedure

§ 52320. Administrative Hearing.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 11503 and 11504, Government Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Subchapter 2. Validation of Service Without a Credential

§ 52400. Application.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52401. Approval.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52402. Verification.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52403. Investigation and Recommendation.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Chapter 4. Employees

Subchapter 1. Affirmative Action and Equal Employment Opportunity Programs

Article 1. General

§ 53000. Scope and Intent.

(a) This Subchapter implements and should be read in conjunction with Education Code Sections 87100 et seq.

(b) The regulations in this Subchapter require affirmative steps to promote faculty and staff diversity which are in addition to the nondiscrimination requirements of state or federal law. Therefore, compliance with these regulations or approval of the district's faculty and staff diversity plan pursuant to Section 53003 does not imply and should not be construed to mean that a district has necessarily complied with its obligations under any other applicable laws or regulations. The Chancellor shall assist districts in identifying other applicable state or federal laws which may affect district affirmative action or nondiscrimination policies.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. New chapter 1 (sections 53000–53004) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).
2. Repealer of chapter 1 (subchapter 1, sections 53000–53004) and new chapter 1 (subchapters 1–4, sections 53000–53052, not consecutive) filed 2-1-82; effective thirtieth day thereafter (Register 82, No. 6).
3. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53001. Definitions.

As used in this Subchapter:

(a) Affirmative Action Employment Programs. "Affirmative action employment programs" means all the various methods by which equal employment opportunity and proportionate representation is to be achieved for qualified members of historically underrepresented groups.

(b) Faculty and Staff Diversity Plan. A "faculty and staff diversity plan" is a written document in which a district's work force is analyzed and specific result-oriented plans and procedures for achieving equal employment opportunity and proportionate representation of qualified members of historically underrepresented groups are set forth.

(c) Business Necessity. "Business Necessity" means circumstances which justify an exception to the requirements of Section 53021 because compliance with that section would result insubstantial additional financial cost to the district or pose a significant threat to human life or safety. Business necessity requires greater financial cost than does mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.

(d) Equal Employment Opportunity. "Equal employment opportunity" means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the district.

(e) Ethnic Minorities. "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks, and Hispanics. A person shall be included in the group with which he or she identifies as his or her group, but may be counted in only one ethnic group. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

(f) Goals and Timetables. "Goals and timetables" means projected new levels of employment of historically underrepresented groups to be worked toward on a specific schedule, given the expected turnover in the work force and the availability of persons who are qualified to perform a particular job through appropriate training or experience or who will become so qualified within a reasonable length of time. Goals are not "quotas" or rigid proportions.

(g) Person with a Disability. "Person with a disability" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment because of such an impairment.

(h) Historically Underrepresented Group. "Historically underrepresented group" means any group for which the percentage of persons from that group in the applicable work force is now, and has historically been, significantly lower than the percentage that members of that group represent in the pool of persons who are determined by the Chancellor to be available and qualified to perform the work in question. The Board of Governors has determined that, on a statewide basis, ethnic minorities, women, and persons with disabilities are historically underrepresented groups.

(i) Reasonable Accommodation. "Reasonable accommodation" means the efforts made on the part of the employer to remove artificial or real barriers which prevent or limit the employment and upward mobility of persons with disabilities.

(j) Proportionate Representation. "Proportionate representation" means that the percentage of persons from an historically underrepresented group in the applicable work force is at least equal to the percentage that members of that group represent in the pool of persons who are determined by the Chancellor to be available and qualified to perform the work in question.

(k) In-house or Promotional Only Hiring. "In-house" or "promotional only" hiring means that only existing district employees are allowed to apply for a position.

(l) Screening or Selection Procedure. "Screening or selection procedure" means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to, traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.

(m) Adverse or Disparate Impact. "Adverse impact" or "disparate impact" means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures") is applied to the effects of a selection procedure, and demonstrates a disproportionate negative impact on a historically underrepresented group as defined in subsection (h).

NOTE: Authority cited: Sections 66700, 70901 and 87105, Education Code. Reference: Sections 87101, Education Code; Section 11092, Government Code; 29 C.F.R. 1602.48 (1981); 29 U.S.C. 793; 41 C.F.R. 60-741-2 (1980).

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53002. Policy Statement.

The governing board of each community college district shall adopt a policy statement setting forth the district's commitment to an affirmative action employment program. This statement may also incorporate the nondiscrimination policy statement required pursuant to Section 59304 of this Division and other similar nondiscrimination or equal employment opportunity statements which may be required under other provisions of state and federal law.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53003. District Plan.

(a) The governing board of each community college district shall develop and adopt a district-wide written faculty and staff diversity plan to implement its affirmative action employment program. Such plans and revisions shall be submitted to the Chancellor's Office for review and approval.

(b) This plan shall include the goals and timetables for hiring and promotion of members of historically underrepresented groups for each college in the district and for the district as a whole. These goals and timetables shall be revised every three years and submitted to the Chancellor's Office for approval. When the district achieves proportionate representation for any historically underrepresented group in one or more of the categories specified in Section 53004(a), it shall so indicate when it next revises its goals and timetables. Thereafter, goals and timetables shall not be required for such a group in that job category or categories, unless underrepresentation subsequently recurs. Each community college district shall notify the Chancellor at least 30 days prior to adopting any other amendments to its plan.

(c) In addition, the plan shall include all of the following:

(1) the designation of the district employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Subchapter pursuant to Section 53020;

(2) the procedure for filing complaints pursuant to Section 53026 and the person with whom such complaints are to be filed;

(3) a process for notifying all district employees of the provisions of the plan and the policy statement required under Section 53002;

(4) a process for ensuring that district employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of this Subchapter and of state and federal non-discrimination laws.

(5) a process for providing annual written notice to appropriate community organizations concerning the district's plan and the need for assistance from the community in identifying qualified members of historically underrepresented groups for openings with the district;

(6) an analysis of the number of persons from historically underrepresented groups who are employed in the district's work force and those who have applied for employment in each of the job categories listed in Section 53004(a);

(7) an analysis of the degree to which women, ethnic minorities, and persons with disabilities are underrepresented in comparison to the numbers of persons from such groups who the Chancellor determines to be available and qualified to perform the work required for each such job category; and

(8) a plan of corrective action, including goals and timetables for hiring and promotion, which is necessary to remedy any underrepresentation identified in the plan by achieving proportionate representation for all historically underrepresented groups in all job classifications.

(d) The plans submitted to the Chancellor shall be public records.

(e) Each community college district shall make a continuous good faith effort to comply with the requirements of the plan required under this Section.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53004. District Evaluation and Report to Chancellor.

(a) Each district shall annually survey its employees and shall monitor applicants for employment on an ongoing basis in order to evaluate its progress in reaching the goals set forth in its faculty and staff diversity plan. Each district shall annually report to the Chancellor, in a manner prescribed by the Chancellor, the results of its annual survey of employees at each college in the district. Each employee shall be reported so that he or she may be identified as belonging to one of the following seven job categories:

(1) executive/administrative/managerial;

(2) faculty and other instructional staff;

(3) professional nonfaculty;

(4) secretarial/clerical;

(5) technical and paraprofessional;
(6) skilled crafts; and
(7) service and maintenance.

(b) For purposes of the report to the Chancellor, Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories. However, in the goal-setting process, separate employment goals are not needed for these subgroups.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code; and Section 8310.5, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53005. Advisory Committee.

Each community college district shall establish a Faculty and Staff Diversity Advisory Committee to assist the district in developing and implementing the plan required under Section 53003. This advisory committee shall include members of all historically underrepresented groups whenever possible.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53010. Assistance.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87103, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53011. Report.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87104, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53012. Periodic Evaluation.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87102, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

Article 2. Other Specific Responsibilities of Community College Districts

§ 53020. Responsibility; Delegation of Authority; Complaints.

(a) The governing board of each community college district is ultimately responsible for proper implementation of this Subchapter at all levels of district and college operation and for making measurable progress toward the goals established in the district's faculty and staff diversity plan. In carrying out this responsibility, the governing board, upon the recommendation of the chief executive officer, shall ensure that an affirmative action officer is designated to oversee the day to day implementation of the requirements set forth in this Subchapter.

(b) The administrative structure created by any delegation of authority to the affirmative action officer or others shall be described in the district's faculty and staff diversity plan submitted pursuant to Section 53003 and shall be designed in such a manner so as to ensure prompt and effective implementation of the requirements of this Subchapter. The plan shall also designate a single officer, who may be the affirmative action officer, who shall be given authority and responsibility for receiving complaints filed pursuant to Section 53026, for ensuring that such complaints are promptly and impartially investigated, and ensuring that selection procedures and the applicant pool are properly monitored as required by Sections 53023 and 53024.

(c) any organization or individual, whether or not an employee of the district, who acts on behalf of the governing board with regard to the recruitment and screening of personnel is an agent of the district and is subject to all of the requirements of this Subchapter.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53021. Recruitment.

(a) Community college districts shall undertake a program of verifiable affirmative action recruitment of qualified members of historically underrepresented groups in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/managerial positions.

(b) "In house or promotional only" recruitment shall not be used to fill any new opening except when:

(1) the pool of eligible district employees has achieved proportionate representation and the district has an upward mobility program which is included in the faculty and staff diversity plan approved by the Chancellor;

(2) the position is being filled on an interim basis (not to exceed one year) to allow for full and open recruitment; or

(3) justified by "business necessity" as defined in Section 53001(c).

(c) If a district believes justification exists for use of the "business necessity" exception, it shall so notify the Faculty and Staff Diversity Advisory Committee established pursuant to Section 53005 and the Chancellor at least ten (10) working days prior to offering the position to a candidate.

(d) Even where in-house or promotional only recruitment is permitted pursuant to subsection (b), all qualified district employees shall be afforded the opportunity to apply.

(e) For purposes of this section, a new opening is not created when:

(1) there is a reorganization or series of transfers that does not result in a net increase in the number of employees;

(2) a position which is currently occupied by an incumbent and is upgraded, reclassified, or renamed without significantly altering the duties being performed by the individual;

(3) the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term; or

(4) the position is filled by a temporary appointment using recruitment procedures authorized by other provisions of law.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53022. Job Announcements and Required Qualifications.

Job announcements shall state clearly job specifications setting forth the knowledge, skills, and abilities necessary to job performance. For faculty and administrative positions, job requirements shall include a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students. Job specifications, including any "desired" or "required" qualifications beyond the state minimum qualifications (set forth in Subchapter 4, commencing with Section 53400 of this Chapter) which the district wishes to utilize, shall be reviewed before the position is announced, to ensure conformity with the requirements of this Subchapter and state and federal nondiscrimination laws.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

History

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53023. Applicant Pool.

(a) All applicants shall be given an opportunity to identify themselves as being a member of a historically underrepresented group when their application is submitted. This information shall be kept confidential and shall be used only in research, validation, monitoring, evaluating the effectiveness of the district's affirmative action employment program, or any other purpose specifically authorized in this Subchapter, or by any applicable statute or regulation.

(b) After the application deadline has passed, applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. Before the selection process begins, the composition of the qualified applicant pool shall be analyzed to ensure that the goals established in the district's faculty and staff diversity plan may be furthered and that members of historically underrepresented groups are not adversely impacted. If this is not the case, the chief executive officer or his or her designee shall take effective steps to address the adverse impact before the selection process is begun. Such steps may include, but are not limited to:

(1) the deadline is extended and additional recruitment focused on historically underrepresented groups is undertaken;

(2) applicants from historically underrepresented groups who were initially screened out because they failed to meet locally established "desirable or preferred" qualifications beyond state minimum qualifications are included in the applicant pool where such applicants may be expected to meet these additional qualifications through appropriate training or experience within a reasonable length of time;

(3) locally established qualifications beyond state minimum qualifications are modified or removed and the application deadline is extended.

(c) If adverse impact persists after taking steps required under subdivision (b), the selection process may proceed only if:

(1) the job announcement does not require qualifications beyond the statewide minimum qualifications;

(2) locally established qualifications beyond state minimum qualifications, if any, are shown to be job related and consistent with business necessity through a process meeting the requirements of federal law; or

(3) the particular requirements beyond statewide minimum qualifications which are used in the job announcement are among those which the Board of Governors has found to be job-related and consistent with business necessity throughout the community college system.

Note: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code; 42 U.S.C. 2000e-2.

History

1. New section filed 2-26-82; designated effective 2-28-82 pursuant to Government Code section 11346.2(d) (Register 82, No. 9).
2. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53024. Screening or Selection Procedures.

(a) All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, shall be:

(1) provided to the Chancellor upon request;

(2) designed to ensure that for faculty and administrative positions, consideration is given to the extent to which applicants have a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;

(3) based solely on job-related criteria, provided that, when a particular candidate who meets the minimum qualifications for the job is also a member of an historically underrepresented group, this membership may be taken into account as one factor in the final selection process where this would further achievement of the goals set forth in the district's faculty and staff diversity plan; and

(4) designed and monitored to ensure that they do not have an adverse impact on members of historically underrepresented groups.

(b) If monitoring pursuant to subsection (a)(4) reveals that any selection technique or procedure has adversely impacted any historically underrepresented group, the chief executive officer or his/her designee shall suspend the selection process and timely and effective steps shall be taken to remedy the problem before the selection process resumes. The affirmative action officer, or other official charged with responsibility for monitoring selection procedures, may assist the screening committee by discussing the overall composition of the applicant pool and the screening criteria or procedures which have produced an adverse impact, provided that confidential information about individual candidates is not disclosed. Where necessary, the position may be re-opened at any time and a new selection process initiated in a way designed to avoid adverse impact.

(c) A district may not designate or set aside particular positions to be filled by members of any group defined in terms of race, ethnicity, gender, age, disability, or any other characteristic which would result in discriminatory treatment prohibited by state or federal law. Nor may a district apply goals set forth in the district's faculty and staff diversity plan in a rigid manner which has the purpose or effect of so discriminating.

(d) Seniority or length of service may be taken into consideration only to the extent it is job related, is not the sole criterion, and is included in the job announcement consistent with the requirements of Section 53022.

(e) Selection testing for employees shall follow procedures as outlined in Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures."

(f) Selection committees shall include members of historically underrepresented groups whenever possible.

(g) Notwithstanding any other provision of this Division, the governing board or its designee shall have the authority to make all final hiring decisions based upon careful review of the candidate or candidates recommended by a screening committee. This includes the right to reject all candidates and order further review by the screening committee or reopening of the position where necessary to further achievement of the goals established in the faculty and staff diversity plan. However, consistent failure to select qualified candidates from historically underrepresented groups who are recommended by screening committees shall constitute a violation of Section 51010 of this Division.

Note: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

History

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53025. Persons with Disabilities.

(a) By July 1, 1992, each community college district shall establish goals and timetables for hiring and promotion of persons with disabilities, provided that data on the availability of persons with disabilities who are qualified for employment by community colleges is furnished by the Chancellor.

(b) For academic year 1992-93, and each year thereafter, districts shall monitor for adverse impact on persons with disabilities consistent with the requirements of Sections 53004, 53023, and 53024 and shall report on the numbers of persons with disabilities who are employed by the district pursuant to Section 53004.

(c) Community college districts shall ensure that applicants and employees with disabilities receive reasonable accommodations consistent with the requirements of Government Code Sections 11135 et seq., and Section 504 of the Rehabilitation Act of 1973. Such accommodations may include, but are not limited to, job site modifications, job restructuring, flexible scheduling, adaptive equipment, and auxiliary aids such as readers, interpreters, and notetakers. Such accommodations may be paid for with faculty and staff diversity funds provided pursuant to Article 3 (commencing with Section 53030) of this Subchapter.

Note: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code; Sections 11135 et seq., Government Code; 29 U.S.C. 794.

HISTORY
1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53026. Complaints.

Each community college district shall establish a process permitting any person to file a complaint alleging that the requirements of this Subchapter have been violated. A copy of the complaint shall immediately be forwarded to the Chancellor who may require that the district provide a written investigative report within ninety (90) days. Complaints which also allege discrimination prohibited by Government Code Sections 11135 et seq. shall be processed according to the procedures set forth in Subchapter 4 (commencing with Section 59300) of Chapter 10 of this Division.

NOTE: Authority Cited: Sections 70901 and 87105, Education Code; and Sections 11135 et seq. Government Code. Reference: Sections 87100 et seq., Education Code.

HISTORY
1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53027. Applicability to Districts Operating on the Merit System.

Nothing in this Subchapter shall be construed to conflict with or be inconsistent with the provisions of Article 3 (commencing with Section 88060) of Chapter 4 of Part 51 of the Education Code which apply to districts operating a merit system for classified employees.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq. and 88060 et seq., Education Code.

HISTORY
1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53028. Affirmative Action Commitment.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY
1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53029. Handicapped.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code; Section 11135, Government Code; 29 U.S.C. 705 and 706.

HISTORY
1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

Article 3. Faculty and Staff Diversity Fund

§ 53030. Fund Allocation.

Prior to the end of the fiscal year preceding the year of allocation, the Chancellor shall recommend to the Board of Governors an allocation formula for distribution of the Faculty and Staff Diversity Fund established pursuant to Education Code Section 87107. The allocation shall be consistent with the following:

(a) A portion of the fund, but not more than 25 percent, shall be set aside for the purposes of Education Code Section 87107(c), provided that:

(1) sufficient funds to provide technical assistance, service, monitoring, and compliance functions shall be designated from these monies; and

(2) the remainder of these funds shall be distributed on the basis of the average daily attendance or full-time equivalent students of each district as a proportion of the total average daily attendance or full-time equivalent students for all districts. These funds are to be used to reimburse costs as specified in Education Code Section 87107.

(b) That portion of the funds not allocated pursuant to subsection (a) may be allocated to the districts in the following five categories:

(1) an amount proportional to the average daily attendance or full-time equivalent students of each district to the total average daily attendance or full-time equivalent students for all districts;

(2) an equal dollar amount to each district;

(3) an amount related to success in employing ethnic minorities in EEO6 categories 1 through 3 (professional positions);

(4) an amount related to success in employing ethnic minorities in EEO6 categories 4 through 7 (non-professional positions); and

(5) an amount related to past success in employing ethnic minorities, women, and persons with disabilities, as evidenced by the proportion of ethnic minority and women staff in each of the EEO6 categories and for the proportion of persons with disabilities in the general staff.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY
1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53031. Success.

For the purpose of this Subchapter, "success" is defined as:

(a) for ethnic minorities, a hiring rate of 30 percent (30%) in each of the professional occupational areas and a hiring rate equivalent to the Standard Metropolitan Statistical Area (SMSA)/COUNTY availability rate, as provided by the Chancellor's Office, in each of the non-professional occupational areas;

(b) a hiring and staffing rate for women and a staffing rate for ethnic minorities equivalent to the availability rate, as provided by the Chancellor's Office; and

(c) an overall staffing rate for persons with disabilities equivalent to the general availability rate, as provided by the Chancellor's Office.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY
1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53032. Point Factors.

(a) In determining the sub-allocations for Section 53030(b)(3), (4), and (5), a point-factor system shall be used. A district will receive points as shown below for: (1) each of the above sections dealing with ethnic minorities and women in each EEO6 category, based on the latest annual survey required under Section 53004 of this Subchapter; and (2) the total hiring reported in the Section 53004 survey, or in a special survey of persons with disabilities, if necessary.

Degree of Success	*Proportion of Goal Met*	*Points*
None	0.00%	0
Low	0.01-33.32%	1
Moderate	33.33-66.66%	2
High	66.67-99.99%	3
Successful	100.00%	4

(b) For each district, a statistical quantity will be calculated for each EEO6 category, or on the total staffing in the case of persons with disabilities, based on the ratio of points awarded to the district, divided by the total points awarded to all districts. The sum of a district's category calculations, divided by the number of categories in which hiring/staffing took place, shall determine the share of the sub-allocation provided the district.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY
1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53033. Failure to Report.

Any district failing to provide the data required under Section 53004 is not in compliance with this Subchapter. Faculty and Staff Diversity funds for any given fiscal year, other than those under Section 53030(a) and (b)(1) and (2), shall not be granted unless the district provides the data no later than March 31st of the preceding fiscal year.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY
1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53034. Required Report.

Districts shall submit a report on the use of Faculty and Staff Diversity funds to the Chancellor's Office no later than September 30th of the fiscal year following the use of the funds. Until such time as a data element to calculate the staffing rate of persons with disabilities has been integrated into the report required under Section 53004, districts will report that rate by a separate survey conducted, as directed by the Chancellor's Office.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53040. Governing Board's Affirmative Action Employment Policy Statement.

NOTE: Authority cited: Sections 71020, 71025, 71068, and 87105, Education Code. Reference: Section 87101, Education Code; Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980); 20 U.S.C. 793; 41 C.F.R. 60-741.1-.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1-.9, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53041. Affirmative Action Responsibilities and Duties.

NOTE: Authority cited: Sections 71020, 71025, 71068, and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53042. Affirmative Action Officer.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53043. Internal Dissemination.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53044. External Dissemination.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53045. Complaint Procedure.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53046. work force Analysis.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: 29 C.F.R. 1602.48 (1981).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53049. Utilization Analysis.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53050. Corrective Action.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53051. Goals and Timetables.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53052. Affirmative Action Advisory Committee.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Section 87100, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53060. Fund Allocation.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53061. Success.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Editorial correction of printing error in subsection (c) (Register 91, No. 31).
3. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53062. Point Factors.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53063. Failure to Report.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53064. Required Report.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

Subchapter 2. Certificated Positions

Article 1. Special Non-Credentialed Employees

§ 53100. Prerequisites for Employment Under Education Code Section 87401.

Prior to the employment of any noncredentialed instructor pursuant to Education Code Section 87401, the employee candidate shall:

(a) Furnish reasonable evidence, and be, of good character and answer the following questions:

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

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51010. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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. 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

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

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52310. Action by the Chancellor.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 87332, 87340, 87341 and 87342, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52311. Special Revocation.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 87332, 87340, 87341 and 87342, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Subarticle 3. Administrative Hearing Procedure

§ 52320. Administrative Hearing.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 11503 and 11504, Government Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Subchapter 2. Validation of Service Without a Credential

§ 52400. Application.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52401. Approval.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52402. Verification.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52403. Investigation and Recommendation.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Chapter 4. Employees

Subchapter 1. Affirmative Action and Equal Employment Opportunity Programs

Article 1. General

§ 53000. Scope and Intent.

(a) This Subchapter implements and should be read in conjunction with Education Code Sections 87100 et seq.

(b) The regulations in this Subchapter require affirmative steps to promote faculty and staff diversity which are in addition to the nondiscrimination requirements of state or federal law. Therefore, compliance with these regulations or approval of the district's faculty and staff diversity plan pursuant to Section 53003 does not imply and should not be construed to mean that a district has necessarily complied with its obligations under any other applicable laws or regulations. The Chancellor shall assist districts in identifying other applicable state or federal laws which may affect district affirmative action or nondiscrimination policies.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. New chapter 1 (sections 53000-53004) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).
2. Repealer of chapter 1 (subchapter 1, sections 53000-53004) and new chapter 1 (subchapters 1-4, sections 53000-53052, not consecutive) filed 2-1-82; effective thirtieth day thereafter (Register 82, No. 6).
3. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53001. Definitions.

As used in this Subchapter:

(a) Affirmative Action Employment Programs. "Affirmative action employment programs" means all the various methods by which equal employment opportunity and proportionate representation are to be achieved for qualified members of historically underrepresented groups.

(b) Faculty and Staff Diversity Plan. A "faculty and staff diversity plan" is a written document in which a district's work force is analyzed and specific result-oriented plans and procedures are set forth for achieving equal employment opportunity and proportionate representation of qualified members of historically underrepresented groups.

(c) Business Necessity. "Business necessity" means circumstances which justify an exception to the requirements of Section 53021 because compliance with that Section would result in substantial additional financial cost to the district or pose a significant threat to human life or safety. Business necessity requires greater financial cost than does mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.

(d) Equal Employment Opportunity. "Equal employment opportunity" means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the district.

(e) Ethnic Minorities. "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks, and Hispanics. A person shall be included in the group with which he or she identifies as his or her group, but may be counted in only one ethnic group. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

(f) Goals and Timetables. "Goals and timetables" means projected new levels of employment of historically underrepresented groups to be worked toward on a specific schedule, given the expected turnover in the work force and the availability of persons who are qualified to perform a particular job through appropriate training or experience or who will become so qualified within a reasonable length of time. Goals are not "quotas" or rigid proportions.

(g) Person with a Disability. "Person with a disability" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment because of such an impairment.

(h) Historically Underrepresented Group. "Historically underrepresented group" means any group for which the percentage of persons from that group in the applicable work force is now, and has historically been, significantly lower than the percentage that members of that group represent in the pool of persons who are determined by the Chancellor to be available and qualified to perform the work in question. The Board of Governors has determined that, on a statewide basis, ethnic minorities, women, and persons with disabilities are historically underrepresented groups.

(i) Reasonable Accommodation. "Reasonable accommodation" means the efforts made on the part of the employer to remove artificial or real barriers which prevent or limit the employment and upward mobility of persons with disabilities.

(j) Proportionate Representation. "Proportionate representation" means that the percentage of persons from an historically underrepresented group in the applicable work force is at least equal to the percentage that members of that group represent in the pool of persons who are determined by the Chancellor to be available and qualified to perform the work in question.

(k) In-house or Promotional Only Hiring. "In-house or promotional only" hiring means that only existing district employees are allowed to apply for a position.

(l) Screening or Selection Procedure. "Screening or selection procedure" means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to, traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.

(m) Adverse or Disparate Impact. "Adverse impact" or "disparate impact" means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures") is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on a historically underrepresented group as defined in Subsection (h).

NOTE: Authority cited: Sections 66700, 70901 and 87105, Education Code. Reference: Sections 87101, Education Code; Section 11092, Government Code; 29 C.F.R. 1602.48 (1981); 29 U.S.C. 793; 41 C.F.R. 60-741-2 (1980).

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a), (b)(1)-(b)-(3), (c), (k) and (m) 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).

§ 53002. Policy Statement.

The governing board of each community college district shall adopt a policy statement setting forth the district's commitment to an affirmative action employment program. This statement may also incorporate the nondiscrimination policy statement required pursuant to Section 59301 and other similar nondiscrimination or equal employment opportunity statements which may be required under other provisions of state and federal law.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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).

§ 53003. District Plan.

(a) The governing board of each community college district shall develop and adopt a district-wide written faculty and staff diversity plan to implement its affirmative action employment program. Such plans and revisions shall be submitted to the Chancellor's Office for review and approval.

(b) This plan shall include the goals and timetables for hiring and promotion of members of historically underrepresented groups for each college in the district and for the district as a whole. These goals and timetables shall be revised every three years and submitted to the Chancellor's Office for approval. When the district achieves proportionate representation for any historically underrepresented group in one or more of the categories specified in Section 53004(a), it shall so indicate when it next revises its goals and timetables. Thereafter, goals and timetables shall not be required for such a group in that job category or categories, unless underrepresentation subsequently recurs. Each community college district shall notify the Chancellor at least 30 days prior to adopting any other amendments to its plan.

(c) In addition, the plan shall include all of the following:

(1) the designation of the district employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Subchapter pursuant to Section 53020;

(2) the procedure for filing complaints pursuant to Section 53026 and the person with whom such complaints are to be filed;

(3) a process for notifying all district employees of the provisions of the plan and the policy statement required under Section 53002;

(4) a process for ensuring that district employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of this Subchapter and of state and federal nondiscrimination laws;

(5) a process for providing annual written notice to appropriate community organizations concerning the district's plan and the need for assistance from the community in identifying qualified members of historically underrepresented groups for openings with the district;

(6) an analysis of the number of persons from historically underrepresented groups who are employed in the district's work force and those who have applied for employment in each of the job categories listed in Section 53004(a);

(7) an analysis of the degree to which women, ethnic minorities, and persons with disabilities are underrepresented in comparison to the numbers of persons from such groups whom the Chancellor determines to be available and qualified to perform the work required for each such job category; and

(8) a plan of corrective action, including goals and timetables for hiring and promotion, which is necessary to remedy any underrepresentation identified in the plan by achieving proportionate representation for all historically underrepresented groups in all job classifications.

(d) The plans submitted to the Chancellor shall be public records.

(e) Each community college district shall make a continuous good faith effort to comply with the requirements of the plan required under this Section.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (c)(4) and (7) 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).

§ 53004. District Evaluation and Report to Chancellor.

(a) Each district shall annually survey its employees and shall monitor applicants for employment on an ongoing basis in order to evaluate its progress in reaching the goals set forth in its faculty and staff diversity plan. Each district shall annually report to the Chancellor, in a manner prescribed by the Chancellor, the results of its annual survey of em-

ployees at each college in the district. Each employee shall be reported so that he or she may be identified as belonging to one of the following seven job categories:

(1) executive/administrative/managerial;
(2) faculty and other instructional staff;
(3) professional nonfaculty;
(4) secretarial/clerical;
(5) technical and paraprofessional;
(6) skilled crafts; and
(7) service and maintenance.

(b) For purposes of the report to the Chancellor, Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories. However, in the goal-setting process, separate employment goals are not needed for these subgroups.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code; and Section 8310.5, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53005. Advisory Committee.

Each community college district shall establish a Faculty and Staff Diversity Advisory Committee to assist the district in developing and implementing the plan required under Section 53003. This advisory committee shall include members of all historically underrepresented groups whenever possible.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53010. Assistance.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87103, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53011. Report.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87104, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53012. Periodic Evaluation.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87102, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

Article 2. Other Specific Responsibilities of Community College Districts

§ 53020. Responsibility; Delegation of Authority; Complaints.

(a) The governing board of each community college district is ultimately responsible for proper implementation of this Subchapter at all levels of district and college operation and for making measurable progress toward the goals established in the district's faculty and staff diversity plan. In carrying out this responsibility, the governing board, upon the recommendation of the chief executive officer, shall ensure that an affirmative action officer is designated to oversee the day-to-day implementation of the requirements set forth in this Subchapter.

(b) The administrative structure created by any delegation of authority to the affirmative action officer or others shall be described in the district's faculty and staff diversity plan submitted pursuant to Section 53003 and shall be designed in such a manner so as to ensure prompt and effective implementation of the requirements of this Subchapter. The plan shall also designate a single officer, who may be the affirmative action officer, who shall be given authority and responsibility for receiving complaints filed pursuant to Section 53026, for ensuring that such complaints are promptly and impartially investigated, and ensuring that selection procedures and the applicant pool are properly monitored as required by Sections 53023 and 53024.

(c) Any organization or individual, whether or not an employee of the district, who acts on behalf of the governing board with regard to the recruitment and screening of personnel is an agent of the district and is subject to all of the requirements of this Subchapter.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a) and (c) 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).

§ 53021. Recruitment.

(a) Community college districts shall undertake a program of verifiable affirmative action recruitment of qualified members of historically underrepresented groups in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/managerial positions.

(b) "In-house or promotional only" recruitment shall not be used to fill any new opening except when:

(1) the pool of eligible district employees has achieved proportionate representation and the district has an upward mobility program which is included in the faculty and staff diversity plan approved by the Chancellor;

(2) the position is being filled on an interim basis (not to exceed one year) to allow for full and open recruitment; or

(3) justified by "business necessity" as defined in Section 53001(c).

(c) If a district believes justification exists for use of the "business necessity" exception, it shall so notify the Faculty and Staff Diversity Advisory Committee established pursuant to Section 53005 and the Chancellor at least ten (10) working days prior to offering the position to a candidate.

(d) Even where in-house or promotional only recruitment is permitted pursuant to Subsection (b), all qualified district employees shall be afforded the opportunity to apply.

(e) For purposes of this Section, a new opening is not created when:

(1) there is a reorganization or series of transfers that do not result in a net increase in the number of employees;

(2) a position which is currently occupied by an incumbent and is upgraded, reclassified, or renamed without significantly altering the duties being performed by the individual;

(3) the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term; or

(4) the position is filled by a temporary appointment using recruitment procedures authorized by other provisions of law.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment subsections (b) and (d)-(e)(2) 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).

§ 53022. Job Announcements and Required Qualifications.

Job announcements shall state clearly job specifications setting forth the knowledge, skills, and abilities necessary to job performance. For faculty and administrative positions, job requirements shall include a sensitivity to and understanding of the diverse academic, socioeconomic, cul-

tural, disability, and ethnic backgrounds of community college students. Job specifications, including any "desired" or "required" qualifications beyond the state minimum qualifications (set forth in Subchapter 4, commencing with Section 53400 of this Chapter) which the district wishes to utilize, shall be reviewed before the position is announced, to ensure conformity with the requirements of this Subchapter and state and federal nondiscrimination laws.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53023. Applicant Pool.

(a) All applicants shall be given an opportunity to identify themselves as being a member of a historically underrepresented group when their application is submitted. This information shall be kept confidential and shall be used only in research, validation, monitoring, evaluating the effectiveness of the district's affirmative action employment program, or any other purpose specifically authorized in this Subchapter, or by any applicable statute or regulation.

(b) After the application deadline has passed, applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. Before the selection process begins, the composition of the qualified applicant pool shall be analyzed to ensure that the goals established in the district's faculty and staff diversity plan may be furthered and that members of historically underrepresented groups are not adversely impacted. If this is not the case, the chief executive officer or his or her designee shall take effective steps to address the adverse impact before the selection process is begun. Such steps may include, but are not limited to:

(1) the deadline is extended and additional recruitment focused on historically underrepresented groups is undertaken;

(2) applicants from historically underrepresented groups who were initially screened out because they failed to meet locally established "desirable or preferred" qualifications beyond state minimum qualifications are included in the applicant pool where such applicants may be expected to meet these additional qualifications through appropriate training or experience within a reasonable length of time;

(3) locally established qualifications beyond state minimum qualifications are modified or removed and the application deadline is extended.

(c) If adverse impact persists after taking steps required under subdivision (b), the selection process may proceed only if:

(1) the job announcement does not require qualifications beyond the statewide minimum qualifications;

(2) locally established qualifications beyond state minimum qualifications, if any, are shown to be job related and consistent with business necessity through a process meeting the requirements of federal law; or

(3) the particular requirements beyond statewide minimum qualifications which are used in the job announcement are among those which the Board of Governors has found to be job-related and consistent with business necessity throughout the community college system.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code; 42 U.S.C. 2000e-2.

HISTORY

1. New section filed 2-26-82; designated effective 2-28-82 pursuant to Government Code section 11346.2(d) (Register 82, No. 9).
2. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53024. Screening or Selection Procedures.

(a) All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, shall be:

(1) provided to the Chancellor upon request;

(2) designed to ensure that for faculty and administrative positions, consideration is given to the extent to which applicants have a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;

(3) based solely on job-related criteria, provided that, when a particular candidate who meets the minimum qualifications for the job is also a member of an historically underrepresented group, this membership may be taken into account as one factor in the final selection process where this would further achievement of the goals set forth in the district's faculty and staff diversity plan; and

(4) designed and monitored to ensure that they do not have an adverse impact on members of historically underrepresented groups.

(b) If monitoring pursuant to subsection (a)(4) reveals that any selection technique or procedure has adversely impacted any historically underrepresented group, the chief executive officer or his/her designee shall suspend the selection process and timely and effective steps shall be taken to remedy the problem before the selection process resumes. The affirmative action officer, or other official charged with responsibility for monitoring selection procedures, may assist the screening committee by discussing the overall composition of the applicant pool and the screening criteria or procedures which have produced an adverse impact, provided that confidential information about individual candidates is not disclosed. Where necessary, the position may be re-opened at any time and a new selection process initiated in a way designed to avoid adverse impact.

(c) A district may not designate or set aside particular positions to be filled by members of any group defined in terms of race, ethnicity, gender, age, disability, or any other characteristic which would result in discriminatory treatment prohibited by state or federal law. Nor may a district apply goals set forth in the district's faculty and staff diversity plan in a rigid manner which has the purpose or effect of so discriminating.

(d) Seniority or length of service may be taken into consideration only to the extent it is job related, is not the sole criterion, and is included in the job announcement consistent with the requirements of Section 53022.

(e) Selection testing for employees shall follow procedures as outlined in Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures."

(f) Selection committees shall include members of historically underrepresented groups whenever possible.

(g) Notwithstanding any other provision of this Division, the governing board or its designee shall have the authority to make all final hiring decisions based upon careful review of the candidate or candidates recommended by a screening committee. This includes the right to reject all candidates and order further review by the screening committee or reopening of the position where necessary to further achievement of the goals established in the faculty and staff diversity plan. However, consistent failure to select qualified candidates from historically underrepresented groups who are recommended by screening committees shall constitute a violation of Section 51010 of this Division.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53025. Persons with Disabilities.

(a) Each community college district shall establish goals and timetables for hiring and promoting of persons with disabilities, provided that data on the availability of persons with disabilities who are qualified for employment by community colleges is furnished by the Chancellor.

(b) During each academic year, districts shall monitor for adverse impact on persons with disabilities consistent with the requirements of Sections 53004, 53023, and 53024 and shall report pursuant to Section 53004 on the numbers of persons with disabilities who are employed by the district.

(c) Districts shall ensure that applicants and employees with disabilities receive reasonable accommodations consistent with the requirements of Government Code Sections 11135 et seq., Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, flexible scheduling, adaptive equipment, and

auxiliary aids such as readers, interpreters, and notetakers. Such accommodations may be paid for with faculty and staff diversity funds provided pursuant to Article 3 (commencing with Section 53030) of this Subchapter.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code; Sections 11135 et seq., Government Code; 29 U.S.C. 794; 42 U.S.C. Sections 12101, et seq.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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).

§ 53026. Complaints.

Each community college district shall establish a process permitting any person to file a complaint alleging that the requirements of this Subchapter have been violated. A copy of the complaint shall immediately be forwarded to the Chancellor who may require that the district provide a written investigative report within ninety (90) days. Complaints which also allege discrimination prohibited by Government Code Sections 11135 et seq. shall be processed according to the procedures set forth in Subchapter 5 (commencing with Section 59300) of Chapter 10 of this Division.

NOTE: Authority Cited: Sections 70901 and 87105, Education Code; and Sections 11135 et seq. Government Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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).

§ 53027. Applicability to Districts Operating on the Merit System.

Nothing in this Subchapter shall be construed to conflict with or be inconsistent with the provisions of Article 3 (commencing with Section 88060) of Chapter 4 of Part 51 of the Education Code which apply to districts operating a merit system for classified employees.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq. and 88060 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53028. Affirmative Action Commitment.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53029. Handicapped.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code; Section 11135, Government Code; 29 U.S.C. 705 and 706.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

Article 3. Faculty and Staff Diversity Fund

§ 53030. Fund Allocation.

Before the end of the fiscal year preceding the year of allocation, the Chancellor shall recommend to the Board of Governors an allocation formula for distribution of the Faculty and Staff Diversity Fund established pursuant to Education Code Section 87107. The allocation shall be consistent with the following:

(a) A portion of the fund, but not more than 25 percent, shall be set aside for the purposes of Education Code Section 87107(c), provided that:

(1) sufficient funds to provide technical assistance, service, monitoring, and compliance functions shall be designated from these monies; and

(2) the remainder of these funds shall be distributed on the basis of the full-time equivalent students of each district as a proportion of the total full-time equivalent students for all districts. These funds are to be used to reimburse costs as specified in Education Code Section 87107.

(b) That portion of the funds not allocated pursuant to Subsection (a) may be allocated to the districts in the following five categories:

(1) an amount proportional to the full-time equivalent students of each district to the total full-time equivalent students for all districts;

(2) an equal dollar amount to each district;

(3) an amount related to success in employing ethnic minorities in Equal Employment Opportunity ("EEO") 6 categories 1 through 3 (professional positions);

(4) an amount related to success in employing ethnic minorities in EEO6 categories 4 through 7 (nonprofessional positions); and

(5) an amount related to past success in employing ethnic minorities, women, and persons with disabilities, as evidenced by the proportion of ethnic minority and women staff in each of the EEO6 categories and for the proportion of persons with disabilities in the general staff.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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).

§ 53031. Success.

For the purpose of this Subchapter, "success" is defined as:

(a) for ethnic minorities, a hiring rate of 30 percent (30%) in each of the professional occupational areas and a hiring rate equivalent to the Standard Metropolitan Statistical Area (SMSA)/COUNTY availability rate, as provided by the Chancellor's Office, in each of the nonprofessional occupational areas;

(b) a hiring and staffing rate for women and a staffing rate for ethnic minorities equivalent to the availability rate, as provided by the Chancellor's Office; and

(c) an overall staffing rate for persons with disabilities equivalent to the general availability rate, as provided by the Chancellor's Office.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsection (a) 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).

§ 53032. Point Factors.

(a) In determining the sub-allocations for Section 53030(b)(3), (4), and (5), a point-factor system shall be used. A district will receive points as shown below for: (1) each of the above sections dealing with ethnic minorities and women in each EEO6 category, based on the latest annual survey required under Section 53004 of this Subchapter; and (2) the total hiring reported in the Section 53004 survey, or in a special survey of persons with disabilities, if necessary.

Degree of Success	*Proportion of Goal Met*	*Points*
None	0.00%	0
Low	0.01-33.32%	1
Moderate	33.33-66.66%	2
High	66.67-99.99%	3
Successful	100.00%	4

(b) For each district, a statistical quantity will be calculated for each EEO6 category, or on the total staffing in the case of persons with disabilities, based on the ratio of points awarded to the district, divided by the total points awarded to all districts. The sum of a district's category calculations, divided by the number of categories in which hiring/staffing took place, shall determine the share of the sub-allocation provided the district.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53033. Failure to Report.

Any district failing to provide the data required under Section 53004 is not in compliance with this Subchapter. Faculty and Staff Diversity funds for any given fiscal year, other than those under Section 53030(a) and (b)(1) and (2), shall not be granted unless the district provides the data no later than March 31st of the preceding fiscal year.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53034. Required Report.

Districts shall submit a report on the use of Faculty and Staff Diversity funds to the Chancellor's Office no later than September 30th of the fiscal year following the use of the funds. Until such time as a data element to calculate the staffing rate of persons with disabilities has been integrated into the report required under Section 53004, districts will report that rate by a separate survey conducted, as directed by the Chancellor's Office.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53040. Governing Board's Affirmative Action Employment Policy Statement.

NOTE: Authority cited: Sections 71020, 71025, 71068, and 87105, Education Code. Reference: Section 87101, Education Code; Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980); 20 U.S.C. 793; 41 C.F.R. 60-741.1-.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1-.9, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53041. Affirmative Action Responsibilities and Duties.

NOTE: Authority cited: Sections 71020, 71025, 71068, and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53042. Affirmative Action Officer.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53043. Internal Dissemination.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53044. External Dissemination.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53045. Complaint Procedure.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53046. Work Force Analysis.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: 29 C.F.R. 1602.48 (1981).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Editorial correction of section heading (Register 94, No. 38).

§ 53049. Utilization Analysis.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53050. Corrective Action.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53051. Goals and Timetables.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53052. Affirmative Action Advisory Committee.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Section 87100, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53060. Fund Allocation.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53061. Success.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Editorial correction of printing error in subsection (c) (Register 91, No. 31).
3. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53062. Point Factors.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53063. Failure to Report.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53064. Required Report.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

Subchapter 2. Certificated Positions

Article 1. Special Non-Credentialed Employees

§ 53100. Prerequisites for Employment Under Education Code Section 87401.

NOTE: Authority cited: Sections 71020, 71064, and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Renumbering of chapter 1 (sections 53100-53205) to chapter 2 (sections 53100-53205) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53101. Processing of Fingerprint Cards.

NOTE: Authority cited: Sections 71020, 71064, 87220 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53102. Cause for Dismissal.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53103. Report of Persons Employed.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Article 1.5. Sick Leave Transfer

§ 53125. Transfer of Accumulated Sick Leave.

This Section prescribes the manner in which the amount of accumulated sick leave is certified for transfer under Sections 87782, 87783, and 87785 of the Education Code.

(a) As used in this Section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code Section 87781 but is unused.

(b) Transfer shall be certified as follows:

(1) The person who accumulated the sick leave or the new employing agency requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave,

(2) Upon receipt of the request, the former employing agency transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is charged with maintaining employee attendance records,

(3) The new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code Section 87785.

NOTE: Authority cited: Sections 70901, 71024 and 87782, Education Code. Reference: Sections 87781, 87782, 87783 and 87785, Education Code.

HISTORY

1. New subchapter 1.5 (section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. 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).

Article 1.6. Evaluation of Academic Employees

§ 53130. Availability of Rules and Regulations for Evaluation of Performance.

The governing board of a community college district shall adopt and cause to be printed and made available to each academic employee of the district reasonable rules and regulations providing for the evaluation of the performance of academic employees in their assigned duties.

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

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. New article 1.6 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Article 2. Academic Senates

§ 53200. Definitions.

For the purpose of this Subchapter:

(a) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) "Academic senate," "faculty council," and "faculty senate" means an organization formed in accordance with the provisions of this Subchapter whose primary function, as the representative of the faculty, is to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this Subchapter, reference to the term "academic senate" also constitutes reference to "faculty council" or "faculty senate."

(c) "Academic and professional matters" means the following policy development and implementation matters:

(1) curriculum, including establishing prerequisites and placing courses within disciplines;

(2) degree and certificate requirements;

(3) grading policies;

(4) educational program development;

(5) standards or policies regarding student preparation and success;

(6) district and college governance structures, as related to faculty roles;

(7) faculty roles and involvement in accreditation processes, including self-study and annual reports;

(8) policies for faculty professional development activities;

(9) processes for program review;

(10) processes for institutional planning and budget development; and

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(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. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, 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 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).

§ 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 the formation of a new college or educational center shall obtain approval for such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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).

Register 1996-23

§ 53000
§ 53001
§ 53003
§ 53004
§ 53006
§ 53021
§ 53023
§ 53024
§ 53025
§ 53030
§ 53031
§ 53032
§ 53033

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52310. Action by the Chancellor.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 87332, 87340, 87341 and 87342, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52311. Special Revocation.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 87332, 87340, 87341 and 87342, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Subarticle 3. Administrative Hearing Procedure

§ 52320. Administrative Hearing.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 11503 and 11504, Government Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Subchapter 2. Validation of Service Without a Credential

§ 52400. Application.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52401. Approval.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52402. Verification.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52403. Investigation and Recommendation.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Chapter 4. Employees

Subchapter 1. Affirmative Action and Equal Employment Opportunity Programs

Article 1. General

§ 53000. Scope and Intent.

(a) This Subchapter implements and should be read in conjunction with Government Code Sections 11135–11139.5, Education Code Section 200 et seq., Education Code Sections 87100 et seq., Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101).

(b) The regulations in this Subchapter require affirmative steps to promote faculty and staff diversity which are in addition to the nondiscrimination requirements of state or federal law. Therefore, compliance with these regulations or approval of the district's faculty and staff diversity plan pursuant to Section 53003 does not imply and should not be construed to mean that a district has necessarily complied with its obligations under any other applicable laws or regulations. The Chancellor shall assist districts in identifying other applicable state or federal laws which may affect district affirmative action or nondiscrimination policies.

NOTE: Authority cited: Sections 70901 and 87105, Education Code; and Section 11138, Government Code. Reference: Sections 200 et seq., and 87100 et seq., Education Code; Sections 11135–11139.5, Government Code; Title 20, United States Code, Section 1681; Title 29, United States Code, Section 794; and Title 42, United States Code, Sections 2000d, 6101 and 12100, et seq.

HISTORY

1. New chapter 1 (sections 53000–53004) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).
2. Repealer of chapter 1 (subchapter 1, sections 53000–53004) and new chapter 1 (subchapters 1–4, sections 53000–53052, not consecutive) filed 2-1-82; effective thirtieth day thereafter (Register 82, No. 6).
3. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
4. Amendment of subsection (a) and NOTE filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53001. Definitions.

As used in this Subchapter:

(a) Affirmative Action Employment Programs. "Affirmative action employment programs" means all the various methods by which equal employment opportunity is ensured and expected representation is to be achieved for qualified members of historically underrepresented groups. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking other steps to ensure equal employment opportunities, promoting diversity in the work force, and taking corrective action consistent with the requirements of Section 53006.

(b) Faculty and Staff Diversity Plan. A "faculty and staff diversity plan" is a written document in which a district's work force is analyzed and specific result-oriented plans and procedures are set forth for ensuring equal employment opportunity, promoting diversity, and achieving expected representation of qualified members of historically underrepresented groups.

(c) Business Necessity. "Business necessity" means circumstances which justify an exception to the requirements of Section 53021 because compliance with that Section would result in substantial additional financial cost to the district or pose a significant threat to human life or safety. Business necessity requires greater financial cost than does mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.

(d) Equal Employment Opportunity. "Equal employment opportunity" means that all qualified individuals have a full and fair opportunity

to compete for hiring and promotion and to enjoy the benefits of employment with the district.

(e)(1) Ethnic Minorities. "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.

(2) Ethnicity. "Ethnicity" means the ethnic group in which an individual is included or with which an individual identifies. A person shall be included in the group with which he or she identifies as his or her group, but may be counted in only one ethnic group. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

(f) Goals. "Goals" means a statement that the district will strive to attract and hire additional qualified members of an historically underrepresented group in order to achieve the level of expected representation for that group by a target date established by taking into account the expected turnover in the work force and the availability of persons from that group who are qualified to perform a particular job. Goals are not "quotas" or rigid proportions.

(g) Person with a Disability. "Person with a disability" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment because of such an impairment.

(h) Historically Underrepresented Group. "Historically underrepresented group" means ethnic minorities, women and persons with disabilities. The Board of Governors recognizes that ethnic minorities, women and persons with disabilities have historically faced discrimination and other obstacles that limited their opportunities for education, employment and upward mobility. The Board of Governors further acknowledges that as early as 1983 evidence became available documenting that these groups were underrepresented in many job classifications in many community college districts throughout the system.

(i) Reasonable Accommodation. "Reasonable accommodation" means the efforts made on the part of the employer to remove artificial or real barriers which prevent or limit the employment and upward mobility of persons with disabilities.

(j) Expected Representation. "Expected representation" means that the percentage of persons from an historically underrepresented group in the applicable work force is substantially the same as the percentage that members of that group would be expected to represent given the number of persons from that group in the pool of persons who are determined by the Chancellor to be available and qualified to perform the work in question.

(k) In-house or Promotional Only Hiring. "In-house or promotional only" hiring means that only existing district employees are allowed to apply for a position.

(l) Screening or Selection Procedure. "Screening or selection procedure" means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to, traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.

(m) Adverse or Disparate Impact. "Adverse impact" or "disparate impact" means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures") is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group defined in terms of ethnicity, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if:

(1) the numbers involved are too small to permit a meaningful comparison;

(2) the disparity is attributable to the fact that affirmative action recruitment resulted in large numbers of persons from historically underrepresented groups in the applicant pool; or

(3) the disparity occurs because the district is taking corrective action pursuant to Section 53006 to overcome the significant underrepresentation of another group.

(n) Diversity. "Diversity" means a condition each district must strive to achieve in which the district's work force includes men and women, persons with disabilities, and individuals from all ethnic groups in numbers adequate to ensure that the community college provides an inclusive educational and employment environment which fosters cooperation, acceptance, democracy and free expression of ideas. Diversity should exist at all levels and in all job categories listed in Section 53004(a). Although there is no universal or specific measure for determining when diversity has been achieved, the demographics of the adult population of the state and of the community served by the district should both be considered.

(o) Target Date. "Target date" means a point in time by which the district plans to meet an established goal and achieve expected representation for a particular historically underrepresented group in a particular job category.

(p) Timetable. "Timetable" means a set of specific annual hiring objectives that will lead to meeting a goal by a projected target date.

(q) Significantly Underrepresented Group. "Significantly underrepresented group" means any historically underrepresented group for which:

(1) the percentage of persons from that group employed by the district in any job category listed in Section 53004(a) is below seventy percent (70%) of the percentage that members of that group would be expected to represent given the pool of persons who are available and qualified to perform the work in question; or

(2) the number of persons from that group employed by the district in any job category listed in Section 53004(a) is lower than the number that would be expected given the number of persons from that group in the pool of persons available and qualified to perform the work in question, and that discrepancy is found to be statistically significant using the chi square test or any other statistical test the Chancellor determines to be appropriate for this purpose; or

(3) where small numbers are involved, both (1) and (2) are satisfied. The Chancellor shall issue guidelines to assist districts with the proper application of these rules in determining significant underrepresentation.

NOTE: Authority cited: Sections 66700, 70901 and 87105, Education Code. Reference: Sections 87101, Education Code; Section 11092, Government Code; 29 C.F.R. 1602.48 (1981); 29 C.F.R. 1607, 29 U.S.C. 793; 41 C.F.R. 60-741-2 (1980).

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a), (b)(1)-(b)-(3), (c), (k) and (m) 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. Amendment of subsections (a), (b), (e), (f), (h), (j) and (m), new subsections (m)(1)-(q)(3), and amendment of NOTE filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53002. Policy Statement.

The governing board of each community college district shall adopt a policy statement setting forth the district's commitment to an affirmative action employment program. This statement may also incorporate the nondiscrimination policy statement required pursuant to Section 59301 and other similar nondiscrimination or equal employment opportunity statements which may be required under other provisions of state and federal law.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

History

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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).

§ 53003. District Plan.

(a) The governing board of each community college district shall develop and adopt a district-wide written faculty and staff diversity plan to implement its affirmative action employment program. Such plans and revisions shall be submitted to the Chancellor's Office for review and approval.

(b) This plan shall include the goals and timetables, as appropriate, for hiring and promotion of members of historically underrepresented groups developed pursuant to Section 53006 for each college in the district and for the district as a whole. Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the Chancellor's Office for approval. Each community college district shall notify the Chancellor at least 30 days prior to adopting any other amendments to its plan.

(c) In particular, the plan shall include all of the following:

(1) the designation of the district employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Subchapter pursuant to Section 53020;

(2) the procedure for filing complaints pursuant to Section 53026 and the person with whom such complaints are to be filed;

(3) a process for notifying all district employees of the provisions of the plan and the policy statement required under Section 53002;

(4) a process for ensuring that district employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of this Subchapter and of state and federal nondiscrimination laws;

(5) a process for providing annual written notice to appropriate community organizations concerning the district's plan and the need for assistance from the community in identifying qualified members of historically underrepresented groups for openings with the district;

(6) an analysis of the number of persons from historically underrepresented groups who are employed in the district's work force and those who have applied for employment in each of the job categories listed in Section 53004(a);

(7) an analysis of the degree to which women, ethnic minorities, and persons with disabilities are underrepresented in comparison to the numbers of persons from such groups whom the Chancellor determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;

(8) the steps the district will take to achieve diversity in its work force;

(9) goals for addressing any underrepresentation identified pursuant to Subparagraph (7); and

(10) a plan of corrective action consistent with Section 53006, including goals and timetables for hiring and promotion, if necessary, to remedy any significant underrepresentation identified in the plan by achieving expected representation for all historically underrepresented groups in all job categories listed in Section 53004(a).

(d) The plans submitted to the Chancellor shall be public records.

(e) Each community college district shall make a continuous good faith effort to comply with the requirements of the plan required under this Section.

(f) In developing the availability data called for in Subsection (c)(7), the Chancellor shall work through the established Consultation Process.

Note: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

History

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (c)(4) and (7) 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. Amendment of subsections (b), (c) and (c)(7), new subsections (c)(8)-(9) and subsection renumbering, amendment of newly designated subsection (c)(10) and new subsection (f) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53004. District Evaluation and Report to Chancellor.

(a) Each district shall annually survey its employees and shall monitor applicants for employment on an ongoing basis in order to evaluate its progress in implementing its faculty and staff diversity plan and to provide data needed for the analyses required by Sections 53003, 53006, 53023, and 53024. Each district shall annually report to the Chancellor, in a manner prescribed by the Chancellor, the results of its annual survey of employees at each college in the district. Each employee shall be reported so that he or she may be identified as belonging to one of the following seven job categories:

(1) executive/administrative/managerial;

(2) faculty and other instructional staff;

(3) professional nonfaculty;

(4) secretarial/clerical;

(5) technical and paraprofessional;

(6) skilled crafts; and

(7) service and maintenance.

(b) For purposes of the survey and report required pursuant to Subsection (a) of this Section, each applicant or employee shall be afforded the opportunity to identify his or her gender, ethnicity and, if applicable, his or her disability. Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories. However, in determining whether corrective action is necessary, analysis of the separate subgroups is not necessary.

Note: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code; and Section 8310.5, Government Code.

History

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a) and (b) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53005. Advisory Committee.

Each community college district shall establish a Faculty and Staff Diversity Advisory Committee to assist the district in developing and implementing the plan required under Section 53003. This advisory committee shall include members of all historically underrepresented groups whenever possible.

Note: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

History

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53006. Corrective Action.

(a) Continuation of Existing Goals. If a district established a goal prior to the effective date of this Section and significant underrepresentation still exists, it shall update that goal, set a new target date for achieving expected representation for that group in the category or categories in question, and concurrently do the following:

(1) review its recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;

(2) consider various other means of reducing the underrepresentation which do not involve taking underrepresented group status into account, and implement any such techniques which are determined to be feasible and potentially effective; and

(3) Comply with Subsection (c) of this Section.

(b) New Goals. If a district determines, pursuant to Section 53003(c)(7), that a particular group is significantly underrepresented with respect to one or more job categories, and no goal has previously been set, the district shall take corrective action consistent with this Section. At a minimum, the district shall:

(1) review its recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;

(2) consider various other means of reducing the underrepresentation which do not involve taking underrepresented group status into account, and implement any such techniques which are determined to be feasible and potentially effective;

(3) determine whether the group is still significantly underrepresented in the category or categories in question after the measures described in (1) and (2) have been in place a reasonable period of time; and

(4) if significant underrepresentation persists, the district shall set a goal with a target date for achieving expected representation for the significantly underrepresented group in each job category where significant underrepresentation persists. The staffing rate for the significantly underrepresented group in the specified job category or categories shall be monitored on an ongoing basis and the use of goals shall be discontinued when expected representation has been achieved for that group in the category or categories in question.

(c) Additional Measures. If a goal has been set, and after a reasonable period of time significant underrepresentation persists for a particular group in the job category in question, the district shall establish a specific timetable to project the levels of annual hiring of persons from the significantly underrepresented group which will be necessary to meet the goal by the target date. In addition, the district shall implement one or more of the following additional corrective measures until expected representation has been achieved for that group in the category in question.

(1) include in the applicant pool applicants from significantly underrepresented groups who were initially screened out because they failed to meet locally established "desirable or preferred" qualifications beyond state minimum qualifications, where such applicants can be expected to meet the additional qualifications through appropriate training or experience within one year.

(2) consider, as one factor in the final selection process, the fact that a candidate is a member of a significantly underrepresented group, provided that the qualifications of the candidates under consideration are reasonably considered to be substantially equivalent.

(d) New Goals for Women or Persons with Disabilities. Where either women or persons with disabilities are found to be significantly underrepresented, and no goal has previously been set for that group, the measures required under Subsections (b)(1) and (b)(2) shall be implemented concurrently with setting a goal with a target date for achieving expected representation for that group in each job category where the underrepresentation was found to exist. Goals shall remain in effect only until expected representation has been achieved for that group in the category or categories in question. Until the Chancellor's Office provides data regarding the availability of persons with disabilities by job category, an aggregate labor force availability rate shall be utilized for setting goals for hiring persons with disabilities with respect to the total district work force. The district may also concurrently take other corrective action which takes gender or disability into account, so long as such measures are discontinued when expected representation is achieved for that group in the category or categories in question.

(e) Definition of Reasonable Period. For purposes of this Section, "a reasonable period of time" means three years, or such longer period as the Chancellor may approve, upon the request of the faculty and staff diversity committee and the chief executive officer, where the district has not filled enough positions to appreciably alter the composition of its work force in the job category in question.

(f) Other Voluntary Measures. Nothing in this Subchapter shall be construed to prohibit a district from taking any other steps it concludes are necessary to ensure equal employment opportunity, provided that such actions are consistent with the requirements of federal and state constitutional and statutory nondiscrimination law.

NOTE: Authority cited: Sections 70901 and 87105, Education Code; and Section 11138, Government Code. Reference: Sections 87100 et seq., Education Code; and Sections 11135–111139.5, Government Code.

HISTORY

1. New section filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53010. Assistance.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87103, Education Code.

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53011. Report.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87104, Education Code.

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53012. Periodic Evaluation.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87102, Education Code.

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

Article 2. Other Specific Responsibilities of Community College Districts

§ 53020. Responsibility; Delegation of Authority; Complaints.

(a) The governing board of each community college district is ultimately responsible for proper implementation of this Subchapter at all levels of district and college operation and for making measurable progress toward the goals established in the district's faculty and staff diversity plan. In carrying out this responsibility, the governing board, upon the recommendation of the chief executive officer, shall ensure that an affirmative action officer is designated to oversee the day-to-day implementation of the requirements set forth in this Subchapter.

(b) The administrative structure created by any delegation of authority to the affirmative action officer or others shall be described in the district's faculty and staff diversity plan submitted pursuant to Section 53003 and shall be designed in such a manner so as to ensure prompt and effective implementation of the requirements of this Subchapter. The plan shall also designate a single officer, who may be the affirmative action officer, who shall be given authority and responsibility for receiving complaints filed pursuant to Section 53026, for ensuring that such complaints are promptly and impartially investigated, and ensuring that selection procedures and the applicant pool are properly monitored as required by Sections 53023 and 53024.

(c) Any organization or individual, whether or not an employee of the district, who acts on behalf of the governing board with regard to the recruitment and screening of personnel is an agent of the district and is subject to all of the requirements of this Subchapter.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of subsections (a) and (c) 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).

§ 53021. Recruitment.

(a) Except as otherwise provided in this Section, community college districts shall actively recruit from both within and outside the district work force to attract qualified applicants for all new openings. This shall include focused outreach to historically underrepresented groups. The requirement of open recruitment shall apply to all new full-time and part-time openings in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/managerial positions. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a

minimum, shall include seeking qualified applicants listed in the California Community Colleges Faculty and Staff Diversity Registry. Recruitment for part-time faculty positions may be conducted separately for each new opening or by annually establishing a pool of eligible candidates, but in either case full and open affirmative action recruitment is required consistent with this Section.

(b) "In-house or promotional only" recruitment shall not be used to fill any new opening except when:

(1) the pool of eligible district employees has achieved expected representation for all historically underrepresented groups and the district has an upward mobility program which is included in the faculty and staff diversity plan approved by the Chancellor;

(2) the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment; provided however, that no interim appointment or series of interim appointments exceed one year in duration. The Chancellor may approve an extension of up to one additional year if the district demonstrates "business necessity" as defined in Section 53001(c).

(c) If a district believes justification exists for use of any of the exceptions listed in Subsection (b), it shall so notify the Faculty and Staff Diversity Advisory Committee established pursuant to Section 53005 and the Chancellor at least ten (10) working days prior to offering the position to a candidate.

(d) Even where in-house or promotional only recruitment is permitted pursuant to Subsection (b), the district shall comply with its established hiring procedures and all qualified district employees shall be afforded the opportunity to apply.

(e) For purposes of this Section, a new opening is not created when:

(1) there is a reorganization or series of lateral transfers that do not result in a net increase in the number of employees;

(2) a position which is currently occupied by an incumbent is upgraded, reclassified, or renamed without significantly altering the duties being performed by the individual;

(3) the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term;

(4) the position is filled by a temporary, short-term, or substitute employee appointed pursuant to Education Code Sections 87422, 87480, 87482.5(b) 88003, 88106 or 88109; or

(5) a part-time faculty member is assigned to teach the same or fewer hours he or she has previously taught in the same discipline without a substantial break in service. For purposes of this Section, "a substantial break in service" means more than one calendar year or such different period as may be defined by a collective bargaining agreement.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment subsections (b) and (d)-(e)(2) 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. Amendment of subsections (a) and (b)(1)-(b)(2), repealer of subsection (b)(3), amendment of subsections (c), (d) and (e)(1)-(e)(4) and new subsection (e)(5) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53022. Job Announcements and Required Qualifications.

Job announcements shall state clearly job specifications setting forth the knowledge, skills, and abilities necessary to job performance. For faculty and administrative positions, job requirements shall include a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students. Job specifications, including any "desired" or "required" qualifications beyond the state minimum qualifications (set forth in Subchapter 4, commencing with Section 53400 of this Chapter) which the district wishes to utilize, shall be reviewed before the position is announced, to ensure conformity with the requirements of this Subchapter and state and federal nondiscrimination laws.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

(3) based solely on job-related criteria, provided that, when a particular candidate who meets the minimum qualifications for the job is also a member of an historically underrepresented group, this membership may be taken into account as one factor in the final selection process where this would further achievement of the goals set forth in the district's faculty and staff diversity plan; and

§ 53023. Applicant Pool.

(a) The application for employment shall afford each applicant an opportunity to voluntarily identify his or her gender, ethnicity and, if applicable, his or her disability. This information shall be kept confidential and shall be used only in research, validation, monitoring, evaluating the effectiveness of the district's affirmative action employment program, or any other purpose specifically authorized in this Subchapter, or by any applicable statute or regulation.

(b) After the application deadline has passed, the composition of the initial applicant pool shall be analyzed to ensure that expected representation has been achieved for historically underrepresented groups. If necessary the application deadline shall be extended and additional focused recruitment shall be conducted for any historically underrepresented group for which expected representation has not been achieved. When the expected representation of historically underrepresented groups is achieved, or further recruitment efforts would be futile, applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. Before the selection process continues, the composition of the qualified applicant pool shall be analyzed to ensure that no group, defined in terms of ethnicity, gender or disability, is adversely impacted pursuant to Section 53001(m). If adverse impact is found to exist, the chief executive officer or his or her designee shall take effective steps to address the adverse impact before the selection process is begun. Such steps may include, but are not limited to:

(1) the deadline is extended and additional recruitment focused on historically underrepresented groups is undertaken;

(2) locally established qualifications beyond state minimum qualifications are modified or removed and the application deadline is extended.

(c) If adverse impact persists after taking steps required under subdivision (b), the selection process may proceed only if:

(1) the job announcement does not require qualifications beyond the statewide minimum qualifications;

(2) locally established qualifications beyond state minimum qualifications, if any, are validated as job related and consistent with business necessity through a process meeting the requirements of federal law; or

(3) the particular requirements beyond statewide minimum qualifications which are used in the job announcement are among those which the Board of Governors has found to be job-related and consistent with business necessity throughout the community college system.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code; 42 U.S.C. 2000e-2.

HISTORY

1. New section filed 2-26-82; designated effective 2-28-82 pursuant to Government Code section 11346.2(d) (Register 82, No. 9).
2. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
3. Amendment of subsections (a) and (b), repealer of subsection (b)(2) and subsection renumbering, and amendment of subsection (c)(2) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53024. Screening or Selection Procedures.

(a) All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, shall be:

(1) provided to the Chancellor upon request;

(2) designed to ensure that for faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;

(3) based solely on job-related criteria, except as authorized by Section 53006; and

(4) designed and monitored to ensure that they do not have an adverse impact, as defined in Section 53001(m), on any group defined in terms of ethnicity, gender, or disability.

(b) If monitoring pursuant to subsection (a)(4) reveals that any selection technique or procedure has adversely impacted any such group, the chief executive officer or his/her designee shall suspend the selection process and timely and effective steps shall be taken to remedy the problem before the selection process resumes. The affirmative action officer, or other official charged with responsibility for monitoring selection procedures, may assist the screening committee by discussing the overall composition of the applicant pool and the screening criteria or procedures which have produced an adverse impact, provided that confidential information about individual candidates is not disclosed. Where necessary, the position may be re-opened at any time and a new selection process initiated in a way designed to avoid adverse impact.

(c) A district may not designate or set aside particular positions to be filled by members of any group defined in terms of race, ethnicity, gender, age, or disability, or engage in any other practice which would result in discriminatory treatment prohibited by state or federal law. Nor may a district apply the goals, if any, set forth in the district's faculty and staff diversity plan in a rigid manner which has the purpose or effect of so discriminating.

(d) Seniority or length of service may be taken into consideration only to the extent it is job related, is not the sole criterion, and is included in the job announcement consistent with the requirements of Section 53022.

(e) Selection testing for employees shall follow procedures as outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures."

(f) Selection committees shall include members of historically underrepresented groups whenever possible.

(g) Notwithstanding any other provision of this Division, the governing board or its designee shall have the authority to make all final hiring decisions based upon careful review of the candidate or candidates recommended by a screening committee. This includes the right to reject all candidates and order further review by the screening committee or reopening of the position where necessary to further achievement of the goals, if any, established in the faculty and staff diversity plan. However, consistent failure to select qualified candidates from historically underrepresented groups who are recommended by screening committees shall constitute a violation of Section 51010 of this Division.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a)(2)-(c), (e) and (g) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53025. Persons with Disabilities.

Districts shall ensure that applicants and employees with disabilities receive reasonable accommodations consistent with the requirements of Government Code Sections 11135 et seq., Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, flexible scheduling, adaptive equipment, and auxiliary aids such as readers, interpreters, and notetakers. Such accommodations may be paid for with faculty and staff diversity funds provided pursuant to Article 3 (commencing with Section 53030) of this Subchapter.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code; Sections 11135 et seq., Government Code; 29 U.S.C. 794; 42 U.S.C. Sections 12101, et seq.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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. Repealer of subsections (a) and (b) and deletion of subsection designator filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53026. Complaints.

Each community college district shall establish a process permitting any person to file a complaint alleging that the requirements of this Subchapter have been violated. A copy of the complaint shall immediately be forwarded to the Chancellor who may require that the district provide a written investigative report within ninety (90) days. Complaints which also allege discrimination prohibited by Government Code Sections 11135 et seq. shall be processed according to the procedures set forth in Subchapter 5 (commencing with Section 59300) of Chapter 10 of this Division.

NOTE: Authority Cited: Sections 70901 and 87105, Education Code; and Sections 11135 et seq. Government Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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).

§ 53027. Applicability to Districts Operating on the Merit System.

Nothing in this Subchapter shall be construed to conflict with or be inconsistent with the provisions of Article 3 (commencing with Section 88060) of Chapter 4 of Part 51 of the Education Code which apply to districts operating a merit system for classified employees.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq. and 88060 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53028. Affirmative Action Commitment.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53029. Handicapped.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code; Section 11135, Government Code; 29 U.S.C. 705 and 706.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

Article 3. Faculty and Staff Diversity Fund

§ 53030. Fund Allocation.

Before the end of the fiscal year preceding the year of allocation, the Chancellor shall recommend to the Board of Governors an allocation formula for distribution of the Faculty and Staff Diversity Fund established pursuant to Education Code Section 87107. The allocation shall be consistent with the following:

(a) A portion of the fund, but not more than 25 percent, shall be set aside for the purposes of Education Code Section 87107(c), provided that:

(1) sufficient funds to provide technical assistance, service, monitoring, and compliance functions shall be designated from these monies; and

(2) the remainder of these funds shall be distributed on the basis of the full-time equivalent students of each district as a proportion of the total

full-time equivalent students for all districts. These funds are to be used to reimburse costs as specified in Education Code Section 87107.

(b) That portion of the funds not allocated pursuant to Subsection (a) may be allocated to the districts in the following five categories:

(1) an amount proportional to the full-time equivalent students of each district to the total full-time equivalent students for all districts;

(2) an equal dollar amount to each district;

(3) an amount related to success in promoting diversity. Multiple methods of measuring success shall be identified by the Chancellor working through the established Consultation Process.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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. Amendment of subsections (b) and (b)(3) and repealer of subsections (b)(4) and (b)(5) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53031. Success.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsection (a) 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. Repealer of section filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53032. Point Factors.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Repealer of section filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53033. Failure to Report.

Any district failing to provide the data required under Section 53004 is not in compliance with this Subchapter. Faculty and Staff Diversity funds for any given fiscal year, other than those under Section 53030(a), shall not be granted unless the district provides the data no later than March 31st of the preceding fiscal year.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of section filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53034. Required Report.

Districts shall submit a report on the use of Faculty and Staff Diversity funds to the Chancellor's Office no later than September 30th of the fiscal year following the use of the funds. Until such time as a data element to calculate the staffing rate of persons with disabilities has been integrated into the report required under Section 53004, districts will report that rate by a separate survey conducted, as directed by the Chancellor's Office.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53040. Governing Board's Affirmative Action Employment Policy Statement.

NOTE: Authority cited: Sections 71020, 71025, 71068, and 87105, Education Code. Reference: Section 87101, Education Code; Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980); 20 U.S.C. 793; 41 C.F.R. 60-741.1-.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1-.9, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53041. Affirmative Action Responsibilities and Duties.

NOTE: Authority cited: Sections 71020, 71025, 71068, and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53042. Affirmative Action Officer.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53043. Internal Dissemination.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53044. External Dissemination.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53045. Complaint Procedure.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53048. Work Force Analysis.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: 29 C.F.R. 1602.48 (1981).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Editorial correction of section heading (Register 94, No. 38).

§ 53049. Utilization Analysis.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53050. Corrective Action.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53051. Goals and Timetables.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53052. Affirmative Action Advisory Committee.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Section 87100, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53060. Fund Allocation.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

to compete for hiring and promotion and to enjoy the benefits of employment with the district.

(e)(1) Ethnic Minorities. "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.

(2) Ethnicity. "Ethnicity" means the ethnic group in which an individual is included or with which an individual identifies. A person shall be included in the group with which he or she identifies as his or her group, but may be counted in only one ethnic group. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

(f) Goals. "Goals" means a statement that the district will strive to attract and hire additional qualified members of an historically underrepresented group in order to achieve the level of expected representation for that group by a target date established by taking into account the expected turnover in the work force and the availability of persons from that group who are qualified to perform a particular job. Goals are not "quotas" or rigid proportions.

(g) Person with a Disability. "Person with a disability" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment because of such an impairment.

(h) Historically Underrepresented Group. "Historically underrepresented group" means ethnic minorities, women and persons with disabilities. The Board of Governors recognizes that ethnic minorities, women and persons with disabilities have historically faced discrimination and other obstacles that limited their opportunities for education, employment and upward mobility. The Board of Governors further acknowledges that as early as 1983 evidence became available documenting that these groups were underrepresented in many job classifications in many community college districts throughout the system.

(i) Reasonable Accommodation. "Reasonable accommodation" means the efforts made on the part of the employer to remove artificial or real barriers which prevent or limit the employment and upward mobility of persons with disabilities.

(j) Expected Representation. "Expected representation" means that the percentage of persons from an historically underrepresented group in the applicable work force is substantially the same as the percentage that members of that group would be expected to represent given the number of persons from that group in the pool of persons who are determined by the Chancellor to be available and qualified to perform the work in question.

(k) In-house or Promotional Only Hiring. "In-house or promotional only" hiring means that only existing district employees are allowed to apply for a position.

(l) Screening or Selection Procedure. "Screening or selection procedure" means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to, traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.

(m) Adverse or Disparate Impact. "Adverse impact" or "disparate impact" means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures") is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group defined in terms of ethnicity, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if:

(1) the numbers involved are too small to permit a meaningful comparison;

(2) the disparity is attributable to the fact that affirmative action recruitment resulted in large numbers of persons from historically underrepresented groups in the applicant pool; or

(3) the disparity occurs because the district is taking corrective action pursuant to Section 53006 to overcome the significant underrepresentation of another group.

(n) Diversity. "Diversity" means a condition each district must strive to achieve in which the district's work force includes men and women, persons with disabilities, and individuals from all ethnic groups in numbers adequate to ensure that the community college provides an inclusive educational and employment environment which fosters cooperation, acceptance, democracy and free expression of ideas. Diversity should exist at all levels and in all job categories listed in Section 53004(a). Although there is no universal or specific measure for determining when diversity has been achieved, the demographics of the adult population of the state and of the community served by the district should both be considered.

(o) Target Date. "Target date" means a point in time by which the district plans to meet an established goal and achieve expected representation for a particular historically underrepresented group in a particular job category.

(p) Timetable. "Timetable" means a set of specific annual hiring objectives that will lead to meeting a goal by a projected target date.

(q) Significantly Underrepresented Group. "Significantly underrepresented group" means any historically underrepresented group for which:

(1) the percentage of persons from that group employed by the district in any job category listed in Section 53004(a) is below seventy percent (70%) of the percentage that members of that group would be expected to represent given the pool of persons who are available and qualified to perform the work in question; or

(2) the number of persons from that group employed by the district in any job category listed in Section 53004(a) is lower than the number that would be expected given the number of persons from that group in the pool of persons available and qualified to perform the work in question, and that discrepancy is found to be statistically significant using the chi square test or any other statistical test the Chancellor determines to be appropriate for this purpose; or

(3) where small numbers are involved, both (1) and (2) are satisfied. The Chancellor shall issue guidelines to assist districts with the proper application of these rules in determining significant underrepresentation.

NOTE: Authority cited: Sections 66700, 70901 and 87105, Education Code. Reference: Sections 87101, Education Code; Section 11092, Government Code; 29 C.F.R. 1602.48 (1981); 29 C.F.R. 1607, 29 U.S.C. 793; 41 C.F.R. 60-741-2 (1980).

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a), (b)(1)-(b)-(3), (c), (k) and (m) 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. Amendment of subsections (a), (b), (e), (f), (h), (j) and (m), new subsections (m)(1)-(q)(3), and amendment of NOTE filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53002. Policy Statement.

The governing board of each community college district shall adopt a policy statement setting forth the district's commitment to an affirmative action employment program. This statement may also incorporate the nondiscrimination policy statement required pursuant to Section 59300 and other similar nondiscrimination or equal employment opportunity statements which may be required under other provisions of state and federal law.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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).

[illegible] Amendment filed 2-7-2001; operative 3-9-2001. Submitted to OAL for printing only (Register 2001, No. 6).

§ 53003. District Plan.

(a) The governing board of each community college district shall develop and adopt a district-wide written faculty and staff diversity plan to implement its affirmative action employment program. Such plans and revisions shall be submitted to the Chancellor's Office for review and approval.

(b) This plan shall include the goals and timetables, as appropriate, for hiring and promotion of members of historically underrepresented groups developed pursuant to Section 53006 for each college in the district and for the district as a whole. Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the Chancellor's Office for approval. Each community college district shall notify the Chancellor at least 30 days prior to adopting any other amendments to its plan.

(c) In particular, the plan shall include all of the following:

(1) the designation of the district employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Subchapter pursuant to Section 53020;

(2) the procedure for filing complaints pursuant to Section 53026 and the person with whom such complaints are to be filed;

(3) a process for notifying all district employees of the provisions of the plan and the policy statement required under Section 53002;

(4) a process for ensuring that district employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of this Subchapter and of state and federal nondiscrimination laws;

(5) a process for providing annual written notice to appropriate community organizations concerning the district's plan and the need for assistance from the community in identifying qualified members of historically underrepresented groups for openings with the district;

(6) an analysis of the number of persons from historically underrepresented groups who are employed in the district's work force and those who have applied for employment in each of the job categories listed in Section 53004(a);

(7) an analysis of the degree to which women, ethnic minorities, and persons with disabilities are underrepresented in comparison to the numbers of persons from such groups whom the Chancellor determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;

(8) the steps the district will take to achieve diversity in its work force;

(9) goals for addressing any underrepresentation identified pursuant to Subparagraph (7); and

(10) a plan of corrective action consistent with Section 53006, including goals and timetables for hiring and promotion, if necessary, to remedy any significant underrepresentation identified in the plan by achieving expected representation for all historically underrepresented groups in all job categories listed in Section 53004(a).

(d) The plans submitted to the Chancellor shall be public records.

(e) Each community college district shall make a continuous good faith effort to comply with the requirements of the plan required under this Section.

(f) In developing the availability data called for in Subsection (c)(7), the Chancellor shall work through the established Consultation Process.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. [illegible]

[illegible] Amendment of subsections (c)(4) and (7) 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. Amendment of subsections (b), (c) and (c)(7), new subsections (c)(8)-(9) and subsection renumbering, amendment of newly designated subsection (c)(10) and new subsection (f) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53004. District Evaluation and Report to Chancellor.

(a) Each district shall annually survey its employees and shall monitor applicants for employment on an ongoing basis in order to evaluate its progress in implementing its faculty and staff diversity plan and to provide data needed for the analyses required by Sections 53003, 53006, 53023, and 53024. Each district shall annually report to the Chancellor, in a manner prescribed by the Chancellor, the results of its annual survey of employees at each college in the district. Each employee shall be reported so that he or she may be identified as belonging to one of the following seven job categories:

(1) executive/administrative/managerial;

(2) faculty and other instructional staff;

(3) professional nonfaculty;

(4) secretarial/clerical;

(5) technical and paraprofessional;

(6) skilled crafts; and

(7) service and maintenance.

(b) For purposes of the survey and report required pursuant to Subsection (a) of this Section, each applicant or employee shall be afforded the opportunity to identify his or her gender, ethnicity and, if applicable, his or her disability. Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories. However, in determining whether corrective action is necessary, analysis of the separate subgroups is not necessary.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code; and Section 8310.5, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

2. Amendment of subsections (a) and (b) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53005. Advisory Committee.

Each community college district shall establish a Faculty and Staff Diversity Advisory Committee to assist the district in developing and implementing the plan required under Section 53003. This advisory committee shall include members of all historically underrepresented groups whenever possible.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53006. Corrective Action.

(a) Continuation of Existing Goals. If a district established a goal prior to the effective date of this Section and significant underrepresentation still exists, it shall update that goal, set a new target date for achieving expected representation for that group in the category or categories in question, and concurrently do the following:

(1) review its recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;

(2) consider various other means of reducing the underrepresentation which do not involve taking underrepresented group status into account, and implement any such techniques which are determined to be feasible and potentially effective; and

(3) Comply with Subsection (c) of this Section.

(b) New Goals. If a district determines, pursuant to Section 53003(c)(7), that a particular group is significantly underrepresented with respect to one or more job categories, and no goal has previously been set, the district shall take corrective action consistent with this Section. At a minimum, the district shall:

Register 2002-35

§ 53000
§ 53001
§ 53002
§ 53003
§ 53004
§ 53005
§ 53006
§ 53020
§ 53021
§ 53022
§ 53024
§ 53025
§ 53026
§ 53027
§ 53030
§ 53033
§ 53034

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52310. Action by the Chancellor.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 87332, 87340, 87341 and 87342, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52311. Special Revocation.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 87332, 87340, 87341 and 87342, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Subarticle 3. Administrative Hearing Procedure

§ 52320. Administrative Hearing.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 11503 and 11504, Government Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Subchapter 2. Validation of Service Without a Credential

§ 52400. Application.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52401. Approval.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52402. Verification.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52403. Investigation and Recommendation.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Chapter 4. Employees

Subchapter 1. Equal Employment Opportunity Programs

Article 1. General

§ 53000. Scope and Intent.

(a) This subchapter implements and should be read in conjunction with Government Code sections 11135–11139.5, Education Code sections 66010.2, 66030, and Chapter 4.5 of Part 40 of Title 3, commencing with section 66250; Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101). Nothing in this subchapter shall be construed to conflict with or be inconsistent with the provisions of article 1, section 31 of the California Constitution or to authorize conduct that is in conflict with or is inconsistent with such provisions.

(b) The regulations in this subchapter require steps to promote faculty and staff equal employment opportunity which are in addition to and consistent with the nondiscrimination requirements of state or federal law. Therefore, compliance with these regulations or approval of the district's equal employment opportunity plan pursuant to section 53003 does not imply and should not be construed to mean that a district has necessarily complied with its obligations under any other applicable laws or regulations. The Chancellor shall assist districts in identifying other applicable state or federal laws which may affect district equal employment opportunity or nondiscrimination policies.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; Sections 11135–11139.5, Government Code; Title 20, United States Code, Section 1681; Title 29, United States Code, Section 794; and Title 42, United States Code, Sections 2000d, 6101 and 12100, et seq.

HISTORY

1. New chapter 1 (sections 53000–53004) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).
2. Repealer of chapter 1 (subchapter 1, sections 53000–53004) and new chapter 1 (subchapters 1–4, sections 53000–53052, not consecutive) filed 2-1-82; effective thirtieth day thereafter (Register 82, No. 6).
3. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
4. Amendment of subsection (a) and NOTE filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
5. Amendment of subchapter heading, section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53001. Definitions.

As used in this subchapter:

(a) Adverse Impact. "Adverse impact" means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures") is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.

(b) Business Necessity. "Business necessity" means circumstances which justify an exception to the requirements of section 53021 because compliance with that section would result in substantial additional financial cost to the district or pose a significant threat to human life or safety. Business necessity requires greater financial cost than does mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.

(c) Equal Employment Opportunity. "Equal employment opportunity" means that all qualified individuals have a full and fair opportunity

to compete for hiring and promotion and to enjoy the benefits of employment with the district. Equal employment opportunity should exist at all levels and in all job categories listed in section 53004(a). Ensuring equal employment opportunity also involves creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination by this subchapter.

(d) Equal Employment Opportunity Plan. An "equal employment opportunity plan" is a written document in which a district's work force is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.

(e) Equal Employment Opportunity Programs. "Equal employment opportunity programs" means all the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking additional steps consistent with the requirements of section 53006.

(f)(1) Ethnic Minorities. "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.

(2) Ethnic Group Identification. "Ethnic group identification" means an individual's identification in one or more of the ethnic groups reported to the Chancellor pursuant to section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

(g) Goals for Persons with Disabilities. "Goals for persons with disabilities" means a statement that the district will strive to attract and hire additional qualified persons with a disability in order to achieve the level of projected representation for that group by a target date established by taking into account the expected turnover in the work force and the availability of persons with disabilities who are qualified to perform a particular job. Goals are not "quotas" or rigid proportions.

(h) In-house or Promotional Only Hiring. "In-house or promotional only" hiring means that only existing district employees are allowed to apply for a position.

(i) Monitored Group. "Monitored group" means those groups identified in section 53004(b) for which monitoring and reporting is required pursuant to section 53004(a).

(j) Person with a Disability. "Person with a disability" means any person who (1) has a physical or mental impairment as defined in Government Code section 12926 which limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is "limited" if the condition makes the achievement of the major life activity difficult.

(k) Projected Representation. "Projected representation" means the percentage of persons from a monitored group determined by the Chancellor to be available and qualified to perform the work in question.

(l) Reasonable Accommodation. "Reasonable accommodation" means the efforts made on the part of the district to remove artificial or real barriers which prevent or limit the employment and upward mobility of persons with disabilities. "Reasonable accommodations" may include the items designated in section 53025.

(m) Screening or Selection Procedure. "Screening or selection procedure" means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to, traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.

(n) Significantly Underrepresented Group. "Significantly underrepresented group" means any monitored group for which the percentage of persons from that group employed by the district in any job category listed in section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

(o) Target Date. "Target date" means a point in time by which the district plans to meet an established goal for persons with disabilities and thereby achieve projected representation in a particular job category.

(p) Timetable. "Timetable" means a set of specific annual hiring objectives that will lead to meeting a goal for persons with a disability by a projected target date.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; Sections 11135-11139.5, 11092 and 12926, Government Code; 29 C.F.R. 1602.48 (1981); 29 C.F.R. 1607, 29 U.S.C. 793; 41 C.F.R. 60-741-2 (1980).

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a), (b)(1)-(b)-(3), (c), (k) and (m) 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. Amendment of subsections (a), (b), (e), (f), (h), (j) and (m), new subsections (m)(1)-(q)(3), and amendment of NOTE filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53002. Policy Statement.

The governing board of each community college district shall adopt a policy statement setting forth the district's commitment to an equal employment opportunity program. This statement may also incorporate the nondiscrimination policy statement required pursuant to section 59300 and other similar nondiscrimination or equal employment opportunity statements which may be required under other provisions of state and federal law.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.1, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135-11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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. Amendment filed 2-7-2001; operative 3-9-2001. Submitted to OAL for printing only (Register 2001, No. 6).
4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53003. District Plan.

(a) The governing board of each community college district shall develop and adopt a district-wide written equal employment opportunity plan to implement its equal employment opportunity program. Such plans and revisions shall be submitted to the Chancellor's Office for review and approval.

(b) Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the Chancellor's Office for approval. Each community college district shall notify the Chancellor at least 30 days prior to adopting any other amendments to its plan.

(c) In particular, the plan shall include all of the following:

(1) the designation of the district employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this subchapter pursuant to section 53020;

(2) the procedure for filing complaints pursuant to section 53026 and the person with whom such complaints are to be filed;

(3) a process for notifying all district employees of the provisions of the plan and the policy statement required under section 53002;

(4) a process for ensuring that district employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of this subchapter and of state and federal nondiscrimination laws;

(5) a process for providing annual written notice to appropriate community-based and professional organizations concerning the district's plan and the need for assistance from the community and such organizations in identifying qualified applicants;

(6) an analysis of the number of persons from monitored groups who mployed in the district's work force and those who have applied for oyment in each of the job categories listed in section 53004(a);

(7) an analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the Chancellor determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;

(8) methods for addressing any underrepresentation identified pursuant to subparagraph (7)

(9) additional steps consistent with section 53006 to remedy any significant underrepresentation identified in the plan; and

(10) any other measures necessary to further equal employment opportunity throughout the district.

(d) The plan shall include any goals for hiring persons with disabilities that are required by section 53025.

(e) The plans submitted to the Chancellor shall be public records.

(f) Each community college district shall make a continuous good faith effort to comply with the requirements of the plan required under this section.

(g) In developing the availability data called for in subsection (c)(7), the Chancellor shall work through the established Consultation Process.

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

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (c)(4) and (7) 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. Amendment of subsections (b), (c) and (c)(7), new subsections (c)(8)-(9) and section renumbering, amendment of newly designated subsection (c)(10) new subsection (f) filed 5-31-96; operative 6-30-96. Submitted to OAL printing only (Register 96, No. 23).

Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53004. District Evaluation and Report to Chancellor.

(a) Each district shall annually survey its employees and shall monitor applicants for employment on an ongoing basis in order to evaluate the implementation of its equal employment opportunity plan and to provide data needed for the analyses required by sections 53003, 53006, 53023, and 53024. Each district shall annually report to the Chancellor, in a manner prescribed by the Chancellor, the results of its annual survey of employees at each college in the district. Each employee shall be reported so that he or she may be identified as belonging to one of the following seven job categories:

(1) executive/administrative/managerial;
(2) faculty and other instructional staff;
(3) professional nonfaculty;
(4) secretarial/clerical;
(5) technical and paraprofessional;
(6) skilled crafts; and
(7) service and maintenance.

(b) For purposes of the survey and report required pursuant to subsection (a) of this section, each applicant or employee shall be afforded the opportunity to identify his or her gender, ethnic group identification and, if applicable, his or her disability. A person may designate multiple ethnic groups with which he or she identifies, but shall be counted in only one ethnic group for reporting purposes. Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories. ver, in determining whether additional steps are necessary to en- at monitored groups have not been excluded on an impermissible , analysis of the separate subgroups is not necessary.

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 8310.5 and 11135-11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a) and (b) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of subsections (a) and (b) and amendment of NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53005. Advisory Committee.

Each community college district shall establish an Equal Employment Opportunity Advisory Committee to assist the district in developing and implementing the plan required under section 53003. This advisory committee shall include a diverse membership whenever possible.

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

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53006. Additional Steps to Ensure Equal Employment Opportunity.

(a) If a district determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the district shall take additional steps consistent with this section. At a minimum, the district shall:

(1) review its recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;

(2) consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account, and implement any such techniques which are determined to be feasible and potentially effective;

(3) determine whether the group is still significantly underrepresented in the category or categories in question after the measures described in (1) and (2) have been in place a reasonable period of time; and

(4) if significant underrepresentation persists, the staffing rate for the significantly underrepresented group in the specified job category or categories shall be monitored on an ongoing basis until the projected representation has been achieved for that group in the category or categories in question.

(b) If a reasonable period of time passes and significant underrepresentation persists for a particular group in the job category in question, the district shall:

(1) review each locally established "required," "desired" or "preferred" qualification being used to screen applicants for positions in the job category to determine if it is job-related and consistent with business necessity through a process meeting the requirements of federal law or is among those qualifications which the Board of Governors has found to be job-related and consistent with business necessity throughout the community college system;

(2) discontinue the use of any locally established qualification that has not been found to satisfy the requirements set forth in paragraph (1) of this subdivision; and

(3) continue using qualification standards meeting the requirements of paragraph (1) only where no alternative qualification standard is reasonably available which would select for the same characteristics, meet the requirements of paragraph (1) and be expected to have a less exclusionary effect.

(c) For purposes of this section, "a reasonable period of time" means three years, or such longer period as the Chancellor may approve, upon the request of the equal employment opportunity advisory committee and the chief executive officer, where the district has not filled enough positions to appreciably affect its work force in the job category in question.

(d) Nothing in this subchapter shall be construed to prohibit a district from taking any other steps it concludes are necessary to ensure equal employment opportunity, provided that such actions are consistent with the requirements of federal and state constitutional and statutory nondiscrimination law.

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

HISTORY

1. New section filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
2. 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).

§ 53010. Assistance.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87103, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53011. Report.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87104, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53012. Periodic Evaluation.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87102, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

Article 2. Other Specific Responsibilities of Community College Districts

§ 53020. Responsibility; Delegation of Authority; Complaints.

(a) The governing board of each community college district is ultimately responsible for proper implementation of this subchapter at all levels of district and college operation and for making measurable progress toward equal employment opportunity by the methods described in the district's equal employment opportunity plan. In carrying out this responsibility, the governing board, upon the recommendation of the chief executive officer, shall ensure that an equal employment opportunity officer is designated to oversee the day-to-day implementation of the requirements set forth in this subchapter.

(b) The administrative structure created by any delegation of authority to the equal employment opportunity officer or others shall be described in the district's equal employment opportunity plan submitted pursuant to section 53003 and shall be designed in such a manner so as to ensure prompt and effective implementation of the requirements of this subchapter. The plan shall also designate a single officer, who may be the equal employment opportunity officer, who shall be given authority and responsibility for receiving complaints filed pursuant to section 53026, for ensuring that such complaints are promptly and impartially investigated, and ensuring that selection procedures and the applicant pool are properly monitored as required by sections 53023 and 53024.

(c) Any organization or individual, whether or not an employee of the district, who acts on behalf of the governing board with regard to the recruitment and screening of personnel is an agent of the district and is subject to all of the requirements of this subchapter.

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

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a) and (c) 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. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53021. Recruitment.

(a) Except as otherwise provided in this section, community college districts shall actively recruit from both within and outside the district work force to attract qualified applicants for all new openings. This shall include outreach designed to ensure that all persons, including persons from monitored groups, are provided the opportunity to seek employment with the district. The requirement of open recruitment shall apply to all new full-time and part-time openings in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/managerial positions. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include seeking qualified applicants listed in the California Community Colleges Equal Employment Opportunity Registry. Recruitment for part-time faculty positions may be conducted separately for each new opening or by annually establishing a pool of eligible candidates, but in either case full and open recruitment is required consistent with this section.

(b) "In-house or promotional only" recruitment shall not be used to fill any new opening except when the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment; provided however, that no interim appointment or series of interim appointments exceed one year in duration. The Chancellor may approve an extension of up to one additional year if the district demonstrates "business necessity" as defined in section 53001(b).

(c) If a district believes justification exists for use of the exception listed in subsection (b), it shall so notify the Equal Employment Opportunity Advisory Committee established pursuant to section 53005 and the Chancellor at least ten (10) working days prior to offering the position to a candidate.

(d) Even where in-house or promotional only recruitment is permitted pursuant to subsection (b), the district shall comply with its established hiring procedures and all qualified district employees shall be afforded the opportunity to apply.

(e) For purposes of this section, a new opening is not created when:

(1) there is a reorganization or series of lateral transfers that do not result in a net increase in the number of employees;

(2) a position which is currently occupied by an incumbent is upgraded, reclassified, or renamed without significantly altering the duties being performed by the individual;

(3) the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term;

(4) the position is filled by a temporary, short-term, or substitute employee appointed pursuant to Education Code sections 87422, 87480, 87482.5(b) 88003, 88106 or 88109; or

(5) a part-time faculty member is assigned to teach the same or fewer hours he or she has previously taught in the same discipline without a substantial break in service. For purposes of this section, "a substantial break in service" means more than one calendar year or such different period as may be defined by a collective bargaining agreement.

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

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment subsections (b) and (d)-(e)(2) 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. Amendment of subsections (a) and (b)(1)-(b)(2), repealer of subsection (b)(3), amendment of subsections (c), (d) and (e)(1)-(e)(4) and new subsection (e)(5) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53022. Job Announcements and Qualifications.

Job announcements shall state clearly job specifications setting forth the knowledge, skills, and abilities necessary to job performance. For faculty and administrative positions, job requirements shall include a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students. Job specifications, including any "required," "desired" or "preferred" qualifications beyond the state minimum qualifications (set forth in subchapter 4, commencing with section 53400 of this chapter) which the district wishes to utilize, shall be reviewed before the position is announced, to ensure conformity with the requirements of this subchapter and state and federal nondiscrimination laws.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 973, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135-11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. 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).

§ 53023. Applicant Pool.

(a) The application for employment shall afford each applicant an opportunity to voluntarily identify his or her gender, ethnic group identification and, if applicable, his or her disability. This information shall be kept confidential and shall be used only in research, validation, monitoring, evaluating the effectiveness of the district's equal employment opportunity program, or any other purpose specifically authorized in this subchapter, or by any applicable statute or regulation.

(b) After the application deadline has passed, the composition of the applicant pool shall be analyzed to ensure that any failure to obtain ed representation for any monitored group is not due to discrimi- ry recruitment procedures. If necessary, the application deadline shall be extended and additional recruitment shall be conducted that eliminates discriminatory recruitment procedures and ensures that recruitment efforts provide a full and fair opportunity for participation to a wide diversity of potential applicants. When recruitment efforts have offered an opportunity for participation to a wide diversity of potential applicants or further recruitment efforts would be futile, applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement.

(c) Before the selection process continues, the composition of the qualified applicant pool shall be analyzed to ensure that no monitored group is adversely impacted pursuant to section 53001(a). If adverse impact is found to exist, the chief executive officer or his or her designee shall take effective steps to address the adverse impact before the selection process continues. Such steps may include, but are not limited to:

(1) extending the deadline and undertaking inclusive outreach efforts to ensure that members of the adversely impacted group have equal opportunity to seek employment with the district;

(2) including all applicants who were screened out on the basis of any locally established qualifications beyond state minimum qualifications which have not been specifically demonstrated to be job-related and consistent with business necessity through a process meeting the requirements of federal law or which are not among those which the Board of Governors has found to be job-related and consistent with business necessity throughout the community college system.

(d) If adverse impact persists after taking steps required under subdivision (c), the selection process may proceed only if:

(1) the job announcement does not require qualifications beyond the statewide minimum qualifications; or

ically established qualifications beyond state minimum qualifica- if any, are demonstrated to be job-related and consistent with busi- necessity through a process meeting the requirements of federal law and suitable alternative selection procedures to reduce the adverse impact were unavailable; or

(3) the particular qualification beyond statewide minimum qualifications which are used in the job announcement are among those which the Board of Governors has found to be job-related and consistent with business necessity throughout the community college system.

(e) The district may not advertise or utilize in future hiring processes for the same position or a substantially similar position any locally established qualifications beyond state minimum qualifications that the district was unable to verify under subsection (b)(2) unless such qualifications are so verified in advance of commencing any such future hiring process.

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

HISTORY

1. New section filed 2-26-82; designated effective 2-28-82 pursuant to Government Code section 11346.2(d) (Register 82, No. 9).
2. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
3. Amendment of subsections (a) and (b), repealer of subsection (b)(2) and subsection renumbering, and amendment of subsection (c)(2) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53024. Screening or Selection Procedures.

(a) All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, shall be:

(1) provided to the Chancellor upon request;

(2) designed to ensure that for faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;

(3) based solely on job-related criteria; and

(4) designed to avoid an adverse impact, as defined in section 53001(a), and monitored by means consistent with this section to detect and address any adverse impact which does occur for any monitored group.

(b) If monitoring pursuant to subsection (a)(4) reveals that any selection technique or procedure has adversely impacted any such group, the chief executive officer or his/her designee shall suspend the selection process and timely and effective steps shall be taken to remedy the problem before the selection process resumes. The equal employment opportunity officer, or other official charged with responsibility for monitoring selection procedures, may assist the screening committee by discussing the overall composition of the applicant pool and the screening criteria or procedures which have produced an adverse impact, provided that confidential information about individual candidates is not disclosed. If adverse impact results from locally established qualifications beyond state minimum qualifications that have not been verified as described in section 53023(c)(2) or replaced with suitable alternatives having a lesser adverse impact, the use of such qualifications shall be immediately discontinued and any applicant eliminated on the basis of that qualification shall be continued in the hiring process. Where necessary, the position may be re-opened at any time and a new selection process initiated in a way designed to avoid adverse impact.

(c) A district may not designate or set aside particular positions to be filled by members of any group defined in terms of ethnic group identification, race, color, national origin, religion, age, gender, disability, ancestry or sexual orientation, or engage in any other practice which would result in discriminatory or preferential treatment prohibited by state or federal law. Nor may a district apply the district's equal employment opportunity plan in a rigid manner which has the purpose or effect of so discriminating.

(d) Seniority or length of service may be taken into consideration only to the extent it is job related, is not the sole criterion, and is included in the job announcement consistent with the requirements of section 53022.

(e) Selection testing for employees shall follow procedures as outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures."

(f) Whenever possible, screening committees shall include a diverse membership which will bring a variety of perspectives to the assessment of applicant qualifications.

(g) Notwithstanding any other provision of this division, the governing board or its designee shall have the authority to make all final hiring decisions based upon careful review of the candidate or candidates recommended by a screening committee. This includes the right to reject all candidates and to order further review by the screening committee or to reopen the position where necessary to further achievement of the objectives of the equal employment opportunity plan or to ensure equal employment opportunity. However, a consistent pattern of not hiring qualified candidates from a monitored group who are recommended by screening committees may give rise to an inference that the selections are not consistent with the objectives of equal employment opportunity that are required by this subchapter.

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

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a)(2)-(c), (e) and (g) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
3. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53025. Persons with Disabilities.

(a) Districts shall ensure that applicants and employees with disabilities receive reasonable accommodations consistent with the requirements of Government Code sections 11135 et seq. and 12940(m), section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, part-time work schedules, flexible scheduling, reassignment to a reasonably equivalent vacant position, adaptive equipment, and auxiliary aids such as readers, interpreters, and notetakers. Such accommodations may be paid for with funds provided pursuant to article 3 (commencing with section 53030) of this subchapter.

(b) If a district established a goal for persons with disabilities prior to the effective date of this subsection and if significant underrepresentation still exists, it shall update that goal, set a new target date for achieving projected representation in the category or categories in question, and concurrently comply with subsections (a)(1), (a)(2) and (b) of section 53006 with respect to persons with disabilities.

(c) Where persons with disabilities are found to be significantly underrepresented, measures required under subsections (a)(1) and (a)(2) of section 53006 shall be implemented concurrently with setting a goal with a target date for achieving projected representation for persons with a disability in each job category where the underrepresentation was found to exist. Goals shall remain in effect only until projected representation has been achieved for that group in the category or categories in question. Until the Chancellor's Office provides data regarding the availability of persons with disabilities by job category, an aggregate labor force availability rate shall be utilized for setting goals for hiring persons with disabilities with respect to the total district work force. The district may also concurrently take other additional steps which take disability into account, so long as such measures are discontinued when projected representation is achieved for persons with disabilities in the category or categories in question.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135-11139.5, Government Code; 29 U.S.C. 794, and 42 U.S.C. Sections 12101, et seq.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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. Repealer of subsections (a) and (b) and deletion of subsection designator filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53026. Complaints.

Each community college district shall establish a process permitting any person to file a complaint alleging that the requirements of this subchapter have been violated. A copy of the complaint shall immediately be forwarded to the Chancellor who may require that the district provide a written investigative report within ninety (90) days. Complaints which also allege discrimination prohibited by Government Code sections 11135 et seq. shall be processed according to the procedures set forth in subchapter 5 (commencing with section 59300) of chapter 10 of this division.

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

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53027. Applicability to Districts Operating on the Merit System.

Nothing in this subchapter shall be construed to conflict with or be inconsistent with the provisions of article 3 (commencing with section 88060) of chapter 4 of part 51 of the Education Code which apply to districts operating a merit system for classified employees.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; and Sections 66010.2, 66030, 66071, 66270, 87360 and 88060 et seq., Education Code; and Sections 11135-11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53028. Affirmative Action Commitment.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53029. Handicapped.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code; Section 11135, Government Code; 29 U.S.C. 705 and 706.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

Article 3. Faculty and Staff Diversity Fund

§ 53030. Equal Employment Opportunity Fund Allocation.

Resources provided to the Board of Governors for the purpose of promoting equal employment opportunity in hiring and promotion within the system shall be placed in an Equal Employment Opportunity Fund and shall be allocated consistent with the following:

(a) A portion of the fund, but not more than 25 percent, shall be set aside to provide technical assistance, service, monitoring, and compliance functions.

(b) That portion of the funds not allocated pursuant to subsection (a) may be allocated to the districts in the following categories:

(1) an amount proportional to the full-time equivalent students of each ict to the total full-time equivalent students for all districts;

(2) an equal dollar amount to each district;

(3) an amount related to success in promoting equal employment opportunity. Multiple methods of measuring success shall be identified by the Chancellor working through the established Consultation Process.

(c) funds provided pursuant to this section may be used for:

(1) outreach and recruitment;

(2) in-service training on equal employment opportunity;

(3) accommodations for applicants and employees with disabilities pursuant to section 53025; and

(4) other activities to promote equal employment opportunity.

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

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
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. Amendment of subsections (b) and (b)(3) and repealer of subsections (b)(4) and (b)(5) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
4. 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).

§ 53031. Success.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsection (a) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register No. 38).

aler of section filed 5-31-96; operative 6-30-96. Submitted to OAL for ting only (Register 96, No. 23).

§ 53032. Point Factors.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Repealer of section filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53033. Failure to Report.

Any district failing to provide the data required under Section 53004 is not in compliance with this subchapter. Equal Employment Opportunity funds for any given fiscal year, other than those under section 53030(a), shall not be granted unless the district provides the data no later than March 31st of the preceding fiscal year or receives an extension of the deadline from the Chancellor.

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

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of section filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
3. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53034. Required Report.

Districts shall submit a report on the use of Equal Employment Opportunity funds to the Chancellor's Office no later than September 30th of ' cal year following the use of the funds. Until such time as a data t to calculate the staffing rate of persons with disabilities has been rated into the report required under section 53004, districts will report that rate by a separate survey conducted, as directed by the Chancellor's Office.

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

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53040. Governing Board's Affirmative Action Employment Policy Statement.

NOTE: Authority cited: Sections 71020, 71025, 71068, and 87105, Education Code. Reference: Section 87101, Education Code; Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980); 20 U.S.C. 793; 41 C.F.R. 60-741.1-.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1-.9, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53041. Affirmative Action Responsibilities and Duties.

NOTE: Authority cited: Sections 71020, 71025, 71068, and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53042. Affirmative Action Officer.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53043. Internal Dissemination.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53044. External Dissemination.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53045. Complaint Procedure.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53046. Work Force Analysis.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: 29 C.F.R. 1602.48 (1981).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Editorial correction of section heading (Register 94, No. 38).

§ 53049. Utilization Analysis.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53050. Corrective Action.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53051. Goals and Timetables.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53052. Affirmative Action Advisory Committee.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Section 87100, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53060. Fund Allocation.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53061. Success.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Editorial correction of printing error in subsection (c) (Register 91, No. 31).
3. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53062. Point Factors.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53063. Failure to Report.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53064. Required Report.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9-10-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10-10-90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

Subchapter 2. Certificated Positions

Article 1. Special Non-Credentialed Employees

§ 53100. Prerequisites for Employment Under Education Code Section 87401.

NOTE: Authority cited: Sections 71020, 71064, and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Renumbering of chapter 1 (sections 53100-53205) to chapter 2 (sections 53100-53205) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53101. Processing of Fingerprint Cards.

NOTE: Authority cited: Sections 71020, 71064, 87220 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53102. Cause for Dismissal.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53103. Report of Persons Employed.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Article 1.5. Sick Leave Transfer

§ 53125. Transfer of Accumulated Sick Leave.

This Section prescribes the manner in which the amount of accumulated sick leave is certified for transfer under Sections 87782, 87783, and 87785 of the Education Code.

(a) As used in this Section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code Section 87781 but is unused.

(b) Transfer shall be certified as follows:

(1) The person who accumulated the sick leave or the new employing agency requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave,

(2) Upon receipt of the request, the former employing agency transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is charged with maintaining employee attendance records,

(3) The new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code Section 87785.

NOTE: Authority cited: Sections 70901, 71024 and 87782, Education Code. Reference: Sections 87781, 87782, 87783 and 87785, Education Code.

HISTORY

1. New subchapter 1.5 (section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. 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 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
6. Editorial correction of HISTORY 4 (Register 95, No. 19).

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part 06: Student Fees

History Index for
Title 5, California Code of Regulations

Section 51012

Register 83-29 Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000-51021, not consecutive).

Register 91-23 § 51012: Amendment by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

Register 95-15 § 51012: Editorial correction of HISTORY 1.

Subsequent Registers: There may be changes to the regulations after the date the test claim was filed, which are not included.

Register 1983-29

§ 51012

CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78007 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be 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 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700, 71025 and 84500.1, Education Code. Reference: Sections 71025 and 84500.1, Education Code.

51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 71028 of the Education Code and regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 71025 and 81805, Education Code. Reference: Sections 71025, 71028, 71091, 72231.5, 81820, 81821 and 81822, Education Code.

51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of Section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of Section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by Section 53004 of this part;

(d) Undertake a program of recruitment as required by Section 53021 of this part; and

(e) Substantially comply with the provisions of Chapter 1 (commencing with Section 53000) of Division 4 of this part.

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

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 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Chapter 11 (commencing with Section 55825) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income if the business entity or source of income provides education, training, or experience to persons toward attaining a valid credential for employment as an instructor, supervisor, chief administrative officer, librarian, counselor, supervisor of health, student personnel worker, or other similar position within a Community College district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations affirming and fixing the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in chapter 9 (commencing with section 55750) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in chapter 10 (commencing with section 55800) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district 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 1 (commencing with section 58100) of chapter 2, division 9 of title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by section 53004 of this part;

(d) Undertake a program of recruitment as required by section 53021 of this part; and

(c) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

Senior Accounting Officers (Specialists) 3
Accounting Officers (Specialists) 3
Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
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 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. 15).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 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. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, 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 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).

§ 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 the formation of a new college or educational center shall obtain approval for such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

1 No. CSM. 02-TC-31

2 Minimum Conditions for State Aid:
3 Part 07: Approval of New Colleges & Ed Centers

4 History Index for
5 Title 5, California Code of Regulations

6 Section 51014
7 Section 55825
8 Section 55827
9 Section 55828
10 Section 55829
11 Section 55830
12 Section 55831

13 **Register 83-29** Repealer of Chapter 1 (Section 51000) and new Chapter 1
14 (Sections 51000-51021, not consecutive).
New Chapter 11 (sections 55825-55831, not consecutive).

16 **Register 91-23** § 51014: Amendment filed by Board of Governors of California
17 Community Colleges with the Secretary of State.
18 Submitted to OAL for printing only pursuant to
19 Education Code section 70901.5(b).
20 § 55825: Amendment filed by Board of Governors of California
21 Community Colleges with the Secretary of State.
22 Submitted to OAL for printing only pursuant to
23 Education Code section 70901.5(b).
24 § 55827: Amendment filed by Board of Governors of California
25 Community Colleges with the Secretary of State.
Submitted to OAL for printing only pursuant to

1 Education Code section 70901.5(b).

2 § 55828: Amendment filed by Board of Governors of California

3 Community Colleges with the Secretary of State.

4 Submitted to OAL for printing only pursuant to

5 Education Code section 70901.5(b).

6 § 55829: Amendment filed by Board of Governors of California

7 Community Colleges with the Secretary of State.

8 Submitted to OAL for printing only pursuant to

9 Education Code section 70901.5(b).

10 § 55830: Amendment filed by Board of Governors of California

Community Colleges with the Secretary of State.

12 Submitted to OAL for printing only pursuant to

13 Education Code section 70901.5(b).

14 § 55831: Amendment filed by Board of Governors of California

15 Community Colleges with the Secretary of State.

16 Submitted to OAL for printing only pursuant to

17 Education Code section 70901.5(b).

18 **Register 91-43** § 55825: Editorial correction of printing error.

19 **Register 94-38** § 51014: Amendment of section; submitted to OAL for printing

20 only pursuant to Education Code section 70901.5.

21 § 55827: Amendment of subsections (a), (a)(3) and (b). Submitted

to OAL for printing only pursuant to Education Code section 70901.5.

Register 95-15 § 51014: Editorial correction of HISTORY 1.

Register 95-22 § 55825: Editorial correction of HISTORY 2.

§ 55827: Editorial correction of HISTORY 1.

§ 55828: Editorial correction of HISTORY 1.

§ 55829: Editorial correction of HISTORY 1.

§ 55830: Editorial correction of HISTORY 1.

§ 55831: Editorial correction of HISTORY 1.

Subsequent Registers: There may be changes to the regulations after the date the test claim was filed, which are not included.

CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78007 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be 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 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700, 71025 and 84500.1, Education Code. Reference: Sections 71025 and 84500.1, Education Code.

51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 71028 of the Education Code and regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 71025 and 81805, Education Code. Reference: Sections 71025, 71028, 71091, 72231.5, 81820, 81821 and 81822, Education Code.

51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of Section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of Section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by Section 53004 of this part;

(d) Undertake a program of recruitment as required by Section 53021 of this part; and

(e) Substantially comply with the provisions of Chapter 1 (commencing with Section 53000) of Division 4 of this part.

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

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 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Chapter 11 (commencing with Section 55825) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

CHAPTER 11. NEW COLLEGES AND EDUCATION CENTERS

55825. Responsibilities of District Governing Boards.

The governing board of a community college district planning the formation of a new college or educational center as defined in Section 51827 shall employ and comply with the standards contained in Sections 51829, 51830 and 51831 of this chapter.

NOTE: Authority cited: Sections 66700 and 71020, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY:

1. New Chapter 11 (Sections 55825–55831, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

55827. Definitions.

(a) College. As used in this chapter, "college" means a degree-granting institution intended to provide instruction through the second year of college, including but not limited to one or more of the following categories: (1) standard collegiate courses for transfer to higher institutions; (2) vocational and technical fields leading to employment; or (3) general or liberal arts courses and for which institution the district intends to obtain accreditation.

(b) Education Center. As used in this chapter, "educational center" means a postsecondary operation established and administered by an existing college or district at a location away from the campus of the parent institution. An educational center is an operation planned to continue for three or more years and expected to enroll over 500 ADA by the third year of operation. The center typically has an on-site administrator and may offer programs leading to certificates and/or degrees conferred by the parent institution.

NOTE: Authority cited: Sections 66700 and 71020, Education Code. Reference: Section 66700, Education Code.

55828. Responsibilities of the Chancellor's Office, Community College Districts and the Board of Governors.

(a) The Chancellor's Office shall maintain an inventory of all off-campus programs and facilities in the community colleges. This inventory shall be updated annually, and shall be distributed to each community college district and the Postsecondary Education Commission for use in planning activities.

(b) The Chancellor's Office shall develop procedures to identify and review plans for new colleges and new educational centers within the district's Five-Year Academic and Capital Outlay Master Plans.

(c) Community college districts shall prepare and submit to the Chancellor's Office proposals for new colleges and new educational centers as defined in this chapter. These proposals should contain at least the following elements: (1) Assessment of Needs and Preferences (Section 55829), (2) Definition of Objectives (Section 55830), and (3) Analysis of Alternative Delivery Systems (Section 55831).

(d) The Chancellor's Office shall review each proposed new college and new educational center and shall recommend approval or disapproval to the Board of Governors. The Chancellor's Office analysis of these proposals shall stress inter-district concerns and evaluation of the delivery system proposed.

(e) The Board of Governors shall approve or disapprove each new college or educational center and transmit its findings to the community college district initiating the proposal and to the California Postsecondary Education Commission.

NOTE: Authority cited: Sections 66700 and 71020, Education Code. Reference: Sections 66700 and 81810, Education Code.

55829. Assessment of Needs and Preferences.

(a) The community area and characteristics of individuals to be served must be identified adequately.

(b) Projections of potential enrollment demand in the service area must demonstrate significant unmet need, taking into account plans of nearby secondary and postsecondary institutions.

(c) Significant community support must be evident and possible community opposition must be identified.

(d) Preferences for community college programs and services on the part of individuals in the service area must be identified.

(e) Insofar as possible, present and future labor market requirements must be identified for the proposed service area, a broader adjacent region, and the state.

(f) Projected labor market requirements and community program preferences must be reconciled, if possible.

NOTE: Authority cited: Sections 66700 and 71020, Education Code. Reference: Sections 66700 and 81810, Education Code.

55830. Identification of Objectives.

(a) Proposed college or educational center programs and services must be directed to the identified educational needs and preferences of the community to be served.

(b) Objectives of the proposed programs and services must be sufficiently specific that the district board may evaluate the success with which needs and preferences are met.

NOTE: Authority cited: Sections 66700 and 71020, Education Code. Reference: Sections 66700 and 81810, Education Code.

55831. Analysis of Alternative Delivery Systems.

(a) The proposed operation must be the most effective and equitable of feasible delivery system alternatives for providing intended programs and services.

(b) Criteria for selecting the proposed delivery system must include:

(1) accessibility of programs and services to individuals in the service area,

(2) content and quality of programs and services, and

(3) cost of programs and services.

(c) Depending on the delivery system proposed, alternatives for providing the proposed programs and services must include, but need not be limited to:

(1) increased utilization of existing district resources,

(2) forming a new college, educational center, and/or outreach locations, and

(3) use of media such as television, computer-assisted instruction or programmed learning packages.

Alternative delivery systems considered must be adequately described, generally mutually exclusive, and limited to a manageable number to facilitate analysis and review.

(d) Proposed sources of funding for needed resources must be identified for both short and long-term operations.

NOTE: Authority cited: Sections 66700 and 71020, Education Code. Reference: Sections 66700 and 81810, Education Code.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income if the business entity or source of income provides education, training, or experience to persons toward attaining a valid credential for employment as an instructor, supervisor, chief administrative officer, librarian, counselor, supervisor of health, student personnel worker, or other similar position within a Community College district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations affirming and fixing the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in chapter 9 (commencing with section 55750) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in chapter 10 (commencing with section 55800) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district 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 1 (commencing with section 58100) of chapter 2, division 9 of title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by section 53004 of this part;

(d) Undertake a program of recruitment as required by section 53021 of this part; and

(c) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

selves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Such courses could include introductory or integrative courses in the arts, foreign languages, literature, philosophy, and religion.

(D) Language and Rationality. Courses in language and rationality are those which develop for the student the principles and applications of language toward logical thought, clear and precise expression and critical evaluation of communication in whatever symbol system the student uses.

1. English Composition. Courses fulfilling the written composition requirement shall be designed to include both expository and argumentative writing.

2. Communication and Analytical Thinking. Courses fulfilling the communication and analytical thinking requirement include oral communication, mathematics, logic, statistics, computer languages and programming, and related disciplines.

(2) While a course might satisfy more than one general education requirement, it may not be counted more than once for these purposes. A course may be used to satisfy both a general education requirement and a major requirement. Whether it may be counted again for a different degree requirement is a matter for each college to determine. Students may use the same course to meet a general education requirement for the Associate Degree and to partially satisfy a general education requirement at the California State University, if such course is eligible under the provisions of section 40405 of this title.

(3) Ethnic Studies will be offered in at least one of the required areas.

(c) The provisions of this section shall be applicable to all students who enter a community college on or after July 1, 1983, provided that a governing board may specify an earlier implementation date pursuant to subsection (b) of Section 55810.

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

HISTORY

1. Editorial correction of subsection (b)(1)(A) filed 7-19-83; designated effective 8-12-83 (Register 83, No. 29).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55807. Conversion to Credit.

Upon student petition to and certification by a governing board of credit-level achievement and prescribed academic rigor, and evidence of prescribed competence as approved by the faculty, noncredit courses may count toward associate degrees.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 78405, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55808. Certificate of Achievement.

The governing board of a community college district shall issue a certificate of achievement to any student whom the governing board determines has completed successfully any course of study or curriculum for which a certificate of achievement is offered.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55809. Duty to Grant Diploma.

The governing board of a community college district shall award the appropriate diploma, degree or certificate whenever a student has completed all requirements for the degree, diploma or certificate without regard to the length of time actually taken by the student to complete such requirements. The governing board shall grant to any student, who has satisfactorily completed the requirements of any course of study in less than the prescribed time, credit for the full number of semester hours scheduled for such course.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55810. Implementation by Governing Boards.

(a) The governing board of a community college district shall adopt necessary policies and procedures to implement the transition between degree requirements applicable until July 1, 1983 (sections 55802 and 55803) and requirements applicable on or after July 1, 1983 (sections 55805 and 55806).

(b) The governing board of a community college may implement sections 55805 and 55806 prior to July 1, 1983, provided that it develops the necessary policies and procedures to implement the transition and notifies the Chancellor as to when the implementation will commence.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 11. New Colleges and Education Centers

§ 55825. Responsibilities of District Governing Boards.

The governing board of a community college district planning the formation of a new college or educational center as defined in section 51827 shall employ and comply with the standards contained in sections 51829, 51830 and 51831 of this chapter.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, Education Code.

HISTORY

1. New chapter 11 (sections 55825–55831, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55827. Definitions.

(a) College. As used in this chapter, "college" means a degree-granting institution intended to provide instruction through the second year of college, including but not limited to one or more of the following categories:

(1) standard collegiate courses for transfer to higher institutions;

(2) vocational and technical fields leading to employment; or

(3) general or liberal arts courses and for which institution the district intends to obtain accreditation.

(b) Education Center. As used in this chapter, "educational center" means a postsecondary operation established and administered by an existing college or district at a location away from the campus of the parent institution. An educational center is an operation planned to continue for three or more years and expected to enroll over 500 ADA by the third year of operation. The center typically has an on-site administrator and may offer programs leading to certificates and/or degrees conferred by the parent institution.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55828. Responsibilities of the Chancellor's Office, Community College Districts and the Board of Governors.

(a) The Chancellor's Office shall maintain an inventory of all off-campus programs and facilities in the community colleges. This inventory shall be updated annually, and shall be distributed to each community

college district and the Postsecondary Education Commission for use in planning activities.

(b) The Chancellor's Office shall develop procedures to identify and review plans for new colleges and new educational centers within the district's Five-Year Academic and Capital Outlay Master Plans.

(c) Community college districts shall prepare and submit to the Chancellor's Office proposals for new colleges and new educational centers as defined in this chapter. These proposals should contain at least the following elements:

(1) Assessment of Needs and Preferences (section 55829),

(2) Identification of Objectives (section 55830), and

(3) Analysis of Alternative Delivery Systems (section 55831).

(d) The Chancellor's Office shall review each proposed new college and new educational center and shall recommend approval or disapproval to the Board of Governors. The Chancellor's Office analysis of these proposals shall stress inter-district concerns and evaluation of the delivery system proposed.

(e) The Board of Governors shall approve or disapprove each new college or educational center and transmit its findings to the community college district initiating the proposal and to the California Postsecondary Education Commission.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55829. Assessment of Needs and Preferences.

(a) The community area and characteristics of individuals to be served must be identified adequately.

(b) Projections of potential enrollment demand in the service area must demonstrate significant unmet need, taking into account plans of nearby secondary and postsecondary institutions.

(c) Significant community support must be evident and possible community opposition must be identified.

(d) Preferences for community college programs and services on the part of individuals in the service area must be identified.

(e) Insofar as possible, present and future labor market requirements must be identified for the proposed service area, a broader adjacent region, and the state.

(f) Projected labor market requirements and community program preferences must be reconciled, if possible.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55830. Identification of Objectives.

(a) Proposed college or educational center programs and services must be directed to the identified educational needs and preferences of the community to be served.

(b) Objectives of the proposed programs and services must be sufficiently specific that the district board may evaluate the success with which needs and preferences are met.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55831. Analysis of Alternative Delivery Systems.

(a) The proposed operation must be the most effective and equitable feasible delivery system alternatives for providing intended programs and services.

(b) Criteria for selecting the proposed delivery system must include:

(1) accessibility of programs and services to individuals in the service area,

(2) content and quality of programs and services, and

(3) cost of programs and services.

(c) Depending on the delivery system proposed, alternatives for providing the proposed programs and services must include, but need not be limited to:

(1) increased utilization of existing district resources,

(2) forming a new college, educational center, and/or outreach locations, and

(3) use of media such as television, computer-assisted instruction or programmed learning packages.

Alternative delivery systems considered must be adequately described, generally mutually exclusive, and limited to a manageable number to facilitate analysis and review.

(d) Proposed sources of funding for needed resources must be identified for both short and long-term operations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55840. Appointment and Qualification of District Librarian.

The governing board of a community college district maintaining its own library or libraries may appoint a librarian who shall meet minimum qualifications established pursuant to chapter 4 (commencing with section 53400) of division 4 of this part.

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

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55841. Annual Report by Governing Board to Department of Education.

The governing board of a district shall, on or before August 31st, in each year, report to the Chancellor on the condition of district libraries, for the year ending June 30th preceding. The report shall, in addition to other matters deemed expedient by the governing board or the librarians, contain such statistical and other information as is deemed desirable by the Chancellor. For this purpose the Chancellor may send to the districts instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

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

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Chapter 7. Special Programs

Subchapter 1. Disabled Student Programs and Services

Article 1. General Provisions and Definitions

§ 56000. Scope of Chapter.

This chapter applies to community college districts offering educational programs and support services, on and/or off campus, to students with disabilities pursuant to Education Code Sections 78600 and 84850.

Programs receiving funds apportioned pursuant to Education Code Section 84850 shall meet the requirements of this chapter. Any expenditures under the authority of this chapter must meet the following conditions:

evaluation of communication in whatever symbol system the student uses.

1. English Composition. Courses fulfilling the written composition requirement shall be designed to include both expository and argumentative writing.

2. Communication and Analytical Thinking. Courses fulfilling the communication and analytical thinking requirement include oral communication, mathematics, logic, statistics, computer languages and programming, and related disciplines.

(2) While a course might satisfy more than one general education requirement, it may not be counted more than once for these purposes. A course may be used to satisfy both a general education requirement and a major requirement. Whether it may be counted again for a different degree requirement is a matter for each college to determine. Students may use the same course to meet a general education requirement for the Associate Degree and to partially satisfy a general education requirement at the California State University, if such course is eligible under the provisions of section 40405 of this title.

(3) Ethnic Studies will be offered in at least one of the required areas.

(c) The provisions of this section shall be applicable to all students who enter a community college on or after July 1, 1983, provided that a governing board may specify an earlier implementation date pursuant to subsection (b) of Section 55810.

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

HISTORY

1. Editorial correction of subsection (b)(1)(A) filed 7-19-83; designated effective 8-12-83 (Register 83, No. 29).
2. New section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).
3. Amendment of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
4. Editorial correction of printing error in NOTE (Register 91, No. 43).

§ 55807. Conversion to Credit.

Upon student petition to and certification by a governing board of credit-level achievement and prescribed academic rigor, and evidence of prescribed competence as approved by the faculty, noncredit courses may count toward associate degrees.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 78405, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55808. Certificate of Achievement.

The governing board of a community college district shall issue a certificate of achievement to any student whom the governing board determines has completed successfully any course of study or curriculum for which a certificate of achievement is offered.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55809. Duty to Grant Diploma.

The governing board of a community college district shall award the appropriate diploma, degree or certificate whenever a student has completed all requirements for the degree, diploma or certificate without regard to the length of time actually taken by the student to complete such requirements. The governing board shall grant to any student, who has satisfactorily completed the requirements of any course of study in less than the prescribed time, credit for the full number of semester hours scheduled for such course.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55810. Implementation by Governing Boards.

(a) The governing board of a community college district shall adopt necessary policies and procedures to implement the transition between degree requirements applicable until July 1, 1983 (sections 55802 and 55803) and requirements applicable on or after July 1, 1983 (sections 55805 and 55806).

(b) The governing board of a community college may implement sections 55805 and 55806 prior to July 1, 1983, provided that it develops the necessary policies and procedures to implement the transition and notifies the Chancellor as to when the implementation will commence.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 11. New Colleges and Education Centers

§ 55825. Responsibilities of District Governing Boards.

The governing board of a community college district planning the formation of a new college or educational center as defined in section 55827 shall employ and comply with the standards contained in sections 55829, 55830 and 55831 of this chapter.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, Education Code.

HISTORY

1. New chapter 11 (sections 55825-55831, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).
2. Amendment of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
3. Editorial correction of printing error (Register 91, No. 43).

§ 55827. Definitions.

(a) College. As used in this chapter, "college" means a degree-granting institution intended to provide instruction through the second year of college, including but not limited to one or more of the following categories:

(1) standard collegiate courses for transfer to higher institutions;

(2) vocational and technical fields leading to employment; or

(3) general or liberal arts courses and for which institution the district intends to obtain accreditation.

(b) Education Center. As used in this chapter, "educational center" means a postsecondary operation established and administered by an existing college or district at a location away from the campus of the parent institution. An educational center is an operation planned to continue for three or more years and expected to enroll over 500 ADA by the third year of operation. The center typically has an on-site administrator and may offer programs leading to certificates and/or degrees conferred by the parent institution.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55828. Responsibilities of the Chancellor's Office, Community College Districts and the Board of Governors.

(a) The Chancellor's Office shall maintain an inventory of all off-campus programs and facilities in the community colleges. This inventory shall be updated annually, and shall be distributed to each community college district and the Postsecondary Education Commission for use in planning activities.

(b) The Chancellor's Office shall develop procedures to identify and review plans for new colleges and new educational centers within the district's Five-Year Academic and Capital Outlay Master Plans.

(c) Community college districts shall prepare and submit to the Chancellor's Office proposals for new colleges and new educational centers as defined in this chapter. These proposals should contain at least the following elements:

(1) Assessment of Needs and Preferences (section 55829),

(2) Identification of Objectives (section 55830), and

(3) Analysis of Alternative Delivery Systems (section 55831).

(d) The Chancellor's Office shall review each proposed new college and new educational center and shall recommend approval or disapproval to the Board of Governors. The Chancellor's Office analysis of these proposals shall stress inter–district concerns and evaluation of the delivery system proposed.

(e) The Board of Governors shall approve or disapprove each new college or educational center and transmit its findings to the community college district initiating the proposal and to the California Postsecondary Education Commission.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55829. Assessment of Needs and Preferences.

(a) The community area and characteristics of individuals to be served must be identified adequately.

(b) Projections of potential enrollment demand in the service area must demonstrate significant unmet need, taking into account plans of nearby secondary and postsecondary institutions.

(c) Significant community support must be evident and possible community opposition must be identified.

(d) Preferences for community college programs and services on the part of individuals in the service area must be identified.

(e) Insofar as possible, present and future labor market requirements must be identified for the proposed service area, a broader adjacent region, and the state.

(f) Projected labor market requirements and community program preferences must be reconciled, if possible.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55830. Identification of Objectives.

(a) Proposed college or educational center programs and services must be directed to the identified educational needs and preferences of the community to be served.

(b) Objectives of the proposed programs and services must be sufficiently specific that the district board may evaluate the success with which needs and preferences are met.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55831. Analysis of Alternative Delivery Systems.

(a) The proposed operation must be the most effective and equitable of feasible delivery system alternatives for providing intended programs and services.

(b) Criteria for selecting the proposed delivery system must include:

(1) accessibility of programs and services to individuals in the service area,

(2) content and quality of programs and services, and

(3) cost of programs and services.

(c) Depending on the delivery system proposed, alternatives for providing the proposed programs and services must include, but need not be limited to:

(1) increased utilization of existing district resources,

(2) forming a new college, educational center, and/or outreach locations, and

(3) use of media such as television, computer–assisted instruction or programmed learning packages.

Alternative delivery systems considered must be adequately described, generally mutually exclusive, and limited to a manageable number to facilitate analysis and review.

(d) Proposed sources of funding for needed resources must be identified for both short and long–term operations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55840. Appointment and Qualification of District Librarian.

The governing board of a community college district maintaining its own library or libraries may appoint a librarian who shall meet minimum qualifications established pursuant to chapter 4 (commencing with section 53400) of division 4 of this part.

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

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55841. Annual Report by Governing Board to Department of Education.

The governing board of a district shall, on or before August 31st, in each year, report to the Chancellor on the condition of district libraries, for the year ending June 30th preceding. The report shall, in addition to other matters deemed expedient by the governing board or the librarians, contain such statistical and other information as is deemed desirable by

[The next page is 358.7.]

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

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51010. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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. 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

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

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each

college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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. 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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. 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

(2) Participation structures and procedures for the staff positions defined or categorized.

(3) In performing the requirements of Subsections (a)(1) and (2), the governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations, and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this Section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.

(7) The selection of staff representatives to serve on college and district task forces, committees, or other governance groups shall, when required by law, be made by those councils, committees, employee organizations, or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation. In all other instances, the selection shall either be made by, or in consultation with, such staff groups. In all cases, representatives shall be selected from the category that they represent.

(b) In developing and carrying out policies and procedures pursuant to Subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code Sec-

(b) The governing board of a community college may implement sections 55805 and 55806 prior to July 1, 1983, provided that it develops the necessary policies and procedures to implement the transition and notifies the Chancellor as to when the implementation will commence.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 11. New Colleges and Education Centers

§ 55825. Responsibilities of District Governing Boards.

The governing board of a community college district planning the formation of a new college or educational center as defined in section 55827 shall employ and comply with the standards contained in sections 55829, 55830 and 55831 of this chapter.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, Education Code.

HISTORY

1. New chapter 11 (sections 55825–55831, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29).
2. Amendment of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
3. Editorial correction of printing error (Register 91, No. 43).

§ 55827. Definitions.

(a) College. As used in this Chapter, "college" means a degree-granting institution intended to provide instruction through the second year of college, including but not limited, to one or more of the following categories:

(1) standard collegiate courses for transfer to higher institutions;

(2) vocational and technical fields leading to employment; or

(3) general or liberal arts courses for which institution the district intends to obtain accreditation.

(b) Educational Center. As used in this Chapter, "educational center" means a postsecondary operation established and administered by an existing college or district at a location away from the campus of the parent institution. An educational center is an operation planned to continue for three or more years and expected to enroll over 500 FTES by the third year of operation. The center typically has an on-site administrator and may offer programs leading to certificates and/or degrees conferred by the parent institution.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 66700, 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. Amendment of subsections (a), (a)(3) and (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).

§ 55828. Responsibilities of the Chancellor's Office, Community College Districts and the Board of Governors.

(a) The Chancellor's Office shall maintain an inventory of all off-campus programs and facilities in the community colleges. This inventory shall be updated annually, and shall be distributed to each community college district and the Postsecondary Education Commission for use in planning activities.

(b) The Chancellor's Office shall develop procedures to identify and review plans for new colleges and new educational centers within the district's Five-Year Academic and Capital Outlay Master Plans.

(c) Community college districts shall prepare and submit to the Chancellor's Office proposals for new colleges and new educational centers as defined in this chapter. These proposals should contain at least the following elements:

(1) Assessment of Needs and Preferences (section 55829),

(2) Identification of Objectives (section 55830), and

(3) Analysis of Alternative Delivery Systems (section 55831).

(d) The Chancellor's Office shall review each proposed new college and new educational center and shall recommend approval or disapproval to the Board of Governors. The Chancellor's Office analysis of these proposals shall stress inter-district concerns and evaluation of the delivery system proposed.

(e) The Board of Governors shall approve or disapprove each new college or educational center and transmit its findings to the community college district initiating the proposal and to the California Postsecondary Education Commission.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55829. Assessment of Needs and Preferences.

(a) The community area and characteristics of individuals to be served must be identified adequately.

(b) Projections of potential enrollment demand in the service area must demonstrate significant unmet need, taking into account plans of nearby secondary and postsecondary institutions.

(c) Significant community support must be evident and possible community opposition must be identified.

(d) Preferences for community college programs and services on the part of individuals in the service area must be identified.

(e) Insofar as possible, present and future labor market requirements must be identified for the proposed service area, a broader adjacent region, and the state.

(f) Projected labor market requirements and community program preferences must be reconciled, if possible.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55830. Identification of Objectives.

(a) Proposed college or educational center programs and services must be directed to the identified educational needs and preferences of the community to be served.

(b) Objectives of the proposed programs and services must be sufficiently specific that the district board may evaluate the success with which needs and preferences are met.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55831. Analysis of Alternative Delivery Systems.

(a) The proposed operation must be the most effective and equitable of feasible delivery system alternatives for providing intended programs and services.

(b) Criteria for selecting the proposed delivery system must include:

(1) accessibility of programs and services to individuals in the service area,

(2) content and quality of programs and services, and

(3) cost of programs and services.

(c) Depending on the delivery system proposed, alternatives for providing the proposed programs and services must include, but need not be limited to:

(1) increased utilization of existing district resources,

(2) forming a new college, educational center, and/or outreach locations, and

(3) use of media such as television, computer-assisted instruction or programmed learning packages.

Senior Accounting Officers (Specialists) 3
Accounting Officers (Specialists) 3
Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
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 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. 15).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 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. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, 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 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).

§ 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 the formation of a new college or educational center shall obtain approval for such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

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category would include introductory or integrative courses in astronomy, biology, chemistry, general physical science, geology, meteorology, oceanography, physical geography, physical anthropology, physics and other scientific disciplines.

(B) Social and Behavioral Sciences. Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the general education requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the method of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. This category would include introductory or integrative survey courses in cultural anthropology, cultural geography, economics, history, political science, psychology, sociology and related disciplines.

(C) Humanities. Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the general education requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Such courses could include introductory or integrative courses in the arts, foreign languages, literature, philosophy, and religion.

(D) Language and Rationality. Courses in language and rationality are those which develop for the student the principles and applications of language toward logical thought, clear and precise expression and critical evaluation of communication in whatever symbol system the student uses.

1. English Composition. Courses fulfilling the written composition requirement shall be designed to include both expository and argumentative writing.

2. Communication and Analytical Thinking. Courses fulfilling the communication and analytical thinking requirement include oral communication, mathematics, logic, statistics, computer languages and programming, and related disciplines.

(2) While a course might satisfy more than one general education requirement, it may not be counted more than once for these purposes. A course may be used to satisfy both a general education requirement and a major requirement. Whether it may be counted again for a different degree requirement is a matter for each college to determine. Students may use the same course to meet a general education requirement for the Associate Degree and to partially satisfy a general education requirement at the California State University, if such course is eligible under the provisions of section 40405 of this title.

(3) Ethnic Studies will be offered in at least one of the required areas.

(c) The provisions of this section shall be applicable to all students who enter a community college on or after July 1, 1983, provided that a governing board may specify an earlier implementation date pursuant to subsection (b) of Section 55810.

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

HISTORY

1. Editorial correction of subsection (b)(1)(A) filed 7-19-83; designated effective 8-12-83 (Register 83, No. 29).
2. New section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).
3. 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).
4. Editorial correction of printing error in NOTE (Register 91, No. 43).
5. Editorial correction of HISTORY 3 (Register 95, No. 22).

§ 55807. Conversion to Credit.

Upon student petition to and certification by a governing board of credit-level achievement and prescribed academic rigor, and evidence of prescribed competence as approved by the faculty, noncredit courses may count toward associate degrees.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 78405, 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).

§ 55808. Certificate of Achievement.

The governing board of a community college district shall issue a certificate of achievement to any student whom the governing board determines has completed successfully any course of study or curriculum for which a certificate of achievement is offered.

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

§ 55809. Duty to Grant Diploma.

The governing board of a community college district shall award the appropriate diploma, degree or certificate whenever a student has completed all requirements for the degree, diploma or certificate without regard to the length of time actually taken by the student to complete such requirements. The governing board shall grant to any student, who has satisfactorily completed the requirements of any course of study in less than the prescribed time, credit for the full number of semester hours scheduled for such course.

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).

§ 55810. Implementation by Governing Boards.

(a) The governing board of a community college district shall adopt necessary policies and procedures to implement the transition between degree requirements applicable until July 1, 1983 (sections 55802 and 55803) and requirements applicable on or after July 1, 1983 (sections 55805 and 55806).

(b) The governing board of a community college may implement sections 55805 and 55806 prior to July 1, 1983, provided that it develops the necessary policies and procedures to implement the transition and notifies the Chancellor as to when the implementation will commence.

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

Subchapter 11. New Colleges and Education Centers

§ 55825. Responsibilities of District Governing Boards.

The governing board of a community college district planning the formation of a new college or educational center as defined in section 55827 shall employ and comply with the standards contained in sections 55829, 55830 and 55831 of this chapter.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, Education Code.

HISTORY

1. New chapter 11 (sections 55825–55831, 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 printing error (Register 91, No. 43).
4. Editorial correction of HISTORY 2 (Register 95, No. 22).

§ 55827. Definitions.

(a) College. As used in this Chapter, "college" means a degree–granting institution intended to provide instruction through the second year of college, including but not limited, to one or more of the following categories:

(1) standard collegiate courses for transfer to higher institutions;

(2) vocational and technical fields leading to employment; or

(3) general or liberal arts courses for which institution the district intends to obtain accreditation.

(b) Educational Center. As used in this Chapter, "educational center" means a postsecondary operation established and administered by an existing college or district at a location away from the campus of the parent institution. An educational center is an operation planned to continue for three or more years and expected to enroll over 500 FTES by the third year of operation. The center typically has an on–site administrator and may offer programs leading to certificates and/or degrees conferred by the parent institution.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 66700, 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 subsections (a), (a)(3) and (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).
3. Editorial correction of HISTORY 1 (Register 95, No. 22).

§ 55828. Responsibilities of the Chancellor's Office, Community College Districts and the Board of Governors.

(a) The Chancellor's Office shall maintain an inventory of all off–campus programs and facilities in the community colleges. This inventory shall be updated annually, and shall be distributed to each community college district and the Postsecondary Education Commission for use in planning activities.

(b) The Chancellor's Office shall develop procedures to identify and review plans for new colleges and new educational centers within the district's Five–Year Academic and Capital Outlay Master Plans.

(c) Community college districts shall prepare and submit to the Chancellor's Office proposals for new colleges and new educational centers as defined in this chapter. These proposals should contain at least the following elements:

(1) Assessment of Needs and Preferences (section 55829),

(2) Identification of Objectives (section 55830), and

(3) Analysis of Alternative Delivery Systems (section 55831).

(d) The Chancellor's Office shall review each proposed new college and new educational center and shall recommend approval or disapproval to the Board of Governors. The Chancellor's Office analysis of these proposals shall stress inter–district concerns and evaluation of the delivery system proposed.

(e) The Board of Governors shall approve or disapprove each new college or educational center and transmit its findings to the community college district initiating the proposal and to the California Postsecondary Education Commission.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, 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).

§ 55829. Assessment of Needs and Preferences.

(a) The community area and characteristics of individuals to be served must be identified adequately.

(b) Projections of potential enrollment demand in the service area must demonstrate significant unmet need, taking into account plans of nearby secondary and postsecondary institutions.

(c) Significant community support must be evident and possible community opposition must be identified.

(d) Preferences for community college programs and services on the part of individuals in the service area must be identified.

(e) Insofar as possible, present and future labor market requirements must be identified for the proposed service area, a broader adjacent region, and the state.

(f) Projected labor market requirements and community program preferences must be reconciled, if possible.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, 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).

§ 55830. Identification of Objectives.

(a) Proposed college or educational center programs and services must be directed to the identified educational needs and preferences of the community to be served.

(b) Objectives of the proposed programs and services must be sufficiently specific that the district board may evaluate the success with which needs and preferences are met.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, 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).

§ 55831. Analysis of Alternative Delivery Systems.

(a) The proposed operation must be the most effective and equitable of feasible delivery system alternatives for providing intended programs and services.

(b) Criteria for selecting the proposed delivery system must include:

(1) accessibility of programs and services to individuals in the service area,

(2) content and quality of programs and services, and

(3) cost of programs and services.

(c) Depending on the delivery system proposed, alternatives for providing the proposed programs and services must include, but need not be limited to:

(1) increased utilization of existing district resources,

(2) forming a new college, educational center, and/or outreach locations, and

(3) use of media such as television, computer–assisted instruction or programmed learning packages.

Alternative delivery systems considered must be adequately described, generally mutually exclusive, and limited to a manageable number to facilitate analysis and review.

(d) Proposed sources of funding for needed resources must be identified for both short and long–term operations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, 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).

Subchapter 12. Libraries

§ 55840. Appointment and Qualification of District Librarian.

The governing board of a community college district maintaining its own library or libraries may appoint a librarian who shall meet minimum qualifications established pursuant to chapter 4 (commencing with section 53400) of division 4 of this part.

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 12 heading filed 5-15-93; operative 6-14-93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 22).

§ 55841. Annual Report by Governing Board to Department of Education.

The governing board of a district shall, on or before August 31st, in each year, report to the Chancellor on the condition of district libraries for the year ending June 30th preceding. The report shall, in addition to other matters deemed expedient by the governing board or the librarians, contain such statistical and other information as is deemed desirable by the Chancellor. For this purpose the Chancellor may send to the districts instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

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).

Chapter 7. Special Programs

Subchapter 1. Disabled Student Programs and Services

Article 1. General Provisions and Definitions

§ 56000. Scope of Chapter.

This subchapter applies to community college districts offering support services, or instruction through Disabled Student Programs and Services (DSPS), on and/or off campus, to students with disabilities pursuant to Education Code Sections 67310-12 and 84850.

Programs receiving funds allocated pursuant to Education Code Section 84850 shall meet the requirements of this subchapter. Any support services or instruction funded, in whole or in part, under the authority of this subchapter must:

(a) not duplicate services or instruction which are otherwise available to all students;

(b) be directly related to the educational limitations of the verified disabilities of the students to be served;

(c) be directly related to the students' participation in the educational process;

(d) promote the maximum independence and integration of students with disabilities; and

(e) support participation of students with disabilities in educational activities consistent with the mission of the community colleges as set forth in Education Code Section 66701.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 66701, 67310-12 and 84850, Education Code.

HISTORY

1. Repealer of chapter 1 (sections 56000-56062) and new chapter 1 (sections 56000-56088, not consecutive) filed 12-17-76 as an emergency; effective upon filing. Designated inoperative 90 days after filing (Register 76, No. 51). For prior history, see Register 73, No. 44.
2. Repealer of chapter 1 (sections 56000-56088, not consecutive) and new chapter 1 (sections 56000-56088) filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12).
3. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
4. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
5. Repealer of chapter 1 (sections 56000-56088, not consecutive) and new chapter 1 (sections 56000-56088, not consecutive) filed 3-29-88; operative 4-28-99 (Register 88, No. 16).
6. Amendment of first and second paragraphs, repealer of subsections (a) and (f), amendment of newly designated subsections (a)-(d), new subsection (e), and amendment of NOTE filed 2-4-93; operative 3-6-93 (Register 93, No. 6).

§ 56002. Student with a Disability.

A "student with a disability" or "disabled student" is a person enrolled at a community college who has a verified impairment which limits one or more major life activities, as defined in 28 C.F.R. 35.104, and which imposes an educational limitation as defined in Section 56004. For purposes of reporting to the Chancellor under Section 56030, students with disabilities shall be reported in the categories described in Sections 56032-44.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3-29-88; operative 4-28-88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2-4-93; operative 3-6-93 (Register 93, No. 6).

§ 56004. Educational Limitation.

As used in this subchapter, "educational limitation" means disability related functional limitation in the educational setting. This occurs when the limitation prevents the student from fully benefiting from classes, activities, or services offered by the college to nondisabled students, without specific additional support services or instruction as defined in Section 56005.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3-29-88; operative 4-28-88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2-4-93; operative 3-6-93 (Register 93, No. 6).

§ 56005. Support Services or Instruction.

As used in this subchapter, "support services or instruction" means any one or more of the services listed in Section 56026, special class instruction authorized under Section 56028, or both.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3-29-88; operative 4-28-88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. New section filed 2-4-93; operative 3-6-93 (Register 93, No. 6).

§ 56006. Determination of Eligibility.

(a) In order to be eligible for support services or instruction authorized under this chapter, a student with a disability must have an impairment which is verified pursuant to subdivision (b) which results in an educational limitation identified pursuant to subdivision (c) of this section.

(b) The existence of an impairment may be verified, using procedures prescribed by the Chancellor, by one of the following means:

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2 Minimum Conditions for State Aid:
3 Part 08: Accreditation

4 History Index for
5 Title 5, California Code of Regulations

6 Section 51016

7 **Register 83-29** Repealer of chapter 1 (section 51000) and new chapter 1
8 (sections 51000-51021, not consecutive).

9 **Register 91-23** § 51016: Amendment filed by Board of Governors of California
10 Community Colleges with the Secretary of State.
Submitted to OAL for printing only pursuant to
12 Education Code section 70901.5(b).

13 **Register 94-38** § 51016: Amendment of section; submitted to OAL for printing
14 only pursuant to Education Code section 70901.5.

15 **Register 95-15** § 51016: Editorial correction of HISTORY 1.

16 **Subsequent Registers**: There may be changes to the regulations after the date the
17 test claim was filed, which are not included.

CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78007 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be 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 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700, 71025 and 84500.1, Education Code. Reference: Sections 71025 and 84500.1, Education Code.

51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 71028 of the Education Code and regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 71025 and 81805, Education Code. Reference: Sections 71025, 71028, 71091, 72231.5, 81820, 81821 and 81822, Education Code.

51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of Section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of Section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by Section 53004 of this part;

(d) Undertake a program of recruitment as required by Section 53021 of this part; and

(e) Substantially comply with the provisions of Chapter 1 (commencing with Section 53000) of Division 4 of this part.

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

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 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Chapter 11 (commencing with Section 55825) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

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4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income if the business entity or source of income provides education, training, or experience to persons toward attaining a valid credential for employment as an instructor, supervisor, chief administrative officer, librarian, counselor, supervisor of health, student personnel worker, or other similar position within a Community College district.

Subchapter 3. Committees

History

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

History

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

History

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

History

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations affirming and fixing the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges.

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

History

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in chapter 9 (commencing with section 55750) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in chapter 10 (commencing with section 55800) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district 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 1 (commencing with section 58100) of chapter 2, division 9 of title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by section 53004 of this part;

(d) Undertake a program of recruitment as required by section 53021 of this part; and

(e) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

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

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51010. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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. 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

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

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each

college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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. 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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. 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

(2) Participation structures and procedures for the staff positions defined or categorized.

(3) In performing the requirements of Subsections (a)(1) and (2), the governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations, and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this Section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.

(7) The selection of staff representatives to serve on college and district task forces, committees, or other governance groups shall, when required by law, be made by those councils, committees, employee organizations, or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation. In all other instances, the selection shall either be made by, or in consultation with, such staff groups. In all cases, representatives shall be selected from the category that they represent.

(b) In developing and carrying out policies and procedures pursuant to Subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code Sec-

Senior Accounting Officers (Specialists) 3
Accounting Officers (Specialists) 3
Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
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 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. 15).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 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. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, 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 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).

§ 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 the formation of a new college or educational center shall obtain approval for such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

No. CSM. 02-TC-31

2 Minimum Conditions for State Aid:
3 Part 09: Counseling

4 History Index for
5 Title 5, California Code of Regulations

6 Section 51018

7 **Register 83-29** Repealer of chapter 1 (section 51000) and new chapter 1
8 (sections 51000-51021, not consecutive).
9 **Register 91-23** § 51018: Amendment filed by Board of Governors of California
10 Community Colleges with the Secretary of State.
Submitted to OAL for printing only pursuant to
12 Education Code section 70901.5(b).
13 **Register 94-38** § 51018: Amendment of section; submitted to OAL for printing
14 only pursuant to Education Code section 70901.5.
15 **Register 95-15** § 51018: Editorial correction of HISTORY 1.
16 **Subsequent Registers**: There may be changes to the regulations after the date the
17 test claim was filed, which are not included.

Register 1983-29

§ 51018

CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78007 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be 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 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700, 71025 and 84500.1, Education Code. Reference: Sections 71025 and 84500.1, Education Code.

51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 71028 of the Education Code and regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 71025 and 81805, Education Code. Reference: Sections 71025, 71028, 71091, 72231.5, 81820, 81821 and 81822, Education Code.

51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of Section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of Section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by Section 53004 of this part;

(d) Undertake a program of recruitment as required by Section 53021 of this part; and

(e) Substantially comply with the provisions of Chapter 1 (commencing with Section 53000) of Division 4 of this part.

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

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 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Chapter 11 (commencing with Section 55825) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

Register 1991-23

§ 51018

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income if the business entity or source of income provides education, training, or experience to persons toward attaining a valid credential for employment as an instructor, supervisor, chief administrative officer, librarian, counselor, supervisor of health, student personnel worker, or other similar position within a Community College district.

Subchapter 3. Committees

History

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

History

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

History

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

History

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations affirming and fixing the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges.

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

History

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in chapter 9 (commencing with section 55750) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in chapter 10 (commencing with section 55800) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district 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 1 (commencing with section 58100) of chapter 2, division 9 of title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by section 53004 of this part;

(d) Undertake a program of recruitment as required by section 53021 of this part; and

(c) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

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

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51010. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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. 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

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

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each

college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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. 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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. 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

(2) Participation structures and procedures for the staff positions defined or categorized.

(3) In performing the requirements of Subsections (a)(1) and (2), the governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations, and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this Section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.

(7) The selection of staff representatives to serve on college and district task forces, committees, or other governance groups shall, when required by law, be made by those councils, committees, employee organizations, or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation. In all other instances, the selection shall either be made by, or in consultation with, such staff groups. In all cases, representatives shall be selected from the category that they represent.

(b) In developing and carrying out policies and procedures pursuant to Subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code Sec-

Senior Accounting Officers (Specialists) 3
Accounting Officers (Specialists) 3
Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
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 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. 15).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 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. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, 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 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).

§ 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 the formation of a new college or educational center shall obtain approval for such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part 10: Objectives

History Index for
Title 5, California Code of Regulations

Section 51020

Register 83-29 Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000-51021, not consecutive).

Register 91-23 § 51020: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

Register 95-15 § 51020: Editorial correction of HISTORY 1.

Subsequent Registers: There may be changes to the regulations after the date the test claim was filed, which are not included.

Register 1983-29

§ 51020

CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78007 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be 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 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700, 71025 and 84500.1, Education Code. Reference: Sections 71025 and 84500.1, Education Code.

51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 71028 of the Education Code and regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 71025 and 81805, Education Code. Reference: Sections 71025, 71028, 71091, 72231.5, 81820, 81821 and 81822, Education Code.

51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of Section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of Section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by Section 53004 of this part;

(d) Undertake a program of recruitment as required by Section 53021 of this part; and

(e) Substantially comply with the provisions of Chapter 1 (commencing with Section 53000) of Division 4 of this part.

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

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 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Chapter 11 (commencing with Section 55825) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

Register 1991-23

§ 51020

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income if the business entity or source of income provides education, training, or experience to persons toward attaining a valid credential for employment as an instructor, supervisor, chief administrative officer, librarian, counselor, supervisor of health, student personnel worker, or other similar position within a Community College district.

Subchapter 3. Committees

History

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

History

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

History

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

History

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations affirming and fixing the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges.

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

History

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in chapter 9 (commencing with section 55750) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in chapter 10 (commencing with section 55800) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district 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 1 (commencing with section 58100) of chapter 2, division 9 of title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by section 53004 of this part;

(d) Undertake a program of recruitment as required by section 53021 of this part; and

(c) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

Senior Accounting Officers (Specialists) 3
Accounting Officers (Specialists) 3
Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

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

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
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 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. 15).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 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. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, 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 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).

§ 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 the formation of a new college or educational center shall obtain approval for such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

No. CSM. 02-TC-31

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COMMISSION ON
STATE MANDATES

2 Minimum Conditions for State Aid:
3 Part 11: Curriculum

4 History Index for
5 Title 5, California Code of Regulations

6 Section 51021	Section 55160	Section 55217
7 Section 55000	Section 55170	Section 55219
8 Section 55000.5	Section 55182	Section 55300
9 Section 55001	Section 55200	Section 55310
10 Section 55002	Section 55201	Section 55316
11 Section 55002.5	Section 55202	Section 55316.5
12 Section 55004	Section 55205	Section 55320
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14 Section 55006	Section 55209	Section 55322
15 Section 55100	Section 55211	Section 55340
16 Section 55130	Section 55213	Section 55350
17 Section 55150	Section 55215	

18 **Register 78-51** Repealer of chapter 4 (sections 55300 - 55344, not consecutive)
19 and new chapter 4 (articles 1-5; sections 55300 - 55360, not
20 consecutive).

21 **Register 79-46** § 55300: Amendment of section.
22 § 55310: Amendment of section.

23 **Register 81-52** Repealer of chapter 1 (subchapters 1-3, sections 55000 - 55144,
24 not consecutive) and new chapter 1 (articles 1-2, sections 55000-
25 55180, not consecutive).

26 **Register 83-18** § 55300: Amendment of chapter 4 heading, repealer of article 1
27 heading, and amendment of section.
§ 55310: Repealer of Article 2 heading.

	§ 55312: Repealed.
	§ 55314: Amendment of section.
	§ 55316: Amendment of section.
	§ 55318: Amendment of NOTE.
	§ 55320: Repealer of article 3 heading.
	§ 55321: Amendment of section.
	§ 55322: Amendment of NOTE.
	§ 55323: Amendment of NOTE.
	§ 55340: Repealer of article 4 heading and amendment of section.
	§ 55342: Repealed.
	§ 55343: Repealed.
	§ 55344: Repealed.
	§ 55346: Repealed.
	§ 55348: Repealed.
	§ 55350: Amendment of section.
	§ 55352: Amendment of NOTE.
	§ 55360: Repealed.
Register 83-29	Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000-51021, not consecutive).
Register 83-53	§ 55002: Amendment of subsection (a).
	§ 55182: Added new section.

Register 84-20 § 55002: Amendment of section.

Register 84-51 § 55323: Repealed.

Register 88-42 § 55002: Repealer and new section.

Register 91-23 § 51021: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55000: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55000.5: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55001: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55002: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State.

1 Submitted to OAL for printing only pursuant to
2 Education Code section 70901.5(b).
3 § 55002.5: New section filed by Board of Governors of California
4 Community Colleges with the Secretary of State.
5 Submitted to OAL for printing only pursuant to Education
6 Code section 70901.5(b).
7 § 55004: New section filed by Board of Governors of California
8 Community Colleges with the Secretary of State.
9 Submitted to OAL for printing only pursuant to Education
10 Code section 70901.5(b).
11 § 55005: Amendment filed by Board of Governors of California
12 Community Colleges with the Secretary of State.
13 Submitted to OAL for printing only pursuant to
14 Education Code section 70901.5(b).
15 § 55006: Amendment filed by Board of Governors of California
16 Community Colleges with the Secretary of State.
17 Submitted to OAL for printing only pursuant to
18 Education Code section 70901.5(b).
19 § 55008: New section filed by Board of Governors of California
20 Community Colleges with the Secretary of State.
21 Submitted to OAL for printing only pursuant to Education

1 Code section 70901.5(b).

2 § 55100: Amendment filed by Board of Governors of California

3 Community Colleges with the Secretary of State.

4 Submitted to OAL for printing only pursuant to

5 Education Code section 70901.5(b).

6 § 55130: Amendment filed by Board of Governors of California

7 Community Colleges with the Secretary of State.

8 Submitted to OAL for printing only pursuant to

9 Education Code section 70901.5(b).

10 § 55150: Amendment filed by Board of Governors of California

11 Community Colleges with the Secretary of State.

12 Submitted to OAL for printing only pursuant to

13 Education Code section 70901.5(b).

14 § 55160: Amendment filed by Board of Governors of California

15 Community Colleges with the Secretary of State.

16 Submitted to OAL for printing only pursuant to

17 Education Code section 70901.5(b).

18 § 55170: Amendment filed by Board of Governors of California

19 Community Colleges with the Secretary of State.

20 Submitted to OAL for printing only pursuant to

21 Education Code section 70901.5(b).

1 § 55180: Repealer filed by Board of Governors of California
2 Community Colleges with the Secretary of State.
3 Submitted to OAL for printing only pursuant to
4 Education Code section 70901.5(b).
5 § 55182: Amendment filed by Board of Governors of California
6 Community Colleges with the Secretary of State.
7 Submitted to OAL for printing only pursuant to
8 Education Code section 70901.5(b).
9 § 55300: Amendment filed by Board of Governors of California
10 Community Colleges with the Secretary of State.
11 Submitted to OAL for printing only pursuant to
12 Education Code section 70901.5(b).
13 § 55310: Amendment filed by Board of Governors of California
14 Community Colleges with the Secretary of State.
15 Submitted to OAL for printing only pursuant to
16 Education Code section 70901.5(b).
17 § 55314: Amendment filed by Board of Governors of California
18 Community Colleges with the Secretary of State.
19 Submitted to OAL for printing only pursuant to
20 Education Code section 70901.5(b).
21 § 55316: Amendment filed by Board of Governors of California

1 Community Colleges with the Secretary of State.
2 Submitted to OAL for printing only pursuant to
3 Education Code section 70901.5(b).
4 § 55318: Amendment filed by Board of Governors of California
5 Community Colleges with the Secretary of State.
6 Submitted to OAL for printing only pursuant to
7 Education Code section 70901.5(b).
8 § 55320: Amendment filed by Board of Governors of California
9 Community Colleges with the Secretary of State.
10 Submitted to OAL for printing only pursuant to
11 Education Code section 70901.5(b).
12 § 55321: Amendment filed by Board of Governors of California
13 Community Colleges with the Secretary of State.
14 Submitted to OAL for printing only pursuant to
15 Education Code section 70901.5(b).
16 § 55322: Amendment filed by Board of Governors of California
17 Community Colleges with the Secretary of State.
18 Submitted to OAL for printing only pursuant to
19 Education Code section 70901.5(b).
20 § 55340: Amendment filed by Board of Governors of California
21 Community Colleges with the Secretary of State.

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	§ 55350: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
Register 91-43	§ 55008: Editorial correction of printing error in second paragraph.
Register 92-07	§ 55002: Amendment of section.
Register 92-15	§ 55300: New article heading.
Register 93-25	§ 55008: Section repealed.
Register 93-42	§ 55002: Amendment of section. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
	§ 55200: New article 2.5 and section. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
	§ 55201: Added new section. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
	§ 55202: Added new section. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
Register 94-18	§ 55314: Repealed. Submitted to OAL for printing only.
	§ 55316: Amendment of opening statement, subsection (b) and NOTE.

1 § 55316.5: New section filed; submitted to OAL for printing only.

2 § 55317: New section filed, submitted to OAL for printing only.

3 § 55318: Repealed. Submitted to OAL for printing only.

4 § 55340: Amendment of section and NOTE. Submitted to OAL for

5 printing only.

6 § 55352: Repealer and new section. Submitted to OAL for printing

7 only.

8 **Register 94-38** § 51021: Amendment of section; submitted to OAL for printing

9 only pursuant to Education Code section 70901.5.

10 § 55001: Amendment of section; submitted to OAL for printing

only pursuant to Education Code section 70901.5.

12 **Register 95-15** § 51021: Editorial correction of HISTORY 1.

13 **Register 95-20** § 55000: Editorial correction of HISTORY 2.

14 § 55000.5: Editorial correction of HISTORY 1.

15 § 55001: Editorial correction of HISTORY 1.

16 § 55002: Editorial correction of HISTORY 4.

17 § 55002.5: Editorial correction of HISTORY 1.

18 § 55004: Editorial correction of HISTORY 1.

19 § 55005: Editorial correction of HISTORY 1.

20 § 55006: Editorial correction of HISTORY 1.

21 § 55008: Editorial correction of HISTORY 1.

§ 55100: Editorial correction of HISTORY 1.

§ 55130: Editorial correction of HISTORY 1.

§ 55150: Editorial correction of HISTORY 1.

§ 55160: Editorial correction of HISTORY 1.

§ 55170: Editorial correction of HISTORY 1.

§ 55180: Editorial correction of HISTORY 2.

§ 55182: Editorial correction of HISTORY 2.

§ 55200: Editorial correction of Article heading.

§ 55300: Editorial correction of HISTORY 4.

§ 55310: Editorial correction of HISTORY 3.

§ 55314: Editorial correction of HISTORY 2.

§ 55316: Editorial correction of HISTORY 2.

§ 55318: Editorial correction of HISTORY 2.

§ 55320: Editorial correction of HISTORY 2.

§ 55321: Editorial correction of HISTORY 2.

§ 55322: Editorial correction of HISTORY 2.

§ 55340: Editorial correction of HISTORY 2.

§ 55350: Editorial correction of HISTORY 2.

Register 98-07 § 55201: Amendment of subsection (c), new subsections (e)(1)-(e)(2)(B) and amendment of NOTE. Submitted to OAL for printing only.

Register 98-36 § 55316.5: Amendment of last paragraph and NOTE. Submitted to OAL for printing only.

§ 55317: Amendment of subsection (b), last paragraph and NOTE. Submitted to OAL for printing only.

Register 2001-50 § 55316.5: Amendment of subsection (b). Submitted to OAL for printing only.

§ 55317: Amendment of subsections (b)-(c). Submitted to OAL for printing only.

Register 2002-26 § 55205: New article 3 (sections 55205 - 55219) and section. Submitted to OAL for printing only.

§ 55207: Added new section. Submitted to OAL for printing only.

§ 55209: Added new section. Submitted to OAL for printing only.

§ 55211: Added new section. Submitted to OAL for printing only.

§ 55213: Added new section. Submitted to OAL for printing only.

§ 55215: Added new section. Submitted to OAL for printing only.

§ 55217: Added new section. Submitted to OAL for printing only.

§ 55219: Added new section. Submitted to OAL for printing only.

§ 55316.5: Repealed.

§ 55317: Repealed.

§ 55352: Repealed. Submitted to OAL for printing only.

Subsequent Registers: There may be changes to the regulations after the date the

1 test claim was filed, which are not included.

Register 1978-51

§ 55300
§ 55302
§ 55310
§ 55312
§ 55314
§ 55316
§ 55320
§ 55321
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§ 55323
§ 55340
§ 55342
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§ 55352
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CHAPTER 4. REGULATIONS FOR COURSES AND PROGRAMS CONDUCTED AS INDEPENDENT STUDY

Article 1. General Provisions

55300. Application of Chapter.

The provisions of this chapter apply to and implement the provisions of sections 84500 and 84520 of the Education Code in relation to attendance in approved courses and programs designed and conducted as independent study.

Courses or programs designed and conducted as independent study shall be approved by the Chancellor under conditions contained in Chapter 1, Course of Study, subchapters 1 and 2 of California Administrative Code, Title 5, except that all conditions in sections 55001 (a), 55001 (c) and 55132 shall apply, for study by students who are under the supervision, control, and evaluation, but not necessarily in the immediate presence of the assigned instructor.

All heretofore approved credit courses offered in whatever mode meeting the above requirements shall remain approved provided such courses meet the requirements of this subchapter.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY:

1. Repealer of Chapter 4 (Sections 55300–55344, not consecutive) and new Chapter 4 (Articles 1–5; Sections 55300–55360, not consecutive) filed 12-18-78; effective thirtieth day thereafter (Register 78, No. 51). For prior history, see Registers 77, No. 45 and 71, No. 9.

55302. Definitions.

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

(a) College level course. For the purposes of this Chapter, a college level course shall be an organized pattern of instruction on a postsecondary lower division level which is accepted for completion of an appropriate educational sequence leading to an associate degree and which is recognized upon transfer by an institution of the Univerity of California or the California State University and Colleges as meeting either elective or major requirements for a baccalaureate degree.

(b) Credit. Credits are the number of units specified by a college for a course as approved by the Chancellor.

(c) Credit Course. A credit course is a course which carries certification of specified learning accomplishments, the successful completion of which are recognized by the granting of units and the awarding of a grade in the context of a particular program of study and which is recognized upon transfer by an institution of the University of California or the California State University and Colleges.

(d) Independent Study. Independent study is learning undertaken by a student enrolled in a course without the immediate presence of the assigned instructor, to be completed in accordance with prescribed objectives, for the number of credits to be awarded on satisfactory completion of the specified learning accomplishments.

(e) Program of Independent Study. An educational program of independent study is an organized sequence of courses of instruction conducted as independent studies and meeting all the requirements of this chapter.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

Article 2. Approval of Independent Study Courses and Programs

55310. Reporting.

Each independent study course, whether or not it is part of an approved program, must be reported to the Chancellor in a manner and form required by him.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

55312. Transfer.

Evidence of transferability to California State University and Colleges or to the University of California shall be deemed to exist when the Community College certifies that the course is recognized upon transfer.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

55314. Faculty and Student Participation.

In the development and evaluation of courses and programs subject to the requirements of this chapter, the district shall include input from, and participation by, faculty who are selected by academic senates or faculty councils, and students.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

55316. Criteria.

Courses offered pursuant to this chapter shall:

(a) be accepted by the college for completion of an appropriate educational sequence leading to an associate degree, and

(b) shall be recognized by an institution of the University of California or the California State University and Colleges upon transfer to that institution.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

55318. Written Record.

In submitting a report for each course offered pursuant to this chapter, a college shall certify that the components of each course are set out in a written record for each student enrolled, and have been developed and evaluated with the participation of faculty and students as noted in this chapter.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

Article 3. Standards and Criteria

55320. Academic Standards.

Academic standards applicable to courses of independent study shall be the same as those applied to other credit courses in the college.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

55321. Student Progress.

Procedures for evaluation of student progress shall be in accordance with regulations set by the faculty and college. A report by an instructor on appropriate records bearing the student's name for purposes of state apportionment shall certify that adequate and proper progress toward accomplishment of the course objectives is being maintained by the student.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

55322. Availability of Instructor.

The college shall provide access to the instructor for the students enrolled in courses offered pursuant to this chapter at least equivalent to that commonly available to students enrolled in courses conducted by other instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

55323. Learning Assistance.

Learning assistance, when provided by the college, shall be considered a component of the course and shall not authorize or constitute credit increments for the course or for the sequence of such courses applicable to the college degree or certificate.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

Article 4. Eligibility for State Apportionment

55340. Eligibility for State Funds.

In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this chapter, the course must be reported as required by this chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

55342. Average Daily Attendance.

For purposes of computing the average daily attendance, one weekly student contact hour shall be counted for each unit of independent study credit for which a student is enrolled in a course conducted during any census period.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

55343. Grades Awarded.

Units of credit earned and grades awarded shall be based on the number of units in which the student is enrolled in each census week.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

55344. Enrollment.

A student for whom attendance will be recorded for state apportionment pursuant to this chapter must be enrolled in an approved course. Enrollment shall be in the manner prescribed by the college in the catalog and/or schedule of classes.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

55346. Records.

Enrollment, evaluations, and credit for courses conducted pursuant to this chapter shall be entered on the student's record in the same manner and with the same provisions governing such records for all other courses.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

55348. Supervision.

The college shall provide appropriate supervision of instruction in courses conducted pursuant to this chapter as with other courses and programs.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

55350. Instruction.

The instructor assigned to a course conducted pursuant to this chapter shall:

(a) Possess a valid teaching certificate, registered as required by law, authorizing service in that capacity during the period in which that service is rendered;

(b) Be responsible for the supervision, control, and evaluation of the course and the enrolled students;

(c) Provide orientation, guidance, and information regarding course content materials and services for each student as soon as possible subsequent to the student's official enrollment by the college; and

(d) Provide each student with the instructor's consultation schedule for the semester, quarter, or other prescribed term of the course, this schedule to be included in the written record.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

55352. Number of Students.

The number of students assigned to any one instructor of courses offered pursuant to this section shall not exceed 125 students per instructor unless exempted by the Chancellor.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

Article 5. Assessment of Effects

55360. Evaluation Reports.

Each college conducting courses of independent study shall develop and maintain information required for the report to be rendered to the Legislature prior to June 30, 1981, on the educational and fiscal effects of such courses. Recording, preparation, and forwarding of information relative to these reports shall be conducted in a manner and format established by the Chancellor.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

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§ 55300
§ 55310

CHAPTER 4. REGULATIONS FOR COURSES AND PROGRAMS CONDUCTED AS INDEPENDENT STUDY

Article 1. General Provisions

55300. Application of Chapter.

The provisions of this chapter apply to and implement the provisions of sections 84500 and 84520 of the Education Code in relation to attendance in approved courses and programs designed and conducted as independent study.

Courses or programs designed and conducted as independent study shall be approved by the Chancellor under conditions contained in Chapter 1, Course of Study, subchapters 1 and 2 of California Administrative Code, Title 5, except that all conditions in sections 55001 (a), 55001 (c) and 55132 shall apply, for study by students who are under the supervision, control, and evaluation, but not necessarily in the immediate presence of the assigned instructor.

All heretofore approved credit courses offered in whatever mode meeting the above requirements shall remain approved provided such courses meet the requirements of this chapter.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500 and 84520, Education Code.

HISTORY:

1. Repealer of Chapter 4 (Sections 55300–55344, not consecutive) and new Chapter 4 (Articles 1–5; Sections 55300–55360, not consecutive) filed 12-18-78; effective thirtieth day thereafter (Register 78, No. 51). For prior history, see Registers 77, No. 45 and 71, No. 9.
2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).

55302. Definitions.

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

(a) College level course. For the purposes of this Chapter, a college level course shall be an organized pattern of instruction on a postsecondary lower division level which is accepted for completion of an appropriate educational sequence leading to an associate degree and which is recognized upon transfer by an institution of the Univerity of California or the California State University and Colleges as meeting either elective or major requirements for a baccalaureate degree.

(b) Credit. Credits are the number of units specified by a college for a course as approved by the Chancellor.

(c) Credit Course. A credit course is a course which carries certification of specified learning accomplishments, the successful completion of which are recognized by the granting of units and the awarding of a grade in the context of a particular program of study and which is recognized upon transfer by an institution of the University of California or the California State University and Colleges.

(d) Independent Study. Independent study is learning undertaken by a student enrolled in a course without the immediate presence of the assigned instructor, to be completed in accordance with prescribed objectives, for the number of credits to be awarded on satisfactory completion of the specified learning accomplishments.

(e) Program of Independent Study. An educational program of independent study is an organized sequence of courses of instruction conducted as independent studies and meeting all the requirements of this chapter.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

Article 2. Approval of Independent Study Courses and Programs

55310. Reporting.

Each independent study course, whether or not it is part of an approved program, must be reported to the Chancellor in a manner and form required by the Chancellor.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500 and 84520, Education Code.

HISTORY:

1. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).

55312. Transfer.

Evidence of transferability to California State University and Colleges or to the University of California shall be deemed to exist when the Community College certifies that the course is recognized upon transfer.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

55314. Faculty and Student Participation.

In the development and evaluation of courses and programs subject to the requirements of this chapter, the district shall include input from, and participation by, faculty who are selected by academic senates or faculty councils, and students.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

55316. Criteria.

Courses offered pursuant to this chapter shall:

(a) be accepted by the college for completion of an appropriate educational sequence leading to an associate degree, and

(b) shall be recognized by an institution of the University of California or the California State University and Colleges upon transfer to that institution.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

55318. Written Record.

In submitting a report for each course offered pursuant to this chapter, a college shall certify that the components of each course are set out in a written record for each student enrolled, and have been developed and evaluated with the participation of faculty and students as noted in this chapter.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

Article 3. Standards and Criteria

55320. Academic Standards.

Academic standards applicable to courses of independent study shall be the same as those applied to other credit courses in the college.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

Register 1981-52

§ 55000
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§ 55005
§ 55006
§ 55100
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§ 55170
§ 55180

CHAPTER 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 71020 and 71062, Education Code. Reference: Sections 78200 and 78201, 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.

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

(C) Continuing Education Vocational/Technical Certificates, Programs and Courses

(b) The community services (Non ADA generating) of community colleges include:

(1) Community Services Classes

(A) Avocational Classes

(B) Recreational Classes

(C) Seminars, Lecture Series, Forum Series, Workshops, and Conferences

(D) Professional and Occupational Inservice Classes

(2) Community Services Activities

(A) Civic Center Act Activities

(B) Cultural Activities

(C) Community Development Activities

(D) Recreational Activities

(c) All districts shall report the classification of all courses, classes, and activities offered in accordance with the system contained in subsections (a) and (b) and the standards in Section 55002 by transmitting the following information to the Chancellor's Office:

(1) The unique static course identifier and the course title for all credit and noncredit courses.

(2) The classification of each credit and noncredit course in accordance with its primary objective, consistent with guidelines published by the Chancellor.

(3) Whether the course is offered as credit or noncredit.

(4) Whether the course transfers to CSUC or UC or both.

(5) The number of community services classes in each category, and the number of participants.

(6) The number of community services activities in each category and the number of participants.

(d) Not later than January 21, 1982, the chief executive officer of each community college district, in consultation with the academic senate or other appropriate faculty body and other appropriate persons or groups, shall report in the manner required by subsection (c) on the initial classification of all existing courses, classes and activities. The Chancellor shall review and comment upon, as necessary, this initial classification of courses, classes, and activities by districts. Not later than June 30, 1982, the governing board of each district, after a public hearing, shall adopt and report to the Chancellor on the classification of all existing courses, classes and activities.

(e) For courses, classes and activities which are added after June 30, 1982, the district shall report the classification of all courses, classes and activities in the manner provided by subsection (c). The Chancellor shall review and comment upon, as necessary, the classification of such courses, classes and activities.

NOTE: Authority cited: Sections 66700, 71020, 71027, 71062, and 78405, Education Code. Reference: Sections 66701, 71027, 78200, 78201, 78300, 78401, 78405, 84603, and 84621, Education Code.

55002. Standards and Criteria for Courses and Classes.

(a) A credit course is a course which, at a minimum:

(1) Is recommended by the responsible college officials and the academic senate or other appropriate faculty body as being of appropriate rigor and has been approved by the local district governing board as a collegiate course meeting the needs of the students eligible for admission.

(2) Is taught by a credentialed instructor.

(3) Is offered as described in an outline and/or curriculum guide in official college files. That outline and/or curriculum guide shall specify the unit value, scope, objectives, content instructional methodology and methods of evaluation for determining whether the stated objectives have been met by students.

(4) Is taught in accordance with a set of instructional objectives common to all students.

(5) Provides for measurement of student performance in terms of the stated course objectives and culminates in a formal recorded grade based upon uniform standards which is permanently recorded and is available as an official student evaluation.

(6) Grants units of credit based upon a specified relationship between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline.

(7) Only those students who have met the prerequisites for the course are enrolled.

(8) Allows repeated enrollment only as permitted by provisions of Division 2 (commencing with Section 51000 of this part).

(b) A noncredit course is a course which, at a minimum:

(1) Is approved by the local district governing board as a course meeting the educational needs of the enrolled students.

(2) Is taught by a credentialed instructor. A supplementary lecturer need not hold a credential if he or she lectures fewer than four times in a semester or quarter.

(3) Treats subject matter and uses resource materials, teaching methods, and standards of attendance and achievement appropriate for the enrolled students.

(4) Is conducted in accordance with a course outline and/or curriculum guide in official college files. That outline and/or curriculum guide shall specify the scope, objectives, content, instructional methodology, and methods of evaluation for determining whether the course objectives have been met.

(c) A community services class at a minimum:

(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 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.

(6) Attendance in community services classes may not be claimed for apportionment purposes.

NOTE: Authority cited: Sections 66700, 71020, 71027, and 78405, Education Code. Reference: Sections 71027, 78200, and 78405, Education Code.

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, 71020, and 71062, Education Code. Reference: Sections 66700 and 71020, Education Code.

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, 71020, and 71062, Education Code. Reference: Sections 78200, 78401, 78405, and 84603, Education Code.

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 Chancellor's Office approval is required, the district shall designate the appropriate classification of the course or activity in accordance with Section 55001.

NOTE: Authority cited: Sections 66700, 71020, 71062, and 71091, Education Code. Reference: Sections 71091, 78200, 78401, and 78405, Education Code.

55130. Approval of Credit Programs.

(a) Before offering any course as part of an educational program at a college, the governing board of a district shall obtain approval of the educational program from the Chancellor in accordance with the provisions of this article. Approval shall be requested on forms provided by the Chancellor.

(b) The application for approval shall contain at least the following:

(1) The name of the proposed program.

(2) The description of the proposed program.

(3) The purposes and specific objectives of the proposed program.

(4) The place of the proposed program in the district master plan.

(5) An explanation of whether the program is appropriate to the objectives and conditions of higher education and community college education in California and whether it conforms to statewide master planning.

(6) The need for the proposed program ascertained with regard to at least the following factors:

(A) Other community colleges in the area currently offering the program.

(B) Other programs closely related to the proposed program offered by the college.

(C) Relation of the proposed program to job market analysis.

(D) Enrollment projection for the proposed program.

(E) Recommendations of area vocational master plan committees when applicable.

(F) The classification of the courses in the program in accordance with Section 55001.

(7) The need for and present adequacy of the following resources shall be determined in relation to the proposed program:

(A) Library resources.

(B) Facilities and equipment required to initiate and sustain the program. If a new facility is to be used, reference should be made to the five-year master plan.

(C) Availability of adequate or proposed financial support.

(D) Availability of faculty.

(c) The development, establishment and evaluation of an education program shall include representative faculty involvement.

(d) An approval is effective until the program or implementation of the program is discontinued or modified in any substantial way. From time to time the Chancellor may evaluate an educational program, after its approval, on the basis of factors listed in this section. If on the basis of such an evaluation the Chancellor determines that an educational program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.

(e) In multicollege districts, program approval is granted for a specific college.

NOTE: Authority cited: Sections 71020, 71027, 71062, and 71091, Education Code. Reference: Sections 71027, 71091, 78200, and 78405, Education Code.

55150. Approval of Noncredit Courses and Programs.

(a) Courses or programs offered for noncredit shall be approved by the Chancellor in accordance with Section 55100 on forms provided by the Chancellor's Office.

(b) Course outlines for all noncredit courses shall be on file in the community college offering the course.

(c) Authorities of each community college maintaining noncredit courses shall keep such current records and reports as may be required by the Chancellor.

NOTE: Authority cited: Sections 66700, 71020, 71062, and 71091, Education Code. Reference: Sections 71091, 78200, 78401, and 78405, Education Code.

55160. Approval of Community Service Classes.

(a) Districts are authorized in accordance with the provisions of Article 7 (commencing with Section 78300) of Chapter 2, Part 48 of the Education Code to approve and conduct community services classes without the approval of the Chancellor. The classification of all such classes shall be reported to the Chancellor in accordance with Section 55001.

(b) Community services classes shall not be referred to as noncredit classes.

NOTE: Authority cited: Sections 8092, 71020, 71062, and 71091, Education Code. Reference: Sections 71091 and 78300, Education Code.

55170. Contract Classes.

(a) Notwithstanding subdivision (c) of Section 55000, "contract classes" means those classes which a community college district offers in fulfillment of a contract with a public or private agency, corporation, association, or other body or person.

(b) No approval of a contract class is required if the district does not claim state support for the class and if the legislation which authorizes that class does not require approval. If the district claims state support for a contract class, approval of the class shall be obtained in the manner provided for classes of the same type, as provided in this article. Approval of the contract shall be obtained in the manner provided for by law.

NOTE: Authority cited: Sections 8092, 66700, 71020, 71062, and 71091, Education Code. Reference: Sections 8092, 71091, 78200, and 78401, Education Code.

55180. Chancellor's Report.

The Chancellor shall report to the Board at a fall meeting, the actions which have been taken in approving courses and programs submitted to the Chancellor pursuant to the provisions of this chapter.

NOTE: Authority cited: Sections 66700 and 71020, Education Code. Reference: Sections 71091, 78200, and 78401, Education Code.

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CHAPTER 4. COURSES AND PROGRAMS CONDUCTED AS INDEPENDENT STUDY

55300. Application of Chapter.

The provisions of this chapter apply to and implement the provisions of sections 84500 and 84520 of the Education Code in relation to attendance in approved courses and programs designed and conducted as independent study.

Approved courses conducted as independent study shall be reported to the Chancellor in accordance with specified procedures as required by law.

All heretofore approved credit courses offered in whatever mode meeting the above requirements shall remain approved provided such courses meet the requirements of this chapter.

NOTE: Authority cited: Sections 71020, 84500 and 84520, Education Code. Reference: Article 8 (commencing with Section 78310), Chapter 2, Part 48, Education Code.

HISTORY:

1. Repealer of Chapter 4 (Sections 55300–55344, not consecutive) and new Chapter 4 (Articles 1–5; Sections 55300–55360, not consecutive) filed 12-18-78; effective thirtieth day thereafter (Register 78, No. 51). For prior history, see Registers 77, No. 45 and 71, No. 9.
2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
3. Amendment of Chapter 4 heading, repealer of Article 1 heading, and amendment of Section 55300 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

55302. Definitions.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

HISTORY:

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

55310. Reporting.

Each independent study course, whether or not it is part of an approved program, must be reported to the Chancellor in a manner and form required by the Chancellor.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500 and 84520, Education Code.

HISTORY:

1. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
2. Repealer of Article 2 heading filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

55312. Transfer.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

HISTORY:

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

55314. Faculty and Student Participation.

In the development and evaluation of courses and programs subject to the requirements of this chapter, the district shall include input from, and participation by, faculty who are selected by academic senates or appropriate faculty bodies, and students.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY:

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

55316. Criteria.

Courses offered pursuant to this chapter shall:

(a) Be accepted by the college toward completion of an appropriate educational sequence leading to an associate degree, and

(b) Shall be recognized by an institution of the University of California or the California State University upon transfer to that institution.

Evidence of transferability to California State University or to the University of California shall be deemed to exist when the community college certifies that the course is recognized upon transfer.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY:

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

55318. Written Record.

In submitting a report for each course offered pursuant to this chapter, a college shall certify that the components of each course are set out in a written record for each student enrolled, and have been developed and evaluated with the participation of faculty and students as noted in this chapter.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY:

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

55320. Academic Standards.

Academic standards applicable to courses of independent study shall be the same as those applied to other credit courses in the college.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

HISTORY:

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

55321. Student Progress.

Procedures for evaluation of student progress shall be in accordance with regulations set by the college. A report by an instructor on appropriate records bearing the student's name for purposes of state apportionment shall certify that adequate and proper progress toward accomplishment of the course objectives is being maintained by the student.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY:

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

55322. Availability of Instructor.

The college shall provide access to the instructor for the students enrolled in courses offered pursuant to this chapter at least equivalent to that commonly available to students enrolled in courses conducted by other instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY:

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

55323. Learning Assistance.

Learning assistance, when provided by the college, shall be considered a component of the course and shall not authorize or constitute credit increments for the course or for the sequence of such courses applicable to the college degree or certificate.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY:

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

55340. Eligibility for State Funds.

(a) In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this chapter, the course must be reported as required by this chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

(b) For purposes of computing the average daily attendance, one weekly student contact hour shall be counted for each unit of independent study credit for which a student is enrolled in a course conducted during any census period.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY:

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

55342. Average Daily Attendance.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

HISTORY:

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

55343. Grades Awarded.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

HISTORY:

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

55344. Enrollment.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

HISTORY:

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

55346. Records.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a) (2) and 84520, Education Code.

HISTORY:

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

55348. Supervision.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY:

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

55350. Instruction.

The instructor assigned to a course conducted pursuant to this chapter shall:

(a) Possess a valid teaching certificate authorizing service in that capacity during the period in which that service is rendered;

(b) Be responsible for the supervision, control, and evaluation of the course and the enrolled students;

(c) Provide orientation, guidance, and information regarding course content materials and services for each student as soon as possible subsequent to the student's official enrollment by the college; and

(d) Provide each student with the instructor's consultation schedule for the semester, quarter, or other prescribed term of the course, this schedule to be included in the written record.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY:

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

55352. Number of Students.

The number of students assigned to any one instructor of courses offered pursuant to this section shall not exceed 125 students per instructor unless exempted by the Chancellor.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY:

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

55360. Evaluation Reports.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY:

1. Repealer of Article 5 heading and Section 55360 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78007 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be 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 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700, 71025 and 84500.1, Education Code. Reference: Sections 71025 and 84500.1, Education Code.

51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 71028 of the Education Code and regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 71025 and 81805, Education Code. Reference: Sections 71025, 71028, 71091, 72231.5, 81820, 81821 and 81822, Education Code.

51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of Section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of Section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by Section 53004 of this part;

(d) Undertake a program of recruitment as required by Section 53021 of this part; and

(e) Substantially comply with the provisions of Chapter 1 (commencing with Section 53000) of Division 4 of this part.

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

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 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of Chapter 11 (commencing with Section 55825) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

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CHAPTER 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 71020 and 71062, Education Code. Reference: Sections 78200 and 78201, 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.

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

(C) Continuing Education Vocational/Technical Certificates, Programs and Courses

(b) The community services (Non ADA generating) of community colleges include:

(1) Community Services Classes

(A) Avocational Classes

(B) Recreational Classes

(C) Seminars, Lecture Series, Forum Series, Workshops, and Conferences

(D) Professional and Occupational Inservice Classes

(2) Community Services Activities

(A) Civic Center Act Activities

(B) Cultural Activities

(C) Community Development Activities

(D) Recreational Activities

(c) All districts shall report the classification of all courses, classes, and activities offered in accordance with the system contained in subsections (a) and (b) and the standards in Section 55002 by transmitting the following information to the Chancellor's Office:

(1) The unique static course identifier and the course title for all credit and noncredit courses.

(2) The classification of each credit and noncredit course in accordance with its primary objective, consistent with guidelines published by the Chancellor.

(3) Whether the course is offered as credit or noncredit.

(4) Whether the course transfers to CSUC or UC or both.

(5) The number of community services classes in each category, and the number of participants.

(6) The number of community services activities in each category and the number of participants.

(d) Not later than January 21, 1982, the chief executive officer of each community college district, in consultation with the academic senate or other appropriate faculty body and other appropriate persons or groups, shall report in the manner required by subsection (c) on the initial classification of all existing courses, classes and activities. The Chancellor shall review and comment upon, as necessary, this initial classification of courses, classes, and activities by districts. Not later than June 30, 1982, the governing board of each district, after a public hearing, shall adopt and report to the Chancellor on the classification of all existing courses, classes and activities.

(e) For courses, classes and activities which are added after June 30, 1982, the district shall report the classification of all courses, classes and activities in the manner provided by subsection (c). The Chancellor shall review and comment upon, as necessary, the classification of such courses, classes and activities.

NOTE: Authority cited: Sections 66700, 71020, 71027, 71062, and 78405, Education Code. Reference: Sections 66701, 71027, 78200, 78201, 78300, 78401, 78405, 84603, and 84621, Education Code.

55002. Standards and Criteria for Courses and Classes.

(a) A credit course is a course which, at a minimum:

(1) Is recommended by the responsible college officials and the academic senate or other appropriate faculty body as being of appropriate academic rigor and has been approved by the local district governing board as a collegiate course meeting the needs of the students eligible for admission.

(2) Is taught by a credentialed instructor.

(3) Is offered as described in an outline and/or curriculum guide in official college files. That outline and/or curriculum guide shall specify the unit value, scope, objectives, content in terms of a specific body of knowledge, appropriate readings and writing, and outside assignments, instructional methodology and methods of evaluation for determining whether the stated objectives have been met by students.

(4) Is taught in accordance with a set of instructional objectives common to all students.

(5) Provides for measurement of student performance in terms of the stated course objectives and culminates in a formal recorded grade based upon uniform standards in accordance with Section 55758 of this part and which is permanently recorded as an evaluation of student performance.

(6) Grants units of credit based upon a specified relationship between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline.

(7) Shall require the completion of appropriate prerequisites for the course before students are enrolled.

(8) Allows repeated enrollment only as permitted by provisions of Division 2 (commencing with Section 51000 of this part).

(b) A noncredit course is a course which, at a minimum:

(1) Is approved by the local district governing board as a course meeting the educational needs of the enrolled students.

(2) Is taught by a credentialed instructor. A supplementary lecturer need not hold a credential if he or she lectures fewer than four times in a semester or quarter.

(3) Treats subject matter and uses resource materials, teaching methods, and standards of attendance and achievement appropriate for the enrolled students.

(4) Is conducted in accordance with a course outline and/or curriculum guide in official college files. That outline and/or curriculum guide shall specify the scope, objectives, content, instructional methodology, and methods of evaluation for determining whether the course objectives have been met.

(c) A community services class at a minimum:

(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 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.

(6) Attendance in community services classes may not be claimed for apportionment purposes.

NOTE: Authority cited: Sections 66700, 71020, 71027 and 78405 Education Code. Reference: Sections 71027, 78200 and 78405, 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).

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, 71020, and 71062, Education Code. Reference: Sections 66700 and 71020, Education Code.

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, 71020, and 71062, Education Code. Reference: Sections 78200, 78401, 78405, and 84603, Education Code.

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 Chancellor's Office approval is required, the district shall designate the appropriate classification of the course or activity in accordance with Section 55001.

NOTE: Authority cited: Sections 66700, 71020, 71062, and 71091, Education Code. Reference: Sections 71091, 78200, 78401, and 78405, Education Code.

55101. Chancellor's Report.

The Chancellor shall report to the board at a fall and a spring meeting the actions which the Chancellor has taken in approving courses submitted to the Chancellor pursuant to the provisions of this chapter.

HISTORY:

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

55130. Approval of Credit Programs.

(a) Before offering any course as part of an educational program at a college, the governing board of a district shall obtain approval of the educational program from the Chancellor in accordance with the provisions of this article. Approval shall be requested on forms provided by the Chancellor.

(b) The application for approval shall contain at least the following:

(1) The name of the proposed program.

(2) The description of the proposed program.

(3) The purposes and specific objectives of the proposed program.

(4) The place of the proposed program in the district master plan.

(5) An explanation of whether the program is appropriate to the objectives and conditions of higher education and community college education in California and whether it conforms to statewide master planning.

(6) The need for the proposed program ascertained with regard to at least the following factors:

(A) Other community colleges in the area currently offering the program.

(B) Other programs closely related to the proposed program offered by the college.

(C) Relation of the proposed program to job market analysis.

(D) Enrollment projection for the proposed program.

(E) Recommendations of area vocational master plan committees when applicable.

(F) The classification of the courses in the program in accordance with Section 55001.

(7) The need for and present adequacy of the following resources shall be determined in relation to the proposed program:

(A) Library resources.

(B) Facilities and equipment required to initiate and sustain the program. If a new facility is to be used, reference should be made to the five-year master plan.

(C) Availability of adequate or proposed financial support.

(D) Availability of faculty.

(c) The development, establishment and evaluation of an education program shall include representative faculty involvement.

(d) An approval is effective until the program or implementation of the program is discontinued or modified in any substantial way. From time to time the Chancellor may evaluate an educational program, after its approval, on the basis of factors listed in this section. If on the basis of such an evaluation the Chancellor determines that an educational program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.

(e) In multicollege districts, program approval is granted for a specific college.

NOTE: Authority cited: Sections 71020, 71027, 71062, and 71091, Education Code. Reference: Sections 71027, 71091, 78200, and 78405, Education Code.

55150. Approval of Noncredit Courses and Programs.

(a) Courses or programs offered for noncredit shall be approved by the Chancellor in accordance with Section 55100 on forms provided by the Chancellor's Office.

(b) Course outlines for all noncredit courses shall be on file in the community college offering the course.

(c) Authorities of each community college maintaining noncredit courses shall keep such current records and reports as may be required by the Chancellor.

NOTE: Authority cited: Sections 66700, 71020, 71062, and 71091, Education Code. Reference: Sections 71091, 78200, 78401, and 78405, Education Code.

55160. Approval of Community Service Classes.

(a) Districts are authorized in accordance with the provisions of Article 7 (commencing with Section 78300) of Chapter 2, Part 48 of the Education Code to approve and conduct community services classes without the approval of the Chancellor. The classification of all such classes shall be reported to the Chancellor in accordance with Section 55001.

(b) Community services classes shall not be referred to as noncredit classes.

NOTE: Authority cited: Sections 8092, 71020, 71062, and 71091, Education Code. Reference: Sections 71091 and 78300, Education Code.

55170. Contract Classes.

(a) Notwithstanding subdivision (c) of Section 55000, "contract classes" means those classes which a community college district offers in fulfillment of a contract with a public or private agency, corporation, association, or other body or person.

(b) No approval of a contract class is required if the district does not claim state support for the class and if the legislation which authorizes that class does not require approval. If the district claims state support for a contract class, approval of the class shall be obtained in the manner provided for classes of the same type, as provided in this article. Approval of the contract shall be obtained in the manner provided for by law.

NOTE: Authority cited: Sections 8092, 66700, 71020, 71062, and 71091, Education Code. Reference: Sections 8092, 71091, 78200, and 78401, Education Code.

55180. Chancellor's Report.

The Chancellor shall report to the Board at a fall meeting, the actions which have been taken in approving courses and programs submitted to the Chancellor pursuant to the provisions of this chapter.

NOTE: Authority cited: Sections 66700 and 71020, Education Code. Reference: Sections 71091, 78200, and 78401, Education Code.

55182. Reinstatement of Deleted Courses.

The governing board of a community college district may reinstate any course which was deleted from the credit or noncredit curriculum during the 1982–83 fiscal year, in response to provision Number 11 of Item 6870-101-001 of the Budget Act of 1982 (Chapter 326, Statutes of 1982); provided that the following criteria and procedures shall be applied in conjunction with such reinstatement:

(a) The governing board of the district shall only reinstate such courses in a manner which is consistent with the policy of the Board of Governors that offerings which are primarily avocational, or recreational shall be offered as community services classes, and not as credit or noncredit courses;

(b) The governing board of the district shall determine that the course meets the criteria and standards for courses specified in Section 55002;

(c) The governing board may act to reinstate a course only after it has been reviewed through the college's or district's established procedure for the approval of new courses;

(d) The governing board must submit the course to the Chancellor for approval, or report approval of the course, depending on the requirements of Section 55100. A separate designation shall be used to distinguish reinstated courses from new courses; and

(e) The governing board must determine that reinstatement of the course maintains or improves the curriculum balance of the district in accordance with the mission of the community college and local needs.

(f) Any category of courses restored to the curriculum pursuant to a separate authorization of the Board of Governors shall be exempt from the requirements of this section.

NOTE: Authority cited: Sections 66700, 71020, 71027, 71027.5 and 78405, Education Code. Reference: Sections 71027, 71027.5, 78200 and 78405, Education Code.

HISTORY:

1. New Section filed 12-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 53).

Register 1984-20

§ 55002

(6) Grants units of credit based upon a specified relationship between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline.

(7) Shall require, when so designated, the completion of appropriate prerequisites for the course before students are enrolled.

(8) Allows repeated enrollment only as permitted by provisions of Division 2 (commencing with Section 51000 of this part).

(b) A noncredit course is a course which, at a minimum:

(1) Is approved by the local district governing board as a course meeting the educational needs of the enrolled students.

(2) Is taught by a credentialed instructor. A supplementary lecturer need not hold a credential if he or she lectures fewer than four times in a semester or quarter.

(3) Treats subject matter and uses resource materials, teaching methods, and standards of attendance and achievement appropriate for the enrolled students.

(4) Is conducted in accordance with a course outline and/or curriculum guide in official college files. That outline and/or curriculum guide shall specify the scope, objectives, content, instructional methodology, and methods of evaluation for determining whether the course objectives have been met.

(c) A community services class at a minimum:

(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 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.

(6) Attendance in community services classes may not be claimed for apportionment purposes.

NOTE: Authority cited: Sections 66700, 71020, 71027 and 78405 Education Code. Reference: Sections 71027, 78200 and 78405, 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).

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, 71020, and 71062, Education Code. Reference: Sections 66700 and 71020, Education Code.

Register 1984-51

§ 55323

55323. Learning Assistance.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY:

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 12-17-84; effective thirtieth day thereafter (Register 84, No. 51).

55340. Eligibility for State Funds.

(a) In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this chapter, the course must be reported as required by this chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

(b) For purposes of computing the average daily attendance, one weekly student contact hour shall be counted for each unit of independent study credit for which a student is enrolled in a course conducted during any census period.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY:

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

55342. Average Daily Attendance.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY:

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

55343. Grades Awarded.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY:

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

55344. Enrollment.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY:

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

55346. Records.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY:

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

Register 1988-42

§ 55002

CHAPTER 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 71020 and 71062, Education Code. Reference: Sections 78200 and 78201, 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.

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

(C) Continuing Education Vocational/Technical Certificates, Programs and Courses

(b) The community services (Non ADA generating) of community colleges include:

(1) Community Services Classes

(A) Avocational Classes

(B) Recreational Classes

(C) Seminars, Lecture Series, Forum Series, Workshops, and Conferences

(D) Professional and Occupational Inservice Classes

(2) Community Services Activities

(A) Civic Center Act Activities

(B) Cultural Activities

(C) Community Development Activities

(D) Recreational Activities

(c) All districts shall report the classification of all courses, classes, and activities offered in accordance with the system contained in subsections (a) and (b) and the standards in Section 55002 by transmitting the following information to the Chancellor's Office:

(1) The unique static course identifier and the course title for all credit and noncredit courses.

(2) The classification of each credit and noncredit course in accordance with its primary objective, consistent with guidelines published by the Chancellor.

(3) Whether the course is offered as credit or noncredit.

(4) Whether the course transfers to CSUC or UC or both.

(5) The number of community services classes in each category, and the number of participants.

(6) The number of community services activities in each category and the number of participants.

(d) Not later than January 21, 1982, the chief executive officer of each community college district, in consultation with the academic senate or other appropriate faculty body and other appropriate persons or groups, shall report in the manner required by subsection (c) on the initial classification of all existing courses, classes and activities. The Chancellor shall review and comment upon, as necessary, this initial classification of courses, classes, and activities by districts. Not later than June 30, 1982, the governing board of each district, after a public hearing, shall adopt and report to the Chancellor on the classification of all existing courses, classes and activities.

(e) For courses, classes and activities which are added after June 30, 1982, the district shall report the classification of all courses, classes and activities in the manner provided by subsection (c). The Chancellor shall review and comment upon, as necessary, the classification of such courses, classes and activities.

NOTE: Authority cited: Sections 66700, 71020, 71027, 71062, and 78405, Education Code. Reference: Sections 66701, 71027, 78200, 78201, 78300, 78401, 78405, 84603, and 84621, Education Code.

55002. Standards and Criteria for Courses and Classes.

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

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

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course on the basis of the following standards:

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with

Section 55758 of this part. The grade is based on demonstrated proficiency in subject matter and the ability to demonstrate that proficiency, at least in part, by means of essays, or, in courses where the curriculum committee deems them to be appropriate, problem solving exercises or skills demonstrations by students.

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

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

(D) Entrance Requirements. When the college and/or district curriculum committee deems appropriate, the course shall require entrance skills and consequent prerequisites for the course before students are enrolled.

(E) Basic Skills Requirements. If success in the course is deemed by the curriculum committee to be sufficiently dependent upon communication or computation skills, then the course shall require as pre- or co-requisites eligibility for enrollment in associate degree credit courses in English and/or mathematics, respectively.

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

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

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

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

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of Division 2 (commencing with Section 51000), Sections 55761–55763 and 58161 of this part.

(b) Non-degree Credit Course. A credit course designated by the governing board as not applicable to the associate degree is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under subdivision (a) (1) of this section) and approved by the district governing board as a course meeting the needs of the students eligible for admission.

(1) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course on the basis of the following standards:

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal,

permanently recorded grade based upon uniform standards in accordance with Section 55758 of this part.

(B) Units. The course grants units of credit based upon a relationship specified by the governing board, between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline.

(C) Entrance Requirements. When the college and/or district curriculum committee deems appropriate, the course shall require entrance skills and consequent prerequisites for the course before students are enrolled.

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

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

(4) Repetition. Repeated enrollment is allowed only in accordance with provisions of Division 2 (commencing with Section 51000), Sections 55761–55763 and 58161 of this part.

(c) Noncredit Course. A noncredit course is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under subdivision (a) (1) of this section) and approved by the district governing board as a course meeting the needs of enrolled students.

(1) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course if the course treats subject matter and uses resource materials, teaching methods, and standards of attendance and achievement which the committee deems appropriate for the enrolled students.

(2) Course Outline of Record. The course is described in a course outline of record which 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 credentialed 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 which 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.

(6) May not be claimed for apportionment purposes.

(e) Not later than the initial day of registration for fall 1990, district governing boards shall have completed necessary steps for implementation of subsections (a), (b) and (c) of this section, such that by this date, each district shall have published in its college catalogues or in an addendum to be available to all students at fall 1990 registration, a statement, symbol, numbering system or the equivalent that clearly indicates whether each course is degree applicable, non-degree applicable, or noncredit.

NOTE: Authority cited: Sections 66700, 71020, 71027, 71066 and 71079, Education Code. Reference: Sections 66701, 71027, 71066 and 72285, 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).
3. Repealer and new section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).

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, 71020, and 71062, Education Code. Reference: Sections 66700 and 71020, Education Code.

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, 71020, and 71062, Education Code. Reference: Sections 78200, 78401, 78405, and 84603, Education Code.

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).

§ 51021
§ 55000
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§ 55350

(e) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

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

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

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

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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.

Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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

(C) Continuing Education Vocational/Technical Certificates, Programs and Courses

(b) The community services (Non ADA generating) of community colleges include:

(1) Community Services Classes

(A) Avocational Classes

(B) Recreational Classes

(C) Seminars, Lecture Series, Forum Series, Workshops, and Conferences

(D) Professional and Occupational Inservice Classes

(2) Community Services Activities

(A) Civic Center Act Activities

(B) Cultural Activities

(C) Community Development Activities

(D) Recreational Activities

(c) All districts shall report the classification of all courses, classes, and activities offered in accordance with the system contained in subsections (a) and (b) and the standards in section 55002 by transmitting the following information to the Chancellor's Office:

(1) The unique static course identifier and the course title for all credit and noncredit courses.

(2) The classification of each credit and noncredit course in accordance with its primary objective, consistent with guidelines published by the Chancellor.

(3) Whether the course is offered as credit or noncredit.

(4) Whether the course transfers to the California State University or the University of California or both.

(5) The number of community services classes in each category, and the number of participants.

(6) The number of community services activities in each category and the number of participants.

(d) For courses, classes and activities which are added after June 30, 1982, the district shall report the classification of all courses, classes and activities in the manner provided by subsection (c). The Chancellor shall review and comment upon, as necessary, the classification of such courses, classes and activities.

NOTE: Authority cited: Sections 66700, 70901, and 78401, Education Code. Reference: Sections 66701, 70901, 70902, 78300, and 78401, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55002. Standards and Criteria for Courses and Classes.

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

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

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course on the basis of the following standards:

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

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

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

(D) Entrance Requirements. When the college and/or district curriculum committee deems appropriate, the course shall require entrance skills and consequent prerequisites for the course before students are enrolled.

(E) Basic Skills Requirements. If success in the course is deemed by the curriculum committee to be sufficiently dependent upon communication or computation skills, then the course shall require as pre– or co–requisites eligibility for enrollment in associate degree credit courses in English and/or mathematics, respectively.

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

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

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

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

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of division 2 (commencing with section 51000), sections 55761–55763 and 58161 of this part.

(b) Non–degree Credit Course. A credit course designated by the governing board as not applicable to the associate degree is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under subdivision (a)(1) of this section) and approved by the district governing board as a course meeting the needs of the students eligible for admission.

(1) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course on the basis of the following standards:

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55758 of this part.

(B) Units. The course grants units of credit based upon a relationship specified by the governing board, between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline.

(C) Entrance Requirements. When the college and/or district curriculum committee deems appropriate, the course shall require entrance skills and consequent prerequisites for the course before students are enrolled.

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

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

(4) Repetition. Repeated enrollment is allowed only in accordance with provisions of division 2 (commencing with section 51000), sections 55761–55763 and 58161 of this part.

(c) Noncredit Course. A noncredit course is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under subdivision (a)(1) of this section) and approved by the district governing board as a course meeting the needs of enrolled students.

(1) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course if the course treats subject matter and uses resource materials, teaching methods, and standards of attendance and achievement which the committee deems appropriate for the enrolled students.

(2) Course Outline of Record. The course is described in a course outline of record which 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 which 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.

(6) May not be claimed for apportionment purposes.

(e) Not later than the initial day of registration for fall 1990, district governing boards shall have completed necessary steps for implementation of subsections (a), (b) and (c) of this section, such that by this date, each district shall have published in its college catalogues or in an addendum to be available to all students at fall 1990 registration, a statement, symbol, numbering system or the equivalent that clearly indicates whether each course is degree applicable, non–degree applicable, or noncredit.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701 and 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).
3. Repealer and new section filed 10–7–88; operative 11–6–88 (Register 88, No. 42).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55002.5. Credit Hour; Allowance for Shorter Term.

One credit hour of community college work is approximately three hours of recitation, study, or laboratory work per week throughout a term of 16 weeks. Where a term is more or less than 16 weeks, more or less 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55006. Records and Reports.

Authorities of each community college maintaining credit and noncredit 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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

The governing board of each community college district participating in a vocational education program shall appoint a vocational education advisory committee to develop recommendations on the program and to provide liaison between the district and potential employers.

The committee shall consist of one or more representatives of the general public knowledgeable about the disadvantage, students, teachers, business, industry, school administration, and the field office of the Department of Employment Development.

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

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55101. Chancellor's Report.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer filed 3-7-85; effective thirtieth day thereafter (Register 85, No. 10).

§ 55130. Approval of Credit Programs.

(a) Before offering any course as part of an educational program at a college, the governing board of a district shall obtain approval of the educational program from the Chancellor in accordance with the provisions of this article. Approval shall be requested on forms provided by the Chancellor.

(b) The application for approval shall contain at least the following:

(1) The name of the proposed program.

(2) The description of the proposed program.

(3) The purposes and specific objectives of the proposed program.

(4) The place of the proposed program in the district master plan.

(5) An explanation of whether the program is appropriate to the objectives and conditions of higher education and community college education in California and whether it conforms to statewide master planning.

(6) The need for the proposed program ascertained with regard to at least the following factors:

(A) Other community colleges in the area currently offering the program.

(B) Other programs closely related to the proposed program offered by the college.

(C) Relation of the proposed program to job market analysis.

(D) Enrollment projection for the proposed program.

(E) Recommendations of area vocational master plan committees when applicable.

(F) The classification of the courses in the program in accordance with section 55001.

(7) The need for and present adequacy of the following resources shall be determined in relation to the proposed program:

(A) Library and media center resources.

(B) Facilities and equipment required to initiate and sustain the program. If a new facility is to be used, reference should be made to the five-year master plan.

(C) Availability of adequate or proposed financial support.

(D) Availability of faculty.

(c) The development, establishment and evaluation of an education program shall include representative faculty involvement.

(d) An approval is effective until the program or implementation of the program is discontinued or modified in any substantial way. From time to time the Chancellor may evaluate an educational program, after its approval, on the basis of factors listed in this section. If on the basis of such an evaluation the Chancellor determines that an educational program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.

(e) In multicollege districts, program approval is granted for a specific college.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55150. Approval of Noncredit Courses and Programs.

(a) Courses or programs offered for noncredit shall be approved by the Chancellor in accordance with section 55100 on forms provided by the Chancellor's Office.

(b) Course outlines for all noncredit courses shall be on file in the community college offering the course.

(c) Authorities of each community college maintaining noncredit courses shall keep such current records and reports as may be required by the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78401, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55160. Approval of Community Service Classes.

(a) Districts are authorized in accordance with the provisions of article 7 (commencing with section 78300) of chapter 2, part 48 of the Education Code to approve and conduct community services classes without the approval of the Chancellor. The classification of all such classes shall be reported to the Chancellor in accordance with section 55001.

(b) Community services classes shall not be referred to as noncredit classes.

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Sections 70901 and 78300, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55170. Contract Classes.

(a) Notwithstanding subdivision (c) of section 55000, "contract classes" means those classes which a community college district offers in fulfillment of a contract with a public or private agency, corporation, association, or other body or person.

(b) No approval of a contract class is required if the district does not claim state support for the class and if the legislation which authorizes that class does not require approval. If the district claims state support for a contract class, approval of the class shall be obtained in the manner provided for classes of the same type, as provided in this article. Approval of the contract shall be obtained in the manner provided for by law.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 8092, 70902 and Article 1.5 (commencing with Section 78020) of Chapter 1, Part 48, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55180. Chancellor's Report.

NOTE: Authority cited: Sections 66700 and 71020, Education Code. Reference: Sections 71091, 78200, and 78401, Education Code.

HISTORY

1. Repeal of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55182. Reinstatement of Deleted Courses.

The governing board of a community college district may reinstate any course which was deleted from the credit or noncredit curriculum during the 1982–83 fiscal year, in response to provision Number 11 of Item 6870–101–001 of the Budget Act of 1982 (Chapter 326, Statutes of 1982); provided that the following criteria and procedures shall be applied in conjunction with such reinstatement:

(a) The governing board of the district shall only reinstate such courses in a manner which is consistent with the policy of the Board of Governors that offerings which are primarily avocational, or recreational shall be offered as community services classes, and not as credit or noncredit courses;

(b) The governing board of the district shall determine that the course meets the criteria and standards for courses specified in section 55002;

(c) The governing board may act to reinstate a course only after it has been reviewed through the college's or district's established procedure for the approval of new courses;

(d) The governing board must submit the course to the Chancellor for approval, or report approval of the course, depending on the requirements of section 55100. A separate designation shall be used to distinguish reinstated courses from new courses; and

(e) The governing board must determine that reinstatement of the course maintains or improves the curriculum balance of the district in accordance with the mission of the community college and local needs.

(f) Any category of courses restored to the curriculum pursuant to a separate authorization of the Board of Governors shall be exempt from the requirements of this section.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 70902 and 78401, Education Code.

HISTORY

1. New section filed 12–28–83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 53).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Article 3. Bilingual Crosscultural Programs and Courses

§ 55225. Annual Articulation Agreement Plans.

(a) Each community college district which participates in the Bilingual Teacher Grant Program, established pursuant to Education Code section 52150 et seq., shall develop and update annually a written articulation program plan with each four–year public college, university or independent college to which 25% or more of its students are expected to transfer.

(b) These plans shall be negotiated between the personnel on the respective campuses who are designated, under section 52156 of the Education Code, to coordinate the Bilingual Teacher Grant Program and to provide supplementary services to grant recipients.

(c) The articulation program plan shall, at a minimum, contain:

(1) a course–by–course list specifying each community college bilingual education program course and its four–year college or university equivalent. The course description shall include: the number and title of the course; the number of units; the general education requirements met by the course; and the Commission for Teacher Preparation and Licensing requirements met by the course.

(2) the name, title, telephone number and campus address of the persons designated as negotiators for articulation on behalf of the community college district and the four–year institution.

(3) a brief description of the process that the institutions will use to update articulation program plans on an annual basis, to include the date by which all plans shall be reviewed.

(4) a statement of the dissemination process which the institutions will use to ensure that students who identify themselves as candidates for the four–year career ladder program know: those courses that are transferable and those that are not; entry and exit requirements at the four–year institutions; and the name of their student advisor.

(5) a description of the language and cultural assessment process as determined by the Commission for Teacher Preparation and Licensing.

(6) the name, title, telephone number, and campus address of the person designated as student advisor. If this person is not the same as the Bilingual Teacher Grant Program coordinator, the responsibilities of the two persons shall be clearly distinguished.

(d) The governing board of the community college district and the chief executive officer of the four–year institution shall also sign and date a formal cooperation agreement, updated annually, stating their specific plans for fully implementing the provisions of the Bilingual Teacher

(c) Employers or designated representatives agree to provide adequate supervision, facilities, equipment, and materials at the learning stations to achieve on-the-job learning objectives.

(d) Employers as required by law agree to comply with all appropriate federal and state employment regulations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

HISTORY

1. Amendment filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment filed 9-29-78; designated effective 1-2-79 (Register 78, No. 39).
3. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 4. Courses and Programs Conducted As Independent Study

§ 55300. Application of Chapter.

The provisions of this chapter apply to and implement the provisions of sections 58051 and 58003.1 in relation to attendance in approved courses and programs designed and conducted as independent study.

Approved courses conducted as independent study shall be reported to the Chancellor in accordance with specified procedures as required by law.

All heretofore approved credit courses offered in whatever mode meeting the above requirements shall remain approved provided such courses meet the requirements of this chapter.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: ction 78310, Education Code.

HISTORY

1. Repealer of chapter 4 (sections 55300-55344, not consecutive) and new chapter 4 (articles 1-5; sections 55300-55360, not consecutive) filed 12-18-78; effective thirtieth day thereafter (Register 78, No. 51). For prior history, see Register 77, No. 45 and 71, No. 9.
2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
3. Amendment of chapter 4 heading, repealer of article 1 heading, and amendment of section 55300 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55302. Definitions.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55310. Reporting.

Each independent study course, whether or not it is part of an approved program, must be reported to the Chancellor in a manner and form required by the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
2. Repealer of article 2 heading filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55312. Transfer.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55314. Faculty and Student Participation.

In the development and evaluation of courses and programs subject to the requirements of this chapter, the district shall include input from, and participation by, faculty who are selected by academic senates or appropriate faculty bodies, and students.

NOTE: Authority cited: Sections 66700, 70901 and 78301, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55316. Criteria.

Courses offered pursuant to this chapter shall:

(a) Be accepted by the college toward completion of an appropriate educational sequence leading to an associate degree, and

(b) Shall be recognized by an institution of the University of California or the California State University upon transfer to that institution.

Evidence of transferability to California State University or to the University of California shall be deemed to exist when the community college certifies that the course is recognized upon transfer.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55318. Written Record.

In submitting a report for each course offered pursuant to this chapter, a college shall certify that the components of each course are set out in a written record for each student enrolled, and have been developed and evaluated with the participation of faculty and students as noted in this chapter.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902, and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55320. Academic Standards.

Academic standards applicable to courses of independent study shall be the same as those applied to other credit courses in the college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 3 heading filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55321. Student Progress.

Procedures for evaluation of student progress shall be in accordance with regulations set by the college. A report by an instructor on appropriate records bearing the student's name for purposes of state apportionment shall certify that adequate and proper progress toward accomplishment of the course objectives is being maintained by the student.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55322. Availability of Instructor.

The college shall provide access to the instructor for the students enrolled in courses offered pursuant to this chapter at least equivalent to that commonly available to students enrolled in courses conducted by other

instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55323. Learning Assistance.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 12-17-84; effective thirtieth day thereafter (Register 84, No. 51).

§ 55340. Eligibility for State Funds.

(a) In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this chapter, the course must be reported as required by this chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

(b) For purposes of computing attendance, one weekly student contact hour shall be counted for each unit of independent study credit for which a student is enrolled.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 4 heading and amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55342. Average Daily Attendance.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55343. Grades Awarded.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55344. Enrollment.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55346. Records.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55348. Supervision.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

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

§ 55350. Instruction.

The instructor assigned to a course conducted pursuant to this chapter shall:

(a) Be qualified to provide service in that capacity during the period in which that service is rendered;

(b) Be responsible for the supervision, control, and evaluation of the course and the enrolled students;

(c) Provide orientation, guidance, and information regarding course content materials and services for each student as soon as possible subsequent to the student's official enrollment by the college; and

(d) Provide each student with the instructor's consultation schedule for the semester, quarter, or other prescribed term of the course, this schedule to be included in the written record.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55352. Number of Students.

The number of students assigned to any one instructor of courses offered pursuant to this section shall not exceed 125 students per instructor unless exempted by the Chancellor.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55360. Evaluation Reports.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer of Article 5 heading and Section 55360 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Subchapter 5. Educational Master Plans

§ 55400. Definitions.

The definitions provided in the Student Attendance Accounting Manual issued by the Chancellor shall apply to the provisions of this chapter.

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

HISTORY

1. New chapter 5 (sections 55400 through 55405) filed 7-1-71; effective thirtieth day thereafter (Register 71, No. 27).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55401. Current and Long Range Plans.

The governing board of each Community College district shall establish policies for, and approve, current and long range educational plans and programs for each Community College which it maintains and for the district as a whole.

§ 55402. Educational Master Plans.

On or before January 1, 1972, the governing board of each Community College district shall submit to the Chancellor an educational master plan for each Community College which it maintains and for the district as a whole. Each plan shall be modified and brought up to date annually and shall be submitted to the Chancellor on or before November 1 of each year thereafter.

§ 55403. Form.

Each plan shall be submitted on a form provided by the Chancellor and shall contain such information as the Chancellor shall require.

§ 55404. Contents.

Each plan shall contain the educational objectives of the Community College or district and the future plans for transfer programs, occupational programs, continuing education courses, and remedial and developmental programs. On the basis of current and future enrollment, it shall contain plans for the development and expansion of ancillary services,

Register 1991-43

§ 55008

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55006. Records and Reports.

Authorities of each community college maintaining credit and noncredit 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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

The governing board of each community college district participating in a vocational education program shall appoint a vocational education advisory committee to develop recommendations on the program and to provide liaison between the district and potential employers.

The committee shall consist of one or more representatives of the general public knowledgeable about the disadvantaged, students, teachers, business, industry, school administration, and the field office of the Department of Employment Development.

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

HISTORY

1. Adoption of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in second paragraph (Register 91, No.43).

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.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55101. Chancellor's Report.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer filed 3–7–85; effective thirtieth day thereafter (Register 85, No. 10).

§ 55130. Approval of Credit Programs.

(a) Before offering any course as part of an educational program at a college, the governing board of a district shall obtain approval of the educational program from the Chancellor in accordance with the provisions of this article. Approval shall be requested on forms provided by the Chancellor.

(b) The application for approval shall contain at least the following:

(1) The name of the proposed program.

(2) The description of the proposed program.

(3) The purposes and specific objectives of the proposed program.

(4) The place of the proposed program in the district master plan.

(5) An explanation of whether the program is appropriate to the objectives and conditions of higher education and community college education in California and whether it conforms to statewide master planning.

(6) The need for the proposed program ascertained with regard to at least the following factors:

(A) Other community colleges in the area currently offering the program.

(B) Other programs closely related to the proposed program offered by the college.

(C) Relation of the proposed program to job market analysis.

(D) Enrollment projection for the proposed program.

(E) Recommendations of area vocational master plan committees when applicable.

(F) The classification of the courses in the program in accordance with section 55001.

(7) The need for and present adequacy of the following resources shall be determined in relation to the proposed program:

(A) Library and media center resources.

(B) Facilities and equipment required to initiate and sustain the program. If a new facility is to be used, reference should be made to the five–year master plan.

(C) Availability of adequate or proposed financial support.

(D) Availability of faculty.

(c) The development, establishment and evaluation of an education program shall include representative faculty involvement.

(d) An approval is effective until the program or implementation of the program is discontinued or modified in any substantial way. From time to time the Chancellor may evaluate an educational program, after its approval, on the basis of factors listed in this section. If on the basis of such an evaluation the Chancellor determines that an educational program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.

(e) In multicollege districts, program approval is granted for a specific college.

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

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Register 1992-07

§ 55002

HISTORY
1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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

(C) Continuing Education Vocational/Technical Certificates, Programs and Courses

(b) The community services (Non ADA generating) of community colleges include:

(1) Community Services Classes

(A) Avocational Classes

(B) Recreational Classes

(C) Seminars, Lecture Series, Forum Series, Workshops, and Conferences

(D) Professional and Occupational Inservice Classes

(2) Community Services Activities

(A) Civic Center Act Activities

(B) Cultural Activities

(C) Community Development Activities

(D) Recreational Activities

(c) All districts shall report the classification of all courses, classes, and activities offered in accordance with the system contained in subsections (a) and (b) and the standards in section 55002 by transmitting the following information to the Chancellor's Office:

(1) The unique static course identifier and the course title for all credit and noncredit courses.

(2) The classification of each credit and noncredit course in accordance with its primary objective, consistent with guidelines published by the Chancellor.

(3) Whether the course is offered as credit or noncredit.

(4) Whether the course transfers to the California State University or the University of California or both.

(5) The number of community services classes in each category, and the number of participants.

(6) The number of community services activities in each category and the number of participants.

(d) For courses, classes and activities which are added after June 30, 1982, the district shall report the classification of all courses, classes and activities in the manner provided by subsection (c). The Chancellor shall review and comment upon, as necessary, the classification of such courses, classes and activities.

NOTE: Authority cited: Sections 66700, 70901, and 78401, Education Code. Reference: Sections 66701, 70901, 70902, 78300, and 78401, Education Code.

HISTORY
1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55002. Standards and Criteria for Courses and Classes.

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

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

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course on the basis of the following standards:

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

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

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

(D) Entrance Requirements. When the college and/or district curriculum committee deems appropriate, the course may require entrance skills and consequent prerequisites or corequisites for the course pursuant to Section 58106 of this Division.

(E) Basic Skills Requirements. If success in the course is dependent upon communication or computation skills, then the course shall require, consistent with the provisions of Section 58106 of this Division, as pre- or co-requisites eligibility for enrollment in associate degree credit courses in English and/or mathematics, respectively.

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

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

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

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

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of division 2 (commencing with section 51000), sections 55761–55763 and 58161 of this Division.

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

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

(A) Precollegiate basic skills courses as defined in Section 55502(d) of this Division;

(B) Courses designed to enable students to suceed in college level work which integrate basic skills instruction throughout and assign grades partly upon the demonstrated mastery of those skills;

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

(D) Essential occupational instruction for which meeting the standards of 55502(a) is neither necessary nor required.

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

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

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

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

(D) Entrance Requirements. When the college and/or district curriculum committee deems appropriate, the course may require entrance skills and consequent prerequisites or corequisites for the course pursuant to Section 58106 of this Division.

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

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

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of division 2 (commencing with section 51000), sections 55761–55763 and 58161 of this Division.

(c) Noncredit Course. A noncredit course is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under subdivision (a)(1) of this section) and approved by the district governing board as a course meeting the needs of enrolled students.

(1) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course if the course treats subject matter and uses resource materials, teaching methods, and standards of attendance and achievement which 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 which 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 which 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.

(6) May not be claimed for apportionment purposes.

(e) Not later than the initial day of registration for fall 1990, district governing boards shall have completed necessary steps for implementation of subsections (a), (b) and (c) of this section, such that by this date, each district shall have published in its college catalogues or in an addendum to be available to all students at fall 1990 registration, a statement, symbol, numbering system or the equivalent that clearly indicates whether each course is degree applicable, non-degree applicable, or noncredit.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701 and 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).
3. Repealer and new section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 7).

§ 55002.5. Credit Hour; Allowance for Shorter Term.

One credit hour of community college work is approximately three hours of recitation, study, or laboratory work per week throughout a term of 16 weeks. Where a term is more or less than 16 weeks, more or less 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55006. Records and Reports.

Authorities of each community college maintaining credit and noncredit 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55008. Appointment of Vocational Education Advisory Committee by School District Participating in Vocational Education Program.

The governing board of each community college district participating in a vocational education program shall appoint a vocational education advisory committee to develop recommendations on the program and to provide liaison between the district and potential employers.

The committee shall consist of one or more representatives of the general public knowledgeable about the disadvantaged, students, teachers, business, industry, school administration, and the field office of the Department of Employment Development.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in second paragraph (Register 91, No.43).

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.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55101. Chancellor's Report.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer filed 3-7-85; effective thirtieth day thereafter (Register 85, No. 10).

§ 55130. Approval of Credit Programs.

(a) Before offering any course as part of an educational program at a college, the governing board of a district shall obtain approval of the educational program from the Chancellor in accordance with the provisions of this article. Approval shall be requested on forms provided by the Chancellor.

(b) The application for approval shall contain at least the following:

(1) The name of the proposed program.

(2) The description of the proposed program.

(3) The purposes and specific objectives of the proposed program.

(4) The place of the proposed program in the district master plan.

(5) An explanation of whether the program is appropriate to the objectives and conditions of higher education and community college education in California and whether it conforms to statewide master planning.

(6) The need for the proposed program ascertained with regard to at least the following factors:

(A) Other community colleges in the area currently offering the program.

(B) Other programs closely related to the proposed program offered by the college.

(C) Relation of the proposed program to job market analysis.

(D) Enrollment projection for the proposed program.

(E) Recommendations of area vocational master plan committees when applicable.

(F) The classification of the courses in the program in accordance with section 55001.

(7) The need for and present adequacy of the following resources shall be determined in relation to the proposed program:

(A) Library and media center resources.

(B) Facilities and equipment required to initiate and sustain the program. If a new facility is to be used, reference should be made to the five-year master plan.

(C) Availability of adequate or proposed financial support.

(D) Availability of faculty.

(c) The development, establishment and evaluation of an education program shall include representative faculty involvement.

(d) An approval is effective until the program or implementation of the program is discontinued or modified in any substantial way. From time to time the Chancellor may evaluate an educational program, after its approval, on the basis of factors listed in this section. If on the basis of such an evaluation the Chancellor determines that an educational program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.

(e) In multicollege districts, program approval is granted for a specific college.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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(c) Employers or designated representatives agree to provide adequate supervision, facilities, equipment, and materials at the learning stations to achieve on-the-job learning objectives.

(d) Employers as required by law agree to comply with all appropriate federal and state employment regulations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

HISTORY

1. Amendment filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment filed 9-29-78; designated effective 1-2-79 (Register 78, No. 39).
3. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 4. Courses and Programs Conducted As Independent Study

Article 1. General Provision and Requirements

§ 55300. Application of Chapter.

The provisions of this chapter apply to and implement the provisions of sections 58051 and 58003.1 in relation to attendance in approved courses and programs designed and conducted as independent study.

Approved courses conducted as independent study shall be reported to the Chancellor in accordance with specified procedures as required by law.

All heretofore approved credit courses offered in whatever mode meeting the above requirements shall remain approved provided such courses meet the requirements of this chapter.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78310, Education Code.

HISTORY

1. Repealer of chapter 4 (sections 55300-55344, not consecutive) and new chapter 4 (articles 1-5; sections 55300-55360, not consecutive) filed 12-18-78; effective thirtieth day thereafter (Register 78, No. 51). For prior history, see Registers 77, No. 45 and 71, No. 9.
2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
3. Amendment of chapter 4 heading, repealer of article 1 heading, and amendment of section 55300 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. New article heading filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

§ 55302. Definitions.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55310. Reporting.

Each independent study course, whether or not it is part of an approved program, must be reported to the Chancellor in a manner and form required by the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
2. Repealer of article 2 heading filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55312. Transfer.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55314. Faculty and Student Participation.

In the development and evaluation of courses and programs subject to the requirements of this chapter, the district shall include input from, and participation by, faculty who are selected by academic senates or appropriate faculty bodies, and students.

NOTE: Authority cited: Sections 66700, 70901 and 78301, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55316. Criteria.

Courses offered pursuant to this chapter shall:

(a) Be accepted by the college toward completion of an appropriate educational sequence leading to an associate degree, and

(b) Shall be recognized by an institution of the University of California or the California State University upon transfer to that institution.

Evidence of transferability to California State University or to the University of California shall be deemed to exist when the community college certifies that the course is recognized upon transfer.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55318. Written Record.

In submitting a report for each course offered pursuant to this chapter, a college shall certify that the components of each course are set out in a written record for each student enrolled, and have been developed and evaluated with the participation of faculty and students as noted in this chapter.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902, and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55320. Academic Standards.

Academic standards applicable to courses of independent study shall be the same as those applied to other credit courses in the college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 3 heading filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55321. Student Progress.

Procedures for evaluation of student progress shall be in accordance with regulations set by the college. A report by an instructor on appropriate records bearing the student's name for purposes of state apportionment shall certify that adequate and proper progress toward accomplishment of the course objectives is being maintained by the student.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55322. Availability of Instructor.

The college shall provide access to the instructor for the students enrolled in courses offered pursuant to this chapter at least equivalent to that commonly available to students enrolled in courses conducted by other instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55323. Learning Assistance.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 12-17-84; effective thirtieth day thereafter (Register 84, No. 51).

§ 55340. Eligibility for State Funds.

(a) In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this chapter, the course must be reported as required by this chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

(b) For purposes of computing attendance, one weekly student contact hour shall be counted for each unit of independent study credit for which a student is enrolled.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 4 heading and amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55342. Average Daily Attendance.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55343. Grades Awarded.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55344. Enrollment.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55346. Records.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55348. Supervision.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55350. Instruction.

The instructor assigned to a course conducted pursuant to this chapter shall:

(a) Be qualified to provide service in that capacity during the period in which that service is rendered;

(b) Be responsible for the supervision, control, and evaluation of the course and the enrolled students;

(c) Provide orientation, guidance, and information regarding course content materials and services for each student as soon as possible subsequent to the student's official enrollment by the college; and

(d) Provide each student with the instructor's consultation schedule for the semester, quarter, or other prescribed term of the course, this schedule to be included in the written record.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55352. Number of Students.

The number of students assigned to any one instructor of courses offered pursuant to this section shall not exceed 125 students per instructor unless exempted by the Chancellor.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55360. Evaluation Reports.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer of Article 5 heading and Section 55360 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 2. Telecourses

§ 55370. Definition and Application.

Telecourses are courses or sections in which instruction is delivered over distance, and in which a significant portion of instruction is delivered through electronic technology, such as one of the following:

(a) open broadcast, cable, or low power television;

(b) instructional television fixed service;

(c) radio;

(d) computers, when linked over distance;

(e) integrated broad band communications; and

(f) video and/or audio cassettes.

All telecourses are independent study courses, and are subject to the general requirements of Article 1 as well as the specific requirements of this Article.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901-70902, Education Code.

HISTORY

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

§ 55372. Course Quality Standards.

The same standards of course quality shall be applied to telecourses as are applied to traditional classroom courses, in regard to the course quality judgments made pursuant to the requirements of Section 55002 of this Part, and in regard to any local course quality determination or review process.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901-70902, Education Code.

HISTORY

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

§ 55374. Course Quality Determinations.

Determinations and judgments about the quality of telecourses, under the course quality standards referred to in Section 55372, shall be made with the full involvement of faculty in accordance with the provisions of Subchapter 2 (commencing with Section 53200) of Chapter 2 of Division 4 of this Part.

(1) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course if the course treats subject matter and uses resource materials, teaching methods, and standards of attendance and achievement which 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 which 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 which 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.

(6) May not be claimed for apportionment purposes.

(e) Not later than the initial day of registration for fall 1990, district governing boards shall have completed necessary steps for implementation of subsections (a), (b) and (c) of this section, such that by this date, each district shall have published in its college catalogues or in an addendum to be available to all students at fall 1990 registration, a statement, symbol, numbering system or the equivalent that clearly indicates whether each course is degree applicable, non-degree applicable, or noncredit.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701 and 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).
3. Repealer and new section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 7).

§ 55002.5. Credit Hour; Allowance for Shorter Term.

One credit hour of community college work is approximately three hours of recitation, study, or laboratory work per week throughout a term of 16 weeks. Where a term is more or less than 16 weeks, more or less 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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, 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55006. Records and Reports.

Authorities of each community college maintaining credit and noncredit 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

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.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55101. Chancellor's Report.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

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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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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

(C) Continuing Education Vocational/Technical Certificates, Programs and Courses

(b) The community services (Non ADA generating) of community colleges include:

(1) Community Services Classes

(A) Avocational Classes

(B) Recreational Classes

(C) Seminars, Lecture Series, Forum Series, Workshops, and Conferences

(D) Professional and Occupational Inservice Classes

(2) Community Services Activities

(A) Civic Center Act Activities

(B) Cultural Activities

(C) Community Development Activities

(D) Recreational Activities

(c) All districts shall report the classification of all courses, classes, and activities offered in accordance with the system contained in subsections (a) and (b) and the standards in section 55002 by transmitting the following information to the Chancellor's Office:

(1) The unique static course identifier and the course title for all credit and noncredit courses.

(2) The classification of each credit and noncredit course in accordance with its primary objective, consistent with guidelines published by the Chancellor.

(3) Whether the course is offered as credit or noncredit.

(4) Whether the course transfers to the California State University or the University of California or both.

(5) The number of community services classes in each category, and the number of participants.

(6) The number of community services activities in each category and the number of participants.

(d) For courses, classes and activities which are added after June 30, 1982, the district shall report the classification of all courses, classes and activities in the manner provided by subsection (c). The Chancellor shall review and comment upon, as necessary, the classification of such courses, classes and activities.

NOTE: Authority cited: Sections 66700, 70901, and 78401, Education Code. Reference: Sections 66701, 70901, 70902, 78300, and 78401, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55002. Standards and Criteria for Courses and Classes.

(a) Associate Degree Credit Course. An associate degree credit course is a course which has been designated as appropriate to the associate degree in accordance with the requirements of Section 55805.5, and which has been recommended by the college and/or district curriculum committee and approved by the district governing board as a collegiate course meeting the needs of the students eligible for admission.

(1) Curriculum Committee. The college and/or district curriculum committee recommending the course shall be established by the mutual agreement of the college and/or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course for associate degree credit if it meets the following standards:

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55758 of this Division. The grade is based on demonstrated proficiency in subject matter and the ability to demonstrate that proficiency, at least in part, by means of essays, or, in courses where the curriculum committee deems them to be appropriate, by problem-solving exercises or skills demonstrations by students.

(B) Units. The course grants units of credit based upon a relationship specified by the governing board between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline. The course also requires a minimum of three hours of work per week, including class time for each unit of credit, prorated for short-term, laboratory and activity courses.

(C) Intensity. The course treats subject matter with a scope and intensity that requires students to study independently outside of class time.

(D) Prerequisites and Corequisites. When the college and/or district curriculum committee determines, based on a review of the course outline of record, that a student would be highly unlikely to receive a satisfactory grade unless the student has knowledge or skills not taught in the course, then the course shall require prerequisites or corequisites that are established, reviewed, and applied in accordance with the requirements of Article 2.5 (commencing with Section 55200) of this Subchapter.

(E) Basic Skills Requirements. If success in the course is dependent upon communication or computation skills, then the course shall require, consistent with the provisions of Article 2.5 (commencing with Section 55200) of this Subchapter, as prerequisites or corequisites eligibility for enrollment in associate degree credit courses in English and/or mathematics, respectively.

(F) Difficulty. The course work calls for critical thinking and the understanding and application of concepts determined by the curriculum committee to be at college level.

(G) Level. The course requires learning skills and a vocabulary that the curriculum committee deems appropriate for a college course.

(3) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the unit value, scope, objectives, and content in terms of a specific body of knowledge. The course outline shall also specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met by students.

(4) Conduct of Course. Each section of the course is to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record.

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of Chapter 2 (commencing with Section 51000), sections 55761–55763 and 58161 of this Division.

(b) Nondegree Credit Course. A credit course designated by the governing board as not applicable to the associate degree is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under Subdivision (a)(1) of this Section) and is approved by the district governing board and falls within one of the categories described in Subdivision (1) of this Subsection.

(1) Types of Courses. Nondegree applicable credit courses are:

(A) precollegiate basic skills courses as defined in Section 55502(d) of this Division;

(B) courses designed to enable students to succeed in college-level work (including, but not limited to, college orientation and guidance courses, and discipline-specific preparatory courses such as biology, history, or electronics) that integrate basic skills instruction throughout and assign grades partly upon the demonstrated mastery of those skills;

(C) precollegiate occupational preparation courses designed to provide foundation skills for students preparing for entry into college-level occupational courses or programs;

(D) essential occupational instruction for which meeting the standards of Section 55002(a) is neither necessary nor required.

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course on the basis of the standards which follow. In order to be eligible for state apportionment, such courses must be approved (as courses not part of programs) by the Chancellor's Office as provided by Section 55100 of this Division.

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55758 of this Division. The grade is based on demonstrated proficiency in the subject matter and the ability to demonstrate that proficiency, at least in part, by means of written expression that may include essays, or, in courses where the curriculum committee deems them to be appropriate, by problemsolving exercises or skills demonstrations by students.

(B) Units. The course grants units of credit based upon a relationship specified by the governing board between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline. The course requires a minimum of three hours of student work per week, per unit, including class time and/or demonstrated competency, for each unit of credit, prorated for short-term, laboratory, and activity courses.

(C) Intensity. The course provides instruction in critical thinking and generally treats subject matter with a scope and intensity that prepares students to study independently outside of class time and includes reading and writing assignments and homework. In particular, the assignments will be sufficiently rigorous that students completing each such course successfully will have acquired the skills necessary to successfully complete college-level work upon completion of the required sequence of such courses.

(D) Prerequisites and corequisites. When the college and/or district curriculum committee deems appropriate, the course may require prerequisites or corequisites for the course that are established, reviewed, and applied in accordance with Article 2.5 (commencing with Section 55200) of this Subchapter.

(3) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the unit value, scope, objectives, and content in terms of a specific body of knowledge. The course outline shall also specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met by students. Taken together, these course specifications shall be such as to typically enable any student who successfully completes all of the assigned work prescribed in the outline of record to successfully meet the course objectives.

(4) Conduct of Course. All sections of the course are to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record.

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of Division 2 (commencing with Section 51000), Sections 55761–55763 and 58161 of this Division.

(c) Noncredit Course. A noncredit course is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under Subdivision (a)(1) of this Section) and approved by the district governing board as a course meeting the needs of enrolled students.

(1) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course if the course treats subject matter and uses resource materials, teaching methods, and standards of attendance and achievement that the committee deems appropriate for the enrolled students. In order to be eligible for state apportionment, such courses are limited to the categories of instruction listed in Education Code Section 84711 and must be approved by the Chancellor's Office as noted in Title 5, Section 55150.

(2) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the scope, objectives, contents, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met.

(3) Conduct of Course. All sections of the course are to be taught by a qualified instructor in accordance with the set of objectives and other specifications defined in the course outline of record.

(d) Community Services Class. A community services class is a class that meets the following minimum requirements:

(1) is approved by the local district governing board;

(2) is designed for the physical, mental, moral, economic, or civic development of persons enrolled therein;

(3) provides subject matter content, resource materials, and teaching methods which the district governing board deems appropriate for the enrolled students;

(4) is conducted in accordance with a predetermined strategy or plan;

(5) is open to all members of the community; and

(6) may not be claimed for apportionment purposes.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

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).
3. Repealer and new section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 55002.5. Credit Hour; Allowance for Shorter Term.

One credit hour of community college work is approximately three hours of recitation, study, or laboratory work per week throughout a term of 16 weeks. Where a term is more or less than 16 weeks, more or less 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55006. Records and Reports.

Authorities of each community college maintaining credit and noncredit 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

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.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55101. Chancellor's Report.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer filed 3-7-85; effective thirtieth day thereafter (Register 85, No. 10).

§ 55130. Approval of Credit Programs.

(a) Before offering any course as part of an educational program at a college, the governing board of a district shall obtain approval of the educational program from the Chancellor in accordance with the provisions of this article. Approval shall be requested on forms provided by the Chancellor.

(b) The application for approval shall contain at least the following:

(1) The name of the proposed program.

(2) The description of the proposed program.

(3) The purposes and specific objectives of the proposed program.

(4) The place of the proposed program in the district master plan.

(5) An explanation of whether the program is appropriate to the objectives and conditions of higher education and community college education in California and whether it conforms to statewide master planning.

(6) The need for the proposed program ascertained with regard to at least the following factors:

(A) Other community colleges in the area currently offering the program.

(B) Other programs closely related to the proposed program offered by the college.

(C) Relation of the proposed program to job market analysis.

(D) Enrollment projection for the proposed program.

(E) Recommendations of area vocational master plan committees when applicable.

(F) The classification of the courses in the program in accordance with section 55001.

(7) The need for and present adequacy of the following resources shall be determined in relation to the proposed program:

(A) Library and media center resources.

(B) Facilities and equipment required to initiate and sustain the program. If a new facility is to be used, reference should be made to the five-year master plan.

(C) Availability of adequate or proposed financial support.

(D) Availability of faculty.

(c) The development, establishment and evaluation of an education program shall include representative faculty involvement.

(d) An approval is effective until the program or implementation of the program is discontinued or modified in any substantial way. From time to time the Chancellor may evaluate an educational program, after its approval, on the basis of factors listed in this section. If on the basis of such an evaluation the Chancellor determines that an educational program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.

(e) In multicollege districts, program approval is granted for a specific college.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55150. Approval of Noncredit Courses and Programs.

(a) Courses or programs offered for noncredit shall be approved by the Chancellor in accordance with section 55100 on forms provided by the Chancellor's Office.

(b) Course outlines for all noncredit courses shall be on file in the community college offering the course.

(c) Authorities of each community college maintaining noncredit courses shall keep such current records and reports as may be required by the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78401, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55160. Approval of Community Service Classes.

(a) Districts are authorized in accordance with the provisions of article 7 (commencing with section 78300) of chapter 2, part 48 of the Education Code to approve and conduct community services classes without the approval of the Chancellor. The classification of all such classes shall be reported to the Chancellor in accordance with section 55001.

(b) Community services classes shall not be referred to as noncredit classes.

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Sections 70901 and 78300, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55170. Contract Classes.

(a) Notwithstanding subdivision (c) of section 55000, "contract classes" means those classes which a community college district offers in fulfillment of a contract with a public or private agency, corporation, association, or other body or person.

(b) No approval of a contract class is required if the district does not claim state support for the class and if the legislation which authorizes that class does not require approval. If the district claims state support for a contract class, approval of the class shall be obtained in the manner provided for classes of the same type, as provided in this article. Approval of the contract shall be obtained in the manner provided for by law.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 8092, 70902 and Article 1.5 (commencing with Section 78020) of Chapter 1, Part 48, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55180. Chancellor's Report.

NOTE: Authority cited: Sections 66700 and 71020, Education Code. Reference: Sections 71091, 78200, and 78401, Education Code.

HISTORY

1. Repeal of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55182. Reinstatement of Deleted Courses.

The governing board of a community college district may reinstate any course which was deleted from the credit or noncredit curriculum during the 1982–83 fiscal year, in response to provision Number 11 of Item 6870–101–001 of the Budget Act of 1982 (Chapter 326, Statutes of 1982); provided that the following criteria and procedures shall be applied in conjunction with such reinstatement:

(a) The governing board of the district shall only reinstate such courses in a manner which is consistent with the policy of the Board of Governors that offerings which are primarily avocational, or recreational shall be offered as community services classes, and not as credit or noncredit courses;

(b) The governing board of the district shall determine that the course meets the criteria and standards for courses specified in section 55002;

(c) The governing board may act to reinstate a course only after it has been reviewed through the college's or district's established procedure for the approval of new courses;

(d) The governing board must submit the course to the Chancellor for approval, or report approval of the course, depending on the requirements of section 55100. A separate designation shall be used to distinguish reinstated courses from new courses; and

(e) The governing board must determine that reinstatement of the course maintains or improves the curriculum balance of the district in accordance with the mission of the community college and local needs.

(f) Any category of courses restored to the curriculum pursuant to a separate authorization of the Board of Governors shall be exempt from the requirements of this section.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 70902 and 78401, Education Code.

HISTORY

1. New section filed 12-28-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 53).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Article 2.5 Prerequisites, Corequisites, and Recommended Preparation

§ 55200. Definitions.

For the purposes of this Division, the following definitions apply:

(a) "Prerequisite" means a condition of enrollment that a student is required to meet in order to demonstrate current readiness for enrollment in a course or educational program.

(b) "Corequisite" means a condition of enrollment consisting of a course that a student is required to simultaneously take in order to enroll in another course.

(c) "Advisory on recommended preparation" means a condition of enrollment that a student is advised, but not required, to meet before or in conjunction with enrollment in a course or educational program.

(d) "Satisfactory grade" means that, for the course in question, the student's academic record has been annotated with the symbol A, B, C or "CR" as those symbols are defined in Section 55758 of this Division.

(e) "Necessary and appropriate" means that a strong rational basis exists for concluding that a prerequisite or corequisite is reasonably needed to achieve the purpose that it purports to serve. This standard does not require absolute necessity.

(f) "content review" means a rigorous, systematic process developed in accordance with Sections 53200 to 53204, approved by the Chancellor as part of the district matriculation plan required under Section 55510, and is conducted by faculty to identify the necessary and appropriate body of knowledge or skills students need to possess prior to enrolling in a course, or which students need to acquire through concurrent enrollment in a corequisite course.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New article 2.5 and 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).

§ 55201. Policies for Prerequisites, Corequisites, and Advisories on Recommended Preparation.

(a) The governing board of a community college district may establish prerequisites, corequisites, and advisories on recommended preparation, but must do so in accordance with the provisions of this Article. Nothing in this subchapter shall be construed to require a district to establish prerequisites, corequisites, or advisories on recommended preparation; provided however, that a prerequisite or corequisite shall be required if the course is to be offered for associate degree credit and the curriculum committee finds that the prerequisite or corequisite is necessary pursuant to Section 55002(a)(2)(D) or 55002(a)(2)(E).

(b) A governing board choosing to establish prerequisites, corequisites, or advisories on recommended preparation shall, in accordance with the provisions of Sections 53200-53204 of this Division, adopt policies for the following:

(1) The process for establishing prerequisites, corequisites, and advisories on recommended preparation. Such policies shall provide that in order to establish a prerequisite or corequisite, the prerequisite or corequisite must be determined to be necessary and appropriate for achieving the purpose for which it is being established. District policies shall also specify the level of scrutiny that shall be required in order to establish different types of prerequisites, corequisites, and advisories on recommended preparation. At a minimum, prerequisites, corequisites, and advisories on recommended preparation shall be based on content review, with additional methods of scrutiny being applied depending on the type of prerequisite or corequisite being established. The policy shall provide that the types of prerequisites described in Subsection (e) may be established only on the basis of data collected using sound research practices. Determinations about prerequisites and corequisites shall be made on a course-by-course or program-by-program basis.

(2) Procedures to assure that courses for which prerequisites or corequisites are established will be taught in accordance with the course outline particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or corequisite.

(3) The process, including levels of scrutiny, for reviewing prerequisites and corequisites to assure that they remain necessary and appropriate. These processes shall provide that at least once each six years all prerequisites and corequisites established by the district shall be reviewed. These processes shall also provide for the periodic review of advisories on recommended preparation.

(4) The bases and process for an individual student to challenge the application of a prerequisite or corequisite.

(c) Prerequisites or corequisites may be established only for any of the following purposes:

(1) the prerequisite or corequisite is expressly required or expressly authorized by statute or regulation; or

(2) the prerequisite will assure, consistent with Section 55002(a)(2)(D), that a student has the skills, concepts, and/or information that is presupposed in terms of the course or program for which it is being established, such that a student who has not met the prerequisite is highly unlikely to receive a satisfactory grade in the course (or at least one course within the program) for which the prerequisite is being established; or

(3) the corequisite course will assure, consistent with Section 55002(a)(2)(D), that a student acquires the necessary skills, concepts, and/or information, such that a student who has not enrolled in the corequisite is highly unlikely to receive a satisfactory grade in the course or program for which the corequisite is being established; or

(4) the prerequisite or corequisite is necessary to protect the health and safety of a student or the health and safety of others.

(d) Except as provided in this Subsection, no prerequisite or corequisite may be established or renewed pursuant to Subsection (b)(3) unless it is determined to be necessary and appropriate to achieve the purpose for which it has been established. A prerequisite or corequisite need not be so scrutinized until it is reviewed pursuant to Subsection (b)(3) if:

(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.

(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: 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).

§ 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. Bilingual Crosscultural Programs and Courses

§ 55225. Annual Articulation Agreement Plans.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 52150-52158, Education Code.

HISTORY

1. New article 3 (section 55225) filed 6-8-83; effective thirtieth day thereafter (Register 83, No. 24).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Subchapter 2. Programs and Classes Outside of District

NOTE: Authority cited: Section 72012, Education Code.

HISTORY

1. Repealer of chapter 2 (sections 55200-55204) filed 12-21-81; effective thirtieth day thereafter (Register 81, No. 52). For prior history, see Register 77, No. 45.
2. Amendment of subchapter 2 heading filed 5-15-93; operative 6-14-93 (Register 93, No. 25).

§ 55230. Classes, Property and Buildings Outside of District.

The governing board of a community college district may conduct community college classes and acquire the necessary property and erect the necessary buildings therefor, outside of the boundaries of the district if all of the following conditions exist:

(a) The proposed location is within the state.

(b) the activities, trades, businesses, or work to be carried on at the proposed location is such as to offer educational opportunities to students who are residents of the district in the subject or all of the subjects proposed to be taught at that location, and facilities for such instruction are not available either at the location of the principal buildings of the community college, or elsewhere within the district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55231. Establishment of Classes Outside of District.

The governing board of a community college district may establish courses outside the district primarily for students who are nonresidents of the district, providing the following conditions are fulfilled:

(a) The governing board of a high school district or another community college district, requests that community college classes be offered in the high school district or community college district.

(b) The community college district annually reports to the Board of Governors, in advance of their offering, on the classes to be established or continued pursuant to this authorization.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

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§ 55257. Job Learning Stations.

Job learning stations shall meet the following criteria:

(a) Employers or designated representatives agree with the intent and purposes of Cooperative Work Experience Education for students and are given a copy of each student's approved on-the-job learning objectives.

(b) Job learning stations offer a reasonable probability of continuous work experience for students during the current work experience enrollment term.

(c) Employers or designated representatives agree to provide adequate supervision, facilities, equipment, and materials at the learning stations to achieve on-the-job learning objectives.

(d) Employers as required by law agree to comply with all appropriate federal and state employment regulations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

HISTORY

1. Amendment filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment filed 9-29-78; designated effective 1-2-79 (Register 78, No. 39).
3. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 4. Courses and Programs Conducted As Independent Study

Article 1. General Provision and Requirements

§ 55300. Application of Chapter.

The provisions of this chapter apply to and implement the provisions of sections 58051 and 58003.1 in relation to attendance in approved courses and programs designed and conducted as independent study.

Approved courses conducted as independent study shall be reported to the Chancellor in accordance with specified procedures as required by law.

All heretofore approved credit courses offered in whatever mode meeting the above requirements shall remain approved provided such courses meet the requirements of this chapter.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78310, Education Code.

HISTORY

1. Repealer of chapter 4 (sections 55300-55344, not consecutive) and new chapter 4 (articles 1-5; sections 55300-55360, not consecutive) filed 12-18-78; effective thirtieth day thereafter (Register 78, No. 51). For prior history, see Registers 77, No. 45 and 71, No. 9.
2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46)
3. Amendment of chapter 4 heading, repealer of article 1 heading, and amendment of section 55300 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. New article heading filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

§ 55302. Definitions.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55310. Reporting.

Each independent study course, whether or not it is part of an approved program, must be reported to the Chancellor in a manner and form required by the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
2. Repealer of article 2 heading filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55312. Transfer.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55314. Faculty and Student Participation.

NOTE: Authority cited: Sections 66700, 70901 and 78301, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
3. Repealer filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55316. Criteria.

Courses offered pursuant to this Chapter shall:

(a) Be accepted by the college toward completion of an appropriate educational sequence leading to an associate degree, and

(b) Be recognized by an institution of the University of California or the California State University upon transfer to that institution.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
3. Amendment of opening statement, subsection (b) and NOTE filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55316.5. Additional Courses.

Notwithstanding any other provision of law, after June 1, 1994, the following additional types of courses may be offered pursuant to this Chapter, consistent with guidelines developed by the Chancellor:

(a) Nontransferable courses designed to meet the requirements of Sections 55805.5, 55806, and 55002(a) or (b);

(b) Noncredit courses conducted as distance education independent study.

This Section shall become inoperative on July 1, 2000, unless a later-adopted regulation deletes or extends this date.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. New section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55317. Ongoing Responsibilities of Districts.

Any district conducting courses under Section 55316 or 55316.5 shall:

(a) Maintain records and report data through the Chancellor's Office Management Information System on the number of students and faculty participating in new courses or sections of established courses;

(b) Provide to the local governing board no later than July 1, 1995, and annually thereafter, a report on all distance education activity.

(c) Provide other information consistent with reporting guidelines which shall be developed by the Chancellor pursuant to Section 409 of the Procedures and Standing Orders of the Board of Governors.

This Section shall become inoperative on July 1, 2000, unless a later-adopted regulation deletes or extends this date.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. New section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55318. Written Record.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902, and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
3. Repealer filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55320. Academic Standards.

Academic standards applicable to courses of independent study shall be the same as those applied to other credit courses in the college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 3 heading filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55321. Student Progress.

Procedures for evaluation of student progress shall be in accordance with regulations set by the college. A report by an instructor on appropriate records bearing the student's name for purposes of state apportionment shall certify that adequate and proper progress toward accomplishment of the course objectives is being maintained by the student.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55322. Availability of Instructor.

The college shall provide access to the instructor for the students enrolled in courses offered pursuant to this chapter at least equivalent to that commonly available to students enrolled in courses conducted by other instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55323. Learning Assistance.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 12-17-84; effective thirtieth day thereafter (Register 84, No. 51).

§ 55340. Eligibility for State Funds.

In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this Chapter, the course must be reported as required by this Chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 4 heading and amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
3. Amendment of section and NOTE filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55342. Average Daily Attendance.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55343. Grades Awarded.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55344. Enrollment.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55346. Records.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55348. Supervision.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55350. Instruction.

The instructor assigned to a course conducted pursuant to this chapter shall:

(a) Be qualified to provide service in that capacity during the period in which that service is rendered;

(b) Be responsible for the supervision, control, and evaluation of the course and the enrolled students;

(c) Provide orientation, guidance, and information regarding course content materials and services for each student as soon as possible subsequent to the student's official enrollment by the college; and

(d) Provide each student with the instructor's consultation schedule for the semester, quarter, or other prescribed term of the course, this schedule to be included in the written record.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55352. Number of Students.

The number of students assigned to any one course section offered by distance education shall be determined by and be consistent with other district procedures related to faculty assignment. Procedures for determining the number of students assigned to a course section offered by distance education may include a review by the curriculum committee established pursuant to Section 55002(a)(1).

Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer and new section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18). For prior history, see Register 91, No. 23.

§ 55360. Evaluation Reports.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

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college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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. 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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. 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

(2) Participation structures and procedures for the staff positions defined or categorized.

(3) In performing the requirements of Subsections (a)(1) and (2), the governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations, and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this Section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.

(7) The selection of staff representatives to serve on college and district task forces, committees, or other governance groups shall, when required by law, be made by those councils, committees, employee organizations, or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation. In all other instances, the selection shall either be made by, or in consultation with, such staff groups. In all cases, representatives shall be selected from the category that they represent.

(b) In developing and carrying out policies and procedures pursuant to Subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code Sec-

tions 3540, et seq., such procedures for staff participation shall not intrude on matters within the scope of representation under Section 3543.2 of the Government Code. In addition, governing boards shall not interfere with the exercise of employee rights to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer–employee relations. Nothing in this Section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards. It is the intent of the Board of Governors to respect lawful agreements between staff and exclusive representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to staff pursuant to these regulations.

(c) Nothing in this Section shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to Sections 53200–53204, and Section 51023.7, respectively.

(d) The governing board of a community college district shall comply substantially with the provisions of this Section.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b), (Register 91, No. 23).
2. Editorial correction of printing error in subsection (b) and HISTORY 1. (Register 91, No. 43).
3. Amendment of subsections (a)(1), (a)(3), (a)(5), (a)(7), (b), (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).

§ 51023.7. Students.

(a) The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance. Among other matters, said policies and procedures shall include the following:

(1) Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures.

(2) Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

(3) Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration.

(4) For the purpose of this Section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code Section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.

(b) For the purposes of this Section, district and college policies and procedures that have or will have a "significant effect on students" includes the following:

(1) grading policies;
(2) codes of student conduct;
(3) academic disciplinary policies;
(4) curriculum development;
(5) courses or programs which should be initiated or discontinued;
(6) processes for institutional planning and budget development;
(7) standards and policies regarding student preparation and success;
(8) student services planning and development;
(9) student fees within the authority of the district to adopt; and
(10) any other district and college policy, procedure, or related matter that the district governing board determines will have a significant effect on students.

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.

(d) Nothing in this Section shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to the regulations on academic senates contained in Sections 53200–53206.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this Section.

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901 (b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 23).
2. Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1 (Register 91, No. 43).
3. Amendment of subsections (a)(2), (a)(4), (b), (b)(10), (d) and (e) 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).

§ 51024. Matriculation Services.

The governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under Section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under Section 55512(c);

(c) provide matriculation services to its students in accordance with Sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with Section 55534; and

(e) substantially comply with all other provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210–78218, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsection (e) filed 4–3–92; operative 5–4–92 (Register 92, No. 15).

§ 51025. Full–Time/Part–Time Faculty.

This Section relates to and should be read in conjunction with Subchapter 3 (commencing with Section 53300) of Chapter 4 of this Division.

(a) Community college districts which have less than 75 percent of their hours of credit instruction taught by full–time instructors, as determined from their base data calculated pursuant to Section 53311, shall apply the growth revenues received related to increases in credit FTES in accordance with Section 58774 and a portion of the program improvement allocation received in accordance with Section 58775, as follows:

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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 5-19-93; 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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

(C) continuing education vocational/technical certificates, programs and courses

(b) The community services (Non FTES generating) of community colleges include:

(1) community services classes:

(A) avocational classes

(B) recreational classes

(C) seminars, lecture series, forum series, workshops, and conferences

(D) professional and occupational in-service classes

(2) community services activities:

(A) Civic Center Act activities

(B) cultural activities

(C) community development activities

(D) recreational activities

(c) All districts shall report the classification of all courses, classes, and activities offered in accordance with the system contained in Subsections (a) and (b) and the standards in Section 55002 by transmitting the following information to the Chancellor's Office:

(1) the unique static course identifier and the course title for all credit and noncredit courses;

(2) the classification of each credit and noncredit course in accordance with its primary objective, consistent with guidelines published by the Chancellor;

(3) whether the course is offered as credit or noncredit;

(4) whether the course transfers to the California State University or the University of California or both;

(5) the number of community services classes in each category, and the number of participants; and

(6) the number of community services activities in each category and the number of participants.

(d) For courses, classes, and activities which are added after June 30, 1982, the district shall report the classification of all courses, classes and activities in the manner provided by Subsection (c). The Chancellor shall review and comment upon, as necessary, the classification of such courses, classes, and activities.

NOTE: Authority cited: Sections 66700, 70901, and 78401, Education Code. Reference: Sections 66701, 70901, 70902, 78300, and 78401, 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. 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).

§ 55002. Standards and Criteria for Courses and Classes.

(a) Associate Degree Credit Course. An associate degree credit course is a course which has been designated as appropriate to the associate degree in accordance with the requirements of Section 55805.5, and which has been recommended by the college and/or district curriculum committee and approved by the district governing board as a collegiate course meeting the needs of the students eligible for admission.

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§ 51021

Senior Accounting Officers (Specialists) 3
Accounting Officers (Specialists) 3
Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 70901, Education Code.

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
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 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. 15).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 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. Affirmative Action.

The governing board of a community college district shall:

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity 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; and

(e) ensure that screening and selection procedures are developed and used in accordance with Section 53024;

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with Section 53000) Chapter 4.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Article 4 (commencing with Section 87100) of Chapter 1, Part 51, 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 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).

§ 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 the formation of a new college or educational center shall obtain approval for such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

(b) The provisions of Subchapter 11 (commencing with Section 55825) of Chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, 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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

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§ 55340
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§ 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

(C) continuing education vocational/technical certificates, programs and courses

(b) The community services (Non FTES generating) of community colleges include:

(1) community services classes:

(A) avocational classes

(B) recreational classes

(C) seminars, lecture series, forum series, workshops, and conferences

(D) professional and occupational in-service classes

(2) community services activities:

(A) Civic Center Act activities

(B) cultural activities

(C) community development activities

(D) recreational activities

(c) All districts shall report the classification of all courses, classes, and activities offered in accordance with the system contained in Subsections (a) and (b) and the standards in Section 55002 by transmitting the following information to the Chancellor's Office:

(1) the unique static course identifier and the course title for all credit and noncredit courses;

(2) the classification of each credit and noncredit course in accordance with its primary objective, consistent with guidelines published by the Chancellor;

(3) whether the course is offered as credit or noncredit;

(4) whether the course transfers to the California State University or the University of California or both;

(5) the number of community services classes in each category, and the number of participants; and

(6) the number of community services activities in each category and the number of participants.

(d) For courses, classes, and activities which are added after June 30, 1982, the district shall report the classification of all courses, classes and activities in the manner provided by Subsection (c). The Chancellor shall review and comment upon, as necessary, the classification of such courses, classes, and activities.

NOTE: Authority cited: Sections 66700, 70901, and 78401, Education Code. Reference: Sections 66701, 70901, 70902, 78300, 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. 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. 20).

§ 55002. Standards and Criteria for Courses and Classes.

(a) Associate Degree Credit Course. An associate degree credit course is a course which has been designated as appropriate to the associate degree in accordance with the requirements of Section 55805.5, and which has been recommended by the college and/or district curriculum committee and approved by the district governing board as a collegiate course meeting the needs of the students eligible for admission.

(1) Curriculum Committee. The college and/or district curriculum committee recommending the course shall be established by the mutual agreement of the college and/or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course for associate degree credit if it meets the following standards:

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55758 of this Division. The grade is based on demonstrated proficiency in subject matter and the ability to demonstrate that proficiency, at least in part, by means of essays, or, in courses where the curriculum committee deems them to be appropriate, by problem-solving exercises or skills demonstrations by students.

(B) Units. The course grants units of credit based upon a relationship specified by the governing board between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline. The course also requires a minimum of three hours of work per week, including class time for each unit of credit, prorated for short-term, laboratory and activity courses.

(C) Intensity. The course treats subject matter with a scope and intensity that requires students to study independently outside of class time.

(D) Prerequisites and Corequisites. When the college and/or district curriculum committee determines, based on a review of the course outline of record, that a student would be highly unlikely to receive a satisfactory grade unless the student has knowledge or skills not taught in the course, then the course shall require prerequisites or corequisites that are established, reviewed, and applied in accordance with the requirements of Article 2.5 (commencing with Section 55200) of this Subchapter.

(E) Basic Skills Requirements. If success in the course is dependent upon communication or computation skills, then the course shall require, consistent with the provisions of Article 2.5 (commencing with Section 55200) of this Subchapter, as prerequisites or corequisites eligibility for enrollment in associate degree credit courses in English and/or mathematics, respectively.

(F) Difficulty. The course work calls for critical thinking and the understanding and application of concepts determined by the curriculum committee to be at college level.

(G) Level. The course requires learning skills and a vocabulary that the curriculum committee deems appropriate for a college course.

(3) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the unit value, scope, objectives, and content in terms of a specific body of knowledge. The course outline shall also specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met by students.

(4) Conduct of Course. Each section of the course is to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record.

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of Chapter 2 (commencing with Section 51000), sections 55761–55763 and 58161 of this Division.

(b) Nondegree Credit Course. A credit course designated by the governing board as not applicable to the associate degree is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under Subdivision (a)(1) of this Section) and is approved by the district governing board and falls within one of the categories described in Subdivision (1) of this Subsection.

(1) Types of Courses. Nondegree applicable credit courses are:

(A) precollegiate basic skills courses as defined in Section 55502(d) of this Division;

(B) courses designed to enable students to succeed in college-level work (including, but not limited to, college orientation and guidance courses, and discipline-specific preparatory courses such as biology, history, or electronics) that integrate basic skills instruction throughout and assign grades partly upon the demonstrated mastery of those skills;

(C) precollegiate occupational preparation courses designed to provide foundation skills for students preparing for entry into college-level occupational courses or programs;

(D) essential occupational instruction for which meeting the standards of Section 55002(a) is neither necessary nor required.

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course on the basis of the standards which follow. In order to be eligible for state apportionment, such courses must be approved (as courses not part of programs) by the Chancellor's Office as provided by Section 55100 of this Division.

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55758 of this Division. The grade is based on demonstrated proficiency in the subject matter and the ability to demonstrate that proficiency, at least in part, by means of written expression that may include essays, or, in courses where the curriculum committee deems them to be appropriate, by problemsolving exercises or skills demonstrations by students.

(B) Units. The course grants units of credit based upon a relationship specified by the governing board between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline. The course requires a minimum of three hours of student work per week, per unit, including class time and/or demonstrated competency, for each unit of credit, prorated for short-term, laboratory, and activity courses.

(C) Intensity. The course provides instruction in critical thinking and generally treats subject matter with a scope and intensity that prepares students to study independently outside of class time and includes reading and writing assignments and homework. In particular, the assignments will be sufficiently rigorous that students completing each such course successfully will have acquired the skills necessary to successfully complete college-level work upon completion of the required sequence of such courses.

(D) Prerequisites and corequisites. When the college and/or district curriculum committee deems appropriate, the course may require prerequisites or corequisites for the course that are established, reviewed, and applied in accordance with Article 2.5 (commencing with Section 55200) of this Subchapter.

(3) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the unit value, scope, objectives, and content in terms of a specific body of knowledge. The course outline shall also specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met by students. Taken together, these course specifications shall be such as to typically enable any student who successfully completes all of the assigned work prescribed in the outline of record to successfully meet the course objectives.

(4) Conduct of Course. All sections of the course are to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record.

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of Division 2 (commencing with Section 51000), Sections 55761–55763 and 58161 of this Division.

(c) Noncredit Course. A noncredit course is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under Subdivision (a)(1) of this Section) and approved by the district governing board as a course meeting the needs of enrolled students.

(1) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course if the course treats subject matter and uses resource materials, teaching methods, and stan-

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).
3. Repealer and new section filed 10-7-88; operative 11-6-88 (Register 88, No. 42).
4. 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).

§ 55002.5. Credit Hour; Allowance for Shorter Term.

One credit hour of community college work is approximately three hours of recitation, study, or laboratory work per week throughout a term of 16 weeks. Where a term is more or less than 16 weeks, more or less 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 noncredit 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.

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).

§ 55101. Chancellor's Report.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer filed 3-7-85; effective thirtieth day thereafter (Register 85, No. 10).

§ 55130. Approval of Credit Programs.

(a) Before offering any course as part of an educational program at a college, the governing board of a district shall obtain approval of the educational program from the Chancellor in accordance with the provisions of this article. Approval shall be requested on forms provided by the Chancellor.

(b) The application for approval shall contain at least the following:

(1) The name of the proposed program.

(2) The description of the proposed program.

(3) The purposes and specific objectives of the proposed program.

(4) The place of the proposed program in the district master plan.

(5) An explanation of whether the program is appropriate to the objectives and conditions of higher education and community college education in California and whether it conforms to statewide master planning.

(6) The need for the proposed program ascertained with regard to at least the following factors:

(A) Other community colleges in the area currently offering the program.

(B) Other programs closely related to the proposed program offered by the college.

(C) Relation of the proposed program to job market analysis.

(D) Enrollment projection for the proposed program.

(E) Recommendations of area vocational master plan committees when applicable.

(F) The classification of the courses in the program in accordance with section 55001.

(7) The need for and present adequacy of the following resources shall be determined in relation to the proposed program:

(A) Library and media center resources.

(B) Facilities and equipment required to initiate and sustain the program. If a new facility is to be used, reference should be made to the five-year master plan.

(C) Availability of adequate or proposed financial support.

(D) Availability of faculty.

(c) The development, establishment and evaluation of an education program shall include representative faculty involvement.

(d) An approval is effective until the program or implementation of the program is discontinued or modified in any substantial way. From time to time the Chancellor may evaluate an educational program, after its approval, on the basis of factors listed in this section. If on the basis of such an evaluation the Chancellor determines that an educational program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.

(e) In multicollege districts, program approval is granted for a specific college.

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. 20).

§ 55150. Approval of Noncredit Courses and Programs.

(a) Courses or programs offered for noncredit shall be approved by the Chancellor in accordance with section 55100 on forms provided by the Chancellor's Office.

(b) Course outlines for all noncredit courses shall be on file in the community college offering the course.

(c) Authorities of each community college maintaining noncredit courses shall keep such current records and reports as may be required by the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 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).

§ 55160. Approval of Community Service Classes.

(a) Districts are authorized in accordance with the provisions of article 7 (commencing with section 78300) of chapter 2, part 48 of the Education Code to approve and conduct community services classes without the approval of the Chancellor. The classification of all such classes shall be reported to the Chancellor in accordance with section 55001.

(b) Community services classes shall not be referred to as noncredit classes.

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Sections 70901 and 78300, 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).

§ 55170. Contract Classes.

(a) Notwithstanding subdivision (c) of section 55000, "contract classes" means those classes which a community college district offers in fulfillment of a contract with a public or private agency, corporation, association, or other body or person.

(b) No approval of a contract class is required if the district does not claim state support for the class and if the legislation which authorizes that class does not require approval. If the district claims state support for a contract class, approval of the class shall be obtained in the manner provided for classes of the same type, as provided in this article. Approval of the contract shall be obtained in the manner provided for by law.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 8092, 70902 and Article 1.5 (commencing with Section 78020) of Chapter 1, Part 48, 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).

§ 55180. Chancellor's Report.

NOTE: Authority cited: Sections 66700 and 71020, Education Code. Reference: Sections 71091, 78200, and 78401, Education Code.

HISTORY

1. Repealer 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).

§ 55182. Reinstatement of Deleted Courses.

The governing board of a community college district may reinstate any course which was deleted from the credit or noncredit curriculum during the 1982-83 fiscal year, in response to provision Number 11 of Item 6870-101-001 of the Budget Act of 1982 (Chapter 326, Statutes of 1982); provided that the following criteria and procedures shall be applied in conjunction with such reinstatement:

(a) The governing board of the district shall only reinstate such courses in a manner which is consistent with the policy of the Board of Governors that offerings which are primarily avocational, or recreational shall be offered as community services classes, and not as credit or noncredit courses;

(b) The governing board of the district shall determine that the course meets the criteria and standards for courses specified in section 55002;

(c) The governing board may act to reinstate a course only after it has been reviewed through the college's or district's established procedure for the approval of new courses;

(d) The governing board must submit the course to the Chancellor for approval, or report approval of the course, depending on the requirements of section 55100. A separate designation shall be used to distinguish reinstated courses from new courses; and

(e) The governing board must determine that reinstatement of the course maintains or improves the curriculum balance of the district in accordance with the mission of the community college and local needs.

(f) Any category of courses restored to the curriculum pursuant to a separate authorization of the Board of Governors shall be exempt from the requirements of this section.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 70902 and 78401, Education Code.

HISTORY

1. New section filed 12-28-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 53).
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).

Article 2.5. Prerequisites, Corequisites, and Recommended Preparation

§ 55200. Definitions.

For the purposes of this Division, the following definitions apply:

(a) "Prerequisite" means a condition of enrollment that a student is required to meet in order to demonstrate current readiness for enrollment in a course or educational program.

(b) "Corequisite" means a condition of enrollment consisting of a course that a student is required to simultaneously take in order to enroll in another course.

(c) "Advisory on recommended preparation" means a condition of enrollment that a student is advised, but not required, to meet before or in conjunction with enrollment in a course or educational program.

(d) "Satisfactory grade" means that, for the course in question, the student's academic record has been annotated with the symbol A, B, C or "CR" as those symbols are defined in Section 55758 of this Division.

(e) "Necessary and appropriate" means that a strong rational basis exists for concluding that a prerequisite or corequisite is reasonably needed to achieve the purpose that it purports to serve. This standard does not require absolute necessity.

(f) "content review" means a rigorous, systematic process developed in accordance with Sections 53200 to 53204, approved by the Chancellor as part of the district matriculation plan required under Section 55510, and is conducted by faculty to identify the necessary and appropriate body of knowledge or skills students need to possess prior to enrolling in a course, or which students need to acquire through concurrent enrollment in a corequisite course.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New article 2.5 and 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. Editorial correction of Article heading (Register 95, No. 20).

§ 55201. Policies for Prerequisites, Corequisites, and Advisories on Recommended Preparation.

(a) The governing board of a community college district may establish prerequisites, corequisites, and advisories on recommended preparation, but must do so in accordance with the provisions of this Article. Nothing in this subchapter shall be construed to require a district to establish prerequisites, corequisites, or advisories on recommended preparation; provided however, that a prerequisite or corequisite shall be required if the course is to be offered for associate degree credit and the curriculum committee finds that the prerequisite or corequisite is necessary pursuant to Section 55002(a)(2)(D) or 55002(a)(2)(E).

(b) A governing board choosing to establish prerequisites, corequisites, or advisories on recommended preparation shall, in accordance with the provisions of Sections 53200–53204 of this Division, adopt policies for the following:

(1) The process for establishing prerequisites, corequisites, and advisories on recommended preparation. Such policies shall provide that in order to establish a prerequisite or corequisite, the prerequisite or corequisite must be determined to be necessary and appropriate for achieving the purpose for which it is being established. District policies shall also specify the level of scrutiny that shall be required in order to establish different types of prerequisites, corequisites, and advisories on recommended preparation. At a minimum, prerequisites, corequisites, and advisories on recommended preparation shall be based on content review, with additional methods of scrutiny being applied depending on the type of prerequisite or corequisite being established. The policy shall provide that the types of prerequisites described in Subsection (e) may be established only on the basis of data collected using sound research practices. Determinations about prerequisites and corequisites shall be made on a course-by-course or program-by-program basis.

(2) Procedures to assure that courses for which prerequisites or corequisites are established will be taught in accordance with the course outline particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or corequisite.

(3) The process, including levels of scrutiny, for reviewing prerequisites and corequisites to assure that they remain necessary and appropriate. These processes shall provide that at least once each six years all prerequisites and corequisites established by the district shall be reviewed. These processes shall also provide for the periodic review of advisories on recommended preparation.

(4) The bases and process for an individual student to challenge the application of a prerequisite or corequisite.

(c) Prerequisites or corequisites may be established only for any of the following purposes:

(1) the prerequisite or corequisite is expressly required or expressly authorized by statute or regulation; or

(2) the prerequisite will assure, consistent with Section 55002(a)(2)(D), that a student has the skills, concepts, and/or information that is presupposed in terms of the course or program for which it is being established, such that a student who has not met the prerequisite is highly unlikely to receive a satisfactory grade in the course (or at least one course within the program) for which the prerequisite is being established; or

(3) the corequisite course will assure, consistent with Section 55002(a)(2)(D), that a student acquires the necessary skills, concepts, and/or information, such that a student who has not enrolled in the corequisite is highly unlikely to receive a satisfactory grade in the course or program for which the corequisite is being established; or

(4) the prerequisite or corequisite is necessary to protect the health and safety of a student or the health and safety of others.

(d) Except as provided in this Subsection, no prerequisite or corequisite may be established or renewed pursuant to Subsection (b)(3) unless it is determined to be necessary and appropriate to achieve the purpose for which it has been established. A prerequisite or corequisite need not be so scrutinized until it is reviewed pursuant to Subsection (b)(3) if:

(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.

(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: 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).

§ 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. Bilingual Crosscultural Programs and Courses

§ 55225. Annual Articulation Agreement Plans.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 52150-52158, Education Code.

HISTORY

1. New article 3 (section 55225) filed 6-8-83; effective thirtieth day thereafter (Register 83, No. 24).
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. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

Subchapter 2. Programs and Classes Outside of District

NOTE: Authority cited: Section 72012, Education Code.

HISTORY

1. Repealer of chapter 2 (sections 55200-55204) filed 12-21-81; effective thirtieth day thereafter (Register 81, No. 52). For prior history, see Register 77, No. 45.
2. Amendment of subchapter 2 heading filed 5-15-93; operative 6-14-93 (Register 93, No. 25).

§ 55230. Classes, Property and Buildings Outside of District.

The governing board of a community college district may conduct community college classes and acquire the necessary property and erect

3. New subsection (a)(4) filed 9–29–78; designated effective 7–1–80 (Register 78, No. 39).

4. Amendment of subsection (a) filed 1–16–81; effective thirtieth day thereafter (Register 81, No. 3).

5. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

6. 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).

7. Editorial correction of HISTORY 6 (Register 95, No. 20).

§ 55256.5. Work Experience Credit.

(a) One student contact hour is counted for each unit of work experience credit in which a student is enrolled during any census period. In no case shall duplicate student contact hours be counted for any classroom instruction and Cooperative Work Experience Education. The maximum contact hours counted for a student shall not exceed the maximum number of Cooperative Work Experience Education units for which the student may be granted credit as described in section 55253.

(b) The learning experience and the identified on–the–job learning objectives shall be sufficient to support the units to be awarded.

(c) The following formula will be used to determine the number of units to be awarded:

(1) Each 75 hours of paid work equals one semester credit or 50 hours equals one quarter credit.

(2) Each 60 hours of non–paid work equals one semester credit or 40 hours equals one quarter credit.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 9–29–78; designated effective 1–2–79 (Register 78, No. 39).

2. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

3. 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).

4. Editorial correction of HISTORY 3 (Register 95, No. 20).

§ 55257. Job Learning Stations.

Job learning stations shall meet the following criteria:

(a) Employers or designated representatives agree with the intent and purposes of Cooperative Work Experience Education for students and are given a copy of each student's approved on–the–job learning objectives.

(b) Job learning stations offer a reasonable probability of continuous work experience for students during the current work experience enrollment term.

(c) Employers or designated representatives agree to provide adequate supervision, facilities, equipment, and materials at the learning stations to achieve on–the–job learning objectives.

(d) Employers as required by law agree to comply with all appropriate federal and state employment regulations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

HISTORY

1. Amendment filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).

2. Amendment filed 9–29–78; designated effective 1–2–79 (Register 78, No. 39).

3. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

4. 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. Editorial correction of HISTORY 4 (Register 95, No. 20).

Subchapter 4. Courses and Programs Conducted As Independent Study

Article 1. General Provision and Requirements

§ 55300. Application of Chapter.

The provisions of this chapter apply to and implement the provisions of sections 58051 and 58003.1 in relation to attendance in approved courses and programs designed and conducted as independent study.

Approved courses conducted as independent study shall be reported to the Chancellor in accordance with specified procedures as required by law.

All heretofore approved credit courses offered in whatever mode meeting the above requirements shall remain approved provided such courses meet the requirements of this chapter.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78310, Education Code.

HISTORY

1. Repealer of chapter 4 (sections 55300–55344, not consecutive) and new chapter 4 (articles 1–5; sections 55300–55360, not consecutive) filed 12–18–78; effective thirtieth day thereafter (Register 78, No. 51). For prior history, see Registers 77, No. 45 and 71, No. 9.

2. Amendment filed 11–15–79; effective thirtieth day thereafter (Register 79, No. 46).

3. Amendment of chapter 4 heading, repealer of article 1 heading, and amendment of section 55300 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

4. 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. New article heading filed 4–3–92; operative 5–4–92 (Register 92, No. 15).

6. Editorial correction of HISTORY 4 (Register 95, No. 20).

§ 55302. Definitions.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55310. Reporting.

Each independent study course, whether or not it is part of an approved program, must be reported to the Chancellor in a manner and form required by the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 11–15–79; effective thirtieth day thereafter (Register 79, No. 46).

2. Repealer of article 2 heading filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

3. 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).

4. Editorial correction of HISTORY 3 (Register 95, No. 20).

§ 55312. Transfer.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55314. Faculty and Student Participation.

NOTE: Authority cited: Sections 66700, 70901 and 78301, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

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. Repealer filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55318. Criteria.

Courses offered pursuant to this Chapter shall:

(a) Be accepted by the college toward completion of an appropriate educational sequence leading to an associate degree, and

(b) Be recognized by an institution of the University of California or the California State University upon transfer to that institution.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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 opening statement, subsection (b) and NOTE filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55316.5. Additional Courses.

Notwithstanding any other provision of law, after June 1, 1994, the following additional types of courses may be offered pursuant to this Chapter, consistent with guidelines developed by the Chancellor:

(a) Nontransferable courses designed to meet the requirements of Sections 55805.5, 55806, and 55002(a) or (b);

(b) Noncredit courses conducted as distance education independent study.

This Section shall become inoperative on July 1, 2000, unless a later-adopted regulation deletes or extends this date.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. New section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55317. Ongoing Responsibilities of Districts.

Any district conducting courses under Section 55316 or 55316.5 shall:

(a) Maintain records and report data through the Chancellor's Office Management Information System on the number of students and faculty participating in new courses or sections of established courses;

(b) Provide to the local governing board no later than July 1, 1995, and annually thereafter, a report on all distance education activity.

(c) Provide other information consistent with reporting guidelines which shall be developed by the Chancellor pursuant to Section 409 of the Procedures and Standing Orders of the Board of Governors.

This Section shall become inoperative on July 1, 2000, unless a later-adopted regulation deletes or extends this date.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. New section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55318. Written Record.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902, and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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. Repealer filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55320. Academic Standards.

Academic standards applicable to courses of independent study shall be the same as those applied to other credit courses in the college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 3 heading filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55321. Student Progress.

Procedures for evaluation of student progress shall be in accordance with regulations set by the college. A report by an instructor on appropriate records bearing the student's name for purposes of state apportionment shall certify that adequate and proper progress toward accomplishment of the course objectives is being maintained by the student.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55322. Availability of Instructor.

The college shall provide access to the instructor for the students enrolled in courses offered pursuant to this chapter at least equivalent to that commonly available to students enrolled in courses conducted by other instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55323. Learning Assistance.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 12-17-84; effective thirtieth day thereafter (Register 84, No. 51).

§ 55340. Eligibility for State Funds.

In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this Chapter, the course must be reported as required by this Chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 4 heading and amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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 section and NOTE filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55342. Average Daily Attendance.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55343. Grades Awarded.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55344. Enrollment.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55346. Records.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55348. Supervision.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55350. Instruction.

The instructor assigned to a course conducted pursuant to this chapter shall:

(a) Be qualified to provide service in that capacity during the period which that service is rendered;

(b) Be responsible for the supervision, control, and evaluation of the course and the enrolled students;

(c) Provide orientation, guidance, and information regarding course content materials and services for each student as soon as possible subsequent to the student's official enrollment by the college; and

(d) Provide each student with the instructor's consultation schedule for the semester, quarter, or other prescribed term of the course, this schedule to be included in the written record.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55352. Number of Students.

The number of students assigned to any one course section offered by distance education shall be determined by and be consistent with other district procedures related to faculty assignment. Procedures for determining the number of students assigned to a course section offered by distance education may include a review by the curriculum committee established pursuant to Section 55002(a)(1).

Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

Repealer and new section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18). For prior history, see Register 91, No. 23.

§ 55360. Evaluation Reports.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer of Article 5 heading and Section 55360 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 2. Distance Education

§ 55370. 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 independent study, and subject to the general requirements of Article 1 as well as the specific requirements of this Article. Provided however, that fully interactive distance education courses, as defined in guidelines adopted by the Chancellor, shall not be considered independent study for purposes of calculating state apportionment pursuant to Section 58003.1. In addition, instruction provided as distance education is subject to the requirements that may be imposed by the Americans with Disabilities Act (42 U.S.C. Sec. 12100 et seq).

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901-70902, Education Code.

HISTORY

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
2. Amendment of article heading and section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55372. Course Quality Standards.

The same standards of course quality shall be applied to distance education as are applied to traditional classroom courses, in regard to the course quality judgments made pursuant to the requirements of Section 55002 of this Part, and in regard to any local course quality determination or review process.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901-70902, Education Code.

HISTORY

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
2. Amendment filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55374. Course Quality Determinations.

Determinations and judgments about the quality of distance education, under the course quality standards referred to in Section 55372, shall be made with the full involvement of faculty in accordance with the provisions of Subchapter 2 (commencing with Section 53200) of Chapter 2 of Division 4 of this Part.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901-70902, Education Code.

HISTORY

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
2. Amendment filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

§ 55376. Instructor Contact.

In addition to the requirements of Section 55002 and any locally-established requirements applicable to all courses, district governing boards shall ensure that:

(a) Each section of a credit transferable course which is delivered as distance education shall include regular personal contact between instructor and students, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, or other in-person activities. Personal contact may be supplemented by telephone contact and correspondence.

(b) All other approved courses offered by distance education shall include regular contact between instructors and students consistent with guidelines issued by the Chancellor pursuant to Section 409 of the Procedures and Standing Orders of the Board of Governors.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901-70902, Education Code.

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§ 55201

(a) The governing board of the district shall only reinstate such courses in a manner which is consistent with the policy of the Board of Governors that offerings which are primarily avocational, or recreational shall be offered as community services classes, and not as credit or noncredit courses;

(b) The governing board of the district shall determine that the course meets the criteria and standards for courses specified in section 55002;

(c) The governing board may act to reinstate a course only after it has been reviewed through the college's or district's established procedure for the approval of new courses;

(d) The governing board must submit the course to the Chancellor for approval, or report approval of the course, depending on the requirements of section 55100. A separate designation shall be used to distinguish reinstated courses from new courses; and

(e) The governing board must determine that reinstatement of the course maintains or improves the curriculum balance of the district in accordance with the mission of the community college and local needs.

(f) Any category of courses restored to the curriculum pursuant to a separate authorization of the Board of Governors shall be exempt from the requirements of this section.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 70902 and 78401, Education Code.

HISTORY

1. New section filed 12-28-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 53).
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).

Article 2.5. Prerequisites, Corequisites, and Recommended Preparation

§ 55200. Definitions.

For the purposes of this Division, the following definitions apply:

(a) "Prerequisite" means a condition of enrollment that a student is required to meet in order to demonstrate current readiness for enrollment in a course or educational program.

(b) "Corequisite" means a condition of enrollment consisting of a course that a student is required to simultaneously take in order to enroll in another course.

(c) "Advisory on recommended preparation" means a condition of enrollment that a student is advised, but not required, to meet before or in conjunction with enrollment in a course or educational program.

(d) "Satisfactory grade" means that, for the course in question, the student's academic record has been annotated with the symbol A, B, C or "CR" as those symbols are defined in Section 55758 of this Division.

(e) "Necessary and appropriate" means that a strong rational basis exists for concluding that a prerequisite or corequisite is reasonably needed to achieve the purpose that it purports to serve. This standard does not require absolute necessity.

(f) "content review" means a rigorous, systematic process developed in accordance with Sections 53200 to 53204, approved by the Chancellor as part of the district matriculation plan required under Section 55510, and is conducted by faculty to identify the necessary and appropriate body of knowledge or skills students need to possess prior to enrolling in a course, or which students need to acquire through concurrent enrollment in a corequisite course.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New article 2.5 and 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. Editorial correction of Article heading (Register 95, No. 20).

§ 55201. Policies for Prerequisites, Corequisites, and Advisories on Recommended Preparation.

(a) The governing board of a community college district may establish prerequisites, corequisites, and advisories on recommended preparation, but must do so in accordance with the provisions of this Article. Nothing in this subchapter shall be construed to require a district to establish prerequisites, corequisites, or advisories on recommended preparation; provided however, that a prerequisite or corequisite shall be required if the course is to be offered for associate degree credit and the curriculum committee finds that the prerequisite or corequisite is necessary pursuant to Section 55002(a)(2)(D) or 55002(a)(2)(E).

(b) A governing board choosing to establish prerequisites, corequisites, or advisories on recommended preparation shall, in accordance with the provisions of Sections 53200–53204 of this Division, adopt policies for the following:

(1) The process for establishing prerequisites, corequisites, and advisories on recommended preparation. Such policies shall provide that in order to establish a prerequisite or corequisite, the prerequisite or corequisite must be determined to be necessary and appropriate for achieving the purpose for which it is being established. District policies shall also specify the level of scrutiny that shall be required in order to establish different types of prerequisites, corequisites, and advisories on recommended preparation. At a minimum, prerequisites, corequisites, and advisories on recommended preparation shall be based on content review, with additional methods of scrutiny being applied depending on the type of prerequisite or corequisite being established. The policy shall provide that the types of prerequisites described in Subsection (e) may be established only on the basis of data collected using sound research practices. Determinations about prerequisites and corequisites shall be made on a course-by-course or program-by-program basis.

(2) Procedures to assure that courses for which prerequisites or corequisites are established will be taught in accordance with the course outline particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or corequisite.

(3) The process, including levels of scrutiny, for reviewing prerequisites and corequisites to assure that they remain necessary and appropriate. These processes shall provide that at least once each six years all prerequisites and corequisites established by the district shall be reviewed. These processes shall also provide for the periodic review of advisories on recommended preparation.

(4) The bases and process for an individual student to challenge the application of a prerequisite or corequisite.

(c) Prerequisites or corequisites may be established only for any of the following purposes:

(1) the prerequisite or corequisite is expressly required or expressly authorized by statute or regulation; or

(2) the prerequisite will assure, consistent with Section 55002(a)(2)(D), that a student has the skills, concepts, and/or information that is presupposed in terms of the course or program for which it is being established, such that a student who has not met the prerequisite is highly unlikely to receive a satisfactory grade in the course (or at least one course within the program) for which the prerequisite is being established; or

(3) the corequisite course will assure, consistent with Section 55002(a)(2)(D), that a student acquires the necessary skills, concepts, and/or information, such that a student who has not enrolled in the corequisite is highly unlikely to receive a satisfactory grade in the course or program for which the corequisite is being established; or

(4) the prerequisite or corequisite is necessary to protect the health and safety of a student or the health and safety of others.

(d) Except as provided in this Subsection, no prerequisite or corequisite may be established or renewed pursuant to Subsection (b)(3) unless it is determined to be necessary and appropriate to achieve the purpose for which it has been established. A prerequisite or corequisite need not be so scrutinized until it is reviewed pursuant to Subsection (b)(3) if:

(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. Bilingual Crosscultural Programs and Courses

§ 55225. Annual Articulation Agreement Plans.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 52150-52158, Education Code.

HISTORY

1. New article 3 (section 55225) filed 6-8-83; effective thirtieth day thereafter (Register 83, No. 24).

Register 1998-36

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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. Repealer filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55316. Criteria.

Courses offered pursuant to this Chapter shall:

(a) Be accepted by the college toward completion of an appropriate educational sequence leading to an associate degree, and

(b) Be recognized by an institution of the University of California or the California State University upon transfer to that institution.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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 opening statement, subsection (b) and NOTE filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55316.5. Additional Courses.

Notwithstanding any other provision of law, after June 1, 1994, the following additional types of courses may be offered pursuant to this Chapter, consistent with guidelines developed by the Chancellor:

(a) Nontransferable courses designed to meet the requirements of Sections 55805.5, 55806, and 55002(a) or (b);

(b) Noncredit courses conducted as distance education independent study.

This Section shall become inoperative on January 1, 2002 unless a later-adopted regulation deletes or extends this date.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. New section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
2. Amendment of last paragraph and NOTE filed 8-31-98; operative 9-30-98. Submitted to OAL for printing only (Register 98, No. 36).

§ 55317. Ongoing Responsibilities of Districts.

Any district conducting courses under Section 55316 or 55316.5 shall:

(a) Maintain records and report data through the Chancellor's Office Management Information System on the number of students and faculty participating in new courses or sections of established courses;

(b) Provide to the local governing board no later than August 31, 1998, and annually thereafter, a report on all distance education activity.

(c) Provide other information consistent with reporting guidelines which shall be developed by the Chancellor pursuant to Section 409 of the Procedures and Standing Orders of the Board of Governors.

This Section shall become inoperative on January 1, 2002, unless a later-adopted regulation deletes or extends this date.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. New section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
2. Amendment of subsection (b), last paragraph and NOTE filed 8-31-98; operative 9-30-98. Submitted to OAL for printing only (Register 98, No. 36).

§ 55318. Written Record.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902, and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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. Repealer filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55320. Academic Standards.

Academic standards applicable to courses of independent study shall be the same as those applied to other credit courses in the college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 3 heading filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55321. Student Progress.

Procedures for evaluation of student progress shall be in accordance with regulations set by the college. A report by an instructor on appropriate records bearing the student's name for purposes of state apportionment shall certify that adequate and proper progress toward accomplishment of the course objectives is being maintained by the student.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55322. Availability of Instructor.

The college shall provide access to the instructor for the students enrolled in courses offered pursuant to this chapter at least equivalent to that commonly available to students enrolled in courses conducted by other instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55323. Learning Assistance.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 12-17-84; effective thirtieth day thereafter (Register 84, No. 51).

§ 55340. Eligibility for State Funds.

In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this Chapter, the course must be reported as required by this Chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 4 heading and amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

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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. Repealer filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55316. Criteria.

Courses offered pursuant to this Chapter shall:

(a) Be accepted by the college toward completion of an appropriate educational sequence leading to an associate degree, and

(b) Be recognized by an institution of the University of California or the California State University upon transfer to that institution.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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 opening statement, subsection (b) and NOTE filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55316.5. Additional Courses.

Notwithstanding any other provision of law, after June 1, 1994, the following additional types of courses may be offered pursuant to this Chapter, consistent with guidelines developed by the Chancellor:

(a) Nontransferable courses designed to meet the requirements of Sections 55805.5, 55806, and 55002(a) or (b);

(b) Noncredit courses conducted as distance education independent study.

This Section shall become inoperative on July 1, 2002 unless a later-adopted regulation deletes or extends this date.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. New section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
2. Amendment of last paragraph and NOTE filed 8-31-98; operative 9-30-98. Submitted to OAL for printing only (Register 98, No. 36).
3. Amendment of subsection (b) filed 12-3-2001; operative 1-2-2002. Submitted to OAL for printing only (Register 2001, No. 50).

§ 55317. Ongoing Responsibilities of Districts.

Any district conducting courses under Section 55316 or 55316.5 shall:

(a) Maintain records and report data through the Chancellor's Office Management Information System on the number of students and faculty participating in new courses or sections of established courses;

(b) Provide a report on all distance education activity to the local governing board no later than August 31 of each year.

(c) Provide other information consistent with reporting guidelines which shall be developed by the Chancellor pursuant to Section 409 of the Procedures and Standing Orders of the Board of Governors.

This Section shall become inoperative on July 1, 2002, unless a later-adopted regulation deletes or extends this date.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. New section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
2. Amendment of subsection (b), last paragraph and NOTE filed 8-31-98; operative 9-30-98. Submitted to OAL for printing only (Register 98, No. 36).
3. Amendment of subsections (b)-(c) filed 12-3-2001; operative 1-2-2002. Submitted to OAL for printing only (Register 2001, No. 50).

§ 55318. Written Record.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902, and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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. Repealer filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55320. Academic Standards.

Academic standards applicable to courses of independent study shall be the same as those applied to other credit courses in the college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 3 heading filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55321. Student Progress.

Procedures for evaluation of student progress shall be in accordance with regulations set by the college. A report by an instructor on appropriate records bearing the student's name for purposes of state apportionment shall certify that adequate and proper progress toward accomplishment of the course objectives is being maintained by the student.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55322. Availability of Instructor.

The college shall provide access to the instructor for the students enrolled in courses offered pursuant to this chapter at least equivalent to that commonly available to students enrolled in courses conducted by other instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55323. Learning Assistance.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 12-17-84; effective thirtieth day thereafter (Register 84, No. 51).

§ 55340. Eligibility for State Funds.

In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this Chapter, the course must be reported as required by this Chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 4 heading and amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

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§ 55213
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(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 Disabili-

ties Act (42 U.S.C. Sec. 12100 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 794d).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New article 3 (sections 55205-55219) and section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26). For prior history of article 3 (section 55225), see Register 95, No. 20.

§ 55207. Course Quality Standards.

The same standards of course quality shall be applied to distance education as are applied to traditional classroom courses, in regard to the course quality judgments made pursuant to the requirements of section 55002 of this part, and in regard to any local course quality determination or review process.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).

§ 55209. Course Quality Determinations.

Determinations and judgments about the quality of distance education under the course quality standards referred to in section 55207, shall be made with the full involvement of faculty in accordance with the provisions of subchapter 2 (commencing with section 53200) of chapter 2 of division 4 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).

§ 55211. Instructor Contact.

In addition to the requirements of section 55002 and any locally established requirements applicable to all courses, district governing boards shall ensure that:

(a) All approved courses offered as distance education include regular effective contact between instructor and students, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, telephone contact, correspondence, voice mail, e-mail, or other activities.

(b) All distance education courses are delivered consistent with guidelines issued by the Chancellor pursuant to section 409 of the Procedures and Standing Orders of the Board of Governors. Regular effective contact is an academic and professional matter pursuant to title 5, section 53200.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).

§ 55213. Separate Course Approval.

Each proposed or existing course, if delivered by distance education, shall be separately reviewed and approved according to the district's certified course approval procedures.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).

§ 55215. Faculty Selection.

Instructors of sections delivered via distance education technology shall be selected by the same procedures used to determine all instructional assignments. Instructors shall possess the minimum qualifications in the discipline into which the course's subject matter most appropriately falls, in accordance with article 2 of chapter 4 of division 4 of this part (commencing with section 53410), and with the list of disciplinary definitions and requirements adopted by the Board of Governors to implement that article, as such list may be amended from time to time.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).

§ 55217. Number of Students.

The number of students assigned to any one course section offered by distance education shall be determined by and be consistent with other district procedures related to faculty assignment. Procedures for determining the number of students assigned to a course section offered by distance education may include a review by the curriculum committee established pursuant to section 55002(a)(1).

Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).

§ 55219. Ongoing Responsibility of Districts.

Any district conducting courses under section 55316.5 shall:

(a) Maintain records and report data through the Chancellor's Office Management Information System on the number of students and faculty participating in new courses or sections of established courses,

(b) Provide to the local governing board, no later than August 31st of each year, a report on all distance education activity,

(c) Provide other information consistent with reporting guidelines developed by the Chancellor pursuant to section 409 of the Procedures and Standing Orders of the Board of Governors.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).

Subchapter 2. Programs and Classes Outside of District

NOTE: Authority cited: Section 72012, Education Code.

HISTORY

1. Repealer of chapter 2 (sections 55200-55204) filed 12-21-81; effective thirtieth day thereafter (Register 81, No. 52). For prior history, see Register 77, No. 45.
2. Amendment of subchapter 2 heading filed 5-15-93; operative 6-14-93 (Register 93, No. 25).

§ 55230. Classes, Property and Buildings Outside of District.

The governing board of a community college district may conduct community college classes and acquire the necessary property and erect the necessary buildings therefor, outside of the boundaries of the district if all of the following conditions exist:

(a) The proposed location is within the state.

(b) the activities, trades, businesses, or work to be carried on at the proposed location is such as to offer educational opportunities to students who are residents of the district in the subject or all of the subjects proposed to be taught at that location, and facilities for such instruction are not available either at the location of the principal buildings of the community college, or elsewhere within the district.

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).

contact hours counted for a student shall not exceed the maximum number of Cooperative Work Experience Education units for which the student may be granted credit as described in section 55253.

(b) The learning experience and the identified on-the-job learning objectives shall be sufficient to support the units to be awarded.

(c) The following formula will be used to determine the number of units to be awarded:

(1) Each 75 hours of paid work equals one semester credit or 50 hours equals one quarter credit.

(2) Each 60 hours of non-paid work equals one semester credit or 40 hours equals one quarter credit.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 9-29-78; designated effective 1-2-79 (Register 78, No. 39).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. 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).
4. Editorial correction of HISTORY 3 (Register 95, No. 20).

§ 55257. Job Learning Stations.

Job learning stations shall meet the following criteria:

(a) Employers or designated representatives agree with the intent and purposes of Cooperative Work Experience Education for students and are given a copy of each student's approved on-the-job learning objectives.

(b) Job learning stations offer a reasonable probability of continuous work experience for students during the current work experience enrollment term.

(c) Employers or designated representatives agree to provide adequate supervision, facilities, equipment, and materials at the learning stations to achieve on-the-job learning objectives.

(d) Employers as required by law agree to comply with all appropriate federal and state employment regulations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

HISTORY

1. Amendment filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment filed 9-29-78; designated effective 1-2-79 (Register 78, No. 39).
3. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. 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. Editorial correction of HISTORY 4 (Register 95, No. 20).

Subchapter 4. Courses and Programs Conducted As Independent Study

Article 1. General Provision and Requirements

§ 55300. Application of Chapter.

The provisions of this chapter apply to and implement the provisions of sections 58051 and 58003.1 in relation to attendance in approved courses and programs designed and conducted as independent study.

Approved courses conducted as independent study shall be reported to the Chancellor in accordance with specified procedures as required by law.

All heretofore approved credit courses offered in whatever mode meeting the above requirements shall remain approved provided such courses meet the requirements of this chapter.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78310, Education Code.

HISTORY

1. Repealer of chapter 4 (sections 55300-55344, not consecutive) and new chapter 4 (articles 1-5; sections 55300-55360, not consecutive) filed 12-18-78; effective thirtieth day thereafter (Register 78, No. 51). For prior history, see Registers 77, No. 45 and 71, No. 9.
2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
3. Amendment of chapter 4 heading, repealer of article 1 heading, and amendment of section 55300 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. 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. New article heading filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
6. Editorial correction of HISTORY 4 (Register 95, No. 20).

§ 55302. Definitions.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55310. Reporting.

Each independent study course, whether or not it is part of an approved program, must be reported to the Chancellor in a manner and form required by the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
2. Repealer of article 2 heading filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. 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).
4. Editorial correction of HISTORY 3 (Register 95, No. 20).

§ 55312. Transfer.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55314. Faculty and Student Participation.

NOTE: Authority cited: Sections 66700, 70901 and 78301, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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. Repealer filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20)

§ 55316. Criteria.

Courses offered pursuant to this Chapter shall:

(a) Be accepted by the college toward completion of an appropriate educational sequence leading to an associate degree, and

(b) Be recognized by an institution of the University of California or the California State University upon transfer to that institution.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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 opening statement, subsection (b) and NOTE filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55316.5. Additional Courses.

Notwithstanding any other provision of law, after June 1, 1994, the following additional types of courses may be offered as independent study if conducted by distance education consistent with the requirements of article 3 of subchapter 1 (commencing with section 55205) of this chapter and the guidelines developed by the Chancellor:

(a) Nontransferable courses designed to meet the requirements of sections 55805.5, 55806, and 55002(a) or (b);

(b) Noncredit courses.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
2. Amendment of last paragraph and NOTE filed 8-31-98; operative 9-30-98. Submitted to OAL for printing only (Register 98, No. 36).
3. Amendment of subsection (b) filed 12-3-2001; operative 1-2-2002. Submitted to OAL for printing only (Register 2001, No. 50).
4. Amendment of section and NOTE filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).

§ 55317. Ongoing Responsibilities of Districts.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. New section filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
2. Amendment of subsection (b), last paragraph and NOTE filed 8-31-98; operative 9-30-98. Submitted to OAL for printing only (Register 98, No. 36).
3. Amendment of subsections (b)-(c) filed 12-3-2001; operative 1-2-2002. Submitted to OAL for printing only (Register 2001, No. 50).
4. Repealer filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).

§ 55318. Written Record.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902, and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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. Repealer filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55320. Academic Standards.

Academic standards applicable to courses of independent study shall be the same as those applied to other credit courses in the college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 3 heading filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55321. Student Progress.

Procedures for evaluation of student progress shall be in accordance ith regulations set by the college. A report by an instructor on appropriate records bearing the student's name for purposes of state apportionment shall certify that adequate and proper progress toward accomplishment of the course objectives is being maintained by the student.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55322. Availability of Instructor.

The college shall provide access to the instructor for the students enrolled in courses offered pursuant to this chapter at least equivalent to that commonly available to students enrolled in courses conducted by other instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55323. Learning Assistance.

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY

1. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 12-17-84; effective thirtieth day thereafter (Register 84, No. 51).

§ 55340. Eligibility for State Funds.

In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this Chapter, the course must be reported as required by this Chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer of article 4 heading and amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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 section and NOTE filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55342. Average Daily Attendance.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55343. Grades Awarded.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55344. Enrollment.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55346. Records.

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

1 No. CSM. 02-TC-31
2
3 Minimum Conditions for State Aid:
4 Part 12: Instructional Programs

5 History Index for
6 Title 5, California Code of Regulations
7

8 Section 51022
9 Section 55600
10 Section 55601
11 Section 55602
12 Section 55602.5
13 Section 55603
14 Section 55605
15 Section 55607
16 Section 55620
17 Section 55630

18 **Register 74-17** New chapter 7 (sections 55600-55631, not consecutive).

19 **Register 77-45** § 55600: Amendment of section and NOTE.

20 § 55601: Amendment of section.

21 § 55602: Amendment of section.

22 § 55604: Amendment of section.

23 § 55605: Amendment of section.

24 § 55607: Amendment of section.

25 § 55620: Amendment of section.

26 § 55631: Amendment of section.

27 **Register 79-46** § 55604: Amendment of section.

28 **Register 83-18** § 55600: Repealer of subchapter 1 heading, amendment of article

29 1 heading, and repealer and new section 55600.

§ 55601: Repealed.

§ 55602: Repealed.

§ 55603: Added new NOTE.

§ 55604: Repealed.

§ 55605: Repealed, new section filed.

§ 55606: Repealed.

§ 55607: Amendment of section.

§ 55608: Repealed.

§ 55620: Repealer, new section added.

§ 55630: Repealer, new section added.

Register 84-26 § 51022: Added new section.

Register 91-23 § 51022: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55600: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 55602: Adoption of section filed by Board of Governors of California Community Colleges with the Secretary of

1 State. Submitted to OAL for printing only pursuant to
2 Education Code section 70901.5(b).
3 § 55602.5: Adoption of section filed by Board of Governors of
4 California Community Colleges with the Secretary of
5 State. Submitted to OAL for printing only pursuant to
6 Education Code section 70901.5(b).
7 § 55603: Amendment filed by Board of Governors of California
8 Community Colleges with the Secretary of State.
9 Submitted to OAL for printing only pursuant to
10 Education Code section 70901.5(b).
1 § 55605: Amendment filed by Board of Governors of California
12 Community Colleges with the Secretary of State.
13 Submitted to OAL for printing only pursuant to
14 Education Code section 70901.5(b).
15 § 55607: Amendment filed by Board of Governors of California
16 Community Colleges with the Secretary of State.
17 Submitted to OAL for printing only pursuant to
18 Education Code section 70901.5(b).
19 § 55620: Amendment filed by Board of Governors of California
20 Community Colleges with the Secretary of State.
21 Submitted to OAL for printing only pursuant to

1 Education Code section 70901.5(b).

2 § 55630: Amendment filed by Board of Governors of California

3 Community Colleges with the Secretary of State.

4 Submitted to OAL for printing only pursuant to

5 Education Code section 70901.5(b).

6 **Register 91-43** § 55602.5: Editorial correction of printing error.

7 **Register 93-25** § 55600: Amendment of section.

8 **Register 94-38** § 55602.5: Amendment of section. Submitted to OAL for printing

9 only pursuant to Education Code section 70901.5.

10 **Register 95-15** § 51022: Editorial correction of HISTORY 2.

11 **Register 95-22** § 55600: Editorial correction of HISTORY 4.

12 § 55602: Editorial correction of HISTORY 1.

13 § 55602.5: Editorial correction of HISTORY 1.

14 § 55603: Editorial correction of HISTORY 2.

15 § 55605: Editorial correction of HISTORY 3.

16 § 55607: Editorial correction of HISTORY 3.

17 § 55620: Editorial correction of HISTORY 3.

18 § 55630: Editorial correction of HISTORY 2.

19 **Subsequent Registers**: There may be changes to the regulations after the date the

20 test claim was filed, which are not included.

Register 1974-17

§ 55600
§ 55601
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§ 55603
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§ 55606
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CHAPTER 7. OCCUPATIONAL EDUCATION
SUBCHAPTER 1. VOCATIONAL EDUCATION CONTRACTS
Article 1. General Provisions

55600. Scope. Provisions of this chapter apply to all Vocational Education contracts established and maintained under the authority of Education Code Section 30133.

NOTE: Authority cited: Sections 193, 197 and 30133, Education Code. Reference: Chapter 5 (commencing with Section 30133), Division 21, Education Code.

History: 1. New Chapter 7 (Sections 55600 through 55631, not consecutive) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).

55601. Definitions. For the purposes of this chapter the following definitions apply:

(a) Vocational education contract means a written agreement between any Community College district and a private postsecondary school which meets standards prescribed herein to provide vocational instruction to students enrolled in Community Colleges.

(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. Part 1 of the California State Plan for Vocational Education provides standards, policies, and procedures that shall apply to the operation of various phases of vocational education to qualify for financial support from the Vocational Education Amendments of 1968 (Public Law 90-576) or any subsequent federal legislation.

(c) A course means an organized pattern of instruction in a specific subject offered by a Community College. The course meets the provisions of Administrative Code Title 5, Sections 55001 and 55002 or Sections 58000 to 58192 and 58250 to 58253.

(d) An educational program means an organized sequence of courses of instruction leading to a defined objective, degree, certificate, diploma, or license. All new programs must be approved according to Administrative Code Section 55130–55144.

(e) A school unit means any Community College district.

(f) Public entity as used in Education Code Section 30133 for Community Colleges means any Community College district governing board.

(g) Contractor means any private postsecondary school which, prior to the effective date of a contract, has received final approval or has been operational for a period of 2 years pursuant to the provisions of Education Code Division 21, Chapter 5 (commencing with Section 29001), to provide vocational education authorized by the Code. Provided, however, that any private postsecondary school that holds a contract with a Community College on the effective date of this article is exempt from the 2 year requirement.

(h) Eligible costs means all related instructional costs but does not include expenditures for capital outlay (600 category in the California Community College Budget and Accounting Manual) and shall not exceed the same cost to provide the same training in the public entity or the tuition the private postsecondary school charges its students, whichever is lower.

(i) Accounting manual means California Community Colleges Budget and Accounting Manual (October 30, 1973) and all similar subsequent documents.

(j) Teacher or instructor means an individual who holds a valid California Teaching credential authorizing the holder to teach applicable vocational education subjects in a Community College.

(k) Student means any individual enrolled in and under the control of a Community College.

55602. Occupational Purposes. The purpose of vocational education contracts is to provide a means whereby vocational, technical, and occupational preparation opportunities can be extended through private postsecondary schools approved pursuant to the provisions of Education Code Division 21, Chapter 1 (commencing with Section 29001).

55603. Instructional Purpose. Contractors shall provide vocational, technical, and occupational instruction related to attainment of skills, knowledge, and attitudes so that students may be prepared for:

(a) Gainful employment in the occupational area for which training was provided, or

(b) Occupational upgrading so students will have higher level skills required by new and changing technology and employment practices, or

(c) Enrollment in more advanced training programs.

55604. Application for Approval. The contract shall include such details to explain and justify intended offerings, including compliance with Education Code Sections 29001 through 30205. All contracts between Community College districts and private postsecondary schools will be submitted to the Chancellor for approval.

55605. Contract Approval and Limitations. Vocational education contracts pursuant to Education Code Section 30133 shall: (1) not exceed one year, (2) be approved by the Chancellor, and (3) all programs, courses, and classes of instruction shall meet standards set forth in the California State Plan for Vocational Education.

55606. Administration. Vocational education contracts shall be maintained in conformity with applicable provisions of the Education Code, Title 5 of the Administrative Code, California Community Colleges Budget and Accounting Manual, and the California State Plan for Vocational Education.

55607. Reporting. Each Community College district that has entered into a contract with a private postsecondary school, pursuant to Education Code Section 30133, shall submit annually to the Chancellor statistical and evaluative reports as provided for and described in the California State Plan for Vocational Education.

55608. Accounting Procedure. Vocational education contracts shall be organized and administered by Community College districts in such a manner there will be separate accounts for all income and expenditures applicable to the contract. These records will be retained for five (5) years or one year after audited by state auditors, whichever comes first, and shall be made available for audit by the federal government.

Article 2. Contracting Standards

55620. Standards. The following conditions shall be used to determine the appropriateness of vocational education contracts with private postsecondary schools:

(a) Manpower needs and job opportunities are identified and established for the instruction program.

(b) The program or courses do not unnecessarily duplicate offerings available in the region served.

(c) The program or courses provide vocational education opportunities not otherwise available.

(d) Each student eligible for enrollment under a contract between a Community College district and a private postsecondary school must: (1) have reached his sixteenth birthday and (2) be enrolled in a Community College.

(e) The programs or courses shall not reduce or supplant the vocational education efforts of any district.

(f) The Community College district may contract with respect to the use of any building which, if applicable thereto, does not conform to provisions of the Field Act (Education Code Section 15356).

(g) The private postsecondary school must be accredited by an accrediting agency recognized by the United States Office of Education or conforms to guidelines on contractual relationships with nonaccredited organizations established by the agency accrediting the Community College.

Article 3. Contract Provisions

55630. Support. The private postsecondary school and the Community College district will insure that ancillary and supportive services, such as counseling and guidance, and placement assistance are provided for the students.

55631. Terms and Conditions. Each contract shall expressly include but not be limited to, the following provisions:

(a) Methods for identifying costs and payment procedures for compliance with Education Code Section 30133 subdivisions (2) and (3).

(b) Performance objectives for each instructional area and a report regarding accomplishment of the objectives at the end of each contract period.

(c) Designation of responsibility for maintaining records of student attendance and achievement. Such records shall be available for review at all times.

(d) After July 1, 1976, instruction under contract shall be provided under the immediate supervision and control of teachers who hold a valid credential to teach the vocational subject in a California Community College.

(e) That the contractor provide indemnity and defense for the state and the Community College district and their respective officers and employees, against any and all claims and liability for death, injury, loss and damage arising out of, or in any manner connected with, the performance of the contract. Such indemnity and defense shall be provided by an appropriate hold harmless clause and a policy of liability insurance coverage, the cost of which is to be borne by the contractor. Such policy shall name the Board of Governors of the California Community Colleges, the State and public entity, along with their respective officers and employees as additional insureds.

(f) Where required by law, the contractor provides, at his own expense, workmen's compensation insurance coverage for any student.

(g) That the contractor is in compliance with the Civil Rights Act of 1964, Title 9 of the Higher Education Act of 1972, the U.S. Presidential Executive Order 11246 and subsequent amendments (if applicable) and the intent of the Board of Governors of the California Community Colleges affirmative action resolution adopted April 12, 1973, and all applicable local, state and federal health and safety regulations.

(h) Procedures relating to: transfer of students between the Community College district and contractor, number of class hours sufficient to meet the stated performance objectives, and withdrawal of students prior to completion of a course or program.

(i) Terms and conditions relating to enrollment period, cancellation and termination of the contract, and supervision and evaluation of students attending private postsecondary schools.

(j) That the contractor be responsible for keeping records on student attendance and achievements and for submitting these records on a schedule developed by the Community College district.

Register 1977-45

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§ 55601
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CHAPTER 7. OCCUPATIONAL EDUCATION

SUBCHAPTER 1. VOCATIONAL EDUCATION CONTRACTS

Article 1. General Provisions

55600. Scope. Provisions of this chapter apply to all Vocational Education contracts established and maintained under the authority of Education Code Section 8092.

NOTE: Authority cited for Chapter 7: Sections 71020, 71024 and 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

History: 1. New Chapter 7 (Sections 55600 through 55631, not consecutive) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

55601. Definitions. For the purposes of this chapter the following definitions apply:

(a) Vocational education contract means a written agreement between any Community College district and a private postsecondary school which meets standards prescribed herein to provide vocational instruction to students enrolled in Community Colleges.

(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. Part 1 of the California State Plan for Vocational Education provides standards, policies, and procedures that shall apply to the operation of various phases of vocational education to qualify for financial support from the Vocational Education Amendments of 1968 (Public Law 90-576) or any subsequent federal legislation.

(c) A course means an organized pattern of instruction in a specific subject offered by a Community College. The course meets the provisions of Administrative Code Title 5, Sections 55001 and 55002 or Sections 58000 to 58192 and 58250 to 58253.

(d) An educational program means an organized sequence of courses of instruction leading to a defined objective, degree, certificate, diploma, or license. All new programs must be approved according to Administrative Code Section 55130–55144.

(e) A school unit means any Community College district.

(f) Public entity as used in Education Code Section 8092 for Community Colleges means any Community College district governing board.

(g) Contractor means any private postsecondary school which, prior to the effective date of a contract, has received final approval or has been operational for a period of 2 years pursuant to the provisions of Education Code Division 10, Chapter 3 (commencing with Section 94300), to provide vocational education authorized by the Code. Provided, however, that any private postsecondary school that holds a contract with a Community College on the effective date of this article is exempt from the 2 year requirement.

(h) Eligible costs means all related instructional costs but does not include expenditures for capital outlay (600 category in the *California Community College Budget and Accounting Manual*) and shall not exceed the same cost to provide the same training in the public entity or the tuition the private postsecondary school charges its students, whichever is lower.

(i) Accounting manual means *California Community Colleges Budget and Accounting Manual* (Revised, April 22, 1977) and all similar subsequent documents.

(j) Teacher or instructor means an individual who holds a valid California Teaching credential authorizing the holder to teach applicable vocational education subjects in a Community College.

(k) Student means any individual enrolled in and under the control of a Community College.

History: 1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

55602. Occupational Purposes. The purpose of vocational education contracts is to provide a means whereby vocational, technical, and occupational preparation opportunities can be extended through private postsecondary schools approved pursuant to the provisions of Education Code Division 10, Chapter 3 (commencing with Section 94300).

History: 1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

55603. Instructional Purpose. Contractors shall provide vocational, technical, and occupational instruction related to attainment of skills, knowledge, and attitudes so that students may be prepared for:

(a) Gainful employment in the occupational area for which training was provided, or

(b) Occupational upgrading so students will have higher level skills required by new and changing technology and employment practices, or

(c) Enrollment in more advanced training programs.

55604. Application for Approval. The contract shall include such details to explain and justify intended offerings, including compliance with Education Code Sections 94300 through 8084. All contracts between Community College districts and private postsecondary schools will be submitted to the Chancellor for approval.

History: 1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

55605. Contract Approval and Limitations. Vocational education contracts pursuant to Education Code Section 8092 shall: (1) not exceed one year, (2) be approved by the Chancellor, and (3) all programs, courses, and classes of instruction shall meet standards set forth in the California State Plan for Vocational Education.

History: 1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

55606. Administration. Vocational education contracts shall be maintained in conformity with applicable provisions of the Education Code, Title 5 of the Administrative Code, California Community Colleges Budget and Accounting Manual, and the California State Plan for Vocational Education.

55607. Reporting. Each Community College district that has entered into a contract with a private postsecondary school, pursuant to Education Code Section 8092, shall submit annually to the Chancellor statistical and evaluative reports as provided for and described in the California State Plan for Vocational Education.

History: 1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

55608. Accounting Procedure. Vocational education contracts shall be organized and administered by Community College districts in such a manner there will be separate accounts for all income and expenditures applicable to the contract. These records will be retained for five (5) years or one year after audited by state auditors, whichever comes first, and shall be made available for audit by the federal government.

Article 2. Contracting Standards

55620. Standards. The following conditions shall be used to determine the appropriateness of vocational education contracts with private postsecondary schools:

(a) Manpower needs and job opportunities are identified and established for the instruction program.

(b) The program or courses do not unnecessarily duplicate offerings available in the region served.

(c) The program or courses provide vocational education opportunities not otherwise available.

(d) Each student eligible for enrollment under a contract between a Community College district and a private postsecondary school must: (1) have reached his sixteenth birthday and (2) be enrolled in a Community College.

(e) The programs or courses shall not reduce or supplant the vocational education efforts of any district.

(f) The Community College district may contract with respect to the use of any building which, if applicable thereto, does not conform to provisions of the Field Act (Education Code Section 81064).

(g) The private postsecondary school must be accredited by an accrediting agency recognized by the United States Office of Education or conform to guidelines on contractual relationships with nonaccredited organizations established by the agency accrediting the Community College.

History: 1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

Article 3. Contract Provisions

55630. Support. The private postsecondary school and the Community College district will insure that ancillary and supportive services, such as counseling and guidance, and placement assistance are provided for the students.

55631. Terms and Conditions. Each contract shall expressly include but not be limited to, the following provisions:

(a) Methods for identifying costs and payment procedures for compliance with Education Code Section 8092 subdivisions 2 and 3.

(b) Performance objectives for each instructional area and a report regarding accomplishment of the objectives at the end of each contract period.

(c) Designation of responsibility for maintaining records of student attendance and achievement. Such records shall be available for review at all times.

(d) After July 1, 1976, instruction under contract shall be provided under the immediate supervision and control of teachers who hold a valid credential to teach the vocational subject in a California Community College.

(e) That the contractor provide indemnity and defense for the state and the Community College district and their respective officers and employees, against any and all claims and liability for death, injury, loss and damage arising out of, or in any manner connected with, the performance of the contract. Such indemnity and defense shall be provided by an appropriate hold harmless clause and a policy of liability insurance coverage, the cost of which is to be borne by the contractor. Such policy shall name the Board of Governors of the California Community Colleges, the State and public entity, along with their respective officers and employees as additional insureds.

(f) Where required by law, the contractor provides, at the contractor's own expense, workmen's compensation insurance coverage for any student.

(g) That the contractor is in compliance with the Civil Rights Act of 1964, Title 9 of the Higher Education Act of 1972, the U.S. Presidential Executive Order 11246 and subsequent amendments (if applicable) and the intent of the Board of Governors of the California Community Colleges affirmative action resolution adopted April 12, 1973, and all applicable local, state and federal health and safety regulations.

(h) Procedures relating to: transfer of students between the Community College district and contractor, number of class hours sufficient to meet the stated performance objectives, and withdrawal of students prior to completion of a course or program.

(i) Terms and conditions relating to enrollment period, cancellation and termination of the contract, and supervision and evaluation of students attending private postsecondary schools.

(j) That the contractor be responsible for keeping records on student attendance and achievements and for submitting these records on a schedule developed by the Community College district.

History: 1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

CHAPTER 7. OCCUPATIONAL EDUCATION

SUBCHAPTER 1. VOCATIONAL EDUCATION CONTRACTS

Article 1. General Provisions

55600. Scope.

Provisions of this chapter apply to all Vocational Education contracts established and maintained under the authority of Education Code Section 8092.

NOTE: Authority cited for Chapter 7: Sections 71020, 71024 and 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY:

1. New Chapter 7 (Sections 55600 through 55631, not consecutive) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

55601. Definitions.

For the purposes of this chapter the following definitions apply:

(a) Vocational education contract means a written agreement between any Community College district and a private postsecondary school which meets standards prescribed herein to provide vocational instruction to students enrolled in Community Colleges.

(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. Part 1 of the California State Plan for Vocational Education provides standards, policies, and procedures that shall apply to the operation of various phases of vocational education to qualify for financial support from the Vocational Education Amendments of 1968 (Public Law 90-576) or any subsequent federal legislation.

(c) A course means an organized pattern of instruction in a specific subject offered by a Community College. The course meets the provisions of Administrative Code Title 5, Sections 55001 and 55002 or Sections 58000 to 58192 and 58250 to 58253.

(d) An educational program means an organized sequence of courses of instruction leading to a defined objective, degree, certificate, diploma, or license. All new programs must be approved according to Administrative Code Section 55130-55144.

(e) A school unit means any Community College district.

(f) Public entity as used in Education Code Section 8092 for Community Colleges means any Community College district governing board.

(g) Contractor means any private postsecondary school which, prior to the effective date of a contract, has received final approval or has been operational for a period of 2 years pursuant to the provisions of Education Code Division 10, Chapter 3 (commencing with Section 94300), to provide vocational education authorized by the Code. Provided, however, that any private postsecondary school that holds a contract with a Community College on the effective date of this article is exempt from the 2 year requirement.

(h) Eligible costs means all related instructional costs but does not include expenditures for capital outlay (600 category in the *California Community College Budget and Accounting Manual*) and shall not exceed the same cost to provide the same training in the public entity or the tuition the private postsecondary school charges its students, whichever is lower.

(i) Accounting manual means *California Community Colleges Budget and Accounting Manual* (Revised, April 22, 1977) and all similar subsequent documents.

(j) Teacher or instructor means an individual who holds a valid California Teaching credential authorizing the holder to teach applicable vocational education subjects in a Community College.

(k) Student means any individual enrolled in and under the control of a Community College.

HISTORY:

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

55602. Occupational Purposes.

The purpose of vocational education contracts is to provide a means whereby vocational, technical, and occupational preparation opportunities can be extended through private postsecondary schools approved pursuant to the provisions of Education Code Division 10, Chapter 3 (commencing with Section 94300).

HISTORY:

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

55603. Instructional Purpose.

Contractors shall provide vocational, technical, and occupational instruction related to attainment of skills, knowledge, and attitudes so that students may be prepared for:

(a) Gainful employment in the occupational area for which training was provided, or

(b) Occupational upgrading so students will have higher level skills required by new and changing technology and employment practices, or

(c) Enrollment in more advanced training programs.

55604. Application for Approval.

The contract shall include such details to explain and justify intended offerings, including compliance with Education Code Sections 8080 through 8084. All contracts between Community College districts and private postsecondary schools will be submitted to the Chancellor for approval.

NOTE: Authority cited: Sections 8092, 71020, 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY:

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).

55605. Contract Approval and Limitations.

Vocational education contracts pursuant to Education Code Section 8092 shall: (1) not exceed one year, (2) be approved by the Chancellor, and (3) all programs, courses, and classes of instruction shall meet standards set forth in the California State Plan for Vocational Education.

HISTORY:

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

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CHAPTER 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 Education Code Section 8092 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 not less than two (2) full calendar years prior to the effective date of the contract, to provide vocational skill training authorized by this Code.

(d) Eligible costs means all direct and indirect related instructional costs but does not include expenditures for capital outlay (600 category in the California Community Colleges Budget and Accounting Manual).

NOTE: Authority cited: Sections 8092 and 71020, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY:

1. New Chapter 7 (Sections 55600 through 55631, not consecutive) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Subchapter 1 heading, amendment of Article 1 heading, and repealer and new Section 55600 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

55601. Definitions.

NOTE: Authority cited: Sections 71020, 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY:

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (g) filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

55602. Occupational Purposes.

HISTORY:

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

55603. Instructional Purpose.

Contractors shall provide vocational, technical, and occupational instruction related to attainment of skills, knowledge, and attitudes so that students may be prepared for:

(a) Gainful employment in the occupational area for which training was provided, or

(b) Occupational upgrading so students will have higher level skills required by new and changing technology and employment practices, or

(c) Enrollment in more advanced training programs.

NOTE: Authority cited: Sections 8092 and 71020, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1, Education Code.

HISTORY:

1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

55604. Application for Approval.

NOTE: Authority cited: Sections 8092, 71020, 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY:

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

55605. Contract Approval and Limitations.

Vocational education contracts entered into pursuant to Education Code Section 8092 shall:

(a) Not exceed one year;

(b) Be approved by the Chancellor;

(c) Include such details to explain and justify intended offerings, including compliance with Education Code Sections 8080 through 8084;

(d) Be maintained in conformity with applicable provisions of the Education Code, Title 5 of the Administrative Code, California Community Colleges Budget and Accounting Manual, and the California State Plan for Vocational Education; and

(e) Be organized and administered by community college districts in such a manner that there will be separate accounts for all income and expenditures applicable to the contract.

NOTE: Authority cited: Sections 8092, 71020 and 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY:

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

55606. Administration.

HISTORY:

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

55607. Reporting.

Each Community College district that has entered into a contract with a contractor pursuant to Education Code Section 8092, shall submit annually to the Chancellor statistical and evaluative reports on forms provided by the Chancellor. All records related to income and expenditures applicable to the contract shall be made available for audit by the state or federal government and will be retained for five (5) years or one year after audited, whichever comes first.

NOTE: Authority cited: Sections 8092 and 71020, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY:

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

55608. Accounting Procedure.

HISTORY:

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 2. Contracting Standards

55620. Standards.

The following conditions shall be used to determine the appropriateness of vocational education contracts with contractors:

(a) Manpower needs and job opportunities are identified and established for the instruction program.

(b) The program or courses do not unnecessarily duplicate offerings available in the region served.

(c) The program or courses provide vocational education opportunities not otherwise available.

(d) The programs or courses shall not reduce or supplant the vocational education efforts of any district.

(e) Eligible costs shall not exceed the same cost to provide the same training in the public entity or the tuition the private postsecondary school charges its private students, whichever is lower.

(f) The community college student may not be charged additional tuition for any training included in the contract.

(g) Each student eligible for enrollment under a contract between a community college district and a contractor must: (1) have reached his or her sixteenth birthday and (2) be enrolled in a community college.

(h) The community college district may contract with respect to the use of any building which, if applicable thereto, does not conform to provisions of the Field Act (Education Code Section 81064).

(i) The contractor must be accredited by an accrediting agency recognized by the United States Office of Education or conform to guidelines on contractual relationships with nonaccredited organizations established by the agency accrediting the community college.

NOTE: Authority cited: Sections 8090, 8092 and 71020, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY:

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 3. Contract Provisions

55630. Terms and Conditions.

Each contract shall expressly include but not be limited to, the following provisions:

(a) The governing board of the community college district has determined, by resolution, the appropriateness of offering the program through a contract with a contractor pursuant to Education Code Section 78015.

(b) Methods for identifying eligible costs and payment procedures for compliance with Education Code Section 8092 subdivisions 2 and 3.

(c) Procedures, terms and conditions relating to (1) enrollment period; (2) transfer of students between the community college district and contractor; (3) number of class hours sufficient to meet the stated performance objectives; (4) supervision and evaluation of students; and (5) withdrawal of students prior to completion of a course or program.

(d) The contractor and the community college district will insure that ancillary and support services are provided for the students including, but not limited to (1) counseling and guidance, and (2) placement assistance.

(e) Instruction provided under the immediate supervision and control of an employee of the district as defined in Section 58056 of this part who holds a valid credential authorizing instruction in the vocational subject in a California community college.

(f) Performance objectives for each instructional area and a report regarding accomplishment of the objectives at the end of each contract period.

(g) Designation of responsibility to the contractor for maintaining records of student attendance and achievement. Such records shall be available for review at all times and submitted on a schedule developed by the community college district.

(h) Terms and conditions relating to cancellation and termination of the contract.

(i) The contractor is in compliance with the Civil Rights Act of 1964, Title 9 of the Higher Education Act of 1972, the U.S. Presidential Executive Order 11246 and subsequent amendments (if applicable), and all applicable state and federal health and safety regulations.

(j) The contractor provides, when required by law and at the contractor's own expense, workers' compensation insurance coverage for any student.

(k) The contractor provides indemnity and defense for the state and the community college district and their respective officers and employees, against any and all claims and liability for death, injury, loss and damage arising out of, or in any manner connected with, the performance of the contract. Such indemnity and defense shall be provided by an appropriate hold harmless clause and a policy of liability insurance coverage, the cost of which is to be borne by the contractor. Such policy shall name the Board of Governors of the California Community Colleges, the State and public entity, along with their respective officers and employees as additional insureds.

NOTE: Authority cited: Sections 8090, 8092 and 71020, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY:

1. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

55631. Terms and Conditions.

NOTE: Authority cited: Sections 71020, 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY:

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (d) filed 1-16-81; effective thirtieth day therafter (Register 81, No. 3).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 4. Regional Adult and Vocational Education Councils

55650. Regulations Reference.

Pursuant to the authority vested by Sections 8023, 8024, 8029 and 8034 of the Education Code, the Superintendent of Public Instruction and the Chancellor of the California Community Colleges have jointly adopted Administrative Code regulations on the establishment and operation of Regional Adult and Vocational Education Councils. These regulations are set forth in Chapter 13 (commencing with Section 11610) of Division 11, Part 1 of Title 5, California Administrative Code, and shall govern the establishment and operation of Regional Adult and Vocational Educational Councils with respect to Community Colleges.

NOTE: Authority cited: Section 8023, Education Code. Reference: Article 2, Chapter 1 (commencing with Section 8020), Division 1, Education Code.

HISTORY:

1. New Subchapter 2 (Section 55650) filed 4-22-76; effective thirtieth day thereafter (Register 76, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Redesignation of Subchapter 2 (Section 55650) to Article 4 (Section 55650) filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 5. Calculation and Payment of Excess Costs of Apprenticeship Classes

55675. Regulations Reference.

Pursuant to the authority vested by Section 3074 of the Labor Code, the State Board of Education, the Board of Governors of the California Community Colleges and the Division of Apprenticeship Standards have jointly issued regulations regarding excess costs to be borne by local apprenticeship program sponsors. These regulations are set forth in Article 11 (commencing with Section 235) of Chapter 2, Part 1 of Title 8, California Administrative Code, and shall govern the calculation and payment of excess costs of apprenticeship classes which are maintained in connection with Community Colleges.

NOTE: Authority cited: Section 71020, Education Code. Reference: Section 3074, Labor Code.

HISTORY:

1. New Subchapter 3 (Section 55675) filed 7-8-76; effective thirtieth day thereafter (Register 76, No. 28).
2. Editorial correction replacing text inadvertently omitted during printing (Register 80, No. 9).
3. Redesignation of Subchapter 3 (Section 55675) to Article 5 (Section 55675) and amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

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51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding program review as specified in Section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 71025 and 78405, Education Code. Reference: Sections 71025, 71070, 78016, 78200 and 78405, Education Code.

HISTORY:

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of Sections 53200–53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

NOTE: Authority cited: Sections 66700, 71025 and 71068, Education Code. Reference: Sections 71025, 71068 and 72292, Education Code.

HISTORY:

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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(c) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

(a) The governing board of a community college district planning the formation of a new college or educational center shall obtain approval of such college or educational center by the Board of Governors. Approval shall be obtained prior to the commencement of classes at the new college or educational center.

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

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 Education Code section 8092 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 not less than two (2) full calendar years prior to the effective date of the contract, to provide vocational skill training authorized by this Code.

(d) Eligible costs means all direct and indirect related instructional costs but does not include expenditures for capital outlay (600 category in the California Community Colleges Budget and Accounting Manual).

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. New chapter 7 (sections 55600 through 55631, not consecutive) filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of subchapter 1 heading, amendment of article 1 heading, and repealer and new section 55600 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55601. Definitions.

NOTE: Authority cited: Sections 71020, 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (g) filed 1–16–81; effective thirtieth day thereafter (Register 81, No. 3).
3. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55602. Authority to Contract.

Any community college district or districts may contract with a private post secondary school authorized or approved pursuant to the provisions of chapter 3 (commencing with section 94300) of part 59 of the Education Code and which has been in operation not less than two full calendar years prior to the effective date of such contract to provide vocational skill training authorized by the Education Code. Any community college district may contract with an activity center, work activity center, or sheltered work shop to provide vocational skill training authorized by the Education Code in any adult education program for substantially handicapped persons operated pursuant to subdivision (e) of section 41976 of the Education Code.

All contracts between a community college district and a private postsecondary school entered into pursuant to this section, or an activity center, work center, or sheltered workshop shall do all of the following:

(1) Be approved by the Chancellor.

(2) Provide that the amount contracted for per student shall not exceed the total direct and indirect costs to provide the same training in the community colleges or the tuition the private postsecondary school charges its private students, whichever is lower.

(3) Provide that the community college students receiving training in a private postsecondary school, or an activity center, work activity center, or sheltered workshop pursuant to that contract may not be charged additional tuition for any training included in the contract. The attendance of those students pursuant to a contract authorized by this section shall be credited to the community college district for the purposes of apportionments from the State School Fund.

(4) Provide that all programs, courses, and classes of instruction shall meet the standards set forth in the California State Plan for Vocational Education, or is a course of study for adult schools approved by the Department of Education under section 51056 of the Education Code.

The students who attend a private postsecondary school or an activity center, work activity center or sheltered workshop pursuant to a contract under this section shall be enrollees of the community college and the vocational instruction provided pursuant to that contract shall be under the exclusive control and management of the governing body of the contracting community college district. The Chancellor may audit the accounts of both the district and the private party involved in these contracts to the extent necessary to assure the integrity of the public funds involved.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55602.5. Contracts for Vocational Education for Students with Impaired Physical Capacity.

Notwithstanding any provision in the Education Code to the contrary, the governing board of a community college district and a proprietary or nonprofit organization, a public entity, or a proprietary or nonprofit private corporation may enter into a contract for the education of community college students whose capacity to function is impaired by physical deficiency or injury, in vocational education classes to be conducted for such students by the proprietary or nonprofit organization, the public entity, or the proprietary or nonprofit private corporation maintaining the vocational education classes. All instruction pursuant to this section shall be approved of and supervised by the governing board of the community college district and shall be conducted by academic employees. The average daily attendance of such community college students attending classes, under the provisions of this section, shall be credited to the community college district and college credit may be granted students who satisfactorily complete the course of instructions in such classes.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55603. Instructional Purpose.

Contractors shall provide vocational, technical, and occupational instruction related to attainment of skills, knowledge, and attitudes so that students may be prepared for:

(a) Gainful employment in the occupational area for which training was provided, or

(b) Occupational upgrading so students will have higher level skills required by new and changing technology and employment practices, or

(c) Enrollment in more advanced training programs.

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

History

1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55604. Application for Approval.

Note: Authority cited: Sections 8092, 71020, 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

History

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55605. Contract Approval and Limitations.

Vocational education contracts entered into pursuant to section 55602 shall:

(a) Not exceed one year;

(b) Be approved by the Chancellor;

(c) Include such details to explain and justify intended offerings.

(d) Be maintained in conformity with applicable provisions of the Education Code, Title 5 of the California Code of Regulations, California Community Colleges Budget and Accounting Manual, and the California State Plan for Vocational Education; and

(e) Be organized and administered by community college districts in such a manner that there will be separate accounts for all income and expenditures applicable to the contract.

Note: Authority cited: Sections 8092, 66700, 70901, 70902 and 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

History

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55606. Administration.

History

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55607. Reporting.

Each Community College district that has entered into a contract with a contractor pursuant to Education Code section 55602, shall submit annually to the Chancellor statistical and evaluative reports on forms provided by the Chancellor. All records related to income and expenditures applicable to the contract shall be made available for audit by the state or federal government and will be retained for five (5) years or one year after audited, whichever comes first.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

History

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55608. Accounting Procedure.

History

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 2. Contracting Standards

§ 55620. Standards.

The following conditions shall be used to determine the appropriateness of vocational education contracts with contractors:

(a) Manpower needs and job opportunities are identified and established for the instruction program.

(b) The program or courses do not unnecessarily duplicate offerings available in the region served.

(c) The program or courses provide vocational education opportunities not otherwise available.

(d) The programs or courses shall not reduce or supplant the vocational education efforts of any district.

(e) Eligible costs shall not exceed the same cost to provide the same training in the public entity or the tuition the private postsecondary school charges its private students, whichever is lower.

(f) The community college student may not be charged additional tuition for any training included in the contract.

(g) Each student eligible for enrollment under a contract between a community college district and a contractor must: (1) have reached his or her sixteenth birthday and (2) be enrolled in a community college.

(h) The contractor must be accredited by an accrediting agency recognized by the United States Office of Education or conform to guidelines on contractual relationships with nonaccredited organizations established by the agency accrediting the community college.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

History

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Article 3. Contract Provisions

§ 55630. Terms and Conditions.

Each contract shall expressly include but not be limited to, the following provisions:

(a) The governing board of the community college district has determined, by resolution, the appropriateness of offering the program through a contract with a contractor pursuant to Education Code section 78015.

(b) Methods for identifying eligible costs and payment procedures for compliance with section 55602 subdivisions 2 and 3.

(c) Procedures, terms and conditions relating to (1) enrollment period; (2) transfer of students between the community college district and contractor; (3) number of class hours sufficient to meet the stated performance objectives; (4) supervision and evaluation of students; and (5) withdrawal of students prior to completion of a course or program.

(d) The contractor and the community college district will insure that ancillary and support services are provided for the students including, but not limited to (1) counseling and guidance, and (2) placement assistance.

(e) Instruction provided under the immediate supervision and control of qualified faculty of the district.

(f) Performance objectives for each instructional area and a report regarding accomplishment of the objectives at the end of each contract period.

(g) Designation of responsibility to the contractor for maintaining records of student attendance and achievement. Such records shall be available for review at all times and submitted on a schedule developed by the community college district.

(h) Terms and conditions relating to cancellation and termination of the contract.

(i) The contractor is in compliance with the Civil Rights Act of 1964, title 9 of the Higher Education Act of 1972, the U.S. Presidential Executive Order 11246 and subsequent amendments (if applicable), and all applicable state and federal health and safety regulations.

(j) The contractor provides, when required by law and at the contractor's own expense, workers' compensation insurance coverage for any student.

(k) The contractor provides indemnity and defense for the state and the community college district and their respective officers and employees, against any and all claims and liability for death, injury, loss and damage arising out of, or in any manner connected with, the performance of the contract. Such indemnity and defense shall be provided by an appropriate hold harmless clause and a policy of liability insurance coverage, the cost of which is to be borne by the contractor. Such policy shall name the Board of Governors of the California Community Colleges, the State and public entity, along with their respective officers and employees as additional insureds.

NOTE: Authority cited: Sections 8090, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55631. Terms and Conditions.

NOTE: Authority cited: Sections 71020, 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (d) filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 4. Regional Adult and Vocational Education Councils

§ 55650. Regulations Reference.

NOTE: Authority cited: Section 8023, Education Code. Reference: Article 2, Chapter 1 (commencing with Section 8020), Division 1, Education Code.

HISTORY

1. New subchapter 2 (section 55650) filed 4-22-76; effective thirtieth day thereafter (Register 76, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Redesignation of subchapter 2 (section 55650) to article 4 (section 55650) filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Article 5. Calculation and Payment of Excess Costs of Apprenticeship Classes

§ 55675. Regulations Reference.

Pursuant to the authority vested by section 3074 of the Labor Code, the State Board of Education, the Board of Governors of the California Community Colleges and the Division of Apprenticeship Standards have jointly issued regulations regarding excess costs to be borne by program sponsors. These regulations are set forth in article 11 (commencing with section 235) of chapter 2, part 1 of title 8, California Administrative Code, and shall govern the calculation and payment of excess costs of apprenticeship classes which are maintained in connection with Community Colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 3074, Labor Code.

HISTORY

1. New subchapter 3 (section 55675) filed 7-8-76; effective thirtieth day thereafter (Register 76, No. 28).
2. Editorial correction replacing text inadvertently omitted during printing (Register 80, No. 9).
3. Redesignation of subchapter 3 (section 55675) to article 5 (section 55675) and amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 8. Academic Calendar

Article 1. 175-Day Minimum Academic Calendar

§ 55700. Scope.

The provisions of this article pertain to changes made on or after July 1, 1982, to any traditional academic year calendar consisting of at least 175 days of instruction and evaluation. The conversion to a flexible calendar operation is not addressed by the provisions of this article; rather, the provisions of article 2 (commencing with section 55720) govern the flexible calendar option.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New chapter 8, articles 1-4 (sections 55700-55731, not consecutive) filed 5-7-76; effective thirtieth day thereafter (Register 76, No. 19).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of chapter 8 (articles 1-4, sections 55700-55731, not consecutive) and new chapter 8 (articles 1 and 2, sections 55700-55732, not consecutive) filed 7-26-82; designated effective 7-30-82 pursuant to Government Code section 11346.2(d) (Register 82, No. 31). For prior history, see Register 80, No. 11.
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55700.1. Studies on a Quarter System, Trimester Basis or Flexible Calendar.

At the request of a community college district, the Chancellor may approve a program of studies on a quarter system or a trimester basis, or a flexible calendar.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55702. Approval of Changes.

(a) Prior to any change in academic year configuration, including the addition, deletion, shortening or lengthening of any term, the governing board of a district shall obtain the approval of the Chancellor.

(b) Requests for approval shall be made on a form provided by the Chancellor, and shall address:

(1) A complete description of the calendar configuration;

(2) The district's ability to comply with the 175-Day Rule as provided in section 58142; and

(3) The educational implications, positive and negative, of the proposed change.

(c) The Chancellor shall approve a requested change in academic year terms if it is found that:

(1) The state aid implications of the requested change have been addressed; and

(2) The district will be able to comply with the 175-Day Rule; and

(3) The change in configuration is consistent with the continued delivery of quality education.

NOTE: Authority cited: Sections 66700, 70901, 84890 and 84890, Education Code. Reference: Section 84890, Education Code.

Register 1991-43

§ 55602.5

Article 4. Appeals, Waivers, Student Rights and Responsibilities

§ 55530. Student Rights and Responsibilities.

(a) Nothing in this chapter shall be construed to interfere with the right of a student, if admitted to a community college in accord with district admission policies adopted pursuant to Education Code section 76000 et seq., from enrolling in any course for which he or she can meet necessary and valid prerequisites, if any, which have been established pursuant to the requirements of section 58106 of division 9 of this part.

(b) Community college districts shall take steps to ensure that information, in written form, is available to all students, in class schedules, catalogues, 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 which 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 objective 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 coursework, 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/her specific educational goal, or fails to abide by the terms of his/her student educational plan, the district may, subject to the requirements of this chapter, suspended or terminate the provision of services authorized in section 55520; provided however, the 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: Section 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).

§ 55532. Exemptions.

(a) Community college districts may elect to exempt certain students from participation in orientation, assessment, counseling or advisement, 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) Where students are required by a community college district to meet prerequisites under section 58106(b)(2) or (b)(3), a student may object to such requirement on the grounds that the necessary course is not available. The district shall promptly (within 5 working days) determine whether, the required course was available and if not, the district shall waive the prerequisite for that term.

(b) An allegation that a community college district has violated the provisions of subsection (f) of section 55521 or has established a discriminatory prerequisite subject to challenge under subsection (d)(3) of section 58106 shall be considered a complaint of unlawful discrimination and shall be filed, investigated and resolved pursuant to chapter 5 (commencing with section 59300) of Division 10 of this part.

(c) Each community college district shall establish written procedures by which students may challenge any other alleged violation of the provisions of this chapter or of section 58106. Districts shall investigate and attempt to resolve any such complaints. Such complaint procedures may, by action of the governing board, be consolidated with existing student grievance procedures. 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).

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).

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 Education Code section 8092 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 not less than two (2) full calendar years prior to the effective date of the contract, to provide vocational skill training authorized by this Code.

(d) Eligible costs means all direct and indirect related instructional costs but does not include expenditures for capital outlay (600 category in the California Community Colleges Budget and Accounting Manual).

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. New chapter 7 (sections 55600 through 55631, not consecutive) filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of subchapter 1 heading, amendment of article 1 heading, and repealer and new section 55600 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55601. Definitions.

NOTE: Authority cited: Sections 71020, 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (g) filed 1–16–81; effective thirtieth day thereafter (Register 81, No. 3).
3. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55602. Authority to Contract.

Any community college district or districts may contract with a private post secondary school authorized or approved pursuant to the provisions of chapter 3 (commencing with section 94300) of part 59 of the Education Code and which has been in operation not less than two full calendar years prior to the effective date of such contract to provide vocational skill training authorized by the Education Code. Any community college district may contract with an activity center, work activity center, or sheltered work shop to provide vocational skill training authorized by the Education Code in any adult education program for substantially handicapped persons operated pursuant to subdivision (e) of section 41976 of the Education Code.

All contracts between a community college district and a private postsecondary school entered into pursuant to this section, or an activity center, work center, or sheltered workshop shall do all of the following:

(1) Be approved by the Chancellor.

(2) Provide that the amount contracted for per student shall not exceed the total direct and indirect costs to provide the same training in the community colleges or the tuition the private postsecondary school charges its private students, whichever is lower.

(3) Provide that the community college students receiving training in a private postsecondary school, or an activity center, work activity center, or sheltered workshop pursuant to that contract may not be charged additional tuition for any training included in the contract. The attendance of those students pursuant to a contract authorized by this section shall be credited to the community college district for the purposes of apportionments from the State School Fund.

(4) Provide that all programs, courses, and classes of instruction shall meet the standards set forth in the California State Plan for Vocational Education, or is a course of study for adult schools approved by the Department of Education under section 51056 of the Education Code.

The students who attend a private postsecondary school or an activity center, work activity center or sheltered workshop pursuant to a contract under this section shall be enrollees of the community college and the vocational instruction provided pursuant to that contract shall be under the exclusive control and management of the governing body of the contracting community college district. The Chancellor may audit the accounts of both the district and the private party involved in these contracts to the extent necessary to assure the integrity of the public funds involved.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55602.5. Contracts for Vocational Education for Students with Impaired Physical Capacity.

Notwithstanding any provision in the Education Code to the contrary, the governing board of a community college district and a proprietary or nonprofit organization, a public entity, or a proprietary or nonprofit private corporation may enter into a contract for the education of community college students whose capacity to function is impaired by physical deficiency or injury, in vocational education classes to be conducted for such students by the proprietary or nonprofit organization, the public entity, or the proprietary or nonprofit private corporation maintaining the vocational education classes. All instruction pursuant to this section shall be approved of and supervised by the governing board of the community college district and shall be conducted by academic employees. The average daily attendance of such community college students attending classes, under the provisions of this section, shall be credited to the community college district and college credit may be granted students who satisfactorily complete the course of instruction in such classes.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error (Register 91, No. 43).

§ 55603. Instructional Purpose.

Contractors shall provide vocational, technical, and occupational instruction related to attainment of skills, knowledge, and attitudes so that students may be prepared for:

(a) Gainful employment in the occupational area for which training was provided, or

(b) Occupational upgrading so students will have higher level skills required by new and changing technology and employment practices, or

(c) Enrollment in more advanced training programs.

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55604. Application for Approval.

NOTE: Authority cited: Sections 8092, 71020, 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 11–15–79; effective thirtieth day thereafter (Register 79, No. 46).
3. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55605. Contract Approval and Limitations.

Vocational education contracts entered into pursuant to section 55602 shall:

(a) Not exceed one year;

(b) Be approved by the Chancellor;

(c) Include such details to explain and justify intended offerings.

(d) Be maintained in conformity with applicable provisions of the Education Code, Title 5 of the California Code of Regulations, California Community Colleges Budget and Accounting Manual, and the California State Plan for Vocational Education; and

(e) Be organized and administered by community college districts in such a manner that there will be separate accounts for all income and expenditures applicable to the contract.

NOTE: Authority cited: Sections 8092, 66700, 70901, 70902 and 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55606. Administration.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55607. Reporting.

Each Community College district that has entered into a contract with a contractor pursuant to Education Code section 55602, shall submit annually to the Chancellor statistical and evaluative reports on forms provided by the Chancellor. All records related to income and expenditures applicable to the contract shall be made available for audit by the state or federal government and will be retained for five (5) years or one year after audited, whichever comes first.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55608. Accounting Procedure.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 2. Contracting Standards

§ 55620. Standards.

The following conditions shall be used to determine the appropriateness of vocational education contracts with contractors:

(a) Manpower needs and job opportunities are identified and established for the instruction program.

(b) The program or courses do not unnecessarily duplicate offerings available in the region served.

(c) The program or courses provide vocational education opportunities not otherwise available.

(d) The programs or courses shall not reduce or supplant the vocational education efforts of any district.

(e) Eligible costs shall not exceed the same cost to provide the same training in the public entity or the tuition the private postsecondary school charges its private students, whichever is lower.

(f) The community college student may not be charged additional tuition for any training included in the contract.

(g) Each student eligible for enrollment under a contract between a community college district and a contractor must: (1) have reached his or her sixteenth birthday and (2) be enrolled in a community college.

(h) The contractor must be accredited by an accrediting agency recognized by the United States Office of Education or conform to guidelines on contractual relationships with nonaccredited organizations established by the agency accrediting the community college.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Article 3. Contract Provisions

§ 55630. Terms and Conditions.

Each contract shall expressly include but not be limited to, the following provisions:

(a) The governing board of the community college district has determined, by resolution, the appropriateness of offering the program through a contract with a contractor pursuant to Education Code section 78015.

(b) Methods for identifying eligible costs and payment procedures for compliance with section 55602 subdivisions 2 and 3.

(c) Procedures, terms and conditions relating to (1) enrollment period; (2) transfer of students between the community college district and contractor; (3) number of class hours sufficient to meet the stated performance objectives; (4) supervision and evaluation of students; and (5) withdrawal of students prior to completion of a course or program.

(d) The contractor and the community college district will insure that ancillary and support services are provided for the students including, but not limited to (1) counseling and guidance, and (2) placement assistance.

(e) Instruction provided under the immediate supervision and control of qualified faculty of the district.

(f) Performance objectives for each instructional area and a report regarding accomplishment of the objectives at the end of each contract period.

(g) Designation of responsibility to the contractor for maintaining records of student attendance and achievement. Such records shall be available for review at all times and submitted on a schedule developed by the community college district.

(h) Terms and conditions relating to cancellation and termination of the contract.

(i) The contractor is in compliance with the Civil Rights Act of 1964, title 9 of the Higher Education Act of 1972, the U.S. Presidential Executive Order 11246 and subsequent amendments (if applicable), and all applicable state and federal health and safety regulations.

(j) The contractor provides, when required by law and at the contractor's own expense, workers' compensation insurance coverage for any student.

(k) The contractor provides indemnity and defense for the state and the community college district and their respective officers and employees, against any and all claims and liability for death, injury, loss and damage arising out of, or in any manner connected with, the performance of the contract. Such indemnity and defense shall be provided by an appropriate hold harmless clause and a policy of liability insurance coverage, the cost of which is to be borne by the contractor. Such policy shall name the Board of Governors of the California Community Colleges, the State and

public entity, along with their respective officers and employees as additional insureds.

NOTE: Authority cited: Sections 8090, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55631. Terms and Conditions.

NOTE: Authority cited: Sections 71020, 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (d) filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 4. Regional Adult and Vocational Education Councils

§ 55650. Regulations Reference.

NOTE: Authority cited: Section 8023, Education Code. Reference: Article 2, Chapter 1 (commencing with Section 8020), Division 1, Education Code.

HISTORY

1. New subchapter 2 (section 55650) filed 4-22-76; effective thirtieth day thereafter (Register 76, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Redesignation of subchapter 2 (section 55650) to article 4 (section 55650) filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Article 5. Calculation and Payment of Excess Costs of Apprenticeship Classes

§ 55675. Regulations Reference.

Pursuant to the authority vested by section 3074 of the Labor Code, the State Board of Education, the Board of Governors of the California Community Colleges and the Division of Apprenticeship Standards have jointly issued regulations regarding excess costs to be borne by program sponsors. These regulations are set forth in article 11 (commencing with section 235) of chapter 2, part 1 of title 8, California Administrative Code, and shall govern the calculation and payment of excess costs of apprenticeship classes which are maintained in connection with Community Colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 3074, Labor Code.

HISTORY

1. New subchapter 3 (section 55675) filed 7-8-76; effective thirtieth day thereafter (Register 76, No. 28).
2. Editorial correction replacing text inadvertently omitted during printing (Register 80, No. 9).
3. Redesignation of subchapter 3 (section 55675) to article 5 (section 55675) and amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. Editorial correction of first paragraph (Register 91, No. 31).

Subchapter 8. Academic Calendar

Article 1. 175-Day Minimum Academic Calendar

§ 55700. Scope.

The provisions of this article pertain to changes made on or after July 1, 1982, to any traditional academic year calendar consisting of at least 175 days of instruction and evaluation. The conversion to a flexible calendar operation is not addressed by the provisions of this article; rather, the provisions of article 2 (commencing with section 55720) govern the flexible calendar option.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New chapter 8, articles 1-4 (sections 55700-55731, not consecutive) filed 5-7-76; effective thirtieth day thereafter (Register 76, No. 19).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of chapter 8 (articles 1-4, sections 55700-55731, not consecutive) and new chapter 8 (articles 1 and 2, sections 55700-55732, not consecutive) filed 7-26-82; designated effective 7-30-82 pursuant to Government Code section 11346.2(d) (Register 82, No. 31). For prior history, see Register 80, No. 11.
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55700.1. Studies on a Quarter System, Trimester Basis or Flexible Calendar.

At the request of a community college district, the Chancellor may approve a program of studies on a quarter system or a trimester basis, or a flexible calendar.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55702. Approval of Changes.

(a) Prior to any change in academic year configuration, including the addition, deletion, shortening or lengthening of any term, the governing board of a district shall obtain the approval of the Chancellor.

(b) Requests for approval shall be made on a form provided by the Chancellor, and shall address:

(1) A complete description of the calendar configuration;

(2) The district's ability to comply with the 175-Day Rule as provided in section 58142; and

(3) The educational implications, positive and negative, of the proposed change.

(c) The Chancellor shall approve a requested change in academic year terms if it is found that:

(1) The state aid implications of the requested change have been addressed; and

(2) The district will be able to comply with the 175-Day Rule; and

(3) The change in configuration is consistent with the continued delivery of quality education.

NOTE: Authority cited: Sections 66700, 70901, and 84890, Education Code. Reference: Section 84890, Education Code.

HISTORY

1. Amendment of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in NOTE (Register 91, No. 43).

Article 2. Flexible Calendar Operations

§ 55720. Existing Flexible Calendar Pilot Operations.

(a) Districts with flexible calendar pilot operations approved by the Board of Governors prior to December 31, 1981, may continue such op-

sonable 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 coursework, 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/her specific educational goal, or fails to abide by the terms of his/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: ections 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).

§ 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) Where students are required by a community college district to meet prerequisites under section 58106(b)(2) or (b)(3), a student may object to such requirement on the grounds that the necessary course is not available. The district shall promptly (within 5 working days) determine whether, the required course was available and if not, the district shall waive the prerequisite for that term.

(b) An allegation that a community college district has violated the provisions of subsection (f) of section 55521 or has established a discriminatory prerequisite subject to challenge under subsection (d)(3) of section 58106 shall be considered a complaint of unlawful discrimination and shall be filed, investigated and resolved pursuant to chapter 5 (commencing with section 59300) of Division 10 of this part.

(c) Each community college district shall establish written procedures by which students may challenge any other alleged violation of the provisions of this chapter or of section 58106. Districts shall investigate and attempt to resolve any such complaints. Such complaint procedures may, by action of the governing board, be consolidated with existing student grievance procedures. 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).

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).

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 not less than two (2) full calendar years prior to the effective date of the contract, to provide vocational skill training authorized by this Code.

(d) "Eligible costs" means all direct and indirect related instructional costs but does not include expenditures for capital outlay (6000 category in the California Community Colleges Budget and Accounting Manual).

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. New chapter 7 (sections 55600 through 55631, not consecutive) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of subchapter 1 heading, amendment of article 1 heading, and repealer and new section 55600 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. Amendment filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 55601. Appointment of Vocational Education Advisory Committee by School District Participating in Vocational Education Program.

The governing board of each community college district participating in a vocational education program shall appoint a vocational education advisory committee to develop recommendations on the program and to provide liaison between the district and potential employers.

The committee shall consist of one or more representative of the general public knowledgeable about the disadvantaged, students, teachers, business, industry, school administration, and the field office of the Department of Employment Development.

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). For prior history, see Register 83, No. 18.

§ 55602. Authority to Contract.

Any community college district or districts may contract with a private post secondary school authorized or approved pursuant to the provisions of chapter 3 (commencing with section 94300) of part 59 of the Education Code and which has been in operation not less than two full calendar years prior to the effective date of such contract to provide vocational skill training authorized by the Education Code. Any community college district may contract with an activity center, work activity center, or sheltered work shop to provide vocational skill training authorized by the Education Code in any adult education program for substantially handicapped persons operated pursuant to subdivision (e) of section 41976 of the Education Code.

All contracts between a community college district and a private postsecondary school entered into pursuant to this section, or an activity center, work center, or sheltered workshop shall do all of the following:

(1) Be approved by the Chancellor.

(2) Provide that the amount contracted for per student shall not exceed the total direct and indirect costs to provide the same training in the community colleges or the tuition the private postsecondary school charges its private students, whichever is lower.

(3) Provide that the community college students receiving training in a private postsecondary school, or an activity center, work activity center, or sheltered workshop pursuant to that contract may not be charged additional tuition for any training included in the contract. The attendance of those students pursuant to a contract authorized by this section shall be credited to the community college district for the purposes of apportionments from the State School Fund.

(4) Provide that all programs, courses, and classes of instruction shall meet the standards set forth in the California State Plan for Vocational Education, or is a course of study for adult schools approved by the Department of Education under section 51056 of the Education Code.

The students who attend a private postsecondary school or an activity center, work activity center or sheltered workshop pursuant to a contract under this section shall be enrollees of the community college and the vocational instruction provided pursuant to that contract shall be under the exclusive control and management of the governing body of the contracting community college district. The Chancellor may audit the accounts of both the district and the private party involved in these contracts to the extent necessary to assure the integrity of the public funds involved.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55602.5. Contracts for Vocational Education for Students with Impaired Physical Capacity.

Notwithstanding any provision in the Education Code to the contrary, the governing board of a community college district and a proprietary or nonprofit organization, a public entity, or a proprietary or nonprofit private corporation may enter into a contract for the education of community college students whose capacity to function is impaired by physical deficiency or injury, in vocational education classes to be conducted for such students by the proprietary or nonprofit organization, the public entity, or the proprietary or nonprofit private corporation maintaining the vocational education classes. All instruction pursuant to this section shall be approved of and supervised by the governing board of the community college district and shall be conducted by academic employees. The average daily attendance of such community college students attending classes, under the provisions of this section, shall be credited to the community college district and college credit may be granted students who satisfactorily complete the course of instruction in such classes.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error (Register 91, No. 43).

§ 55603. Instructional Purpose.

Contractors shall provide vocational, technical, and occupational instruction related to attainment of skills, knowledge, and attitudes so that students may be prepared for:

(a) Gainful employment in the occupational area for which training was provided, or

(b) Occupational upgrading so students will have higher level skills required by new and changing technology and employment practices, or

(c) Enrollment in more advanced training programs.

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55604. Application for Approval.

NOTE: Authority cited: Sections 8092, 71020, 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55605. Contract Approval and Limitations.

Vocational education contracts entered into pursuant to section 55602 shall:

(a) Not exceed one year;

(b) Be approved by the Chancellor;

(c) Include such details to explain and justify intended offerings.

(d) Be maintained in conformity with applicable provisions of the Education Code, Title 5 of the California Code of Regulations, California Community Colleges Budget and Accounting Manual, and the California State Plan for Vocational Education; and

(e) Be organized and administered by community college districts in such a manner that there will be separate accounts for all income and expenditures applicable to the contract.

NOTE: Authority cited: Sections 8092, 66700, 70901, 70902 and 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55606. Administration.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55607. Reporting.

Each Community College district that has entered into a contract with a contractor pursuant to Education Code section 55602, shall submit annually to the Chancellor statistical and evaluative reports on forms provided by the Chancellor. All records related to income and expenditures applicable to the contract shall be made available for audit by the state or federal government and will be retained for five (5) years or one year after audited, whichever comes first.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55608. Accounting Procedure.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 2. Contracting Standards

§ 55620. Standards.

The following conditions shall be used to determine the appropriateness of vocational education contracts with contractors:

(a) Manpower needs and job opportunities are identified and established for the instruction program.

(b) The program or courses do not unnecessarily duplicate offerings available in the region served.

(c) The program or courses provide vocational education opportunities not otherwise available.

(d) The programs or courses shall not reduce or supplant the vocational education efforts of any district.

(e) Eligible costs shall not exceed the same cost to provide the same training in the public entity or the tuition the private postsecondary school charges its private students, whichever is lower.

(f) The community college student may not be charged additional tuition for any training included in the contract.

(g) Each student eligible for enrollment under a contract between a community college district and a contractor must: (1) have reached his or her sixteenth birthday and (2) be enrolled in a community college.

(h) The contractor must be accredited by an accrediting agency recognized by the United States Office of Education or conform to guidelines on contractual relationships with nonaccredited organizations established by the agency accrediting the community college.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Article 3. Contract Provisions

§ 55630. Terms and Conditions.

Each contract shall expressly include but not be limited to, the following provisions:

(a) The governing board of the community college district has determined, by resolution, the appropriateness of offering the program through a contract with a contractor pursuant to Education Code section 78015.

(b) Methods for identifying eligible costs and payment procedures for compliance with section 55602 subdivisions 2 and 3.

(c) Procedures, terms and conditions relating to (1) enrollment period; (2) transfer of students between the community college district and contractor; (3) number of class hours sufficient to meet the stated performance objectives; (4) supervision and evaluation of students; and (5) withdrawal of students prior to completion of a course or program.

(d) The contractor and the community college district will insure that ancillary and support services are provided for the students including, but not limited to (1) counseling and guidance, and (2) placement assistance.

(e) Instruction provided under the immediate supervision and control of qualified faculty of the district.

(f) Performance objectives for each instructional area and a report regarding accomplishment of the objectives at the end of each contract period.

(g) Designation of responsibility to the contractor for maintaining records of student attendance and achievement. Such records shall be available for review at all times and submitted on a schedule developed by the community college district.

(h) Terms and conditions relating to cancellation and termination of the contract.

(i) The contractor is in compliance with the Civil Rights Act of 1964, title 9 of the Higher Education Act of 1972, the U.S. Presidential Executive Order 11246 and subsequent amendments (if applicable), and all applicable state and federal health and safety regulations.

(j) The contractor provides, when required by law and at the contractor's own expense, workers' compensation insurance coverage for any student.

(k) The contractor provides indemnity and defense for the state and the community college district and their respective officers and employees, against any and all claims and liability for death, injury, loss and damage arising out of, or in any manner connected with, the performance of the contract. Such indemnity and defense shall be provided by an appropriate hold harmless clause and a policy of liability insurance coverage, the cost of which is to be borne by the contractor. Such policy shall name the Board of Governors of the California Community Colleges, the State and public entity, along with their respective officers and employees as additional insureds.

NOTE: Authority cited: Sections 8090, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55631. Terms and Conditions.

NOTE: Authority cited: Sections 71020, 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

2. Amendment of subsection (d) filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).

Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 4. Regional Adult and Vocational Education Councils

§ 55650. Regulations Reference.

NOTE: Authority cited: Section 8023, Education Code. Reference: Article 2, Chapter 1 (commencing with Section 8020), Division 1, Education Code.

HISTORY

1. New subchapter 2 (section 55650) filed 4-22-76; effective thirtieth day thereafter (Register 76, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Redesignation of subchapter 2 (section 55650) to article 4 (section 55650) filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Article 5. Calculation and Payment of Excess Costs of Apprenticeship Classes

§ 55675. Regulations Reference.

Pursuant to the authority vested by section 3074 of the Labor Code, the State Board of Education, the Board of Governors of the California Community Colleges and the Division of Apprenticeship Standards have jointly issued regulations regarding excess costs to be borne by program sponsors. These regulations are set forth in article 11 (commencing with section 235) of chapter 2, part 1 of title 8, California Administrative Code, and shall govern the calculation and payment of excess costs of apprenticeship classes which are maintained in connection with Community Colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 3074, Labor Code.

HISTORY

1. New subchapter 3 (section 55675) filed 7-8-76; effective thirtieth day thereafter (Register 76, No. 28).
2. Editorial correction replacing text inadvertently omitted during printing (Register 80, No. 9).
3. Redesignation of subchapter 3 (section 55675) to article 5 (section 55675) and amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. Editorial correction of first paragraph (Register 91, No. 31).

Subchapter 8. Academic Calendar

Article 1. 175-Day Minimum Academic Calendar

§ 55700. Scope.

The provisions of this article pertain to changes made on or after July 1, 1982, to any traditional academic year calendar consisting of at least 175 days of instruction and evaluation. The conversion to a flexible calendar operation is not addressed by the provisions of this article; rather, the provisions of article 2 (commencing with section 55720) govern the flexible calendar option.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New chapter 8, articles 1-4 (sections 55700-55731, not consecutive) filed 5-7-76; effective thirtieth day thereafter (Register 76, No. 19).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of chapter 8 (articles 1-4, sections 55700-55731, not consecutive) and new chapter 8 (articles 1 and 2, sections 55700-55732, not consecutive) filed 7-26-82; designated effective 7-30-82 pursuant to Government Code section 11346.2(d) (Register 82, No. 31). For prior history, see Register 80, No. 11.
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55700.1. Studies on a Quarter System, Trimester Basis or Flexible Calendar.

At the request of a community college district, the Chancellor may approve a program of studies on a quarter system or a trimester basis, or a flexible calendar.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55701. College and Academic Year.

The "college year" begins on the first day of July and ends on the last day of June. The "academic year" means that portion of the college year during which the community college is maintained, which period shall include not less than the number of days required by regulations adopted by the Board of Governors.

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).

§ 55702. Approval of Changes.

(a) Prior to any change in academic year configuration, including the addition, deletion, shortening or lengthening of any term, the governing board of a district shall obtain the approval of the Chancellor.

(b) Requests for approval shall be made on a form provided by the Chancellor, and shall address:

(1) A complete description of the calendar configuration;

(2) The district's ability to comply with the 175-Day Rule as provided in section 58142; and

(3) The educational implications, positive and negative, of the proposed change.

(c) The Chancellor shall approve a requested change in academic year terms if it is found that:

(1) The state aid implications of the requested change have been addressed; and

(2) The district will be able to comply with the 175-Day Rule; and

(3) The change in configuration is consistent with the continued delivery of quality education.

NOTE: Authority cited: Sections 66700, 70901, and 84890, Education Code. Reference: Section 84890, Education Code.

HISTORY

1. Amendment of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in NOTE (Register 91, No. 43).

Article 2. Flexible Calendar Operations

§ 55720. Offering Classes Under Flexible Calendar: Accountability of Employees Under Contract for 175 Days; Activities.

(a) Subject to the approval of the Chancellor pursuant to Section 55724, a community college district may designate an amount of time in each fiscal year for employees to conduct staff, student, and instructional improvement activities. These activities may be conducted at any time during the fiscal year. The tine designated for these activities shall be known as flexible time.

(b) A district with an approved flexible calendar may designate as flexible time for an employee not more than 8.57 percent of that employee's contractual obligation for hours of classroom instruction which are eligible for state apportionments in that academic year, exclusive of any intersessions.

(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

not less than two (2) full calendar years prior to the effective date of the contract, to provide vocational skill training authorized by this Code.

(d) "Eligible costs" means all direct and indirect related instructional costs but does not include expenditures for capital outlay (6000 category in the California Community Colleges Budget and Accounting Manual).

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. New chapter 7 (sections 55600 through 55631, not consecutive) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of subchapter 1 heading, amendment of article 1 heading, and repealer and new section 55600 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. Amendment filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 55601. Appointment of Vocational Education Advisory Committee by School District Participating in Vocational Education Program.

The governing board of each community college district participating in a vocational education program shall appoint a vocational education advisory committee to develop recommendations on the program and to provide liaison between the district and potential employers.

The committee shall consist of one or more representative of the general public knowledgeable about the disadvantaged, students, teachers, business, industry, school administration, and the field office of the Department of Employment Development.

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). For prior history, see Register 83, No. 18.

§ 55602. Authority to Contract.

Any community college district or districts may contract with a private post secondary school authorized or approved pursuant to the provisions of chapter 3 (commencing with section 94300) of part 59 of the Education Code and which has been in operation not less than two full calendar years prior to the effective date of such contract to provide vocational skill training authorized by the Education Code. Any community college district may contract with an activity center, work activity center, or sheltered work shop to provide vocational skill training authorized by the Education Code in any adult education program for substantially handicapped persons operated pursuant to subdivision (e) of section 41976 of the Education Code.

All contracts between a community college district and a private postsecondary school entered into pursuant to this section, or an activity center, work center, or sheltered workshop shall do all of the following:

(1) Be approved by the Chancellor.

(2) Provide that the amount contracted for per student shall not exceed the total direct and indirect costs to provide the same training in the community colleges or the tuition the private postsecondary school charges its private students, whichever is lower.

(3) Provide that the community college students receiving training in a private postsecondary school, or an activity center, work activity center, or sheltered workshop pursuant to that contract may not be charged additional tuition for any training included in the contract. The attendance of those students pursuant to a contract authorized by this section shall be credited to the community college district for the purposes of apportionments from the State School Fund.

(4) Provide that all programs, courses, and classes of instruction shall meet the standards set forth in the California State Plan for Vocational Education, or is a course of study for adult schools approved by the Department of Education under section 51056 of the Education Code.

The students who attend a private postsecondary school or an activity center, work activity center or sheltered workshop pursuant to a contract under this section shall be enrollees of the community college and the vocational instruction provided pursuant to that contract shall be under the exclusive control and management of the governing body of the contracting community college district. The Chancellor may audit the accounts of both the district and the private party involved in these contracts to the extent necessary to assure the integrity of the public funds involved.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55602.5. Contracts for Vocational Education for Students with Impaired Physical Capacity.

Notwithstanding any provision in the Education Code to the contrary, the governing board of a community college district and a proprietary or nonprofit organization, a public entity, or a proprietary or nonprofit private corporation may enter into a contract for the education of community college students whose capacity to function is impaired by physical deficiency or injury in vocational education classes to be conducted for such students by the proprietary or nonprofit organization, the public entity, or the proprietary or nonprofit private corporation maintaining the vocational education classes. All instruction pursuant to this Section shall be approved of and supervised by the governing board of the community college district and shall be conducted by academic employees. The full-time equivalent student of such community college students attending classes under the provisions of this Section shall be credited to the community college district, and college credit may be granted to students who satisfactorily complete the course of instruction in such classes.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error (Register 91, No. 43).
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).

§ 55603. Instructional Purpose.

Contractors shall provide vocational, technical, and occupational instruction related to attainment of skills, knowledge, and attitudes so that students may be prepared for:

(a) Gainful employment in the occupational area for which training was provided, or

(b) Occupational upgrading so students will have higher level skills required by new and changing technology and employment practices, or

(c) Enrollment in more advanced training programs.

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55604. Application for Approval.

NOTE: Authority cited: Sections 8092, 71020, 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55605. Contract Approval and Limitations.

Vocational education contracts entered into pursuant to section 55602 shall:

(a) Not exceed one year;

(b) Be approved by the Chancellor;

(c) Include such details to explain and justify intended offerings.

(d) Be maintained in conformity with applicable provisions of the Education Code, Title 5 of the California Code of Regulations, California

Community Colleges Budget and Accounting Manual, and the California State Plan for Vocational Education; and

(e) Be organized and administered by community college districts in such a manner that there will be separate accounts for all income and expenditures applicable to the contract.

NOTE: Authority cited: Sections 8092, 66700, 70901, 70902 and 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55606. Administration.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55607. Reporting.

Each Community College district that has entered into a contract with a contractor pursuant to Education Code section 55602, shall submit annually to the Chancellor statistical and evaluative reports on forms provided by the Chancellor. All records related to income and expenditures applicable to the contract shall be made available for audit by the state or federal government and will be retained for five (5) years or one year after audited, whichever comes first.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55608. Accounting Procedure.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 2. Contracting Standards

§ 55620. Standards.

The following conditions shall be used to determine the appropriateness of vocational education contracts with contractors:

(a) Manpower needs and job opportunities are identified and established for the instruction program.

(b) The program or courses do not unnecessarily duplicate offerings available in the region served.

(c) The program or courses provide vocational education opportunities not otherwise available.

(d) The programs or courses shall not reduce or supplant the vocational education efforts of any district.

(e) Eligible costs shall not exceed the same cost to provide the same training in the public entity or the tuition the private postsecondary school charges its private students, whichever is lower.

(f) The community college student may not be charged additional tuition for any training included in the contract.

(g) Each student eligible for enrollment under a contract between a community college district and a contractor must: (1) have reached his or her sixteenth birthday and (2) be enrolled in a community college.

(h) The contractor must be accredited by an accrediting agency recognized by the United States Office of Education or conform to guidelines on contractual relationships with nonaccredited organizations established by the agency accrediting the community college.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Article 3. Contract Provisions

§ 55630. Terms and Conditions.

Each contract shall expressly include but not be limited to, the following provisions:

(a) The governing board of the community college district has determined, by resolution, the appropriateness of offering the program through a contract with a contractor pursuant to Education Code section 78015.

(b) Methods for identifying eligible costs and payment procedures for compliance with section 55602 subdivisions 2 and 3.

(c) Procedures, terms and conditions relating to (1) enrollment period; (2) transfer of students between the community college district and contractor; (3) number of class hours sufficient to meet the stated performance objectives; (4) supervision and evaluation of students; and (5) withdrawal of students prior to completion of a course or program.

(d) The contractor and the community college district will insure that ancillary and support services are provided for the students including, but not limited to (1) counseling and guidance, and (2) placement assistance.

(e) Instruction provided under the immediate supervision and control of qualified faculty of the district.

(f) Performance objectives for each instructional area and a report regarding accomplishment of the objectives at the end of each contract period.

(g) Designation of responsibility to the contractor for maintaining records of student attendance and achievement. Such records shall be available for review at all times and submitted on a schedule developed by the community college district.

(h) Terms and conditions relating to cancellation and termination of the contract.

(i) The contractor is in compliance with the Civil Rights Act of 1964, title 9 of the Higher Education Act of 1972, the U.S. Presidential Executive Order 11246 and subsequent amendments (if applicable), and all applicable state and federal health and safety regulations.

(j) The contractor provides, when required by law and at the contractor's own expense, workers' compensation insurance coverage for any student.

(k) The contractor provides indemnity and defense for the state and the community college district and their respective officers and employees, against any and all claims and liability for death, injury, loss and damage arising out of, or in any manner connected with, the performance of the contract. Such indemnity and defense shall be provided by an appropriate hold harmless clause and a policy of liability insurance coverage, the cost of which is to be borne by the contractor. Such policy shall name the Board of Governors of the California Community Colleges, the State and public entity, along with their respective officers and employees as additional insureds.

NOTE: Authority cited: Sections 8090, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55631. Terms and Conditions.

NOTE: Authority cited: Sections 71020, 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (d) filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 4. Regional Adult and Vocational Education Councils

§ 55650. Regulations Reference.

NOTE: Authority cited: Section 8023, Education Code. Reference: Article 2, Chapter 1 (commencing with Section 8020), Division 1, Education Code.

HISTORY

1. New subchapter 2 (section 55650) filed 4-22-76; effective thirtieth day thereafter (Register 76, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Redesignation of subchapter 2 (section 55650) to article 4 (section 55650) filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Article 5. Calculation and Payment of Excess Costs of Apprenticeship Classes

§ 55675. Regulations Reference.

Pursuant to the authority vested by section 3074 of the Labor Code, the State Board of Education, the Board of Governors of the California Community Colleges and the Division of Apprenticeship Standards have jointly issued regulations regarding excess costs to be borne by program sponsors. These regulations are set forth in article 11 (commencing with section 235) of chapter 2, part 1 of title 8, California Administrative Code, and shall govern the calculation and payment of excess costs of apprenticeship classes which are maintained in connection with Community Colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 3074, Labor Code.

HISTORY

1. New subchapter 3 (section 55675) filed 7-8-76; effective thirtieth day thereafter (Register 76, No. 28).
2. Editorial correction replacing text inadvertently omitted during printing (Register 80, No. 9).
3. Redesignation of subchapter 3 (section 55675) to article 5 (section 55675) and amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. Editorial correction of first paragraph (Register 91, No. 31).

Subchapter 8. Academic Calendar

Article 1. 175-Day Minimum Academic Calendar

§ 55700. Scope.

The provisions of this article pertain to changes made on or after July 1, 1982, to any traditional academic year calendar consisting of at least 175 days of instruction and evaluation. The conversion to a flexible calendar operation is not addressed by the provisions of this article; rather, the provisions of article 2 (commencing with section 55720) govern the flexible calendar option.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New chapter 8, articles 1-4 (sections 55700-55731, not consecutive) filed 5-7-76; effective thirtieth day thereafter (Register 76, No. 19).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of chapter 8 (articles 1-4, sections 55700-55731, not consecutive) and new chapter 8 (articles 1 and 2, sections 55700-55732, not consecutive) filed 7-26-82; designated effective 7-30-82 pursuant to Government Code section 11346.2(d) (Register 82, No. 31). For prior history, see Register 80, No. 11.
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55700.1. Studies on a Quarter System, Trimester Basis or Flexible Calendar.

At the request of a community college district, the Chancellor may approve a program of studies on a quarter system or a trimester basis, or a flexible calendar.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 55701. College and Academic Year.

The "college year" begins on the first day of July and ends on the last day of June. The "academic year" means that portion of the college year during which the community college is maintained, which period shall include not less than the number of days required by regulations adopted by the Board of Governors.

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).

§ 55702. Approval of Changes.

(a) Prior to any change in academic year configuration, including the addition, deletion, shortening or lengthening of any term, the governing board of a district shall obtain the approval of the Chancellor.

(b) Requests for approval shall be made on a form provided by the Chancellor, and shall address:

(1) A complete description of the calendar configuration;

(2) The district's ability to comply with the 175-Day Rule as provided in section 58142; and

(3) The educational implications, positive and negative, of the proposed change.

(c) The Chancellor shall approve a requested change in academic year terms if it is found that:

(1) The state aid implications of the requested change have been addressed; and

(2) The district will be able to comply with the 175-Day Rule; and

(3) The change in configuration is consistent with the continued delivery of quality education.

NOTE: Authority cited: Sections 66700, 70901, and 84890, Education Code. Reference: Section 84890, Education Code.

HISTORY

1. Amendment of sections submitted to OAL for printing only pursuant to Government Code sections 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in NOTE (Register 91, No. 43).

Article 2. Flexible Calendar Operations

§ 55720. Offering Classes Under Flexible Calendar: Accountability of Employees Under Contract for 175 Days; Activities.

(a) Subject to the approval of the Chancellor pursuant to Section 55724, a community college district may designate an amount of time in each fiscal year for employees to conduct staff, student, and instructional improvement activities. These activities may be conducted at any time during the fiscal year. The time designated for these activities shall be known as "flexible time."

(b) A district with an approved flexible calendar may designate as flexible time for an employee not more than 8.57 percent of that employee's contractual obligation for hours of classroom instruction which are eligible for state apportionments in that academic year, exclusive of any intersessions.

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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

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§ 55600
§ 55602
§ 55602.5
§ 55603
§ 55605
§ 55607
§ 55620
§ 55630

(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

not less than two (2) full calendar years prior to the effective date of the contract, to provide vocational skill training authorized by this Code.

(d) "Eligible costs" means all direct and indirect related instructional costs but does not include expenditures for capital outlay (6000 category in the California Community Colleges Budget and Accounting Manual).

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. New chapter 7 (sections 55600 through 55631, not consecutive) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of subchapter 1 heading, amendment of article 1 heading, and repealer and new section 55600 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. 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 5-15-93; operative 6-4-93 (Register 93, No. 25).
6. Editorial correction of HISTORY 4 (Register 95, No. 22).

§ 55601. Appointment of Vocational Education Advisory Committee by School District Participating in Vocational Education Program.

The governing board of each community college district participating in a vocational education program shall appoint a vocational education advisory committee to develop recommendations on the program and to provide liaison between the district and potential employers.

The committee shall consist of one or more representative of the general public knowledgeable about the disadvantaged, students, teachers, business, industry, school administration, and the field office of the Department of Employment Development.

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). For prior history, see Register 83, No. 18.

§ 55602. Authority to Contract.

Any community college district or districts may contract with a private post secondary school authorized or approved pursuant to the provisions of chapter 3 (commencing with section 94300) of part 59 of the Education Code and which has been in operation not less than two full calendar years prior to the effective date of such contract to provide vocational skill training authorized by the Education Code. Any community college district may contract with an activity center, work activity center, or sheltered work shop to provide vocational skill training authorized by the Education Code in any adult education program for substantially handicapped persons operated pursuant to subdivision (e) of section 41976 of the Education Code.

All contracts between a community college district and a private postsecondary school entered into pursuant to this section, or an activity center, work center, or sheltered workshop shall do all of the following:

(1) Be approved by the Chancellor.

(2) Provide that the amount contracted for per student shall not exceed the total direct and indirect costs to provide the same training in the community colleges or the tuition the private postsecondary school charges its private students, whichever is lower.

(3) Provide that the community college students receiving training in a private postsecondary school, or an activity center, work activity center, or sheltered workshop pursuant to that contract may not be charged additional tuition for any training included in the contract. The attendance of those students pursuant to a contract authorized by this section shall be credited to the community college district for the purposes of apportionments from the State School Fund.

(4) Provide that all programs, courses, and classes of instruction shall meet the standards set forth in the California State Plan for Vocational Education, or is a course of study for adult schools approved by the Department of Education under section 51056 of the Education Code.

The students who attend a private postsecondary school or an activity center, work activity center or sheltered workshop pursuant to a contract under this section shall be enrollees of the community college and the vocational instruction provided pursuant to that contract shall be under the exclusive control and management of the governing body of the contracting community college district. The Chancellor may audit the accounts of both the district and the private party involved in these contracts to the extent necessary to assure the integrity of the public funds involved.

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).

§ 55602.5. Contracts for Vocational Education for Students with Impaired Physical Capacity.

Notwithstanding any provision in the Education Code to the contrary, the governing board of a community college district and a proprietary or nonprofit organization, a public entity, or a proprietary or nonprofit private corporation may enter into a contract for the education of community college students whose capacity to function is impaired by physical deficiency or injury in vocational education classes to be conducted for such students by the proprietary or nonprofit organization, the public entity, or the proprietary or nonprofit private corporation maintaining the vocational education classes. All instruction pursuant to this Section shall be approved of and supervised by the governing board of the community college district and shall be conducted by academic employees. The full-time equivalent student of such community college students attending classes under the provisions of this Section shall be credited to the community college district, and college credit may be granted to students who satisfactorily complete the course of instruction in such classes.

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 (Register 91, No. 43).
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. 22).

§ 55603. Instructional Purpose.

Contractors shall provide vocational, technical, and occupational instruction related to attainment of skills, knowledge, and attitudes so that students may be prepared for:

(a) Gainful employment in the occupational area for which training was provided, or

(b) Occupational upgrading so students will have higher level skills required by new and changing technology and employment practices, or

(c) Enrollment in more advanced training programs.

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55604. Application for Approval.

NOTE: Authority cited: Sections 8092, 71020, 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55605. Contract Approval and Limitations.

Vocational education contracts entered into pursuant to section 55602 shall:

(a) Not exceed one year;

(b) Be approved by the Chancellor;

(c) Include such details to explain and justify intended offerings.

(d) Be maintained in conformity with applicable provisions of the Education Code, Title 5 of the California Code of Regulations, California Community Colleges Budget and Accounting Manual, and the California State Plan for Vocational Education; and

(e) Be organized and administered by community college districts in such a manner that there will be separate accounts for all income and expenditures applicable to the contract.

NOTE: Authority cited: Sections 8092, 66700, 70901, 70902 and 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. 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).
4. Editorial correction of HISTORY 3 (Register 95, No. 22).

§ 55606. Administration.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55607. Reporting.

Each Community College district that has entered into a contract with a contractor pursuant to Education Code section 55602, shall submit annually to the Chancellor statistical and evaluative reports on forms provided by the Chancellor. All records related to income and expenditures applicable to the contract shall be made available for audit by the state or federal government and will be retained for five (5) years or one year after audited, whichever comes first.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. 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).
4. Editorial correction of HISTORY 3 (Register 95, No. 22).

§ 55608. Accounting Procedure.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 2. Contracting Standards

§ 55620. Standards.

The following conditions shall be used to determine the appropriateness of vocational education contracts with contractors:

(a) Manpower needs and job opportunities are identified and established for the instruction program.

(b) The program or courses do not unnecessarily duplicate offerings available in the region served.

(c) The program or courses provide vocational education opportunities not otherwise available.

(d) The programs or courses shall not reduce or supplant the vocational education efforts of any district.

(e) Eligible costs shall not exceed the same cost to provide the same training in the public entity or the tuition the private postsecondary school charges its private students, whichever is lower.

(f) The community college student may not be charged additional tuition for any training included in the contract.

(g) Each student eligible for enrollment under a contract between a community college district and a contractor must: (1) have reached his or her sixteenth birthday and (2) be enrolled in a community college.

(h) The contractor must be accredited by an accrediting agency recognized by the United States Office of Education or conform to guidelines on contractual relationships with nonaccredited organizations established by the agency accrediting the community college.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. 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).
4. Editorial correction of HISTORY 3 (Register 95, No. 22).

Article 3. Contract Provisions

§ 55630. Terms and Conditions.

Each contract shall expressly include but not be limited to, the following provisions:

(a) The governing board of the community college district has determined, by resolution, the appropriateness of offering the program through a contract with a contractor pursuant to Education Code section 78015.

(b) Methods for identifying eligible costs and payment procedures for compliance with section 55602 subdivisions 2 and 3.

(c) Procedures, terms and conditions relating to (1) enrollment period; (2) transfer of students between the community college district and contractor; (3) number of class hours sufficient to meet the stated performance objectives; (4) supervision and evaluation of students; and (5) withdrawal of students prior to completion of a course or program.

(d) The contractor and the community college district will insure that ancillary and support services are provided for the students including, but not limited to (1) counseling and guidance, and (2) placement assistance.

(e) Instruction provided under the immediate supervision and control of qualified faculty of the district.

(f) Performance objectives for each instructional area and a report regarding accomplishment of the objectives at the end of each contract period.

(g) Designation of responsibility to the contractor for maintaining records of student attendance and achievement. Such records shall be available for review at all times and submitted on a schedule developed by the community college district.

(h) Terms and conditions relating to cancellation and termination of the contract.

(i) The contractor is in compliance with the Civil Rights Act of 1964, title 9 of the Higher Education Act of 1972, the U.S. Presidential Executive Order 11246 and subsequent amendments (if applicable), and all applicable state and federal health and safety regulations.

(j) The contractor provides, when required by law and at the contractor's own expense, workers' compensation insurance coverage for any student.

(k) The contractor provides indemnity and defense for the state and the community college district and their respective officers and employees, against any and all claims and liability for death, injury, loss and damage

arising out of, or in any manner connected with, the performance of the contract. Such indemnity and defense shall be provided by an appropriate hold harmless clause and a policy of liability insurance coverage, the cost of which is to be borne by the contractor. Such policy shall name the Board of Governors of the California Community Colleges, the State and public entity, along with their respective officers and employees as additional insureds.

NOTE: Authority cited: Sections 8090, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Repealer and new section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
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).

§ 55631. Terms and Conditions.

NOTE: Authority cited: Sections 71020, 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (d) filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 4. Regional Adult and Vocational Education Councils

§ 55650. Regulations Reference.

NOTE: Authority cited: Section 8023, Education Code. Reference: Article 2, Chapter 1 (commencing with Section 8020), Division 1, Education Code.

HISTORY

1. New subchapter 2 (section 55650) filed 4-22-76; effective thirtieth day thereafter (Register 76, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Redesignation of subchapter 2 (section 55650) to article 4 (section 55650) filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer 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. Editorial correction of HISTORY 4 (Register 95, No. 22).

Article 5. Calculation and Payment of Excess Costs of Apprenticeship Classes

§ 55675. Regulations Reference.

Pursuant to the authority vested by section 3074 of the Labor Code, the State Board of Education, the Board of Governors of the California Community Colleges and the Division of Apprenticeship Standards have jointly issued regulations regarding excess costs to be borne by program sponsors. These regulations are set forth in article 11 (commencing with section 235) of chapter 2, part 1 of title 8, California Administrative Code, and shall govern the calculation and payment of excess costs of apprenticeship classes which are maintained in connection with Community Colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 3074, Labor Code.

HISTORY

1. New subchapter 3 (section 55675) filed 7-8-76; effective thirtieth day thereafter (Register 76, No. 28).
2. Editorial correction replacing text inadvertently omitted during printing (Register 80, No. 9).
3. Redesignation of subchapter 3 (section 55675) to article 5 (section 55675) and amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. Editorial correction of first paragraph (Register 91, No. 31).

Subchapter 8. Academic Calendar

Article 1. 175-Day Minimum Academic Calendar

§ 55700. Scope.

The provisions of this article pertain to changes made on or after July 1, 1982, to any traditional academic year calendar consisting of at least 175 days of instruction and evaluation. The conversion to a flexible calendar operation is not addressed by the provisions of this article; rather, the provisions of article 2 (commencing with section 55720) govern the flexible calendar option.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New chapter 8, articles 1-4 (sections 55700-55731, not consecutive) filed 5-7-76; effective thirtieth day thereafter (Register 76, No. 19).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of chapter 8 (articles 1-4, sections 55700-55731, not consecutive) and new chapter 8 (articles 1 and 2, sections 55700-55732, not consecutive) filed 7-26-82; designated effective 7-30-82 pursuant to Government Code section 11346.2(d) (Register 82, No. 31). For prior history, see Register 80, No. 11.
4. 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. Editorial correction of HISTORY 4 (Register 95, No. 22).

§ 55700.1. Studies on a Quarter System, Trimester Basis or Flexible Calendar.

At the request of a community college district, the Chancellor may approve a program of studies on a quarter system or a trimester basis, or a flexible calendar.

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).

§ 55701. College and Academic Year.

The "college year" begins on the first day of July and ends on the last day of June. The "academic year" means that portion of the college year during which the community college is maintained, which period shall include not less than the number of days required by regulations adopted by the Board of Governors.

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).

§ 55702. Approval of Changes.

(a) Prior to any change in academic year configuration, including the addition, deletion, shortening or lengthening of any term, the governing board of a district shall obtain the approval of the Chancellor.

(b) Requests for approval shall be made on a form provided by the Chancellor, and shall address:

(1) A complete description of the calendar configuration;

(2) The district's ability to comply with the 175-Day Rule as provided in section 58142; and

(3) The educational implications, positive and negative, of the proposed change.

(c) The Chancellor shall approve a requested change in academic year terms if it is found that:

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part 13: Course Articulation-Local

History Index for
Title 5, California Code of Regulations

Section 51022

Register 84-26 § 51022: Added new section.

Register 91-23 § 51022: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

Register 95-15 § 51022: Editorial correction of HISTORY 2.

Subsequent Registers: There may be changes to the regulations after the date the test claim was filed, which are not included.

Register 1984-26

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51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding program review as specified in Section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 71025 and 78405, Education Code. Reference: Sections 71025, 71070, 78016, 78200 and 78405, Education Code.

HISTORY:

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of Sections 53200–53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

NOTE: Authority cited: Sections 66700, 71025 and 71068, Education Code. Reference: Sections 71025, 71068 and 72292, Education Code.

HISTORY:

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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(e) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

(a) The governing board of a community college district planning the formation of a new college or educational center shall obtain approval of such college or educational center by the Board of Governors. Approval shall be obtained prior to the commencement of classes at the new college or educational center.

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

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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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part 14: Academic Freedom

History Index for
Title 5, California Code of Regulations

Section 51023

Register 84-26 § 51023: Added new section.

Register 91-23 § 51023: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

Register 94-38 § 51023: Amendment of section. Submitted to OAL for printing only pursuant to Education Code section 70901.5.

Register 95-15 § 51023: Editorial correction of HISTORY 2.

Subsequent Registers: There may be changes to the regulations after the date the test claim was filed, which are not included.

Register 1984-26

§ 51023

51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding program review as specified in Section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 71025 and 78405, Education Code. Reference: Sections 71025, 71070, 78016, 78200 and 78405, Education Code.

HISTORY:

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of Sections 53200–53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

NOTE: Authority cited: Sections 66700, 71025 and 71068, Education Code. Reference: Sections 71025, 71068 and 72292, Education Code.

HISTORY:

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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(c) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

(a) The governing board of a community college district planning the formation of a new college or educational center shall obtain approval of such college or educational center by the Board of Governors. Approval shall be obtained prior to the commencement of classes at the new college or educational center.

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

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college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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. 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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. 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

(2) Participation structures and procedures for the staff positions defined or categorized.

(3) In performing the requirements of Subsections (a)(1) and (2), the governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations, and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this Section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.

(7) The selection of staff representatives to serve on college and district task forces, committees, or other governance groups shall, when required by law, be made by those councils, committees, employee organizations, or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation. In all other instances, the selection shall either be made by, or in consultation with, such staff groups. In all cases, representatives shall be selected from the category that they represent.

(b) In developing and carrying out policies and procedures pursuant to Subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code Sec-

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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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part 15: Shared Governance

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Register 77-30	Renumbering of Chapter 1 (Sections 53100 - 53205) to Chapter 2 (Sections 53100 -53205).
Register 77-45	§ 53200: Amendment of NOTE.
Register 78-06	§ 53201: Amendment of section.
	§ 53202: Amendment of section.
Register 78-19	§ 53206: New section filed.
Register 81-03	§ 53203: Amendment of section.
	§ 53205: Amendment of section.
Register 83-18	§ 53200: Amendment of NOTE.
	§ 53201: Amendment of NOTE.
	§ 53202: Amendment of section.
	§ 53204: Amendment of section.

§ 53205: Amendment of NOTE.

§ 53206: Amendment of section.

Register 84-26 § 51023: Added new section.

Register 90-49 § 53200: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53201: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53202: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53203: Repealer and new section filed with Secretary of State by Board of Governors, California Community Colleges; submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53204: Repealer and new section filed with Secretary of State by Board of Governors, California Community Colleges;

submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53205: Repealer filed with Secretary of State by Board of Governors, California Community Colleges; submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

Register 91-23 § 51023: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 51203.5: New section filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 51203.7: New section filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to

Education Code section 70901.5(b).

Register 91-43 § 51203.5: Editorial correction of printing errors in subsection (b) and HISTORY 1.

§ 51203.7: Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1.

Register 93-25 § 53200: Relocation of article 2 heading.

Register 94-38 § 51023: Amendment of section. Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 51203.5: Amendment of subsections (a)(1), (a)(3), (a)(5), (a)(7), (b), (c), and (d). Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 51203.7: Amendment of subsections (a)(2), (a)(4), (b), (b)(10), (d) and (e). Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53200: Amendment of section. Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53203: Amendment of section. Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53204: Amendment of section. Submitted to OAL for printing only pursuant to Education Code section 70901.5.

§ 53206: Amendment of subsection (a). Submitted to OAL for

1 printing only pursuant to Education Code section 70901.5.

2 **Register 95-15** § 51023: Editorial correction of HISTORY 2.

3 **Register 95-19** § 53206: Editorial correction of HISTORY 3.

4 **Register 2003-18** § 53207: New section filed. Submitted to OAL for printing only

5 pursuant to Education Code section 70901.5(b).

6 **Subsequent Registers**: There may be changes to the regulations after the date the

7 test claim was filed, which are not included.

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CHAPTER 2. CERTIFICATED POSITIONS

SUBCHAPTER 1. SPECIAL NON-CREDENTIALED EMPLOYEES

53100. Prerequisites for Employment Under Education Code Section 25423.5. Prior to the employment of any noncredentialed instruction pursuant to Education Code Section 25423.5, the employee candidate shall:

(a) Furnish reasonable evidence, and be, of good character and answer the following questions:

(1) Have you ever had a diploma, credential, permit, or certificate, denied, revoked, or suspended?

(2) Have you ever failed or refused to fulfill a contract of employment entered into by you with any school district?

(3) Have you ever left the service of any school district without the consent of the superintendent or the governing board of such district?

(4) Have you ever been found guilty of immoral conduct or dismissed from any teaching position for immoral or unprofessional conduct or for unfitness for service?

(5) Have you ever been found guilty of or dismissed from any teaching position for persistent defiance of or refusal to obey the laws regulating the duties of persons serving in the public school system?

(6) Have you ever (1) forfeited bail, or been (2) arrested, or (3) convicted, or (4) fined, or (5) jailed, or (6) placed on probation for any violation of law other than minor traffic offenses? (If any of these events have occurred, this question must be answered "yes" regardless of subsequent court action under Penal Code Section 1203.4 resulting in dismissal or "expungement.")

(7) Have you had military service? (Both men and women must answer this question.)

If yes, state type of discharge: _____

If other than honorable discharge, explain fully.

(b) Execute the oath prescribed in Education Code Section 13121.

(c) Meet the citizenship requirements prescribed in Education Code Section 13123.

(d) Be free from any contagious and communicable disease or other disabling disease or defect unfitting the applicant to instruct or associate with minors.

(e) Submit personal identification cards to the governing board of the district which is to employ him upon the special form provided by the Department of Education and in the manner prescribed in Section 6026 of this title.

(f) Not be disqualified to receive a teaching credential under the provisions of Education Code Sections 13129 and 13130.

The governing board of the prospective employee district shall determine whether these requirements have been satisfied.

NOTE: Authority cited: Sections 66700, 71020, 71025, 71062 and 71068, Education Code. Reference: Sections 66700, 71023, 71025 and 71068, Education Code.

History: 1. Renumbering of Chapter 1 (Sections 53100–53205) to Chapter 2 (Sections 53100–53205) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).

53101. Processing of Fingerprint Cards. The governing board shall submit the personal identification fingerprint cards of candidates for teaching positions under the provisions of this subchapter, in duplicate, to the Bureau of Criminal Identification and Investigation of the Department of Justice, Sacramento, California, with a request in writing that the Bureau render a report thereon for such governing board to the Credentials Office, Department of Education, Sacramento, California. At that time the governing board shall also notify the secretary of the Committee of Credentials for the State of California and the county superintendent of schools of the county in which the Community College is located that such request has been made. The governing board shall not employ any person pursuant to Education Code Section 25423.5 unless and until the board has received a report from the Committee of Credentials in connection therewith. Any processing charges shall be borne by the submitting governing board.

53102. Cause for Dismissal. No person employed pursuant to Education Code Section 25423.5 and this subchapter, who has engaged in any conduct which would constitute cause for denial of an application for teaching credential under Education Code Sections 13129 and 13130 or cause for dismissal under Education Code Section 13403 shall be retained in employment after discovery thereof by the employing governing board.

SUBCHAPTER 2. ACADEMIC SENATES

53200. Definitions. For the purpose of this subchapter:

(a) "Faculty" means those certificated persons who teach full time in a Community College or other full-time certificated persons who do not perform any services for the college that require an administrative or supervisory credential.

(b) "Academic senate" and "faculty council" means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters.

NOTE: Authority cited for Chap. 1, Subchap. 2: Sections 193, 197 and 22650, Education Code.

53201. Academic Senate or Faculty Council. In order that the faculty may have a formal and effective procedure for participating in the formation of district policies on academic and professional matters, an academic senate or faculty council may be established.

53202. Formation; Procedures; Membership. The following procedure shall be used to establish an academic senate or faculty council:

(a) The faculty of a Community College shall decide by secret ballot to have an academic senate or faculty council.

(b) The governing board of the district maintaining that Community College shall establish the academic senate or faculty council by authorizing the faculty to:

(1) Fix and amend by vote of the faculty the composition, structure, and procedures of the academic senate or faculty council.

(2) Select, in accordance with accepted democratic election procedures, the members of the academic senate or faculty council.

53203. Powers. After consultation with the administration of its Community College, the academic senate or faculty council may present its written views and recommendations to the governing board. The governing board shall consider and respond to such views and recommendations.

53204. "Meet and Confer." Upon the request of the academic senate or faculty council and subject to Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code relating to public meetings when applicable, the governing board or such board members or administrative officers as it may designate shall meet and confer with representatives of the academic senate or faculty council with respect to recommendations made or proposed to be made by the senate or council. The designation of board member or administrative officers as provided herein shall not preclude the representatives of an academic senate or a faculty council from meeting with, or appearing before, the governing board with respect to the views, recommendations, or proposals of the senate or council at a regular or special meeting of the board.

53205. Duties Assigned by Administration and Governing Board. An academic senate or faculty council may assume such responsibilities and perform such functions as may be requested of it by the administration of its Community College or the governing board of the district maintaining its Community College.

CHAPTER 3. CLASSIFIED POSITIONS
(No provisions)

History: 1. Renumbering of Chapter 2 (no provisions) to Chapter 3 (no provisions) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).

SUBCHAPTER 1.5. SICK LEAVE TRANSFER

53125. Transfer of Accumulated Sick Leave. The provisions of this section are to implement Section 87792 of the Education Code relative to the manner in which accumulated sick leave shall be certified by one employer to another when an employee changes employment from one employer to another.

(a) **Accumulated Sick Leave.** As used in this section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code Section 87781 but is unused.

(b) **Transfer.** A transfer of accumulated sick leave from a school district or office of the county superintendent of schools to another school district or office of the county superintendent of schools or from either to the Chancellor's Office; or a transfer from the Chancellor's Office to a school district or county superintendent of schools is authorized by Education Code Section 87782, 87783, and 87785, provided the certificated employee meets the eligibility requirements stated therein.

Transfer shall be accomplished as follows: (1) the person who accumulated the sick leave or the new employing agency using a form prescribed by the Chancellor's Office requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave, (2) upon receipt of the request the former employing agency forthwith transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is in charge with maintaining employee attendance records, (3) the new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code Section 87785, which provides that the accumulated sick leave transferred may not exceed that amount of accumulated sick leave that the person would have earned had he been an employee of the state.

NOTE: Authority cited: Sections 71020, 71024 and 87782, Education Code. Reference: Sections 87782, 87783, and 87785, Education Code.

History: 1. New Subchapter 1.5 (Section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

SUBCHAPTER 2. ACADEMIC SENATES

53200. Definitions. For the purpose of this subchapter:

(a) "Faculty" means those certificated persons who teach full time in a Community College or other full-time certificated persons who do not perform any services for the college that require an administrative or supervisory credential.

(b) "Academic senate" and "faculty council" means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters.

NOTE: Authority cited for Chap. 1, Subchap. 2: Sections 71020, 71024 and 66700, Education Code.

History: 1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

53201. Academic Senate or Faculty Council. In order that the faculty may have a formal and effective procedure for participating in the formation of district policies on academic and professional matters, an academic senate or faculty council may be established.

53202. Formation; Procedures; Membership. The following procedure shall be used to establish an academic senate or faculty council:

(a) The faculty of a Community College shall decide by secret ballot to have an academic senate or faculty council.

(b) The governing board of the district maintaining that Community College shall establish the academic senate or faculty council by authorizing the faculty to:

(1) Fix and amend by vote of the faculty the composition, structure, and procedures of the academic senate or faculty council.

(2) Select, in accordance with accepted democratic election procedures, the members of the academic senate or faculty council.

53203. Powers. After consultation with the administration of its Community College, the academic senate or faculty council may present its written views and recommendations to the governing board. The governing board shall consider and respond to such views and recommendations.

53204. "Meet and Confer." Upon the request of the academic senate or faculty council and subject to Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code relating to public meetings when applicable, the governing board or such board members or administrative officers as it may designate shall meet and confer with representatives of the academic senate or faculty council with respect to recommendations made or proposed to be made by the senate or council. The designation of board member or administrative officers as provided herein shall not preclude the representatives of an academic senate or a faculty council from meeting with, or appearing before, the governing board with respect to the views, recommendations, or proposals of the senate or council at a regular or special meeting of the board.

53205. Duties Assigned by Administration and Governing Board. An academic senate or faculty council may assume such responsibilities and perform such functions as may be requested of it by the administration of its Community College or the governing board of the district maintaining its Community College.

CHAPTER 3. CLASSIFIED POSITIONS
(No provisions)

History: 1. Renumbering of Chapter 2 (no provisions) to Chapter 3 (no provisions) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).

Register 1978-06

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§ 53202

SUBCHAPTER 1.5. SICK LEAVE TRANSFER

53125. Transfer of Accumulated Sick Leave. The provisions of this section are to implement Section 87792 of the Education Code relative to the manner in which accumulated sick leave shall be certified by one employer to another when an employee changes employment from one employer to another.

(a) **Accumulated Sick Leave.** As used in this section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code Section 87781 but is unused.

(b) **Transfer.** A transfer of accumulated sick leave from a school district or office of the county superintendent of schools to another school district or office of the county superintendent of schools or from either to the Chancellor's Office; or a transfer from the Chancellor's Office to a school district or county superintendent of schools is authorized by Education Code Section 87782, 87783, and 87785, provided the certificated employee meets the eligibility requirements stated therein.

Transfer shall be accomplished as follows: (1) the person who accumulated the sick leave or the new employing agency using a form prescribed by the Chancellor's Office requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave, (2) upon receipt of the request the former employing agency forthwith transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is in charge with maintaining employee attendance records, (3) the new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code Section 87785, which provides that the accumulated sick leave transferred may not exceed that amount of accumulated sick leave that the person would have earned had he been an employee of the state.

NOTE: Authority cited: Sections 71020, 71024 and 87782, Education Code. Reference: Sections 87782, 87783, and 87785, Education Code.

History: 1. New Subchapter 1.5 (Section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

SUBCHAPTER 2. ACADEMIC SENATES

53200. Definitions. For the purpose of this subchapter:

(a) "Faculty" means those certificated persons who teach full time in a Community College or other full-time certificated persons who do not perform any services for the college that require an administrative or supervisory credential.

(b) "Academic senate" and "faculty council" means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters.

NOTE: Authority cited for Chap. 1, Subchap. 2: Sections 71020, 71024 and 66700, Education Code.

History: 1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

53201. Academic Senate or Faculty Council. In order that the faculty may have formal and effective procedure for participating in the formation of district policies on academic and professional matters, an academic senate or faculty council may be established at the college and/or district level.

NOTE: Additional Authority cited: Section 71079, Education Code.

History: 1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).

53202. Formation; Procedures; Membership. The following procedure shall be used to establish an academic senate or faculty council:

(a) The faculty of a community college shall vote by secret ballot to form an academic senate or faculty council.

(b) In multi-college districts, the faculty of the district colleges may vote whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of the district shall recognize the academic senate or faculty council and authorize the faculty to:

(1) Fix and amend by vote of the faculty the composition, structure, and procedures of the academic senate or faculty council.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate or faculty council.

(d) The faculty may provide for the membership of part-time faculty members in the academic senate or faculty council.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate or faculty council with the same functions as stated in 53200(b) and 53201.

NOTE: Additional Authority cited: Section 71079, Education Code.

History: 1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).

53203. Powers. After consultation with the administration of its Community College, the academic senate or faculty council may present its written views and recommendations to the governing board. The governing board shall consider and respond to such views and recommendations.

53204. "Meet and Confer." Upon the request of the academic senate or faculty council and subject to Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code relating to public meetings when applicable, the governing board or such board members or administrative officers as it may designate shall meet and confer with representatives of the academic senate or faculty council with respect to recommendations made or proposed to be made by the senate or council. The designation of board member or administrative officers as provided herein shall not preclude the representatives of an academic senate or a faculty council from meeting with, or appearing before, the governing board with respect to the views, recommendations, or proposals of the senate or council at a regular or special meeting of the board.

53205. Duties Assigned by Administration and Governing Board. An academic senate or faculty council may assume such responsibilities and perform such functions as may be requested of it by the administration of its Community College or the governing board of the district maintaining its Community College.

CHAPTER 3. CLASSIFIED POSITIONS
(No provisions)

History: 1. Renumbering of Chapter 2 (no provisions) to Chapter 3 (no provisions) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).

53204. "Meet and Confer." Upon the request of the academic senate or faculty council and subject to Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code relating to public meetings when applicable, the governing board or such board members or administrative officers as it may designate shall meet and confer with representatives of the academic senate or faculty council with respect to recommendations made or proposed to be made by the senate or council. The designation of board member or administrative officers as provided herein shall not preclude the representatives of an academic senate or a faculty council from meeting with, or appearing before, the governing board with respect to the views, recommendations, or proposals of the senate or council at a regular or special meeting of the board.

53205. Duties Assigned by Administration and Governing Board. An academic senate or faculty council may assume such responsibilities and perform such functions as may be requested of it by the administration of its Community College or the governing board of the district maintaining its Community College.

53206. Academic Senate for California Community Colleges.

(a) In order that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters, an Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of Community College academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 71020 and 66700, Education Code. Reference: Section 66700, Education Code.

History: 1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).

CHAPTER 3. CLASSIFIED POSITIONS
(No provisions)

History: 1. Renumbering of Chapter 2 (no provisions) to Chapter 3 (no provisions) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).

Register 1981-03

§ 53203
§ 53205

SUBCHAPTER 1.5. SICK LEAVE TRANSFER

53125. Transfer of Accumulated Sick Leave.

The provisions of this section are to implement Section 87792 of the Education Code relative to the manner in which accumulated sick leave shall be certified by one employer to another when an employee changes employment from one employer to another.

(a) Accumulated Sick Leave. As used in this section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code Section 87781 but is unused.

(b) Transfer. A transfer of accumulated sick leave from a school district or office of the county superintendent of schools to another school district or office of the county superintendent of schools or from either to the Chancellor's Office; or a transfer from the Chancellor's Office to a school district or county superintendent of schools is authorized by Education Code Section 87782, 87783, and 87785, provided the certificated employee meets the eligibility requirements stated therein.

Transfer shall be accomplished as follows: (1) the person who accumulated the sick leave or the new employing agency using a form prescribed by the Chancellor's Office requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave, (2) upon receipt of the request the former employing agency forthwith transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is in charge with maintaining employee attendance records, (3) the new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code Section 87785, which provides that the accumulated sick leave transferred may not exceed that amount of accumulated sick leave that the person would have earned had he been an employee of the state.

NOTE: Authority cited: Sections 71020, 71024 and 87782, Education Code. Reference: Sections 87782, 87783, and 87785, Education Code.

HISTORY:

1. New Subchapter 1.5 (Section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

SUBCHAPTER 2. ACADEMIC SENATES

53200. Definitions.

For the purpose of this subchapter:

(a) "Faculty" means those certificated persons who teach full time in a Community College or other full-time certificated persons who do not perform any services for the college that require an administrative or supervisory credential.

(b) "Academic senate" and "faculty council" means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters.

NOTE: Authority cited for Chap. 1, Subchap. 2: Sections 71020, 71024 and 66700, Education Code.

HISTORY:

1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

53201. Academic Senate or Faculty Council.

In order that the faculty may have formal and effective procedure for participating in the formation of district policies on academic and professional matters, an academic senate or faculty council may be established at the college and/or district level.

NOTE: Additional Authority cited: Section 71079, Education Code.

HISTORY:

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).

53202. Formation; Procedures; Membership.

The following procedure shall be used to establish an academic senate or faculty council:

(a) The faculty of a community college shall vote by secret ballot to form an academic senate or faculty council.

(b) In multi-college districts, the faculty of the district colleges may vote whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of the district shall recognize the academic senate or faculty council and authorize the faculty to:

(1) Fix and amend by vote of the faculty the composition, structure, and procedures of the academic senate or faculty council.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate or faculty council.

(d) The faculty may provide for the membership of part-time faculty members in the academic senate or faculty council.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate or faculty council with the same functions as stated in 53200(b) and 53201.

NOTE: Additional Authority cited: Section 71079, Education Code.

HISTORY:

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).

53203. Powers.

After consultation with the administration of its community college, the academic senate or faculty council may present its written views and recommendations to the governing board. The governing board shall consider and respond to such views and recommendations.

NOTE: Authority cited: Sections 71020, 71062, 71079, Education Code. Reference: Section 71079, Education Code.

HISTORY:

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).

53204. "Meet and Confer."

Upon the request of the academic senate or faculty council and subject to Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code relating to public meetings when applicable, the governing board or such board members or administrative officers as it may designate shall meet and confer with representatives of the academic senate or faculty council with respect to recommendations made or proposed to be made by the senate or council. The designation of board member or administrative officers as provided herein shall not preclude the representatives of an academic senate or a faculty council from meeting with, or appearing before, the governing board with respect to the views, recommendations, or proposals of the senate or council at a regular or special meeting of the board.

53205. Duties Assigned by Administration and Governing Board.

An academic senate or faculty council may assume such responsibilities and perform such functions as may be requested of it by the administration of its community college or the governing board of the district maintaining its community college.

NOTE: Authority cited: Sections 71020, 71062, 71079, Education Code. Reference: Section 71079, Education Code.

HISTORY:

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).

53206. Academic Senate for California Community Colleges.

(a) In order that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters, an Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of Community College academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 71020 and 66700, Education Code. Reference: Section 66700, Education Code.

HISTORY:

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).

CHAPTER 3. CLASSIFIED POSITIONS

(No provisions)

HISTORY:

1. Renumbering of Chapter 2 (no provisions) to Chapter 3 (no provisions) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).

SUBCHAPTER 2. ACADEMIC SENATES

53200. Definitions.

For the purpose of this subchapter:

(a) "Faculty" means those certificated persons who teach full time in a Community College or other full-time certificated persons who do not perform any services for the college that require an administrative or supervisory credential.

(b) "Academic senate" and "faculty council" means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY:

1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

53201. Academic Senate or Faculty Council.

In order that the faculty may have formal and effective procedure for participating in the formation of district policies on academic and professional matters, an academic senate or faculty council may be established at the college and/or district level.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY:

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

53202. Formation; Procedures; Membership.

The following procedure shall be used to establish an academic senate or faculty council:

(a) The faculty of a community college shall vote by secret ballot to form an academic senate or faculty council.

(b) In multi-college districts, the faculty of the district colleges may vote whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of the district shall recognize the academic senate or faculty council and authorize the faculty to:

(1) Fix and amend by vote of the faculty the composition, structure, and procedures of the academic senate or faculty council.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate or faculty council.

(d) The faculty may provide for the membership of part-time faculty members in the academic senate or faculty council.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate or faculty council with the same functions as stated in subsection (b) of Section 53200 and Section 53201.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY:

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

53203. Powers.

After consultation with the administration of its community college, the academic senate or faculty council may present its written views and recommendations to the governing board. The governing board shall consider and respond to such views and recommendations.

NOTE: Authority cited: Sections 71020, 71062, 71079, Education Code. Reference: Section 71079, Education Code.

HISTORY:

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).

53204. Meet and Confer.

Upon the request of the academic senate or faculty council and subject to Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code relating to public meetings when applicable, the governing board or such board members or administrative officers as it may designate shall meet and confer with representatives of the academic senate or faculty council with respect to recommendations made or proposed to be made by the senate or council. The designation of board members or administrative officers as provided herein shall not preclude the representatives of an academic senate or a faculty council from meeting with, or appearing before, the governing board with respect to the views, recommendations, or proposals of the senate or council at a regular or special meeting of the board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY:

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

53205. Duties Assigned by Administration and Governing Board.

An academic senate or faculty council may assume such responsibilities and perform such functions as may be requested of it by the administration of its community college or the governing board of the district maintaining its community college.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY:

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding program review as specified in Section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 71025 and 78405, Education Code. Reference: Sections 71025, 71070, 78016, 78200 and 78405, Education Code.

HISTORY:

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of Sections 53200–53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

NOTE: Authority cited: Sections 66700, 71025 and 71068, Education Code. Reference: Sections 71025, 71068 and 72292, Education Code.

HISTORY:

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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the preceding school year and certifying that in connection with each such employee all of the provisions of Education Code Section 87401 and this subchapter have been satisfied.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 1.5. Sick Leave Transfer

§ 53125. Transfer of Accumulated Sick Leave.

The provisions of this section are to implement Section 87782 of the Education Code relative to the manner in which accumulated sick leave shall be certified by one employer to another when an employee changes employment from one employer to another.

(a) Accumulated Sick Leave. As used in this section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code Section 87781 but is unused.

(b) Transfer. A transfer of accumulated sick leave from a school district or office of the county superintendent of schools to another school district or office of the county superintendent of schools or from either to the Chancellor's Office; or a transfer from the Chancellor's Office to a school district or county superintendent of schools is authorized by Education Code Section 87782, 87783, and 87785, provided the certificated employee meets the eligibility requirements stated therein.

Transfer shall be accomplished as follows: (1) the person who accumulated the sick leave or the new employing agency using a form prescribed by the Chancellor's Office requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave, (2) upon receipt of the request the former employing agency forthwith transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is in charge with maintaining employee attendance records, (3) the new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code Section 87785, which provides that the accumulated sick leave transferred may not exceed that amount of accumulated sick leave that the person would have earned had he been an employee of the state.

NOTE: Authority cited: Sections 71020, 71024 and 87782, Education Code. Reference: Sections 87782, 87783 and 87785, Education Code.

HISTORY

1. New Subchapter 1.5 (Section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 2. Academic Senates

§ 53200. Definitions.

For the purpose of this subchapter:

(a) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of article 5 (commencing with section 3540) of chapter 10.7 of division 4 of title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) "Academic senate," "faculty council," and "faculty senate" means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this subchapter, reference to the term "academic senate" shall also constitute reference to "faculty council" or "faculty senate."

(c) "Academic and professional matters" means the following policy development and implementation matters:

(1) Curriculum, including establishing prerequisites and placing courses within disciplines

(2) Degree and certificate requirements

(3) Grading policies

(4) Educational program development

(5) Standards or policies regarding student preparation and success

(6) District and college governance structures, as related to faculty roles

(7) Faculty roles and involvement in accreditation processes, including selfstudy and annual reports

(8) Policies for faculty professional development activities

(9) Processes for program review

(10) Processes for institutional planning and budget development, and

(11) Other academic and professional matters as mutually agreed uponbetween the governing board and the academic senate.

(d) "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

(1) Relying primarily upon the advice and judgment of the academic senate; or

(2) That the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53201. Academic Senate or Faculty Council.

In order that the faculty may have a formal and effective procedure for participating in the formation and implementation of district policies on academic and professional matters, an academic senate may be established at the college and/or district level.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53202. Formation; Procedures; Membership.

The following procedure shall be used to establish an academic senate:

(a) The full-time faculty of a community college shall vote by secret ballot to form an academic senate.

(b) In multi-college districts, the full-time faculty of the district colleges may vote on whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of a district shall recognize the academic senate and authorize the faculty to:

(1) Fix and amend by vote of the full-time faculty the composition, structure, and procedures of the academic senate.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate.

(d) The full-time faculty may provide for the membership and participation of part-time faculty members in the academic senate.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53203. Powers.

(a) The governing board of a community college district shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other regulations contained in this part.

(b) In adopting the policies and procedures described in subsection (a), the governing board or its designees, shall consult collegially with representatives of the academic senate.

(c) While in the process of consulting collegially, the academic senate shall retain the right to meet with or appear before the governing board with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(1) In instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

(2) In instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

(e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to subsection (a) of this section.

(f) The appointment of faculty members to serve on college or district committees, task forces, or other grounds dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 81, No. 3.

§ 53204. Scope of Regulations.

Nothing in this subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No.18).
3. Repealer filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) In order that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters, an Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Subchapter 3. Full-Time and Part-Time Facility

Article 1. Scope and Definitions

§ 53300. Scope.

This chapter implements and should be read in conjunction with the requirements of Education Code section 87482.6 concerning the proportion of full-time and part-time instructors on the faculty of community colleges. The requirements of this chapter apply only until the provisions of Education Code section 84750 regarding program-based funding are implemented by a standard adopted by the Board of Governors that establishes the appropriate percentage of hours of credit instruction that should be taught by full-time instructors.

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(c) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

(a) The governing board of a community college district planning the formation of a new college or educational center shall obtain approval of such college or educational center by the Board of Governors. Approval shall be obtained prior to the commencement of classes at the new college or educational center.

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200–53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

For the purposes of this section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

(2) Participation structures and procedures for the staff positions defined or categorized.

(3) In performing the requirements of subsections (1) and (2) of this section, the governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.

(7) The selection of staff representatives to serve on college and district task forces, committees, or other governance groups shall, when require by law, be made by those councils, committees, employee organizations or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation. In all other instances, the selection shall either be made by, or in consultation with, such staff groups. In all cases, representatives shall be selected from the category that they represent.

(b) In developing and carrying out policies and procedures pursuant to subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code sections 3540, et seq., such procedures for staff participation shall not intrude on matters within the scope of representation under section 3543.2 of the Government Code. In addition, governing boards shall not interfere with the exercise of employee rights to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer–employee relations. Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards. It is the intent of the Board of Governors to respect lawful agreements between staff and exclusive representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to staff pursuant to these regulations.

(c) Nothing in this section shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to sections 53200–53205, and section 51023.7, respectively, of this division.

(d) The governing board of a community college district shall comply substantially with the provisions of this section.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 51023.7. Students.

(a) The governing board of a community college district shall adopt policies and procedure that provide students the opportunity to participate effectively in district and college governance. Among other matters, said policies and procedures shall include the following:

(1) Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures.

(2) Except in unforeseeable, emergency situations the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

(3) Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration.

(4) For the purpose of this section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.

(b) For the purposes of this section, district and college policies and procedures that have or will have a "significant effect on students" includes the following:

(1) grading policies;
(2) codes of student conduct;
(3) academic disciplinary policies;
(4) curriculum development;
(5) courses or programs which should be initiate or discontinued;
(6) processes for institutional planning and budget development;
(7) standards and policies regarding student preparation and success;
(8) student services planning and development;
(9) student fees within the authority of the district to adopt; and
(10) any other district and college policy, procedure or related matter that the district governing board determines will have a significant effect on students.

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.

(d) Nothing in this section shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to the regulations on academic senates contained in sections 53200–53205 of chapter IV of this division.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this section.

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901(b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3-12-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 51024. Matriculation Services.

When matriculation services have been fully funded, as certified by the Chancellor in accord with policies adopted by the Board of Governors, the governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under section 55512(c);

(c) provide matriculation services to its students in accordance with sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with section 55534; and

(e) substantially comply with all other provisions of chapter 6 (commencing with section 55500) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210-78218, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Subchapter 2. Investigation and Enforcement of Minimum Conditions

§ 51100. Review of Colleges.

(a) The Chancellor, at least once each seven years, and at such other times or as he or she deems necessary, shall review each community college to determine whether it has met the minimum conditions contained in chapter 1 (commencing with section 51000) of this division.

(b) In the event that the Chancellor determines that a visit to the college is necessary to investigate compliance, he or she shall inform the chief executive officer of the district at least one month in advance of such visit, and shall specify the particular minimum conditions which will be investigated.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Repealer of chapter 2 (sections 51100 and 51101) and new chapter 2 (sections 51100 and 51102) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 2, see Registers 81, No. 52; 77, No. 45; and 71, No. 27.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51102. Enforcement.

(a) If any review pursuant to section 51100 discloses that a college is not in compliance with the provisions of chapter 1 (commencing with section 51000) of this division, the Chancellor shall notify the chief executive officer of the district in writing, and shall request an official written response from the district by a date which the Chancellor shall specify.

(b) After receiving the district's written response, or after the time for response has lapsed, the Chancellor shall pursue one or more of the following courses of action:

(1) Accept in whole or part the district's response regarding noncompliance;

(2) Require the district to submit and adhere to a plan and timetable for achieving compliance as a condition for continued receipt of state aid;

(3) Withhold all or part of the district's state aid. The amount of withholding shall be related to the extent and gravity of noncompliance, and shall require approval of the Board of Governors.

(c) The Chancellor shall report to the Board of Governors on any actions taken pursuant to subsection (b) of this section; provided that in the event he or she determines to withhold all or a portion of a district's state aid, the Chancellor shall inform and obtain the approval of the Board prior to the withholding.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 3. Faculty

NOTE: Authority cited: Sections 71020, 71024 and 71025, Education Code.

HISTORY

1. Repealer of Chapter 3[216z (Sections 51200 and 51201) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 4. Standards of Scholarship

NOTE: Authority cited: Section 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

HISTORY

1. Repealer of Chapter 4 (Sections 51300-51319, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 4, see Registers 82, No. 20; 80, No. 19; 80, No. 11; 77, No. 45; and 71, No. 27.

Subchapter 5. Facilities

HISTORY

1. Repealer of Chapter 5 (Sections 51400 and 51401) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 6. Counseling Services

HISTORY

1. Repealer of Chapter 6 (Sections 51500-51503) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 7. Degrees and Certificates

HISTORY

1. Repealer of Chapter 7 (Sections 51600-51606) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 71, No. 40.

Subchapter 8. Degrees and Certificates

NOTE: Authority cited: Sections 66700, 71020 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

HISTORY

1. New Chapter 8 (§§ 51620 through 51626) filed 10-1-71; effective thirtieth day thereafter (Register 71, No. 40).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 6-9-82; designated effective 7-1-83 (Register 82, No. 24).
4. Repealer of Chapter 8 (Sections 51620-51629) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 9. Minimum Class Size

NOTE: Authority cited for Chapter 9: Section 71027, Education Code.

HISTORY

1. New Chapter (§§ 51700 through 51703) filed 11-12-71; effective thirtieth day thereafter (Register 71, No. 46).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 9 (Sections 51700-51703) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

the preceding school year and certifying that in connection with each such employee all of the provisions of Education Code Section 87401 and this subchapter have been satisfied.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Article 1.5. Sick Leave Transfer

§ 53125. Transfer of Accumulated Sick Leave.

The provisions of this section are to implement section 87782 of the Education Code relative to the manner in which accumulated sick leave shall be certified by one employer to another when an employee changes employment from one employer to another.

(a) Accumulated Sick Leave. As used in this section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code section 87781 but is unused.

(b) Transfer. A transfer of accumulated sick leave from a school district or office of the county superintendent of schools to another school district or office of the county superintendent of schools or from either to the Chancellor's Office; or a transfer from the Chancellor's Office to a school district or county superintendent of schools is authorized by Education Code section 87782, 87783, and 87785, provided the certificated or academic employee meets the eligibility requirements stated therein.

Transfer shall be accomplished as follows:

(1) the person who accumulated the sick leave or the new employing agency using a form prescribed by the Chancellor's Office requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave,

(2) upon receipt of the request the former employing agency forthwith transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is in charge with maintaining employee attendance records,

(3) the new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code section 87785, which provides that the accumulated sick leave transferred may not exceed that amount of accumulated sick leave that the person would have earned had he or she been an employee of the state.

NOTE: Authority cited: Sections 70901, 71024 and 87782, Education Code. Reference: Sections 87781, 87782, 87783 and 87785, Education Code.

HISTORY

1. New subchapter 1.5 (section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Article 2. Academic Senates

§ 53130. Availability of Rules and Regulations for Evaluation of Performance.

The governing board of a community college district shall adopt and cause to be printed and made available to each academic employee of the district reasonable rules and regulations providing for the evaluation of the performance of academic employees in their assigned duties.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 53200. Definitions.

For the purpose of this subchapter:

(a) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of article 5 (commencing with section 3540) of chapter 10.7 of division 4 of title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) "Academic senate," "faculty council," and "faculty senate" means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this subchapter, reference to the term "academic senate" shall also constitute reference to "faculty council" or "faculty senate."

(c) "Academic and professional matters" means the following policy development and implementation matters:

(1) Curriculum, including establishing prerequisites and placing courses within disciplines

(2) Degree and certificate requirements

(3) Grading policies

(4) Educational program development

(5) Standards or policies regarding student preparation and success

(6) District and college governance structures, as related to faculty roles

(7) Faculty roles and involvement in accreditation processes, including selfstudy and annual reports

(8) Policies for faculty professional development activities

(9) Processes for program review

(10) Processes for institutional planning and budget development, and

(11) Other academic and professional matters as mutually agreed uponbetween the governing board and the academic senate.

(d) "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

(1) Relying primarily upon the advice and judgment of the academic senate; or

(2) That the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53201. Academic Senate or Faculty Council.

In order that the faculty may have a formal and effective procedure for participating in the formation and implementation of district policies on academic and professional matters, an academic senate may be established at the college and/or district level.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).

2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53202. Formation; Procedures; Membership.

The following procedure shall be used to establish an academic senate:

(a) The full-time faculty of a community college shall vote by secret ballot to form an academic senate.

(b) In multi-college districts, the full-time faculty of the district colleges may vote on whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of a district shall recognize the academic senate and authorize the faculty to:

(1) Fix and amend by vote of the full-time faculty the composition, structure, and procedures of the academic senate.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate.

(d) The full-time faculty may provide for the membership and participation of part-time faculty members in the academic senate.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53203. Powers.

(a) The governing board of a community college district shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other regulations contained in this part.

(b) In adopting the policies and procedures described in subsection (a), the governing board or its designees, shall consult collegially with representatives of the academic senate.

(c) While in the process of consulting collegially, the academic senate shall retain the right to meet with or appear before the governing board with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(1) In instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

(2) In instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

(e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to subsection (a) of this section.

(f) The appointment of faculty members to serve on college or district committees, task forces, or other grounds dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 81, No. 3.

§ 53204. Scope of Regulations.

Nothing in this subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No.18).
3. Repealer filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) In order that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters, an Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901, and 71079, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).

2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 3. Full-Time and Part-Time Facility

Article 1. Scope and Definitions

§ 53300. Scope.

This chapter implements and should be read in conjunction with the requirements of Education Code section 87482.6 concerning the proportion of full-time and part-time instructors on the faculty of community colleges. The requirements of this chapter apply only until the provisions of Education Code section 84750 regarding program-based funding are implemented by a standard adopted by the Board of Governors that establishes the appropriate percentage of hours of credit instruction that should be taught by full-time instructors.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53302. Full-Time Instructor.

For purposes of this chapter only, a full-time instructor shall be defined as any regular and contact faculty member teaching credit instruction.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Article 2. Proportions of Full-Time and Part-Time Facility, Computation and Reports

§ 53310. Hours of Instruction.

In computing the percentage of hours of credit instruction taught by full-time instructors, the following rules shall be applied:

(a) Overload. The hours of overload teaching by full-time instructors shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(b) Sabbatical. The hours of a full-time instructor on sabbatical, whether paid or unpaid, shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(c) Released/Reassigned Time. The hours of a full-time instructor on released or reassigned time shall be counted as if the instructor was teaching full-time and had not been provided released or reassigned time. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(d) Unpaid Leave. The hours of a full-time instructor on unpaid leave shall be counted as if the instructor was teaching full time and had not been provided with unpaid leave. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(e) Teaching by Others. The hours of instruction taught by counselors, librarians, classified staff or administrators who are appropriately certified to teach shall, under the following conditions, be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors:

(1) Only the actual hours of teaching by such individuals shall be included;

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment,

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53311. Base Year.

For purposes of this chapter, fiscal year 1988-89 shall be the base year from which improvement in the percentage of hours of credit instruction taught by full-time instructors shall be measured.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute and report to each community college district the number of full-time faculty (FTF) which are to be secured through the use of the prescribed portion of program improvement revenue allocated to each district.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code.Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53314. Report to Districts.

(a) By March 15th of each year, the Chancellor shall report to each district an estimate of the number of FTF to be secured based upon the appropriation of revenues contained in the annual Budget Bill.

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(e) Substantially comply with the provisions of chapter 1 (commencing with section 53000) of division 4 of this part.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference: Sections 70901 and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51014. Approval of New Colleges and Educational Centers.

(a) The governing board of a community college district planning the formation of a new college or educational center shall obtain approval of such college or educational center by the Board of Governors. Approval shall be obtained prior to the commencement of classes at the new college or educational center.

(b) The provisions of chapter 11 (commencing with section 55825) of division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and Articles 1, 2, and 3 (commencing with Section 81800) of Chapter 4, Part 49, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in chapter 1 (commencing with section 55000) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that,

for the purposes of this section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

(2) Participation structures and procedures for the staff positions defined or categorized.

(3) In performing the requirements of subsections (1) and (2) of this section, the governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.

(7) The selection of staff representatives to serve on college and district task forces, committees, or other governance groups shall, when required by law, be made by those councils, committees, employee organizations or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation. In all other instances, the selection shall either be made by, or in consultation with, such staff groups. In all cases, representatives shall be selected from the category that they represent.

(b) In developing and carrying out policies and procedures pursuant to subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code sections 3540, et seq., such procedures for staff participation shall not intrude on matters within the scope of representation under section 3543.2 of the Government Code. In addition, governing boards shall not interfere with the exercise of employee rights to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer–employee relations. Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards. It is the intent of the Board of Governors to respect lawful agreements between staff and exclusive representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to staff pursuant to these regulations.

(c) Nothing in this section shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to sections 53200–53205, and section 51023.7, respectively, of this division.

(d) The governing board of a community college district shall comply substantially with the provisions of this section.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b), (Register 91, No. 23).
2. Editorial correction of printing error in subsection (b) and HISTORY 1. (Register 91, No. 43).

§ 51023.7. Students.

(a) The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance. Among other matters, said policies and procedures shall include the following:

(1) Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures.

(2) Except in unforeseeable, emergency situations the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

(3) Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration.

(4) For the purpose of this section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code Section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.

(b) For the purposes of this section, district and college policies and procedures that have or will have a "significant effect on students" includes the following:

(1) grading policies;
(2) codes of student conduct;
(3) academic disciplinary policies;
(4) curriculum development;
(5) courses or programs which should be initiated or discontinued;
(6) processes for institutional planning and budget development;
(7) standards and policies regarding student preparation and success;
(8) student services planning and development;
(9) student fees within the authority of the district to adopt; and
(10) any other district and college policy, procedure or related matter that the district governing board determines will have a significant effect on students.

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.

(d) Nothing in this section shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pur-

Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

4. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53101. Processing of Fingerprint Cards.

NOTE: Authority cited: Sections 71020, 71064, 87220 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53102. Cause for Dismissal.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53103. Report of Persons Employed.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Article 1.5. Sick Leave Transfer

§ 53125. Transfer of Accumulated Sick Leave.

The provisions of this section are to implement section 87782 of the Education Code relative to the manner in which accumulated sick leave shall be certified by one employer to another when an employee changes employment from one employer to another.

(a) Accumulated Sick Leave. As used in this section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code section 87781 but is unused.

(b) Transfer. A transfer of accumulated sick leave from a school district or office of the county superintendent of schools to another school district or office of the county superintendent of schools or from either to the Chancellor's Office; or a transfer from the Chancellor's Office to a school district or county superintendent of schools is authorized by Education Code section 87782, 87783, and 87785, provided the certificated or academic employee meets the eligibility requirements stated therein.

Transfer shall be accomplished as follows:

(1) the person who accumulated the sick leave or the new employing agency using a form prescribed by the Chancellor's Office requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave,

(2) upon receipt of the request the former employing agency forthwith transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is in charge with maintaining employee attendance records,

(3) the new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code section 87785, which provides that the accumulated sick leave transferred may not exceed that amount of accumulated sick leave that the person would have earned had he or she been an employee of the state.

NOTE: Authority cited: Sections 70901, 71024 and 87782, Education Code. Reference: Sections 87781, 87782, 87783 and 87785, Education Code.

HISTORY

1. New subchapter 1.5 (section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).

2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Article 1.6. Evaluation of Academic Employees

§ 53130. Availability of Rules and Regulations for Evaluation of Performance.

The governing board of a community college district shall adopt and cause to be printed and made available to each academic employee of the district reasonable rules and regulations providing for the evaluation of the performance of academic employees in their assigned duties.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

2. New article 1.6 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Article 2. Academic Senates

§ 53200. Definitions.

For the purpose of this subchapter:

(a) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of article 5 (commencing with section 3540) of chapter 10.7 of division 4 of title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) "Academic senate," "faculty council," and "faculty senate" means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this subchapter, reference to the term "academic senate" shall also constitute reference to "faculty council" or "faculty senate."

(c) "Academic and professional matters" means the following policy development and implementation matters:

(1) Curriculum, including establishing prerequisites and placing courses within disciplines

(2) Degree and certificate requirements

(3) Grading policies

(4) Educational program development

(5) Standards or policies regarding student preparation and success

(6) District and college governance structures, as related to faculty roles

(7) Faculty roles and involvement in accreditation processes, including selfstudy and annual reports

(8) Policies for faculty professional development activities

(9) Processes for program review

(10) Processes for institutional planning and budget development, and

(11) Other academic and professional matters as mutually agreed upon between the governing board and the academic senate.

(d) "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

(1) Relying primarily upon the advice and judgment of the academic senate; or

(2) That the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
4. Relocation of article 2 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53201. Academic Senate or Faculty Council.

In order that the faculty may have a formal and effective procedure for participating in the formation and implementation of district policies on academic and professional matters, an academic senate may be established at the college and/or district level.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53202. Formation; Procedures; Membership.

The following procedure shall be used to establish an academic senate:

(a) The full-time faculty of a community college shall vote by secret ballot to form an academic senate.

(b) In multi-college districts, the full-time faculty of the district colleges may vote on whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of a district shall recognize the academic senate and authorize the faculty to:

(1) Fix and amend by vote of the full-time faculty the composition, structure, and procedures of the academic senate.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate.

(d) The full-time faculty may provide for the membership and participation of part-time faculty members in the academic senate.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53203. Powers.

(a) The governing board of a community college district shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other regulations contained in this part.

(b) In adopting the policies and procedures described in subsection (a), the governing board or its designees, shall consult collegially with representatives of the academic senate.

(c) While in the process of consulting collegially, the academic senate shall retain the right to meet with or appear before the governing board with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(1) In instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

(2) In instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

(e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to subsection (a) of this section.

(f) The appointment of faculty members to serve on college or district committees, task forces, or other grounds dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 81, No. 3.

§ 53204. Scope of Regulations.

Nothing in this subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No.18).
3. Repealer filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) In order that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters, an Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901, and 71079, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 3. Full-Time and Part-Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This subchapter relates to and should be read in conjunction with the requirements of Section 51025 of Subchapter 1 of Chapter 2 of this Division concerning the proportion of full-time and part-time instructors on the faculty of community colleges.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).
3. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

§ 53302. Full-Time Instructor.

For purposes of this chapter only, a full-time instructor shall be defined as any regular and contact faculty member teaching credit instruction.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

Article 2. Proportions of Full-Time and Part-Time Faculty, Computation and Reports

§ 53310. Hours of Instruction.

In computing the percentage of hours of credit instruction taught by full-time instructors, the following rules shall be applied:

(a) Overload. The hours of overload teaching by full-time instructors shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(b) Sabbatical. The hours of a full-time instructor on sabbatical, whether paid or unpaid, shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(c) Released/Reassigned Time. The hours of a full-time instructor on released or reassigned time shall be counted as if the instructor was teaching full-time and had not been provided released or reassigned time. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(d) Unpaid Leave. The hours of a full-time instructor on unpaid leave shall be counted as if the instructor was teaching full time and had not been provided with unpaid leave. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(e) Teaching by Others. The hours of instruction taught by counselors, librarians, classified staff or administrators who are appropriately certified to teach shall, under the following conditions, be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors:

(1) Only the actual hours of teaching by such individuals shall be included;

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

(f) Outreach Locations. The hours of instruction taught by full-time and part-time instructors at any outreach location that is more than 25 miles from the main campus and generates less than 200 FTES, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(g) Late Retirement. The hours of a full-time instructor who resigned or retired and who provided written notice thereof within 45 faculty duty days of the end of the previous Spring primary term and whose position has not been replaced by another full-time instructor by the current Fall primary term, shall be included in both the total hours of credit instruction

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college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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. 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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. 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, those policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

(2) Participation structures and procedures for the staff positions defined or categorized.

(3) In performing the requirements of Subsections (a)(1) and (2), the governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations, and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this Section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.

(7) The selection of staff representatives to serve on college and district task forces, committees, or other governance groups shall, when required by law, be made by those councils, committees, employee organizations, or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation. In all other instances, the selection shall either be made by, or in consultation with, such staff groups. In all cases, representatives shall be selected from the category that they represent.

(b) In developing and carrying out policies and procedures pursuant to Subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code Sec-

tions 3540, et seq., such procedures for staff participation shall not intrude on matters within the scope of representation under Section 3543.2 of the Government Code. In addition, governing boards shall not interfere with the exercise of employee rights to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer–employee relations. Nothing in this Section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards. It is the intent of the Board of Governors to respect lawful agreements between staff and exclusive representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to staff pursuant to these regulations.

(c) Nothing in this Section shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to Sections 53200–53204, and Section 51023.7, respectively.

(d) The governing board of a community college district shall comply substantially with the provisions of this Section.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b), (Register 91, No. 23).
2. Editorial correction of printing error in subsection (b) and HISTORY 1. (Register 91, No. 43).
3. Amendment of subsections (a)(1), (a)(3), (a)(5), (a)(7), (b), (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).

§ 51023.7. Students.

(a) The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance. Among other matters, said policies and procedures shall include the following:

(1) Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures.

(2) Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

(3) Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration.

(4) For the purpose of this Section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code Section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.

(b) For the purposes of this Section, district and college policies and procedures that have or will have a "significant effect on students" includes the following:

(1) grading policies;
(2) codes of student conduct;
(3) academic disciplinary policies;
(4) curriculum development;
(5) courses or programs which should be initiated or discontinued;
(6) processes for institutional planning and budget development;
(7) standards and policies regarding student preparation and success;
(8) student services planning and development;
(9) student fees within the authority of the district to adopt; and
(10) any other district and college policy, procedure, or related matter that the district governing board determines will have a significant effect on students.

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.

(d) Nothing in this Section shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to the regulations on academic senates contained in Sections 53200–53206.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this Section.

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901 (b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 23).
2. Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1 (Register 91, No. 43).
3. Amendment of subsections (a)(2), (a)(4), (b), (b)(10), (d) and (e) 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).

§ 51024. Matriculation Services.

The governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under Section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under Section 55512(c);

(c) provide matriculation services to its students in accordance with Sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with Section 55534; and

(e) substantially comply with all other provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210–78218, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsection (e) filed 4–3–92; operative 5–4–92 (Register 92, No. 15).

§ 51025. Full–Time/Part–Time Faculty.

This Section relates to and should be read in conjunction with Subchapter 3 (commencing with Section 53300) of Chapter 4 of this Division.

(a) Community college districts which have less than 75 percent of their hours of credit instruction taught by full–time instructors, as determined from their base data calculated pursuant to Section 53311, shall apply the growth revenues received related to increases in credit FTES in accordance with Section 58774 and a portion of the program improvement allocation received in accordance with Section 58775, as follows:

2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

Subchapter 2. Certificated Positions

Article 1. Special Non-Credentialed Employees

§ 53100. Prerequisites for Employment Under Education Code Section 87401.

NOTE: Authority cited: Sections 71020, 71064, and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Renumbering of chapter 1 (sections 53100-53205) to chapter 2 (sections 53100-53205) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53101. Processing of Fingerprint Cards.

NOTE: Authority cited: Sections 71020, 71064, 87220 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53102. Cause for Dismissal.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53103. Report of Persons Employed.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Article 1.5. Sick Leave Transfer

§ 53125. Transfer of Accumulated Sick Leave.

This Section prescribes the manner in which the amount of accumulated sick leave is certified for transfer under Sections 87782, 87783, and 87785 of the Education Code.

(a) As used in this Section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code Section 87781 but is unused.

(b) Transfer shall be certified as follows.

(1) The person who accumulated the sick leave or the new employing agency requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave,

(2) Upon receipt of the request, the former employing agency transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is charged with maintaining employee attendance records,

(3) The new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code Section 87785.

NOTE: Authority cited: Sections 70901, 71024 and 87782, Education Code. Reference: Sections 87781, 87782, 87783 and 87785, Education Code.

HISTORY

1. New subchapter 1.5 (section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. 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).

Article 1.6. Evaluation of Academic Employees

§ 53130. Availability of Rules and Regulations for Evaluation of Performance.

The governing board of a community college district shall adopt and cause to be printed and made available to each academic employee of the district reasonable rules and regulations providing for the evaluation of the performance of academic employees in their assigned duties.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. New article 1.6 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Article 2. Academic Senates

§ 53200. Definitions.

For the purpose of this Subchapter:

(a) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) "Academic senate," "faculty council," and "faculty senate" means an organization formed in accordance with the provisions of this Subchapter whose primary function, as the representative of the faculty, is to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this Subchapter, reference to the term "academic senate" also constitutes reference to "faculty council" or "faculty senate."

(c) "Academic and professional matters" means the following policy development and implementation matters:

(1) curriculum, including establishing prerequisites and placing courses within disciplines;

(2) degree and certificate requirements;

(3) grading policies;

(4) educational program development;

(5) standards or policies regarding student preparation and success;

(6) district and college governance structures, as related to faculty roles;

(7) faculty roles and involvement in accreditation processes, including self-study and annual reports;

(8) policies for faculty professional development activities;

(9) processes for program review;

(10) processes for institutional planning and budget development; and

(11) other academic and professional matters as are mutually agreed upon between the governing board and the academic senate.

(d) "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

(1) relying primarily upon the advice and judgment of the academic senate; or

(2) agreeing that the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
4. Relocation of article 2 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
5. 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).

§ 53201. Academic Senate or Faculty Council.

In order that the faculty may have a formal and effective procedure for participating in the formation and implementation of district policies on academic and professional matters, an academic senate may be established at the college and/or district level.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53202. Formation; Procedures; Membership.

The following procedure shall be used to establish an academic senate:

(a) The full-time faculty of a community college shall vote by secret ballot to form an academic senate.

(b) In multi-college districts, the full-time faculty of the district colleges may vote on whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of a district shall recognize the academic senate and authorize the faculty to:

(1) Fix and amend by vote of the full-time faculty the composition, structure, and procedures of the academic senate.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate.

(d) The full-time faculty may provide for the membership and participation of part-time faculty members in the academic senate.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53203. Powers.

(a) The governing board of a community college district shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other Board of Governors regulations.

(b) In adopting the policies and procedures described in Subsection (a), the governing board or its designees shall consult collegially with representatives of the academic senate.

(c) While in the process of consulting collegially, the academic senate shall retain the right to meet with or to appear before the governing board with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(1) in instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

(2) in instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

(e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to Subsection (a).

(f) The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this Subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 81, No. 3.
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).

§ 53204. Scope of Regulations.

Nothing in this Subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.
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).

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No.18).
3. Repealer filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) An Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils so that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901, and 71079, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
4. Amendment of subsection (a) 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 3. Full-Time and Part-Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This Subchapter relates to and should be read in conjunction with the requirements of Section 51020 concerning the proportion of full-time and part-time instructors on the faculty of community colleges.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).
3. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
5. 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).

§ 53302. Full-Time Instructor.

For purposes of this Chapter only, a full-time instructor shall be defined as any regular and contract faculty member teaching credit instruction.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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).

Article 2. Proportions of Full-Time and Part-Time Faculty, Computation and Reports

§ 53310. Hours of Instruction.

In computing the percentage of hours of credit instruction taught by full-time instructors, the following rules shall be applied:

(a) Overload. The hours of overload teaching by full-time instructors shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(b) Sabbatical. The hours of a full-time instructor on sabbatical, whether paid or unpaid, shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(c) Released/Reassigned Time. The hours of a full-time instructor on released or reassigned time shall be counted as if the instructor was teaching full-time and had not been provided released or reassigned time. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(d) Unpaid Leave. The hours of a full-time instructor on unpaid leave shall be counted as if the instructor was teaching full-time and had not been provided with unpaid leave. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(e) Teaching by Others. The hours of instruction taught by counselors, librarians, classified staff or administrators who are appropriately qualified to teach shall, under the following conditions, be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors:

(1) Only the actual hours of teaching by such individuals shall be included;

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

(f) Outreach Locations. The hours of instruction taught by full-time and part-time instructors at any outreach location that is more than 25 miles from the main campus and generates less than 200 FTES, shall be

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).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, 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).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

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).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, 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).

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 78016, and 70902, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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. 15).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

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 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. 15).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

Register 1995-19

§ 53206

2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

Subchapter 2. Certificated Positions

Article 1. Special Non-Credentialed Employees

§ 53100. Prerequisites for Employment Under Education Code Section 87401.

NOTE: Authority cited: Sections 71020, 71064, and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Renumbering of chapter 1 (sections 53100-53205) to chapter 2 (sections 53100-53205) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53101. Processing of Fingerprint Cards.

NOTE: Authority cited: Sections 71020, 71064, 87220 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53102. Cause for Dismissal.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 53103. Report of Persons Employed.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Article 1.5. Sick Leave Transfer

§ 53125. Transfer of Accumulated Sick Leave.

This Section prescribes the manner in which the amount of accumulated sick leave is certified for transfer under Sections 87782, 87783, and 87785 of the Education Code.

(a) As used in this Section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code Section 87781 but is unused.

(b) Transfer shall be certified as follows:

(1) The person who accumulated the sick leave or the new employing agency requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave,

(2) Upon receipt of the request, the former employing agency transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is charged with maintaining employee attendance records,

(3) The new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code Section 87785.

NOTE: Authority cited: Sections 70901, 71024 and 87782, Education Code. Reference: Sections 87781, 87782, 87783 and 87785, Education Code.

HISTORY

1. New subchapter 1.5 (section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. 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 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
6. Editorial correction of HISTORY 4 (Register 95, No. 19).

Article 1.6. Evaluation of Academic Employees

§ 53130. Availability of Rules and Regulations for Evaluation of Performance.

The governing board of a community college district shall adopt and cause to be printed and made available to each academic employee of the district reasonable rules and regulations providing for the evaluation of the performance of academic employees in their assigned duties.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by the 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 article 1.6 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 19).

Article 2. Academic Senates

§ 53200. Definitions.

For the purpose of this Subchapter:

(a) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) "Academic senate," "faculty council," and "faculty senate" means an organization formed in accordance with the provisions of this Subchapter whose primary function, as the representative of the faculty, is to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this Subchapter, reference to the term "academic senate" also constitutes reference to "faculty council" or "faculty senate."

(c) "Academic and professional matters" means the following policy development and implementation matters:

(1) curriculum, including establishing prerequisites and placing courses within disciplines;

(2) degree and certificate requirements;

(3) grading policies;

(4) educational program development;

(5) standards or policies regarding student preparation and success;

(6) district and college governance structures, as related to faculty roles;

(7) faculty roles and involvement in accreditation processes, including self-study and annual reports;

(8) policies for faculty professional development activities;

(9) processes for program review;

(10) processes for institutional planning and budget development; and

(11) other academic and professional matters as are mutually agreed upon between the governing board and the academic senate.

(d) "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

(1) relying primarily upon the advice and judgment of the academic senate; or

(2) agreeing that the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
4. Relocation of article 2 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
5. 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).

§ 53201. Academic Senate or Faculty Council.

In order that the faculty may have a formal and effective procedure for participating in the formation and implementation of district policies on academic and professional matters, an academic senate may be established at the college and/or district level.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53202. Formation; Procedures; Membership.

The following procedure shall be used to establish an academic senate:

(a) The full-time faculty of a community college shall vote by secret ballot to form an academic senate.

(b) In multi-college districts, the full-time faculty of the district colleges may vote on whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of a district shall recognize the academic senate and authorize the faculty to:

(1) Fix and amend by vote of the full-time faculty the composition, structure, and procedures of the academic senate.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate.

(d) The full-time faculty may provide for the membership and participation of part-time faculty members in the academic senate.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53203. Powers.

(a) The governing board of a community college district shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other Board of Governors regulations.

(b) In adopting the policies and procedures described in Subsection (a), the governing board or its designees shall consult collegially with representatives of the academic senate.

(c) While in the process of consulting collegially, the academic senate shall retain the right to meet with or to appear before the governing board with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(1) in instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

(2) in instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

(e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to Subsection (a).

(f) The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this Subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 81, No. 3.
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).

§ 53204. Scope of Regulations.

Nothing in this Subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements

between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.
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).

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No.18).
3. Repealer filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) An Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils so that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901, and 71079, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. 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).
4. Amendment of subsection (a) 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).
5. Editorial correction of HISTORY 3 (Register 95, No. 19).

Subchapter 3. Full-Time and Part-Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This Subchapter relates to and should be read in conjunction with the requirements of Section 51020 concerning the proportion of full-time and part-time instructors on the faculty of community colleges.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).
3. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
5. 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).

§ 53302. Full-Time Instructor.

For purposes of this Chapter only, a full-time instructor shall be defined as any regular and contract faculty member teaching credit instruction.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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).

Article 2. Proportions of Full-Time and Part-Time Faculty, Computation and Reports

§ 53310. Hours of Instruction.

In computing the percentage of hours of credit instruction taught by full-time instructors, the following rules shall be applied:

(a) Overload. The hours of overload teaching by full-time instructors shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(b) Sabbatical. The hours of a full-time instructor on sabbatical, whether paid or unpaid, shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(c) Released/Reassigned Time. The hours of a full-time instructor on released or reassigned time shall be counted as if the instructor was teaching full-time and had not been provided released or reassigned time. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(d) Unpaid Leave. The hours of a full-time instructor on unpaid leave shall be counted as if the instructor was teaching full-time and had not been provided with unpaid leave. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(e) Teaching by Others. The hours of instruction taught by counselors, librarians, classified staff or administrators who are appropriately quali-

(7) faculty roles and involvement in accreditation processes, including self-study and annual reports;

(8) policies for faculty professional development activities;

(9) processes for program review;

(10) processes for institutional planning and budget development; and

(11) other academic and professional matters as are mutually agreed upon between the governing board and the academic senate.

(d) "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

(1) relying primarily upon the advice and judgment of the academic senate; or

(2) agreeing that the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
4. Relocation of article 2 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
5. 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).

§ 53201. Academic Senate or Faculty Council.

In order that the faculty may have a formal and effective procedure for participating in the formation and implementation of district policies on academic and professional matters, an academic senate may be established at the college and/or district level.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53202. Formation; Procedures; Membership.

The following procedure shall be used to establish an academic senate:

(a) The full-time faculty of a community college shall vote by secret ballot to form an academic senate.

(b) In multi-college districts, the full-time faculty of the district colleges may vote on whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of a district shall recognize the academic senate and authorize the faculty to:

(1) Fix and amend by vote of the full-time faculty the composition, structure, and procedures of the academic senate.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate.

(d) The full-time faculty may provide for the membership and participation of part-time faculty members in the academic senate.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53203. Powers.

(a) The governing board of a community college district shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other Board of Governors regulations.

(b) In adopting the policies and procedures described in Subsection (a), the governing board or its designees shall consult collegially with representatives of the academic senate.

(c) While in the process of consulting collegially, the academic senate shall retain the right to meet with or to appear before the governing board with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(1) in instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

(2) in instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

(e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to Subsection (a).

(f) The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this Subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 81, No. 3.
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).

§ 53204. Scope of Regulations.

Nothing in this Subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing

boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.
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).

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No.18).
3. Repealer filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) An Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils so that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901, and 71079, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. 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).
4. Amendment of subsection (a) 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).
5. Editorial correction of HISTORY 3 (Register 95, No. 19).

§ 53207. Reimbursement for Release or Reassigned Time.

(a) Except as provided in subdivisions (d) and (e), the faculty members elected to serve as president and vice president of the Academic Senate of the California Community Colleges (ASCCC) shall be granted release or reassigned time from their local responsibilities by the districts by which they are employed during their terms of office.

(b) The amount of release or reassigned time required will be determined by the ASCCC and reported to the district employing the person elected ASCCC president by May 1st and to the district employing the person elected ASCC vice president by June 1st of the year in which these individuals will assume office, unless the election has not been conducted by those dates, in which case the information will be reported immediately upon completion of the election.

(c) The districts employing the president and the vice president of the ASCCC will be reimbursed by February 1 from the state appropriation for the ASCCC for the release or reassigned time at the part-time replacement cost identified by the district prior to September of each year. If the release or reassigned time need identified is 100 percent and the position to be filled is in a hard to replace discipline area, the district shall so certify to the Chancellor of the California Community Colleges by August 1. If the Chancellor confirms the district certification, the district shall be reimbursed at the full-time temporary replacement cost. In addition, districts shall be reimbursed by the ASCCC for reasonable and documented administrative costs associated with hiring faculty to replace the faculty serving as president and vice president of the ASCCC.

(d) A local district will not be required to grant release or reassigned time for the president or vice president of the ASCCC if it certifies by August 1 to the Chancellor, and he or she confirms, that the faculty member is in a position for which a qualified part-time or full-time temporary replacement cannot be found to meet the needs of the students.

(e) No district shall be required to grant release or reassigned time for an individual serving as president or vice president of the ASCCC for a period exceeding four years.

(f) This section shall only be operative during any fiscal year in which sufficient funds are provided therefore to the ASCCC in the annual Budget Act for that fiscal year or other legislation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 3-12-2003; operative 4-11-2003. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 2003, No. 18).

Subchapter 3. Full-Time and Part-Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This Subchapter relates to and should be read in conjunction with the requirements of Section 51025 concerning the proportion of full-time and part-time faculty to be employed by community colleges.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).
3. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
5. 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).
6. Amendment filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).

§ 53301. Part-Time Faculty.

The term "part-time faculty" includes any faculty member, as defined in Section 53402(c), who is not a regular employee or contract employee of the district pursuant to Sections 87601, 87605, 87608, 87608.5, or 87609 of the Education Code.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750, 87482.7, 87601, 87605, 87608, 87608.5 and 87609, Education Code.

HISTORY

1. New section filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53302. Full-Time Faculty.

For purposes of this Chapter the term "full-time faculty" means any faculty member, as defined in Section 53402(c), who is a regular or contract employee of the district pursuant to Sections 87601, 87605, 87608, 87608.5 or 87609 of the Education Code.

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part 16: Matriculation

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§ 55500: New section by the Board of Governors, California Community Colleges, with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

1 § 55502: Amendment of subsection (a) and (b) and new
2 subsections (g), (h), (i), (j) and (k) filed by the Board of
3 Governors, California Community Colleges, with the
4 Secretary of State; submitted to OAL for printing only
5 pursuant to Education Code section 70901.5(b).
6 § 55510: New section by the Board of Governors, California
7 Community Colleges, with the Secretary of State.
8 Submitted to OAL for printing only pursuant to Education
9 Code section 70901.5(b).
10 § 55512: Amendment filed by the Board of Governors, California
Community Colleges, with the Secretary of State.
12 Submitted to OAL for printing only pursuant to Education
13 Code section 70901.5(b).
14 § 55514: Amendment filed by the Board of Governors, California
15 Community Colleges, with the Secretary of State.
16 Submitted to OAL for printing only pursuant to Education
17 Code section 70901.5(b).
18 § 55516: New section by the Board of Governors, California
19 Community Colleges, with the Secretary of State.
20 Submitted to OAL for printing only pursuant to Education
21 Code section 70901.5(b).

1 § 55518: New section by the Board of Governors, California
2 Community Colleges, with the Secretary of State.
3 Submitted to OAL for printing only pursuant to Education
4 Code section 70901.5(b).
5 § 55520: Amendment filed by the Board of Governors, California
6 Community Colleges, with the Secretary of State.
7 Submitted to OAL for printing only pursuant to Education
8 Code section 70901.5(b).
9 § 55521: Amendment of subsection (d), (e), and (f) filed by the
10 Board of Governors, California Community Colleges, with
11 the Secretary of State; submitted to OAL for printing only
12 pursuant to Education Code section 70901.5(b).
13 § 55522: New section by the Board of Governors, California
14 Community Colleges, with the Secretary of State.
15 Submitted to OAL for printing only pursuant to Education
16 Code section 70901.5(b).
17 § 55523: New section by the Board of Governors, California
18 Community Colleges, with the Secretary of State.
19 Submitted to OAL for printing only pursuant to Education
20 Code section 70901.5(b).
21 § 55524: New section by the Board of Governors, California

1 Community Colleges, with the Secretary of State.
2 Submitted to OAL for printing only pursuant to Education
3 Code section 70901.5(b).
4 § 55525: New section by the Board of Governors, California
5 Community Colleges, with the Secretary of State.
6 Submitted to OAL for printing only pursuant to Education
7 Code section 70901.5(b).
8 § 55526: New section by the Board of Governors, California
9 Community Colleges, with the Secretary of State.
10 Submitted to OAL for printing only pursuant to Education
Code section 70901.5(b).
12 § 55530: Amendment filed by the Board of Governors, California
13 Community Colleges, with the Secretary of State.
14 Submitted to OAL for printing only pursuant to Education
15 Code section 70901.5(b).
16 § 55532: New section by the Board of Governors, California
17 Community Colleges, with the Secretary of State.
18 Submitted to OAL for printing only pursuant to Education
19 Code section 70901.5(b).
20 § 55534: New section by the Board of Governors, California
21 Community Colleges, with the Secretary of State.

1 Submitted to OAL for printing only pursuant to Education
2 Code section 70901.5(b).
3 **Register 92-15** § 51024: Amendment of first paragraph and subsection (e).
4 § 55521: Amendment of subsection (a) and redesignating following
5 subsections (1)-(6), adoption of subsection (b) and
6 amendment of NOTE.
7 § 55530: Amendment of subsection (b).
8 **Register 92-17** § 55500: Amendment of subsection (a) and repealer of subsection
9 (c).
10 **Register 93-42** § 55510: Amendment of section. Submitted to OAL for printing only
11 pursuant to Education Code section 70901.5(b).
12 § 55530: Amendment of subsections (a), (b) and (d). Submitted to
13 OAL only pursuant to Education Code section 70901.5(b).
14 § 55534: Amendment of section. Submitted to OAL for printing only
15 pursuant to Education Code section 70901.5(b).
16 **Register 94-38** § 55502: Amendment of first paragraph and subsections (a) and
17 (c)-(k). Submitted to OAL for printing only pursuant to
18 Education Code Section 70901.5.
19 § 55510: Amendment of subsection (a)(6), new subsection (a)(7)
20 and subsection renumbering. Submitted to OAL for
21 printing only pursuant to Education Code Section

1 70901.5.

2 § 55525: Amendment of subsections (a), (c) and (d). Submitted to

3 OAL for printing only pursuant to Education Code

4 70901.5.

5 § 55534: Amendment of subsection (b). Submitted to OAL for

6 printing only pursuant to Education Code 70901.5.

7 **Subsequent Registers**: There may be changes to the regulations after the date the

8 test claim was filed, which are not included.

Register 1990-37

§ 51024
§ 55500
§ 55502
§ 55510
§ 55512
§ 55514
§ 55516
§ 55518
§ 55520
§ 55521
§ 55522
§ 55523
§ 55524
§ 55525
§ 55526
§ 55530
§ 55532
§ 55534

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

§ 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 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

§ 51014. Approval of New Colleges and Educational Centers.

(a) The governing board of a community college district planning the formation of a new college or educational center shall obtain approval of such college or educational center by the Board of Governors. Approval shall be obtained prior to the commencement of classes at the new college or educational center.

(b) The provisions of Chapter 11 (commencing with Section 55825) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

§ 51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding program review as specified in Section 78016 of the Education Code.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 71025 and 78405, Education Code. Reference: Sections 71025, 71070, 78016, 78200 and 78405, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of Sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

NOTE: Authority cited: Sections 66700, 71025 and 71068, Education Code. Reference: Sections 71025, 71068 and 72292, Education Code.

HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).

§ 51024. Matriculation Services.

When matriculation services have been fully funded, as certified by the Chancellor in accord with policies adopted by the Board of Governors, the governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under section 55512(c);

(c) provide matriculation services to its students in accordance with sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with section 55534; and

(e) substantially comply with all other provisions of chapter 6 (commencing with section 55500) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210-78218, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Subchapter 2. Investigation and Enforcement of Minimum Standards

§ 51100. Review of Colleges.

(a) The Chancellor, at least once each seven years, and at such other times as he or she deems necessary, shall review each community college to determine whether it has met the minimum standards contained in Chapter 1 (commencing with Section 51000) of this Division.

(b) In the event that the Chancellor determines that a visit to the college is necessary to investigate compliance, he or she shall inform the chief

§ 55401. Current and Long Range Plans.

The governing board of each Community College district shall establish policies for, and approve, current and long range educational plans and programs for each Community College which it maintains and for the district as a whole.

§ 55402. Educational Master Plans.

On or before January 1, 1972, the governing board of each Community College district shall submit to the Chancellor an educational master plan for each Community College which it maintains and for the district as a whole. Each plan shall be modified and brought up to date annually and shall be submitted to the Chancellor on or before November 1 of each year thereafter.

§ 55403. Form.

Each plan shall be submitted on a form provided by the Chancellor and shall contain such information as the Chancellor shall require.

§ 55404. Contents.

Each plan shall contain the educational objectives of the Community College or district and the future plans for transfer programs, occupational programs, continuing education courses, and remedial and developmental programs. On the basis of current and future enrollment, it shall contain plans for the development and expansion of ancillary services, including services in the library and for counseling, placement, and financial aids.

§ 55405. Review and Approval.

The Chancellor shall review each master plan. On or before February 1 following the submission of each plan, the Chancellor shall send a copy of the approval of it to the superintendent of each district.

History

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

Subchapter 6. Matriculation Programs

Article 1. Scope and Definitions

§ 55500. Scope and Implementation.

(a) This chapter implements and should be read in conjunction with the provisions of the Seymour-Campbell Matriculation Act of 1986, c. 1467, Stats. 1986, codified as Education Code section 78210 et seq. The purpose of this chapter is to further equality of educational opportunity and success for all students in the California Community Colleges. This chapter sets forth minimum standards for district matriculation programs and further elaborates requirements for the assessment component of matriculation.

(b) The requirements of this chapter apply only to districts receiving funds pursuant to Education Code section 78216 for the period of time during which such funds are received. The Chancellor shall, in consultation with districts and other interested parties, adopt a schedule for implementing the provisions of this chapter as expeditiously as possible within the constraints of available funding. The schedule shall be coordinated with the implementation and funding of the systemwide management information system and the accountability mechanisms established pursuant to Education Code section 71020.5.

(c) Minimum standards for the enforcement of this chapter, as set forth in section 51024, shall not become effective until the Chancellor certifies, in accordance with established policies of the Board of Governors, that matriculation has been fully funded. Until that time, the Chancellor shall ensure that funds allocated to community college districts pursuant to Education Code section 78216 are used in accordance with district matriculation plans developed as provided in section 55510.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 71020.5, 78210-78218, Education Code.

History

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 55502. Definitions.

For purposes of this chapter, the following definitions shall apply:

(a) "Matriculation" means a process that brings a college and a student who enrolls for credit into an agreement for the purpose of realizing the student's educational goal through the college's established programs, policies, and requirements. This agreement is to be implemented by means of the student's individual educational plan developed pursuant to section 55525.

(b) "Assessment" means the process of gathering information about individual students to facilitate student success. Assessment shall include, but is not limited to, information regarding the student's study skills, English language proficiency, computational skills, aptitudes, goals, learning skills, career aspirations, academic performance, and need for special services. Assessment involves the collection of such information at any time before or after enrollment, except that the process of assigning a grade by an instructor shall not be considered part of the assessment process. Once a grade has been assigned and recorded in a student's transcript, it can be used in the assessment process.

(c) "Assessment instruments, methods or procedures" means one or more assessment instruments, assessment methods, or assessment procedures, or any combination thereof. These include, but are not limited to, interviews, standardized tests, holistic scoring processes, attitude surveys, vocational or career aptitude and interest inventories, high school or college transcripts, specialized certificates or licenses, educational histories and other measures of performance. The term "assessment instruments, methods or procedures" also includes assessment procedures such as the identification of test scores which measure particular skill levels, the administrative process by which students are referred for assessment, the manner in which assessment sessions are conducted, manner in which assessment results are made available and the length of time required before such results are available.

(d) "Pre-collegiate basic skills courses" are those courses in reading, writing, computation, learning skills, study skills, and English as a Second Language which are designated by the community college district as non-degree credit courses pursuant to section 55002(b) of this part.

(e) "Disproportionate impact" occurs when the percentage of persons from a particular racial, ethnic, gender, age or disability group who are directed to a particular service or placement based on an assessment instrument, method or procedure is significantly different than the representation of that group in the population of persons being assessed and that discrepancy is not justified by empirical evidence demonstrating that the assessment instrument, method or procedure is a valid and reliable predictor of performance in the relevant educational setting.

(f) "Exemption" means waiving or deferring a student's participation in orientation, assessment, counseling or advisement required pursuant to subsections (b),(c), and (f) of section 55520.

(g) "matriculation services" are those services listed in section 55520.

(h) "matriculation practices: means one or more instruments, methods or procedures, or any combination thereof, used in providing any of the matriculation services listed in section 55520.

(i) "student" means a person enrolled in at lease one credit course.

(j) "orientation" is a process which acquaints students and potential students with college programs, service, facilities and grounds, academic expectations, and institutional procedures.

(k) "student follow-up" is the process of monitoring a student's progress toward his or her educational goals and providing the student with appropriate advice based on the results of such monitoring.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78212 and 78213, Education Code.

History

1. Amendment of subsection (a) and (b) and new subsections (g), (h), (i), (j) and (k) 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).

Article 2. Planning and Administration

§ 55510. Matriculation Plans.

(a) Each community college district shall adopt a matriculation plan describing the services to be provided to its students. The plan shall include, but not be limited to, a description of the methods by which required services will be delivered, the district's budget for matriculation, plans for faculty and staff development, computerized information services and institutional research and evaluation necessary to implement this chapter, criteria for exempting students from participation in the matriculation process, procedures for establishing and validating prerequisites pursuant to section 58106, and, in districts with more than one college, arrangements for coordination by the district of the matriculation plans of its various colleges.

(b) The plan shall be developed in consultation with representatives of faculty, students, and staff with appropriate expertise.

(c) Such plans shall conform to the requirements of this chapter and shall be submitted to the Chancellor for review an approval. Plans submitted prior to the effective date of this section need not be revised or resubmitted, if the Chancellor finds that they meet the requirements of this Chapter. Regardless of when plans are initially submitted, the Chancellor may require periodic updates of such plans.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 55512. Evaluation and Audits.

(a) Each community college district shall establish a program of institutional research for ongoing evaluation of its matriculation process to ensure compliance with the requirements of this chapter.

As part of this evaluation, all assessment instruments, methods or procedures shall be evaluated to ensure that they minimize or eliminate cultural or linguistic bias and are being used in a valid manner. Based on this evaluation, districts shall determine whether any assessment instrument, method or procedure has a disproportionate impact on particular groups of students described in terms of 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. The evaluation shall include, but not be limited to, an analysis of the degree to which the matriculation program:

(1) impacts on particular courses, programs, and facilities;

(2) helps students to define their educational goals;

(3) promotes student success, as evidenced by outcome and retention data such as student persistence, goal attainment, skill improvement, and grades;

(4) assists the district in the assessment of students' educational needs;

(5) matches district resources with students' educational needs; and

(6) provides students with the support services described in section 545520(g).

(b) Each district shall also, as part of its annual financial audit, provide for a review of the revenue and expenditures of the matriculation program.

(c) The Chancellor shall establish a system for evaluation of the matriculation program on a statewide basis, including procedures for monitoring compliance with the requirements of this chapter.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: section 78214 and 78217, 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).

§ 55514. Data Collection.

Each community college district shall submit an annual report describing the district's efforts to implement its matriculation plan and expenditures made for that purpose. In this report, or through the established management information system or otherwise, the data to be collected for evaluation purposes pursuant to Education Code section 78214 and section 55512 of this part. Such data shall specifically include, but is not limited to, the information necessary to permit the Chancellor to determine the following:

(a) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who are placed in pre-collegiate, associate-degree applicable, or transfer level courses in reading, writing, computation or English as a Second Language.

(b) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who enter and complete pre-collegiate basic skills courses.

(c) The proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, completing pre-collegiate basic skills courses who subsequently enter and complete courses applicable to the associate degree;

(d) outcome and retention data, as described in section 55512(a), indicating the effectiveness of matriculation;

(e) the basis on which the use of particular assessment instruments, methods or procedures was validated by a district;

(f) the numbers of students exempted, pursuant to section 55532, from participation in the district's matriculation program, by category of exemption;

(g) the number of students filing complaints pursuant to 55534 and the bases of those complaints;

(h) the particular matriculation services, as listed in section 55520, which each student received; and

(i) any other matter the Chancellor, after consultation with community college districts, deems necessary for the effective evaluation of matriculation programs.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 78214, 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).

§ 55516. Training and Staff Development.

Each community college district shall develop and implement a program for providing all faculty and staff with training appropriate to their needs on the provision of matriculation services, including but not limited to, the proper purpose, design, evaluation, and use of assessment instruments, methods or procedures, as well as their limitations and possible misuse.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 55518. Funding.

(a) The Chancellor shall adopt a funding formula, consistent with the requirements of this section, for allocating matriculation funds to community college districts complying with the requirements of this chapter.(b) Each dollar of state matriculation funding shall be matched by three dollars of other district resources devoted to the matriculation program.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, 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 3. Matriculation Services

§ 55520. Required Services.

At a minimum, each community college district shall provide students, except as exempted pursuant to section 55532, with all of the following matriculation services:

(a) the processing of applications for admission;

(b) orientation and pre-orientation services designed to provide nonexempt students and potential students, on a timely basis, information concerning college procedures and course scheduling, academic expectations, financial assistance, and any other matters the college or district finds appropriate;

(c) assessment for all nonexempt students pursuant to section 55524;

(d) counseling or advisement for nonexempt students pursuant to section 55523;

(e) assistance in developing a student educational plan pursuant to section 55525, which identifies the student's educational objectives and the courses, services, and programs to be used to achieve them;

(f) post enrollment evaluation, pursuant to section 55526, of each student's progress; and

(g) referral of students to:

(1) support services which may be available, including, but not limited to, counseling, financial aid, health services, campus employment placement services, Extended Opportunity Programs and Services, campus child care services, tutorial services, and Disabled Students Programs and Services; and

(2) specialized curriculum offerings including but not limited to, pre-collegiate basic skills courses and programs in English as a Second Language.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 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).

§ 55521. Prohibited Practices.

In implementing matriculation services, community college districts shall not do any of the following:

(a) use an assessment instrument which has not been approved by the Chancellor pursuant to section 55524, except that the Chancellor may permit limited field-testing, under specified conditions, of new or alternative assessment instruments where such instruments are not used for placement and are evaluated only in order to determine whether they should be added to the list of approved instruments;

(b) use any assessment instrument in a manner or for a purpose other than that for which it was developed or has been otherwise validated;

(c) use any single assessment instrument, method or procedure, by itself, for placement, required referral to appropriate services, or subsequent evaluation of any student; provided however that in the case of assessment instruments, the use of two or more highly correlated instruments does not satisfy the requirement for use of multiple measures;

(d) use any assessment instrument, method or procedure to exclude any person from admission to a community college;

(e) use any assessment instrument, method or procedure for mandatory placement of a student in or exclusion from any particular course or educational program, except that districts may establish appropriate prerequisites pursuant to sections 55002, and 58106 of Division 9 of this Part; or

(f) use any matriculation practice which has the purpose or effect of subjecting any person to unlawful discrimination prohibited by Chapter 5 (commencing with section 59300) of division 10 of this part.

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. Amendment of subsections (d), (e) and (f) 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).

§ 55522. Special Accommodations.

Matriculation services for ethnic and language minority students and students with disabilities, shall be appropriate to their needs, and community college districts shall, where necessary, make modifications in the matriculation process or use alternative instruments, methods or procedures to accommodate the needs of such students. Districts may require students requesting such accommodations to provide proof of need. Extended 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 (c).

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).

§ 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 chapter shall be construed to interfere with the right of a student, if admitted to a community college in accord with district admission policies adopted pursuant to Education Code section 76000 et seq., from enrolling in any course for which he or she can meet necessary and valid prerequisites, if any, which have been established pursuant to the requirements of section 58106 of division 9 of this part.

(b) Community college districts shall take steps to ensure that information, in written form, is available to all students, in class schedules, catalogues, 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 which 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 objective 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 coursework, 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/her specific educational goal, or fails to abide by the terms of his/her student educational plan, the district may, subject to the requirements of this chapter, suspended or terminate the provision of services authorized in section 55520; provided however, the 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: Section 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).

§ 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) Where students are required by a community college district to meet prerequisites under section 58106(b)(2) or (b)(3), a student may object to such requirement on the grounds that the necessary course is not available. The district shall promptly (within 5 working days) determine whether, the required course was available and if not, the district shall waive the prerequisite for that term.

(b) An allegation that a community college district has violated the provisions of subsection (f) of section 55521 or has established a discriminatory prerequisite subject to challenge under subsection (d)(3) of section 58106 shall be considered a complaint of unlawful discrimination and shall be filed, investigated and resolved pursuant to chapter 5 (commencing with section 59300) of Division 10 of this part.

(c) Each community college district shall establish written procedures by which students may challenge any other alleged violation of the provisions of this chapter or of section 58106. Districts shall investigate and attempt to resolve any such complaints. Such complaint procedures may, by action of the governing board, be consolidated with existing student grievance procedures. 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).

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).

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 Education Code Section 8092 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 not less than two (2) full calendar years prior to the effective date of the contract, to provide vocational skill training authorized by this Code.

(d) Eligible costs means all direct and indirect related instructional costs but does not include expenditures for capital outlay (600 category in the California Community Colleges Budget and Accounting Manual).

NOTE: Authority cited: Sections 8092 and 71020, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. New Chapter 7 (Sections 55600 through 55631, not consecutive) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Subchapter 1 heading, amendment of Article 1 heading, and repealer and new Section 55600 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55601. Definitions.

NOTE: Authority cited: Sections 71020, 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (g) filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55602. Occupational Purposes.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55603. Instructional Purpose.

Contractors shall provide vocational, technical, and occupational instruction related to attainment of skills, knowledge, and attitudes so that students may be prepared for:

(a) Gainful employment in the occupational area for which training was provided, or

(b) Occupational upgrading so students will have higher level skills required by new and changing technology and employment practices, or

(c) Enrollment in more advanced training programs.

NOTE: Authority cited: Sections 8092 and 71020, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1, Education Code.

HISTORY

1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55604. Application for Approval.

NOTE: Authority cited: Sections 8092, 71020, 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

Register 1992-15/1992-17

§ 51024
§ 55521
§ 55500
§ 55530

(c) Nothing in this section shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to sections 53200–53205, and section 51023.7, respectively, of this division.

(d) The governing board of a community college district shall comply substantially with the provisions of this section.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b), (Register 91, No. 23).
2. Editorial correction of printing error in subsection (b) and HISTORY 1. (Register 91, No. 43).

§ 51023.7. Students.

(a) The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance. Among other matters, said policies and procedures shall include the following:

(1) Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures.

(2) Except in unforeseeable, emergency situations the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

(3) Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration.

(4) For the purpose of this section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code Section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.

(b) For the purposes of this section, district and college policies and procedures that have or will have a "significant effect on students" includes the following:

(1) grading policies;
(2) codes of student conduct;
(3) academic disciplinary policies;
(4) curriculum development;
(5) courses or programs which should be initiated or discontinued;
(6) processes for institutional planning and budget development;
(7) standards and policies regarding student preparation and success;
(8) student services planning and development;
(9) student fees within the authority of the district to adopt; and
(10) any other district and college policy, procedure or related matter that the district governing board determines will have a significant effect on students.

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.

(d) Nothing in this section shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to the regulations on academic senates contained in sections 53200–53205 of chapter IV of this division.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this section.

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901 (b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 23).
2. Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1. (Register 91, No. 43). (Subchapter 15, section 51950, and chapter 3, section 52000)

§ 51024. Matriculation Services.

The governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under Section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under Section 55512(c);

(c) provide matriculation services to its students in accordance with Sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with Section 55534; and

(e) substantially comply with all other provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210–78218, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsection (e) filed 4–3–92; operative 5–4–92 (Register 92, No. 15).

§ 51025. Full-time/Part-time Faculty.

(a) Community College districts which have less than 75 percent of their hours of credit instruction taught by full-time instructors, in the prior fiscal year, shall apply the growth revenues received related to increases in credit FTES in accordance with section 58774 of this division and a portion of the program improvement allocation received in accordance with section 58775 of this division, as follows:

(1) Of the growth revenues received related to increases in credit FTES pursuant to section 58774 of this division, the districts shall increase the number of full-time instructors, by September 30 of the succeeding fiscal year, by the product of their base number of full-time faculty multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

(2) Districts which, in the prior fiscal year, had 67 percent or greater, but less than 75 percent of their hours of credit instruction taught by full-time instructors shall apply up to 33 percent of their program improvement allocation pursuant to subdivision (b) of section 58775 of this division, as necessary to reach the 75 percent standard pursuant to paragraph (4).

(3) Districts which, in the prior fiscal year, had less than 67 percent of their hours of credit instruction taught by full-time instructors shall apply up to 40 percent of their program improvement allocation pursuant to subdivision (b) of section 58775 of this division, as necessary to reach the 75 percent standard pursuant to paragraph (4).

(4) Of the program improvement funds identified in paragraph (2) or (3), as appropriate, the district shall increase the number of full-time instructors, by September of the succeeding fiscal year, by the quotient of

No expenses of students participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with district funds. Expenses of instructors, chaperons, and other personnel participating in a field trip or excursion authorized by this section may be paid from district funds, and the district may pay from district funds all incidental expenses for the use of district equipment during a field trip or excursion authorized by this section.

The attendance or participation of a student in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from such field trip or excursion shall be limited to the amount of attendance that would have accrued had the students not been engaged in the field trip or excursion. No more contact hours shall be generated by a field trip or excursion than if the class were held on campus.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims.

(e) Nothing in this section shall be construed to require the governing board to pay the costs of meals, lodging, and other incidental expenses for students participating in field trips and excursions. The costs of meals and lodging are incidental in nature and shall not be applied in determining the funds necessary for a student to participate in a field trip or excursion.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in section heading and subsection (e) (Register 91, No. 43).

§ 55451. Provision for Medical or Hospital Service for Pupils; Duration of Section.

The governing board of any community college district conducting excursions and field trips pursuant to this article shall provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance from authorized insurer, for students of the district injured while participating in the excursions and field trips under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any college of the district. The cost of the insurance or membership shall be paid from the funds of the district.

The insurance may be purchased from, or the membership may be taken in, only companies or corporations that are authorized to do business in this state.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 6. Matriculation Programs

Article 1. Scope and Definitions

§ 55500. Scope and Implementation.

(a) This chapter implements and should be read in conjunction with the provisions of the Seymour-Campbell Matriculation Act of 1986, c. 1467, Stats. 1986, codified as Education Code Sections 78210, et seq. The purpose of this chapter is to further equality of educational opportunity and success for all students in the California Community Colleges.

(b) The requirements of this chapter apply only to districts receiving funds pursuant to Education Code Section 78216 for the period of time during which such funds are received. The Chancellor shall, in consultation with districts and other interested parties, adopt a schedule for implementing the provisions of this chapter as expeditiously as possible within the constraints of available funding. The schedule shall be coordinated with the implementation and funding of the systemwide management information system and the accountability mechanisms established pursuant to Education Code Section 71020.5.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 71020.5 and 78210-78218, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsection (a) and repealer of subsection (c) filed 4-3-92; operative 5-4-92 (Register 92, No. 17).

§ 55502. Definitions.

For purposes of this chapter, the following definitions shall apply:

(a) "Matriculation" means a process that brings a college and a student who enrolls for credit into an agreement for the purpose of realizing the student's educational goal through the college's established programs, policies, and requirements. This agreement is to be implemented by means of the student's individual educational plan developed pursuant to section 55525.

(b) "Assessment" means the process of gathering information about individual students to facilitate student success. Assessment shall include, but is not limited to, information regarding the student's study skills, English language proficiency, computational skills, aptitudes, goals, learning skills, career aspirations, academic performance, and need for special services. Assessment involves the collection of such information at any time before or after enrollment, except that the process of assigning a grade by an instructor shall not be considered part of the assessment process. Once a grade has been assigned and recorded in a student's transcript, it can be used in the assessment process.

(c) "Assessment instruments, methods or procedures" means one or more assessment instruments, assessment methods, or assessment procedures, or any combination thereof. These include, but are not limited to, interviews, standardized tests, holistic scoring processes, attitude surveys, vocational or career aptitude and interest inventories, high school or college transcripts, specialized certificates or licenses, educational histories and other measures of performance. The term "assessment instruments, methods or procedures" also includes assessment procedures such as the identification of test scores which measure particular skill levels, the administrative process by which students are referred for assessment, the manner in which assessment sessions are conducted, manner in which assessment results are made available and the length of time required before such results are available.

(d) "Pre-collegiate basic skills courses" are those courses in reading, writing, computation, learning skills, study skills, and English as a Second Language which are designated by the community college district as non-degree credit courses pursuant to section 55002(b) of this part.

(e) "Disproportionate impact" occurs when the percentage of persons from a particular racial, ethnic, gender, age or disability group who are directed to a particular service or placement based on an assessment instrument, method or procedure is significantly different than the representation of that group in the population of persons being assessed and that discrepancy is not justified by empirical evidence demonstrating that the assessment instrument, method or procedure is a valid and reliable predictor of performance in the relevant educational setting.

(f) "Exemption" means waiving or deferring a student's participation in orientation, assessment, counseling or advisement required pursuant to subsections (b),(c), and (f) of section 55520.

(g) "matriculation services" are those services listed in section 55520.

(h) "matriculation practices: means one or more instruments, methods or procedures, or any combination thereof, used in providing any of the matriculation services listed in section 55520.

(i) "student" means a person enrolled in at lease one credit course.

(j) "orientation" is a process which acquaints students and potential students with college programs, service, facilities and grounds, academic expectations, and institutional procedures.

(k) "student follow-up" is the process of monitoring a student's progress toward his or her educational goals and providing the student with appropriate advice based on the results of such monitoring.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78212 and 78213, Education Code.

HISTORY

1. Amendment of subsection (a) and (b) and new subsections (g), (h), (i), (j) and (k) 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).

Article 2. Planning and Administration

§ 55510. Matriculation Plans.

(a) Each community college district shall adopt a matriculation plan describing the services to be provided to its students. The plan shall include, but not be limited to, a description of the methods by which required services will be delivered, the district's budget for matriculation, plans for faculty and staff development, computerized information services and institutional research and evaluation necessary to implement this chapter, criteria for exempting students from participation in the matriculation process, procedures for establishing and validating prerequisites pursuant to section 58106, and, in districts with more than one college, arrangements for coordination by the district of the matriculation plans of its various colleges.

(b) The plan shall be developed in consultation with representatives of faculty, students, and staff with appropriate expertise.

(c) Such plans shall conform to the requirements of this chapter and shall be submitted to the Chancellor for review an approval. Plans submitted prior to the effective date of this section need not be revised or resubmitted, if the Chancellor finds that they meet the requirements of this Chapter. Regardless of when plans are initially submitted, the Chancellor may require periodic updates of such plans.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 55512. Evaluation and Audits.

(a) Each community college district shall establish a program of institutional research for ongoing evaluation of its matriculation process to ensure compliance with the requirements of this chapter.

As part of this evaluation, all assessment instruments, methods or procedures shall be evaluated to ensure that they minimize or eliminate cultural or linguistic bias and are being used in a valid manner. Based on this evaluation, districts shall determine whether any assessment instrument, method or procedure has a disproportionate impact on particular groups of students described in terms of 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. The evaluation shall include, but not be limited to, an analysis of the degree to which the matriculation program:

(1) impacts on particular courses, programs, and facilities;

(2) helps students to define their educational goals;

(3) promotes student success, as evidenced by outcome and retention data such as student persistence, goal attainment, skill improvement, and grades;

(4) assists the district in the assessment of students' educational needs;

(5) matches district resources with students' educational needs; and

(6) provides students with the support services described in section 545520(g).

(b) Each district shall also, as part of its annual financial audit, provide for a review of the revenue and expenditures of the matriculation program.

(c) The Chancellor shall establish a system for evaluation of the matriculation program on a statewide basis, including procedures for monitoring compliance with the requirements of this chapter.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: section 78214 and 78217, 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).

§ 55514. Data Collection.

Each community college district shall submit an annual report describing the district's efforts to implement its matriculation plan and expenditures made for that purpose. In this report, or through the established management information system or otherwise, the data to be collected for evaluation purposes pursuant to Education Code section 78214 and section 55512 of this part. Such data shall specifically include, but is not limited to, the information necessary to permit the Chancellor to determine the following:

(a) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who are placed in pre-collegiate, associate-degree applicable, or transfer level courses in reading, writing, computation or English as a Second Language.

(b) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who enter and complete pre-collegiate basic skills courses.

(c) The proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, completing pre-collegiate basic skills courses who subsequently enter and complete courses applicable to the associate degree;

(d) outcome and retention data, as described in section 55512(a), indicating the effectiveness of matriculation;

(e) the basis on which the use of particular assessment instruments, methods or procedures was validated by a district;

(f) the numbers of students exempted, pursuant to section 55532, from participation in the district's matriculation program, by category of exemption;

(g) the number of students filing complaints pursuant to 55534 and the bases of those complaints;

(h) the particular matriculation services, as listed in section 55520, which each student received; and

(i) any other matter the Chancellor, after consultation with community college districts, deems necessary for the effective evaluation of matriculation programs.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 78214, 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).

§ 55516. Training and Staff Development.

Each community college district shall develop and implement a program for providing all faculty and staff with training appropriate to their needs on the provision of matriculation services, including but not limited to, the proper purpose, design, evaluation, and use of assessment instruments, methods or procedures, as well as their limitations and possible misuse.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 55518. Funding.

(a) The Chancellor shall adopt a funding formula, consistent with the requirements of this section, for allocating matriculation funds to community college districts complying with the requirements of this chapter.(b) Each dollar of state matriculation funding shall be matched by three dollars of other district resources devoted to the matriculation program.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, 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 3. Matriculation Services

§ 55520. Required Services.

At a minimum, each community college district shall provide students, except as exempted pursuant to section 55532, with all of the following matriculation services:

(a) the processing of applications for admission;

(b) orientation and pre-orientation services designed to provide nonexempt students and potential students, on a timely basis, information concerning college procedures and course scheduling, academic expectations, financial assistance, and any other matters the college or district finds appropriate;

(c) assessment for all nonexempt students pursuant to section 55524;

(d) counseling or advisement for nonexempt students pursuant to section 55523;

(e) assistance in developing a student educational plan pursuant to section 55525, which identifies the student's educational objectives and the courses, services, and programs to be used to achieve them;

(f) post enrollment evaluation, pursuant to section 55526, of each student's progress; and

(g) referral of students to:

(1) support services which may be available, including, but not limited to, counseling, financial aid, health services, campus employment placement services, Extended Opportunity Programs and Services, campus child care services, tutorial services, and Disabled Students Programs and Services; and

(2) specialized curriculum offerings including but not limited to, pre-collegiate basic skills courses and programs in English as a Second Language.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 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).

§ 55521. Prohibited Practices.

(a) In implementing matriculation services, community college districts shall not, except as provided in subdivision (b), do any of the following:

(1) use an assessment instrument which has not been approved by the Chancellor pursuant to Section 55524, except that the Chancellor may permit limited field-testing, under specified conditions, of new or alternative assessment instruments, where such instruments are not used for placement and are evaluated only in order to determine whether they should be added to the list of approved instruments;

(2) use any assessment instrument in a manner or for a purpose other than that for which it was developed or has been otherwise validated;

(3) use any single assessment instrument, method or procedure, by itself, for placement, required referral to appropriate services, or subsequent evaluation of any student; provided however that, in the case of assessment instruments, the use of two or more highly correlated instruments does not satisfy the requirement for use of multiple measures;

(4) use any assessment instrument, method or procedure to exclude any person from admission to a community college;

(5) use any assessment instrument, method or procedure for mandatory placement of a student in or exclusion from any particular course or educational program, except that districts may establish appropriate prerequisites pursuant to Sections 55002 and 58106 of Division 9 of this Part; or

(6) use any matriculation practice which has the purpose or effect of subjecting any person to unlawful discrimination prohibited by Chapter 5 (commencing with Section 59300) of Division 10 of this Part.

(b) Notwithstanding the provisions of subdivisions (a)(1) and (2), assessment instruments approved by the Secretary of the United States Department of Education may be used to determine "ability to benefit" in the process of establishing a student's eligibility for federal financial aid pursuant to subdivision (d) of Section 1091 of Title 20 of the United States Code.

NOTE: Authority cited: Section 11138, Government Code; and Sections 66700 and 70901, Education Code. Reference: Section 11135, Government Code; and Sections 72011, 78211 and 78213, Education Code.

HISTORY

1. Amendment of subsections (d), (e) and (f) 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 (a) and redesignating following subsections (1)-(6), adoption of subsection (b) and amendment of NOTE filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

§ 55522. Special Accommodations.

Matriculation services for ethnic and language minority students and students with disabilities, shall be appropriate to their needs, and community college districts shall, where necessary, make modifications in the matriculation process or use alternative instruments, methods or procedures to accommodate the needs of such students. Districts may require students requesting such accommodations to provide proof of need. Extended 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 (c).

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).

§ 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 chapter shall be construed to interfere with the right of a student, if admitted to a community college in accord with district admission policies adopted pursuant to Education Code Sections 76000, et seq., from enrolling in any course for which he or she can meet necessary and valid prerequisites, if any, which have been established pursuant to the requirements of Section 58106 of Division 9 of this Part.

(b) Community college districts shall take steps to ensure that information, in written form, is available 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 which 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 coursework, 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/her specific educational goal, or fails to abide by the terms of his/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).

§ 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) Where students are required by a community college district to meet prerequisites under section 58106(b)(2) or (b)(3), a student may object to such requirement on the grounds that the necessary course is not available. The district shall promptly (within 5 working days) determine whether, the required course was available and if not, the district shall waive the prerequisite for that term.

(b) An allegation that a community college district has violated the provisions of subsection (f) of section 55521 or has established a discriminatory prerequisite subject to challenge under subsection (d)(3) of section 58106 shall be considered a complaint of unlawful discrimination and shall be filed, investigated and resolved pursuant to chapter 5 (commencing with section 59300) of Division 10 of this part.

(c) Each community college district shall establish written procedures by which students may challenge any other alleged violation of the provisions of this chapter or of section 58106. Districts shall investigate and attempt to resolve any such complaints. Such complaint procedures may, by action of the governing board, be consolidated with existing student grievance procedures. 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).

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).

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

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No student shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end the governing board shall coordinate efforts of community service groups to supply funds for students in need of them.

No group shall be authorized to take a field trip or excursion authorized by this section if any student who is a member of such an identifiable group will be excluded from participation in the field trip or excursion because of lack of sufficient funds.

No expenses of students participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with district funds. Expenses of instructors, chaperons, and other personnel participating in a field trip or excursion authorized by this section may be paid from district funds, and the district may pay from district funds all incidental expenses for the use of district equipment during a field trip or excursion authorized by this section.

The attendance or participation of a student in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from such field trip or excursion shall be limited to the amount of attendance that would have accrued had the students not been engaged in the field trip or excursion. No more contact hours shall be generated by a field trip or excursion than if the class were held on campus.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in section heading and subsection (e) (Register 91, No. 43).
3. Amendment of subsection (d) and repealer of subsection (e) filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 55451. Provision for Medical or Hospital Service for Students.

The governing board of any community college district conducting excursions and field trips pursuant to these regulations shall provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance from an authorized insurer, for students of the district injured while participating in the excursions and field trips under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any college of the district. The cost of the insurance or membership may be paid from the funds of the district, or by the insured student, or his or her parent or guardian.

The insurance may be purchased from, or the membership may be taken in, only companies or corporations that are authorized to do business in this state.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Amendment of section heading and text filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Subchapter 6. Matriculation Programs

Article 1. Scope and Definitions

§ 55500. Scope and Implementation.

(a) This chapter implements and should be read in conjunction with the provisions of the Seymour-Campbell Matriculation Act of 1986, c. 1467, Stats. 1986, codified as Education Code Sections 78210, et seq. The purpose of this chapter is to further equality of educational opportunity and success for all students in the California Community Colleges.

(b) The requirements of this chapter apply only to districts receiving funds pursuant to Education Code Section 78216 for the period of time during which such funds are received. The Chancellor shall, in consultation with districts and other interested parties, adopt a schedule for implementing the provisions of this chapter as expeditiously as possible within the constraints of available funding. The schedule shall be coordinated with the implementation and funding of the systemwide management information system and the accountability mechanisms established pursuant to Education Code Section 71020.5.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 71020.5 and 78210-78218, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsection (a) and repealer of subsection (c) filed 4-3-92; operative 5-4-92 (Register 92, No. 17).

§ 55502. Definitions.

For purposes of this chapter, the following definitions shall apply:

(a) "Matriculation" means a process that brings a college and a student who enrolls for credit into an agreement for the purpose of realizing the student's educational goal through the college's established programs, policies, and requirements. This agreement is to be implemented by means of the student's individual educational plan developed pursuant to section 55525.

(b) "Assessment" means the process of gathering information about individual students to facilitate student success. Assessment shall include, but is not limited to, information regarding the student's study skills, English language proficiency, computational skills, aptitudes, goals, learning skills, career aspirations, academic performance, and need for special services. Assessment involves the collection of such information at any time before or after enrollment, except that the process of assigning a grade by an instructor shall not be considered part of the assessment process. Once a grade has been assigned and recorded in a student's transcript, it can be used in the assessment process.

(c) "Assessment instruments, methods or procedures" means one or more assessment instruments, assessment methods, or assessment procedures, or any combination thereof. These include, but are not limited to, interviews, standardized tests, holistic scoring processes, attitude surveys, vocational or career aptitude and interest inventories, high school or college transcripts, specialized certificates or licenses, educational histories and other measures of performance. The term "assessment instruments, methods or procedures" also includes assessment procedures such as the identification of test scores which measure particular skill levels, the administrative process by which students are referred for assessment, the manner in which assessment sessions are conducted, manner in which assessment results are made available and the length of time required before such results are available.

(d) "Pre-collegiate basic skills courses" are those courses in reading, writing, computation, learning skills, study skills, and English as a Second Language which are designated by the community college district as non-degree credit courses pursuant to section 55002(b) of this part.

(e) "Disproportionate impact" occurs when the percentage of persons from a particular racial, ethnic, gender, age or disability group who are directed to a particular service or placement based on an assessment instrument, method or procedure is significantly different than the representation of that group in the population of persons being assessed and that discrepancy is not justified by empirical evidence demonstrating that the assessment instrument, method or procedure is a valid and reliable predictor of performance in the relevant educational setting.

(f) "Exemption" means waiving or deferring a student's participation in orientation, assessment, counseling or advisement required pursuant to subsections (b),(c), and (f) of section 55520.

(g) "matriculation services" are those services listed in section 55520.

(h) "matriculation practices: means one or more instruments, methods or procedures, or any combination thereof, used in providing any of the matriculation services listed in section 55520.

(i) "student" means a person enrolled in at lease one credit course.

(j) "orientation" is a process which acquaints students and potential students with college programs, service, facilities and grounds, academic expectations, and institutional procedures.

(k) "student follow-up" is the process of monitoring a student's progress toward his or her educational goals and providing the student with appropriate advice based on the results of such monitoring.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78212 and 78213, Education Code.

HISTORY

1. Amendment of subsection (a) and (b) and new subsections (g), (h), (i), (j) and (k) 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).

Article 2. Planning and Administration

§ 55510. Matriculation Plans.

(a) Each community college district shall adopt a matriculation plan describing the services to be provided to its students. The plan shall include, but not be limited to:

(1) a description of the methods by which required services will be delivered;

(2) the district's budget for matriculation;

(3) plans for faculty and staff development;

(4) computerized information services and institutional research and evaluation necessary to implement this Chapter;

(5) criteria for exempting students from participation in the matriculation process;

(6) procedures for establishing and validating prerequisites pursuant to Article 2.5 (commencing with Section 55200) of Subchapter 1 of Chapter 6 of this Division; and

(7) in districts with more than one college, arrangements for coordination by the district of the matriculation plans of its various colleges.

(b) The plan shall be developed through consultation with representatives of the academic senate, students, and staff with appropriate expertise, pursuant to Section 51023 et seq.

(c) Such plans shall conform to the requirements of this Chapter and shall be submitted to the Chancellor for review and approval. Plans submitted prior to the effective date of this Section need not be revised or resubmitted if the Chancellor finds that they meet the requirements of this Chapter. Regardless of when plans are initially submitted, the Chancellor may require periodic updates of such plans.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. 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).

§ 55512. Evaluation and Audits.

(a) Each community college district shall establish a program of institutional research for ongoing evaluation of its matriculation process to ensure compliance with the requirements of this chapter.

As part of this evaluation, all assessment instruments, methods or procedures shall be evaluated to ensure that they minimize or eliminate cultural or linguistic bias and are being used in a valid manner. Based on this evaluation, districts shall determine whether any assessment instrument, method or procedure has a disproportionate impact on particular groups of students described in terms of 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. The evaluation shall include, but not be limited to, an analysis of the degree to which the matriculation program:

(1) impacts on particular courses, programs, and facilities;

(2) helps students to define their educational goals;

(3) promotes student success, as evidenced by outcome and retention data such as student persistence, goal attainment, skill improvement, and grades;

(4) assists the district in the assessment of students' educational needs;

(5) matches district resources with students' educational needs; and

(6) provides students with the support services described in section 55520(g).

(b) Each district shall also, as part of its annual financial audit, provide for a review of the revenue and expenditures of the matriculation program.

(c) The Chancellor shall establish a system for evaluation of the matriculation program on a statewide basis, including procedures for monitoring compliance with the requirements of this chapter.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: section 78214 and 78217, 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).

§ 55514. Data Collection.

Each community college district shall submit an annual report describing the district's efforts to implement its matriculation plan and expenditures made for that purpose. In this report, or through the established management information system or otherwise, the data to be collected for evaluation purposes pursuant to Education Code section 78214 and section 55512 of this part. Such data shall specifically include, but is not limited to, the information necessary to permit the Chancellor to determine the following:

(a) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who are placed in pre-collegiate, associate-degree applicable, or transfer level courses in reading, writing, computation or English as a Second Language.

(b) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who enter and complete pre-collegiate basic skills courses.

(c) The proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, completing pre-collegiate basic skills courses who subsequently enter and complete courses applicable to the associate degree;

(d) outcome and retention data, as described in section 55512(a), indicating the effectiveness of matriculation;

(e) the basis on which the use of particular assessment instruments, methods or procedures was validated by a district;

(f) the numbers of students exempted, pursuant to section 55532, from participation in the district's matriculation program, by category of exemption;

(g) the number of students filing complaints pursuant to 55534 and the bases of those complaints;

(h) the particular matriculation services, as listed in section 55520, which each student received; and

(i) any other matter the Chancellor, after consultation with community college districts, deems necessary for the effective evaluation of matriculation programs.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 78214, 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).

§ 55516. Training and Staff Development.

Each community college district shall develop and implement a program for providing all faculty and staff with training appropriate to their needs on the provision of matriculation services, including but not limited to, the proper purpose, design, evaluation, and use of assessment instruments, methods or procedures, as well as their limitations and possible misuse.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 55518. Funding.

(a) The Chancellor shall adopt a funding formula, consistent with the requirements of this section, for allocating matriculation funds to community college districts complying with the requirements of this chapter.(b) Each dollar of state matriculation funding shall be matched by three dollars of other district resources devoted to the matriculation program.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, 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 3. Matriculation Services

§ 55520. Required Services.

At a minimum, each community college district shall provide students, except as exempted pursuant to section 55532, with all of the following matriculation services:

(a) the processing of applications for admission;

(b) orientation and pre-orientation services designed to provide nonexempt students and potential students, on a timely basis, information concerning college procedures and course scheduling, academic expectations, financial assistance, and any other matters the college or district finds appropriate;

(c) assessment for all nonexempt students pursuant to section 55524;

(d) counseling or advisement for nonexempt students pursuant to section 55523;

(e) assistance in developing a student educational plan pursuant to section 55525, which identifies the student's educational objectives and the courses, services, and programs to be used to achieve them;

(f) post enrollment evaluation, pursuant to section 55526, of each student's progress; and

(g) referral of students to:

(1) support services which may be available, including, but not limited to, counseling, financial aid, health services, campus employment placement services, Extended Opportunity Programs and Services, campus child care services, tutorial services, and Disabled Students Programs and Services; and

(2) specialized curriculum offerings including but not limited to, precollegiate basic skills courses and programs in English as a Second Language.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 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).

§ 55521. Prohibited Practices.

(a) In implementing matriculation services, community college districts shall not, except as provided in subdivision (b), do any of the following:

(1) use an assessment instrument which has not been approved by the Chancellor pursuant to Section 55524, except that the Chancellor may permit limited field-testing, under specified conditions, of new or alternative assessment instruments, where such instruments are not used for placement and are evaluated only in order to determine whether they should be added to the list of approved instruments;

(2) use any assessment instrument in a manner or for a purpose other than that for which it was developed or has been otherwise validated;

(3) use any single assessment instrument, method or procedure, by itself, for placement, required referral to appropriate services, or subsequent evaluation of any student; provided however that, in the case of assessment instruments, the use of two or more highly correlated instruments does not satisfy the requirement for use of multiple measures;

(4) use any assessment instrument, method or procedure to exclude any person from admission to a community college;

(5) use any assessment instrument, method or procedure for mandatory placement of a student in or exclusion from any particular course or educational program, except that districts may establish appropriate prerequisites pursuant to Sections 55002 and 58106 of Division 9 of this Part; or

(6) use any matriculation practice which has the purpose or effect of subjecting any person to unlawful discrimination prohibited by Chapter 5 (commencing with Section 59300) of Division 10 of this Part.

(b) Notwithstanding the provisions of subdivisions (a)(1) and (2), assessment instruments approved by the Secretary of the United States Department of Education may be used to determine "ability to benefit" in the process of establishing a student's eligibility for federal financial aid pursuant to subdivision (d) of Section 1091 of Title 20 of the United States Code.

NOTE: Authority cited: Section 11138, Government Code; and Sections 66700 and 70901, Education Code. Reference: Section 11135, Government Code; and Sections 72011, 78211 and 78213, Education Code.

HISTORY

1. Amendment of subsections (d), (e) and (f) 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 (a) and redesignating following subsections (1)-(6), adoption of subsection (b) and amendment of NOTE filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

§ 55522. Special Accommodations.

Matriculation services for ethnic and language minority students and students with disabilities, shall be appropriate to their needs, and community college districts shall, where necessary, make modifications in the matriculation process or use alternative instruments, methods or procedures to accommodate the needs of such students. Districts may require students requesting such accommodations to provide proof of need. Extended 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 (c).

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).

§ 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 Subsection (f) of Section 55521, 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).

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 not less than two (2) full calendar years prior to the effective date of the contract, to provide vocational skill training authorized by this Code.

(d) "Eligible costs" means all direct and indirect related instructional costs but does not include expenditures for capital outlay (6000 category in the California Community Colleges Budget and Accounting Manual).

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No student shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end the governing board shall coordinate efforts of community service groups to supply funds for students in need of them.

No group shall be authorized to take a field trip or excursion authorized by this section if any student who is a member of such an identifiable group will be excluded from participation in the field trip or excursion because of lack of sufficient funds.

No expenses of students participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with district funds. Expenses of instructors, chaperons, and other personnel participating in a field trip or excursion authorized by this section may be paid from district funds, and the district may pay from district funds all incidental expenses for the use of district equipment during a field trip or excursion authorized by this section.

The attendance or participation of a student in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from such field trip or excursion shall be limited to the amount of attendance that would have accrued had the students not been engaged in the field trip or excursion. No more contact hours shall be generated by a field trip or excursion than if the class were held on campus.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Editorial correction of printing error in section heading and subsection (e) (Register 91, No. 43).
3. Amendment of subsection (d) and repealer of subsection (e) filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 55451. Provision for Medical or Hospital Service for Students.

The governing board of any community college district conducting excursions and field trips pursuant to these regulations shall provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance from an authorized insurer, for students of the district injured while participating in the excursions and field trips under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any college of the district. The cost of the insurance or membership may be paid from the funds of the district, or by the insured student, or his or her parent or guardian.

The insurance may be purchased from, or the membership may be taken in, only companies or corporations that are authorized to do business in this state.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Amendment of section heading and text filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Subchapter 6. Matriculation Programs

Article 1. Scope and Definitions

§ 55500. Scope and Implementation.

(a) This chapter implements and should be read in conjunction with the provisions of the Seymour-Campbell Matriculation Act of 1986, c. 1467, Stats. 1986, codified as Education Code Sections 78210, et seq. The purpose of this chapter is to further equality of educational opportunity and success for all students in the California Community Colleges.

(b) The requirements of this chapter apply only to districts receiving funds pursuant to Education Code Section 78216 for the period of time during which such funds are received. The Chancellor shall, in consultation with districts and other interested parties, adopt a schedule for implementing the provisions of this chapter as expeditiously as possible within the constraints of available funding. The schedule shall be coordinated with the implementation and funding of the systemwide management information system and the accountability mechanisms established pursuant to Education Code Section 71020.5.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 71020.5 and 78210-78218, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsection (a) and repealer of subsection (c) filed 4-3-92; operative 5-4-92 (Register 92, No. 17).

§ 55502. Definitions.

For purposes of this Chapter, the following definitions shall apply:

(a) "Matriculation" means a process that brings a college and a student who enrolls for credit into an agreement for the purpose of realizing the student's educational goal through the college's established programs, policies, and requirements. This agreement is to be implemented by means of the student's individual educational plan developed pursuant to Section 55525.

(b) "Assessment" means the process of gathering information about individual students to facilitate student success. Assessment shall include, but is not limited to, information regarding the student's study skills, English language proficiency, computational skills, aptitudes, goals, learning skills, career aspirations, academic performance, and need for special services. Assessment involves the collection of such information at any time before or after enrollment, except that the process of assigning a grade by an instructor shall not be considered part of the assessment process. Once a grade has been assigned and recorded in a student's transcript, it can be used in the assessment process.

(c) "Assessment instruments, methods, or procedures" means one or more assessment instruments, assessment methods, or assessment procedures, or any combination thereof. These include, but are not limited to, interviews, standardized tests, holistic scoring processes, attitude surveys, vocational or career aptitude and interest inventories, high school or college transcripts, specialized certificates or licenses, educational histories and other measures of performance. The term "assessment instruments, methods, or procedures" also includes assessment procedures such as the identification of test scores which measure particular skill levels, the administrative process by which students are referred for assessment, the manner in which assessment sessions are conducted, manner in which assessment results are made available, and the length of time required before such results are available.

(d) "Pre-collegiate basic skills courses" are those courses in reading, writing, computation, and English as a Second Language which are designated by the community college district as nondegree credit courses pursuant to Section 55002(b).

(e) "Disproportionate impact" occurs when the percentage of persons from a particular racial, ethnic, gender, age or disability group who are directed to a particular service or placement based on an assessment instrument, method, or procedure is significantly different from the representation of that group in the population of persons being assessed, and that discrepancy is not justified by empirical evidence demonstrating that the assessment instrument, method or procedure is a valid and reliable predictor of performance in the relevant educational setting.

(f) "Exemption" means waiving or deferring a student's participation in orientation, assessment, counseling, or advisement required pursuant to Subsections (b),(c), and (f) of Section 55520.

(g) "Matriculation services" are those services listed in Section 55520.

(h) "Matriculation practices" means one or more instruments, methods, or procedures, or any combination thereof, used in providing any of the matriculation services listed in Section 55520.

(i) "Student" means a person enrolled in at least one credit course.

(j) "Orientation" is a process which acquaints students and potential students with college programs, services, facilities and grounds, academic expectations, and institutional procedures.

(k) "Student follow-up" is the process of monitoring a student's progress toward his or her educational goals and providing the student with appropriate advice based on the results of such monitoring.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78212 and 78213, Education Code.

HISTORY

1. Amendment of subsection (a) and (b) and new subsections (g), (h), (i), (j) and (k) 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 first paragraph and subsections (a) and (c)-(k) 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).

Article 2. Planning and Administration

§ 55510. Matriculation Plans.

(a) Each community college district shall adopt a matriculation plan describing the services to be provided to its students. The plan shall include, but not be limited to:

(1) a description of the methods by which required services will be delivered;

(2) the district's budget for matriculation;

(3) plans for faculty and staff development;

(4) computerized information services and institutional research and evaluation necessary to implement this Chapter;

(5) criteria for exempting students from participation in the matriculation process;

(6) procedures for establishing and periodically reviewing prerequisites pursuant to Article 2.5 (commencing with Section 55200) of Subchapter 1 of Chapter 6 of this Division;

(7) procedures for considering student challenges to prerequisites established pursuant to Article 2.5 (commencing with Section 55200) of Subchapter 1 of Chapter 6 of this Division; and

(8) in districts with more than one college, arrangements for coordination by the district of the matriculation plans of its various colleges.

(b) The plan shall be developed through consultation with representatives of the academic senate, students, and staff with appropriate expertise, pursuant to Section 51023 et seq.

(c) Such plans shall conform to the requirements of this Chapter and shall be submitted to the Chancellor for review and approval. Plans submitted prior to the effective date of this Section need not be revised or resubmitted if the Chancellor finds that they meet the requirements of this Chapter. Regardless of when plans are initially submitted, the Chancellor may require periodic updates of such plans.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. 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 (a)(6), new subsection (a)(7) and subsection renumbering 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).

§ 55512. Evaluation and Audits.

(a) Each community college district shall establish a program of institutional research for ongoing evaluation of its matriculation process to ensure compliance with the requirements of this chapter.

As part of this evaluation, all assessment instruments, methods or procedures shall be evaluated to ensure that they minimize or eliminate cultural or linguistic bias and are being used in a valid manner. Based on this evaluation, districts shall determine whether any assessment instrument, method or procedure has a disproportionate impact on particular groups of students described in terms of 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. The evaluation shall include, but not be limited to, an analysis of the degree to which the matriculation program:

(1) impacts on particular courses, programs, and facilities;

(2) helps students to define their educational goals;

(3) promotes student success, as evidenced by outcome and retention data such as student persistence, goal attainment, skill improvement, and grades;

(4) assists the district in the assessment of students' educational needs;

(5) matches district resources with students' educational needs; and

(6) provides students with the support services described in section 545520(g).

(b) Each district shall also, as part of its annual financial audit, provide for a review of the revenue and expenditures of the matriculation program.

(c) The Chancellor shall establish a system for evaluation of the matriculation program on a statewide basis, including procedures for monitoring compliance with the requirements of this chapter.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: section 78214 and 78217, 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).

§ 55514. Data Collection.

Each community college district shall submit an annual report describing the district's efforts to implement its matriculation plan and expenditures made for that purpose. In this report, or through the established management information system or otherwise, the data to be collected for evaluation purposes pursuant to Education Code section 78214 and section 55512 of this part. Such data shall specifically include, but is not limited to, the information necessary to permit the Chancellor to determine the following:

(a) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who are placed in pre-collegiate, associate-degree applicable, or transfer level courses in reading, writing, computation or English as a Second Language.

(b) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who enter and complete pre-collegiate basic skills courses.

(c) The proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, completing pre-collegiate basic skills courses who subsequently enter and complete courses applicable to the associate degree;

(d) outcome and retention data, as described in section 55512(a), indicating the effectiveness of matriculation;

(e) the basis on which the use of particular assessment instruments, methods or procedures was validated by a district;

(f) the numbers of students exempted, pursuant to section 55532, from participation in the district's matriculation program, by category of exemption;

(g) the number of students filing complaints pursuant to 55534 and the bases of those complaints;

(h) the particular matriculation services, as listed in section 55520, which each student received; and

(i) any other matter the Chancellor, after consultation with community college districts, deems necessary for the effective evaluation of matriculation programs.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 78214, 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).

§ 55516. Training and Staff Development.

Each community college district shall develop and implement a program for providing all faculty and staff with training appropriate to their needs on the provision of matriculation services, including but not limited to, the proper purpose, design, evaluation, and use of assessment instruments, methods or procedures, as well as their limitations and possible misuse.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 55518. Funding.

(a) The Chancellor shall adopt a funding formula, consistent with the requirements of this section, for allocating matriculation funds to community college districts complying with the requirements of this chapter.(b) Each dollar of state matriculation funding shall be matched by three dollars of other district resources devoted to the matriculation program.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, 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 3. Matriculation Services

§ 55520. Required Services.

At a minimum, each community college district shall provide students, except as exempted pursuant to section 55532, with all of the following matriculation services:

(a) the processing of applications for admission;

(b) orientation and pre-orientation services designed to provide nonexempt students and potential students, on a timely basis, information concerning college procedures and course scheduling, academic expectations, financial assistance, and any other matters the college or district finds appropriate;

(c) assessment for all nonexempt students pursuant to section 55524;

(d) counseling or advisement for nonexempt students pursuant to section 55523;

(e) assistance in developing a student educational plan pursuant to section 55525, which identifies the student's educational objectives and the courses, services, and programs to be used to achieve them;

(f) post enrollment evaluation, pursuant to section 55526, of each student's progress; and

(g) referral of students to:

(1) support services which may be available, including, but not limited to, counseling, financial aid, health services, campus employment placement services, Extended Opportunity Programs and Services, campus child care services, tutorial services, and Disabled Students Programs and Services; and

(2) specialized curriculum offerings including but not limited to, pre-collegiate basic skills courses and programs in English as a Second Language.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 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).

§ 55521. Prohibited Practices.

(a) In implementing matriculation services, community college districts shall not, except as provided in subdivision (b), do any of the following:

(1) use an assessment instrument which has not been approved by the Chancellor pursuant to Section 55524, except that the Chancellor may permit limited field-testing, under specified conditions, of new or alternative assessment instruments, where such instruments are not used for placement and are evaluated only in order to determine whether they should be added to the list of approved instruments;

(2) use any assessment instrument in a manner or for a purpose other than that for which it was developed or has been otherwise validated;

(3) use any single assessment instrument, method or procedure, by itself, for placement, required referral to appropriate services, or subsequent evaluation of any student; provided however that, in the case of assessment instruments, the use of two or more highly correlated instruments does not satisfy the requirement for use of multiple measures;

(4) use any assessment instrument, method or procedure to exclude any person from admission to a community college;

(5) use any assessment instrument, method or procedure for mandatory placement of a student in or exclusion from any particular course or educational program, except that districts may establish appropriate prerequisites pursuant to Sections 55002 and 58106 of Division 9 of this Part; or

(6) use any matriculation practice which has the purpose or effect of subjecting any person to unlawful discrimination prohibited by Chapter 5 (commencing with Section 59300) of Division 10 of this Part.

(b) Notwithstanding the provisions of subdivisions (a)(1) and (2), assessment instruments approved by the Secretary of the United States Department of Education may be used to determine "ability to benefit" in the process of establishing a student's eligibility for federal financial aid pursuant to subdivision (d) of Section 1091 of Title 20 of the United States Code.

NOTE: Authority cited: Section 11138, Government Code; and Sections 66700 and 70901, Education Code. Reference: Section 11135, Government Code; and Sections 72011, 78211 and 78213, Education Code.

HISTORY

1. Amendment of subsections (d), (e) and (f) 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 (a) and redesignating following subsections (1)-(6), adoption of subsection (b) and amendment of NOTE filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

§ 55522. Special Accommodations.

Matriculation services for ethnic and language minority students and students with disabilities, shall be appropriate to their needs, and community college districts shall, where necessary, make modifications in the matriculation process or use alternative instruments, methods or procedures to accommodate the needs of such students. Districts may require students requesting such accommodations to provide proof of need. Ex-

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

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Register 90-37 § 53300: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53302: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53310: New section filed by the Board of Governors, California Community Colleges, with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

1 § 53311: New section filed by the Board of Governors, California
2 Community Colleges, with the Secretary of State.
3 Submitted to OAL for printing only pursuant to Education
4 Code section 70901.5(b).
5 § 53312: New section filed by the Board of Governors, California
6 Community Colleges, with the Secretary of State.
7 Submitted to OAL for printing only pursuant to Education
8 Code section 70901.5(b).
9 § 53314: New section filed by the Board of Governors, California
10 Community Colleges, with the Secretary of State.
11 Submitted to OAL for printing only pursuant to Education
12 Code section 70901.5(b).
13 **Register 91-31** § 53300: Editorial correction of printing error in Subchapter 3
14 heading.
15 § 53310: Editorial correction of printing error in Article 2 heading.
16 **Register 91-46** § 51025: New section filed and submitted to OAL for printing only
17 pursuant to Education Code 70901.5.
18 **Register 92-09** § 53300: Amendment of section.
19 **Register 92-34** § 51025: New first paragraph, amendment of subsections (a)-(a)(4)
20 and (c) and NOTE.
21 § 53300: Repealer and new section and amendment of NOTE.

1 § 53302: Amendment of NOTE.

2 § 53310: New subsections (f)-(h) and amendment of NOTE.

3 § 53311: Amendment of section heading, text and NOTE.

4 § 53312: Amendment of subsections (a) and (c) and NOTE and

5 new subsection (d).

6 § 53314: Repealer and new section and amendment of NOTE.

7 **Register 93-06** § 53310: Amendment of subsection (h).

8 **Register 94-38** § 51025: Amendment of section. Submitted to OAL for printing only

9 pursuant to Education Code section 70901.5.

10 § 53300: Amendment of section. Submitted to OAL for printing only

pursuant to Education Code section 70901.5.

12 § 53302: Amendment of section. Submitted to OAL for printing only

13 pursuant to Education Code section 70901.5.

14 § 53310: Amendment of subsections (d), (e), (g), and (h).

15 Submitted to OAL for printing only pursuant to Education

16 Code section 70901.5.

17 § 53311: Amendment of section. Submitted to OAL for printing only

18 pursuant to Education Code section 70901.5.

19 § 53314: Amendment of section. Submitted to OAL for printing only

20 pursuant to Education Code section 70901.5.

21 **Register 98-14** § 51025: Amendment of subsections (a)-(a)(4), (b) and (c).

1 Submitted to OAL for printing only.

2 § 53300: Amendment of section. Submitted to OAL for printing only

3 pursuant to Education Code section 70901.5.

4 § 53302: Amendment of section heading and section. Submitted to

5 OAL for printing only.

6 § 53310: Amendment of section heading and section. Submitted to

7 OAL for printing only.

8 § 53311: Amendment of section. Submitted to OAL for printing only

9 pursuant to Education Code section 70901.5.

10 **Register 2000-26** § 51025: Amendment of section. Submitted to OAL for printing

11 only.

12 § 53301: Added new section. Submitted to OAL for printing only.

13 § 53302: Amendment of section and NOTE. Submitted to OAL for

14 printing only.

15 § 53308: Added new section. Submitted to OAL for printing only.

16 § 53309: Added new section. Submitted to OAL for printing only.

17 § 53310: Repealer and new section filed. Submitted to OAL for

18 printing only.

19 § 53311: Amendment of section. Submitted to OAL for printing

20 only.

21 § 53312: Amendment of subsection (a). Submitted to OAL for

1 printing only.

2 § 53314: Amendment of section. Submitted to OAL for printing

3 only.

4 **Register 2001-43** § 53309: Amendment of subsection (i). Submitted to OAL for

5 printing only.

6 § 53310: New subsection (c)(4). Submitted to OAL for printing only.

7 **Subsequent Registers**: There may be changes to the regulations after the date the

8 test claim was filed, which are not included.

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(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate or faculty council.

(d) The faculty may provide for the membership of part-time faculty members in the academic senate or faculty council.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate or faculty council with the same functions as stated in subsection (b) of Section 53200 and Section 53201.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 53203. Powers.

After consultation with the administration of its community college, the academic senate or faculty council may present its written views and recommendations to the governing board. The governing board shall consider and respond to such views and recommendations.

NOTE: Authority cited: Sections 71020, 71062, 71079, Education Code. Reference: Section 71079, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).

§ 53204. Meet and Confer.

Upon the request of the academic senate or faculty council and subject to Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code relating to public meetings when applicable, the governing board or such board members or administrative officers as it may designate shall meet and confer with representatives of the academic senate or faculty council with respect to recommendations made or proposed to be made by the senate or council. The designation of board members or administrative officers as provided herein shall not preclude the representatives of an academic senate or a faculty council from meeting with, or appearing before, the governing board with respect to the views, recommendations, or proposals of the senate or council at a regular or special meeting of the board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 53205. Duties Assigned by Administration and Governing Board.

An academic senate or faculty council may assume such responsibilities and perform such functions as may be requested of it by the administration of its community college or the governing board of the district maintaining its community college.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 53206. Academic Senate for California Community Colleges.

(a) In order that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters, an Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

Subchapter 3. Full-Time and Part-Time Facility

Article 1. Scope and Definitions

§ 53300. Scope.

This chapter implements and should be read in conjunction with the requirements of Education Code section 87482.6 concerning the proportion of full-time and part-time instructors on the faculty of community colleges. The requirements of this chapter apply only until the provisions of Education Code section 84750 regarding program-based funding are implemented by a standard adopted by the Board of Governors that establishes the appropriate percentage of hours of credit instruction that should be taught by full-time instructors.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53302. Full-Time Instructor.

For purposes of this chapter only, a full-time instructor shall be defined as any regular and contact faculty member teaching credit instruction

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Article 2. Proportions of Full-Time and Part-Time Facility, Computation and Reports

§ 53310. Hours of Instruction.

In computing the percentage of hours of credit instruction taught by full-time instructors, the following rules shall be applied:

(a) Overload. The hours of overload teaching by full-time instructors shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(b) Sabbatical. The hours of a full-time instructor on sabbatical, whether paid or unpaid, shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(c) Released/Reassigned Time. The hours of a full-time instructor on released or reassigned time shall be counted as if the instructor was teaching full-time and had not been provided released or reassigned time. The hours of instruction shall thereby be included in both the total hours of

credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(d) Unpaid Leave. The hours of a full-time instructor on unpaid leave shall be counted as if the instructor was teaching full time and had not been provided with unpaid leave. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(e) Teaching by Others. The hours of instruction taught by counselors, librarians, classified staff or administrators who are appropriately certified to teach shall, under the following conditions, be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors:

(1) Only the actual hours of teaching by such individuals shall be included;

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment,

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53311. Base Year.

For purposes of this chapter, fiscal year 1988-89 shall be the base year from which improvement in the percentage of hours of credit instruction taught by full-time instructors shall be measured.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute and report to each community college district the number of full-time faculty (FTF) which are to be secured through the use of the prescribed portion of program improvement revenue allocated to each district.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code.Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53314. Report to Districts.

(a) By March 15th of each year, the Chancellor shall report to each district an estimate of the number of FTF to be secured based upon the appropriation of revenues contained in the annual Budget Bill.

(b) The final computation of the number of full-time instructors actually required shall be based upon full-year data submitted by districts.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Article 3. Enforcement

§ 53320. Funding Reductions.

On or before December 31, 1991, the Chancellor shall determine the extent to which each district, by September 30, 1991, has hired the number of FTF determined pursuant to section 53312 for the 1989-90 and 1990-91 fiscal years. To the extent that cumulative number of FTF have not been retained, the Chancellor shall reduce the district's base budget for 1991-92 and subsequent fiscal years by an amount equivalent to the average replacement costs times the deficiency in the number of FTF.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Subchapter 4. Minimum Qualifications

Article 1. Scope and Definitions

§ 53400. Scope.

This chapter implements and should be read in conjunction with the requirements of Education Code sections 87001, 87356 and 87539 concerning minimum qualifications for community college faculty and administrators. The provisions of this chapter shall become effective in accordance with the provisions of section 70 of chapter 973 of the Statues of 1989.

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code. Reference: Sections 87001, 87356 and 87359, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a community college district in a supervisorial or management position as defined in Article 5 (commencing with section 3540) of chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Instructional or student services administrator" means an administrator who is employed in a position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Instructional and student services administrators include, but are not limited to, chancellors, presidents, and instructional or student service managers.

(c) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with section 3540) of chapter 10.7 of division 4 of Title 1 of the Government Code and for which minimum qualifications for hire are specified in section 53410. Faculty include, but are not limited to, instructors, librarians, counselors,

2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 3. Full-Time and Part-Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This chapter implements and should be read in conjunction with the requirements of Education Code section 87482.6 concerning the proportion of full-time and part-time instructors on the faculty of community colleges. The requirements of this chapter apply only until the provisions of Education Code section 84750 regarding program-based funding are implemented by a standard adopted by the Board of Governors that establishes the appropriate percentage of hours of credit instruction that should be taught by full-time instructors.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).

§ 53302. Full-Time Instructor.

For purposes of this chapter only, a full-time instructor shall be defined as any regular and contact faculty member teaching credit instruction.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Article 2. Proportions of Full-Time and Part-Time Faculty, Computation and Reports

§ 53310. Hours of Instruction.

In computing the percentage of hours of credit instruction taught by full-time instructors, the following rules shall be applied:

(a) Overload. The hours of overload teaching by full-time instructors shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(b) Sabbatical. The hours of a full-time instructor on sabbatical, whether paid or unpaid, shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(c) Released/Reassigned Time. The hours of a full-time instructor on released or reassigned time shall be counted as if the instructor was teaching full-time and had not been provided released or reassigned time. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(d) Unpaid Leave. The hours of a full-time instructor on unpaid leave shall be counted as if the instructor was teaching full time and had not been provided with unpaid leave. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(e) Teaching by Others. The hours of instruction taught by counselors, librarians, classified staff or administrators who are appropriately certified to teach shall, under the following conditions, be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors:

(1) Only the actual hours of teaching by such individuals shall be included;

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in article 2 heading (Register 91, No. 31).

§ 53311. Base Year.

For purposes of this chapter, fiscal year 1988-89 shall be the base year from which improvement in the percentage of hours of credit instruction taught by full-time instructors shall be measured.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute and report to each community college district the number of full-time faculty (FTF) which are to be secured through the use of the prescribed portion of program improvement revenue allocated to each district.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53314. Report to Districts.

(a) By March 15th of each year, the Chancellor shall report to each district an estimate of the number of FTF to be secured based upon the appropriation of revenues contained in the annual Budget Bill.

(b) The final computation of the number of full-time instructors actually required shall be based upon full-year data submitted by districts.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Article 3. Enforcement

§ 53320. Funding Reductions.

On or before December 31, 1991, the Chancellor shall determine the extent to which each district, by September 30, 1991, has hired the number of FTF determined pursuant to section 53312 for the 1989-90 and 1990-91 fiscal years. To the extent that cumulative number of FTF have not been retained, the Chancellor shall reduce the district's base budget for 1991-92 and subsequent fiscal years by an amount equivalent to the average replacement costs times the deficiency in the number of FTF.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Subchapter 4. Minimum Qualifications

Article 1. Scope and Definitions

§ 53400. Scope.

This chapter implements and should be read in conjunction with the requirements of Education Code sections 87001, 87356 and 87539 concerning minimum qualifications for community college faculty and administrators. The provisions of this chapter shall become effective in accordance with the provisions of section 70 of chapter 973 of the Statues of 1989.

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code. Reference: Sections 87001, 87356 and 87359, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a community college district in a supervisorial or management position as defined in Article 5 (commencing with section 3540) of chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Instructional or student services administrator" means an administrator who is employed in a position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Instructional and student services administrators include, but are not limited to, chancellors, presidents, and instructional or student service managers.

(c) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with section 3540) of chapter 10.7 of division 4 of Title 1 of the Government Code and for which minimum qualifications for hire are specified in section 53410. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, handicapped student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisorial, nonmanagement certification qualifications.

NOTE: Authority cited: Sections 66700, 70901 and 87001, Education Code. Reference: Section 87001, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Article 2. Qualifications and Equivalencies

§ 53410. Minimum Qualifications for Instructors of Credit Courses.

The minimum qualifications for hire as a community college faculty member teaching any credit course shall be satisfied by meeting any one of the following requirements:

(a) Possession of master's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of bachelor's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

(1) Possession of a bachelor's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment, plus two years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available; or

(2) Possession of an associate degree from an accredited institution in a discipline reasonably related to the faculty member's assignment, plus six years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available.

NOTE: Authority cited: Sections 66700, 70901 and 87356, Education Code. Reference: Section 87356, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53412. Minimum Qualifications for Instructors of Noncredit Courses.

The minimum qualifications for hire as a community college faculty member teaching a noncredit course shall be satisfied by meeting both of the following requirements:

(a) Successful completion of four years of higher education with a major in a discipline, or completion of four years of occupational experience in a discipline; and

(b) Certification by the district that the applicant has adequate training and experience to teach the classes for which he or she is to be employed.

The provisions of this section shall become inoperative on July 1, 1991.

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

HISTORY

1. New section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53413. Minimum Qualifications for Apprenticeship Instructors.

(a) Until July 1, 1993, the minimum qualifications for hire as a community college faculty member teaching credit or noncredit apprentice-

suant to the regulations on academic senates contained in sections 53200–53205 of chapter IV of this division.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this section.

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901 (b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3-12-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 23).
2. Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1. (Register 91, No. 43). (Subchapter 15, section 51950, and chapter 3, section 52000)

§ 51024. Matriculation Services.

When matriculation services have been fully funded, as certified by the Chancellor in accord with policies adopted by the Board of Governors, the governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under section 55512(c);

(c) provide matriculation services to its students in accordance with sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with section 55534; and

(e) substantially comply with all other provisions of chapter 6 (commencing with section 55500) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210–78218, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 51025. Full-time/Part-time Faculty.

(a) Community College districts which have less than 75 percent of their hours of credit instruction taught by full-time instructors, in the prior fiscal year, shall apply the growth revenues received related to increases in credit FTES in accordance with section 58774 of this division and a portion of the program improvement allocation received in accordance with section 58775 of this division, as follows:

(1) Of the growth revenues received related to increases in credit FTES pursuant to section 58774 of this division, the districts shall increase the number of full-time instructors, by September 30 of the succeeding fiscal year, by the product of their base number of full-time faculty multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

(2) Districts which, in the prior fiscal year, had 67 percent or greater, but less than 75 percent of their hours of credit instruction taught by full-time instructors shall apply up to 33 percent of their program improvement allocation pursuant to subdivision (b) of section 58775 of this division, as necessary to reach the 75 percent standard pursuant to paragraph (4).

(3) Districts which, in the prior fiscal year, had less than 67 percent of their hours of credit instruction taught by full-time instructors shall apply up to 40 percent of their program improvement allocation pursuant to subdivision (b) of section 58775 of this division, as necessary to reach the 75 percent standard pursuant to paragraph (4).

(4) Of the program improvement funds identified in paragraph (2) or (3), as appropriate, the district shall increase the number of full-time instructors, by September of the succeeding fiscal year, by the quotient of the applicable program improvement funds divided by the statewide average replacement cost, rounded down to the nearest whole number.

(5) If the number of full-time faculty derived in paragraphs (1) and (4), result in the district exceeding the 75 percent standard, the Chancellor shall reduce the number to a whole number that leaves the district as close as possible to, but in excess of, the 75 percent standard.

(b) Statewide average replacement cost is the statewide average faculty salary plus benefits, minus the product of the statewide average hourly rate of compensation for part-time instructors times the statewide average full-time teaching load.

(c) On or before December 31 of each year, the Chancellor shall determine the extent to which each district, by September 30 of that year, has hired the number of additional full-time instructors determined pursuant to subdivision (a) for the prior fiscal year. To the extent that the number of additional full-time instructors have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equivalent to the average replacement cost for the prior fiscal year times the deficiency in the number of full-time faculty. To the extent a district hires the additional full-time instructors in subsequent fiscal years the reductions made to the district's revenue shall be restored.

(d) All revenues available due to reductions made pursuant to subdivision (c), shall be made available on a one-time basis for that fiscal year, for purposes of faculty and staff diversity pursuant to Education Code section 87107.

(e) By January 20 of each fiscal year the Board of Governors shall determine whether adequate growth funds and adequate cost-of-living funds have been provided to allow full or partial implementation of the provisions of subparagraph (a)(1).

(f) For districts that experience a reduction in base credit FTES, the Chancellor shall make a proportionate reduction to their base number of full-time faculty.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 7-3-91 and submitted to OAL on 7-12-91 for printing only pursuant to Education Code section 70901.5; operative 8-3-91 (Register 91, No. 46).

Subchapter 2. Investigation and Enforcement of Minimum Conditions

§ 51100. Review of Colleges.

(a) The Chancellor, at least once each seven years, and at such other times or as he or she deems necessary, shall review each community college to determine whether it has met the minimum conditions contained in chapter 1 (commencing with section 51000) of this division.

(b) In the event that the Chancellor determines that a visit to the college is necessary to investigate compliance, he or she shall inform the chief executive officer of the district at least one month in advance of such visit, and shall specify the particular minimum conditions which will be investigated.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Repealer of chapter 2 (sections 51100 and 51101) and new chapter 2 (sections 51100 and 51102) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 2, see Registers 81, No. 52; 77, No. 45; and 71, No. 27.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51102. Enforcement.

(a) If any review pursuant to section 51100 discloses that a college is not in compliance with the provisions of chapter 1 (commencing with section 51000) of this division, the Chancellor shall notify the chief executive officer of the district in writing, and shall request an official written response from the district by a date which the Chancellor shall specify.

(b) After receiving the district's written response, or after the time for response has lapsed, the Chancellor shall pursue one or more of the following courses of action:

2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 3. Full-Time and Part-Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This subchapter implements and should be read in conjunction with the requirements of Education Code Section 87482.6 concerning the proportion of hours of credit instruction taught by full-time and part-time instructors on the faculty of community colleges.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).
3. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§ 53302. Full-Time Instructor.

For purposes of this chapter only, a full-time instructor shall be defined as any regular and contact faculty member teaching credit instruction.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Article 2. Proportions of Full-Time and Part-Time Faculty, Computation and Reports

§ 53310. Hours of Instruction.

In computing the percentage of hours of credit instruction taught by full-time instructors, the following rules shall be applied:

(a) Overload. The hours of overload teaching by full-time instructors shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(b) Sabbatical. The hours of a full-time instructor on sabbatical, whether paid or unpaid, shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(c) Released/Reassigned Time. The hours of a full-time instructor on released or reassigned time shall be counted as if the instructor was teaching full-time and had not been provided released or reassigned time. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(d) Unpaid Leave. The hours of a full-time instructor on unpaid leave shall be counted as if the instructor was teaching full time and had not been provided with unpaid leave. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(e) Teaching by Others. The hours of instruction taught by counselors, librarians, classified staff or administrators who are appropriately certified to teach shall, under the following conditions, be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors:

(1) Only the actual hours of teaching by such individuals shall be included;

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in article 2 heading (Register 91, No. 31).

§ 53311. Base Year.

For purposes of this chapter, fiscal year 1988-89 shall be the base year from which improvement in the percentage of hours of credit instruction taught by full-time instructors shall be measured.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute and report to each community college district the number of full-time faculty (FTF) which are to be secured through the use of the prescribed portion of program improvement revenue allocated to each district.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 53314. Report to Districts.

(a) By March 15th of each year, the Chancellor shall report to each district an estimate of the number of FTF to be secured based upon the appropriation of revenues contained in the annual Budget Bill.

(b) The final computation of the number of full-time instructors actually required shall be based upon full-year data submitted by districts.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code.

History

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Article 3. Enforcement

§ 53320. Funding Reductions.

On or before December 31, 1991, the Chancellor shall determine the extent to which each district, by September 30, 1991, has hired the number of FTF determined pursuant to Section 53312 for the 1989-90 and 1990-91 fiscal years. To the extent that cumulative number of FTF have not been retained, the Chancellor shall reduce the district's allocation for 1991-92 by an amount equivalent to the average replacement costs times the deficiency in the number of FTF. To the extent a district hires the additional FTF in subsequent fiscal years, the reduction made to the district's revenue shall be restored.

Note: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

History

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

Subchapter 4. Minimum Qualifications

Article 1. Scope and Definitions

§ 53400. Scope.

This subchapter implements and should be read in conjunction with the requirements of Education Code Sections 87001, 87002, 87003, 87356 and 87539 concerning minimum qualifications for community college faculty and administrators. The provisions of this subchapter shall become effective in accordance with the provisions of Section 70 of Chapter 973 of the Statutes of 1989.

Note: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code. Reference: Sections 87001, 87002, 87003, 87356 and 87359, Education Code.

History

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§ 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Faculty" or "faculty member" means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisorial, nonmanagement community college certification qualifications.

Note: Authority cited: Sections 66700, 70901 and 87001, Education Code. Reference: Sections 87001, 87002 and 87003, Education Code.

History

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

Article 2. Qualifications and Equivalencies

§ 53410. Minimum Qualifications for Instructors of Credit Courses.

The minimum qualifications for service as a community college faculty member teaching any credit course shall be satisfied by meeting any one of the following requirements:

(a) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of bachelor's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

(1) Possession of a bachelor's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment, plus two years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available; or

(2) Possession of an associate degree from an accredited institution in a discipline reasonably related to the faculty member's assignment, plus six years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available.

Note: Authority cited: Sections 66700, 70901 and 87356, Education Code. Reference: Section 87356, Education Code.

History

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsections (a) and (b) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§ 53412. Minimum Qualifications for Instructors of Noncredit Courses.

The minimum qualifications for service as a community college faculty member teaching a noncredit course shall be satisfied by meeting both of the following requirements:

(a) Successful completion of four years of higher education with a major in a discipline, or completion of four years of occupational experience in a discipline; and

(b) Certification by the district that the applicant has adequate training and experience to teach the classes for which he or she is to be employed. The provisions of this section shall become inoperative on July 1, 1992.

Note: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

History

1. New section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

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§ 53314

(c) Nothing in this section shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to sections 53200–53205, and section 51023.7, respectively, of this division.

(d) The governing board of a community college district shall comply substantially with the provisions of this section.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b), (Register 91, No. 23).
2. Editorial correction of printing error in subsection (b) and HISTORY 1. (Register 91, No. 43).

§ 51023.7. Students.

(a) The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance. Among other matters, said policies and procedures shall include the following:

(1) Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures.

(2) Except in unforeseeable, emergency situations the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

(3) Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration.

(4) For the purpose of this section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code Section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.

(b) For the purposes of this section, district and college policies and procedures that have or will have a "significant effect on students" includes the following:

(1) grading policies;
(2) codes of student conduct;
(3) academic disciplinary policies;
(4) curriculum development;
(5) courses or programs which should be initiated or discontinued;
(6) processes for institutional planning and budget development;
(7) standards and policies regarding student preparation and success;
(8) student services planning and development;
(9) student fees within the authority of the district to adopt; and
(10) any other district and college policy, procedure or related matter that the district governing board determines will have a significant effect on students.

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.

(d) Nothing in this section shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to the regulations on academic senates contained in sections 53200–53205 of chapter IV of this division.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this section.

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901 (b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 23).
2. Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1. (Register 91, No. 43). (Subchapter 15, section 51950, and chapter 3, section 52000)

§ 51024. Matriculation Services.

The governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under Section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under Section 55512(c);

(c) provide matriculation services to its students in accordance with Sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with Section 55534; and

(e) substantially comply with all other provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210–78218, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsection (e) filed 4–3–92; operative 5–4–92 (Register 92, No. 15).

§ 51025. Full-Time/Part-Time Faculty.

This section relates to and should be read in conjunction with Subchapter 3 (commencing with Section 53300) of Chapter 4 of this Division.

(a) Community college districts which have less than 75 percent of their hours of credit instruction taught by full-time instructors, as determined from their base data calculated pursuant to Section 53311, shall apply the growth revenues received related to increases in credit FTES in accordance with section 58774 of this division and a portion of the program improvement allocation received in accordance with section 58775 of this division, as follows:

(1) Of the growth revenues received related to increases in credit FTES pursuant to section 58774 of this division, the districts shall increase the base number of full-time instructors, subject to subdivision (e) of this Section, by Fall of the succeeding fiscal year, by the product of their base number of full-time faculty multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

(2) Districts which, as determined from their base data, had 67 percent or greater, but less than 75 percent of their hours of credit instruction taught by full-time instructors shall apply up to 33 percent of their program improvement allocation pursuant to subdivision (b) of section 58775 of this division, as necessary to reach the 75 percent standard pursuant to paragraph (4).

(3) Districts which, as determined from their base data, had less than 67 percent of their hours of credit instruction taught by full-time instructors shall apply up to 40 percent of their program improvement allocation pursuant to subdivision (b) of section 58775 of this division, as necessary to reach the 75 percent standard pursuant to paragraph (4).

(4) Of the program improvement funds identified in paragraph (2) or (3), as appropriate, the district shall increase the number of full-time instructors, by Fall of the succeeding fiscal year, by the quotient of the applicable program improvement funds divided by the statewide average replacement cost, rounded down to the nearest whole number.

(5) If the number of full-time faculty derived in paragraphs (1) and (4), result in the district exceeding the 75 percent standard, the Chancellor shall reduce the number to a whole number to a whole number that leaves the district as close as possible to, but in excess of, the 75 percent standard.

(b) Statewide average replacement cost is the statewide average faculty salary plus benefits, minus the product of the statewide average hourly rate of compensation for part-time instructors times the statewide average full-time teaching load.

(c) On or before December 31 of each year, the Chancellor shall determine, based on information submitted by districts, the extent to which each district, by Fall of that year, has maintained or hired the number of additional full-time instructors determined pursuant to subdivision (a) for the prior fiscal year. To the extent that the number of full-time faculty has not been maintained or additional full-time instructors have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equivalent to the average replacement cost for the prior fiscal year times the deficiency in the number of full-time faculty. To the extent a district hires the additional full-time instructors in subsequent fiscal years the reductions made to the district's revenue shall be restored.

(d) All revenues available due to reductions made pursuant to subdivision (c), shall be made available on a one-time basis for that fiscal year, for purposes of faculty and staff diversity pursuant to Education Code section 87107.

(e) By January 20 of each fiscal year the Board of Governors shall determine whether adequate growth funds and adequate cost-of-living funds have been provided to allow full or partial implementation of the provisions of subparagraph (a)(1).

(f) For districts that experience a reduction in base credit FTES, the Chancellor shall make a proportionate reduction to their base number of full-time faculty.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 7-3-91 and submitted to OAL on 7-12-91 for printing only pursuant to Education Code section 70901.5; operative 8-3-91 (Register 91, No. 46).

2. New first paragraph, amendment of subsections (a)-(a)(4) and (c) and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

§ 51027. Transfer Centers: Minimum Program Standards.

(a) The governing board of each community college district shall recognize transfer as one of its primary missions, and shall place priority emphasis on the preparation and transfer of underrepresented students, including African-American, Chicano/Latino, American Indian, disabled, low-income and other students historically and currently underrepresented in the transfer process.

(b) Each community college district governing board shall direct the development and adoption of a Transfer Center Plan describing the activities of the transfer center and the services to be provided to students, incorporating the provisions established in these standards, as outlined below. Plans shall identify target student populations and shall establish target increases in the number of applicants to the four-year segments from these populations, including specific targets for increasing the transfer applications of those underrepresented among transfer students. Plans shall be developed in consultation with four-year college and university personnel as available.

Plan components shall include, but not be limited to: services to be provided to students; facilities; staffing; advisory committee; and evaluation and reporting.

(1) Required Services. The following services shall be provided to students:

(A) Identify, contact and provide transfer support services to targeted student populations as identified in the Transfer Center Plan, with a priority emphasis placed on African-American, Chicano/Latino, American Indian, disabled, low-income and other underrepresented students. These activities shall be developed and implemented in cooperation with student services departments and with faculty.

(B) Ensure the provision of academic planning for transfer, the development and utilization of transfer admission agreements with four-year institutions where available and as appropriate, and the development and utilization of course-to-course and major articulation agreements. Academic planning and articulation activities shall be provided in cooperation with student services, with faculty, and with four-year college and university personnel as available.

(C) Ensure that students receive accurate and up-to-date academic and transfer information through the provision of coordinated transfer counseling services.

(D) Monitor the progress of transfer students to the point of transfer, in accordance with monitoring activities established in the Transfer Center Plan.

(E) Support the progress of transfer students through referral as necessary, to such services as ability and diagnostic testing, tutoring, financial assistance, and counseling, and other instructional and student services on campus as appropriate.

(F) Assist students in the transition process, including the timely completion and submittal of necessary forms and applications.

(G) In cooperation with four-year college and university personnel as available, develop and implement a schedule of services for transfer students to be provided by four-year staff.

(H) Provide a resource library of college catalogs, transfer guides, articulation information and agreements, applications to four-year colleges and universities, and related transfer information.

(2) Facilities. Each district governing board shall designate a particular location on campus which is readily identifiable and accessible to students, faculty and staff as the focal point of transfer functions. Space and facilities adequate to support the Transfer Center and its activities shall be provided.

(3) Staffing. Each district governing board shall ensure that college staff are assigned to coordinate the activities of the transfer center; to coordinate underrepresented student transfer efforts; to serve as liaison to articulation, to student services, and to instructional programs on campus; and to work with four-year college and university personnel. Clerical support for the transfer center shall also be provided.

(4) Advisory Committee. An advisory committee shall be designated to plan the development, implementation, and ongoing operations of the transfer center. Membership shall be representative of campus departments and services. Four-year college and university personnel shall be included as available.

(5) Evaluation and Reporting. Each district governing board shall include in its Transfer Center Plan a plan of institutional research for ongoing internal evaluation of the effectiveness of the college's transfer efforts, and the achievement of its Transfer Center Plan.

Each community college district shall submit an annual report to the Chancellor describing the status of the district's efforts to implement its transfer center(s), achievement of Transfer Center Plan targets and goals, and expenditures supporting transfer center operations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66010.4 and 70901, Education Code.

HISTORY

1. New section filed 7-22-91; operative 8-21-91 (Register 92, No. 4).

with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(1) In instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

(2) In instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

(e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to subsection (a) of this section.

(f) The appointment of faculty members to serve on college or district committees, task forces, or other grounds dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 81, No. 3.

§ 53204. Scope of Regulations.

Nothing in this subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No.18).

Repealer filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) In order that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters, an Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901, and 71079, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 3. Full-Time and Part-Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This subchapter relates to and should be read in conjunction with the requirements of Section 51025 of Subchapter 1 of Chapter 2 of this Division concerning the proportion of full-time and part-time instructors on the faculty of community colleges.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).
3. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

§ 53302. Full-Time Instructor.

For purposes of this chapter only, a full-time instructor shall be defined as any regular and contact faculty member teaching credit instruction.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

Article 2. Proportions of Full-Time and Part-Time Faculty, Computation and Reports

§ 53310. Hours of Instruction.

In computing the percentage of hours of credit instruction taught by full-time instructors, the following rules shall be applied:

(a) Overload. The hours of overload teaching by full-time instructors shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(b) Sabbatical. The hours of a full-time instructor on sabbatical, whether paid or unpaid, shall be included in both the total hours of credit

instruction taught by full-time and part-time instructors and total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(c) Released/Reassigned Time. The hours of a full-time instructor on released or reassigned time shall be counted as if the instructor was teaching full-time and had not been provided released or reassigned time. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(d) Unpaid Leave. The hours of a full-time instructor on unpaid leave shall be counted as if the instructor was teaching full time and had not been provided with unpaid leave. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(e) Teaching by Others. The hours of instruction taught by counselors, librarians, classified staff or administrators who are appropriately certified to teach shall, under the following conditions, be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors:

(1) Only the actual hours of teaching by such individuals shall be included;

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

(f) Outreach Locations. The hours of instruction taught by full-time and part-time instructors at any outreach location that is more than 25 miles from the main campus and generates less than 200 FTES, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(g) Late Retirement. The hours of a full-time instructor who resigned or retired and who provided written notice thereof within 45 faculty duty days of the end of the previous Spring primary term and whose position has not been replaced by another full-time instructor by the current Fall primary term, shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

Districts are required to fill the position(s) by the following Spring primary term unless designees for the district governing board and academic senate jointly agree that it is in the best interests of the district to delay the filling of the position. In such cases, replacement must be made by the following primary term of the Chancellor shall reduce the district's state apportionment revenues for the current year in accordance with the provisions of Section 51025.

(h) Librarians. A number of hours equivalent to the number of hours taught by a full-time instructor shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors for each full-time librarian hired in excess of the number of full-time librarians in the previous year's base.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in article 2 heading (Register 91, No. 31).
3. New subsections (f)-(h) and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

§ 53311. Base Data.

For purposes of this subchapter, "base data" means the base percentage of hours of credit instruction taught by full-time instructors and the base number of full-time faculty required to be maintained or additional hires to be made by the fall of the subsequent year. This data shall be determined from the current year's fall management information system staff data submission to the Chancellor's office.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of section heading, text and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

§ 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute each community college district's number of full-time faculty (FTF) which are to be secured in accordance with the provisions of Section 51025, as the result of additional funded growth in credit full-time equivalent students and through the use of the prescribed portion of program improvement revenue allocated to each district.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient determined in paragraph (b) is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

(d) The computation for the funded growth in full-time equivalent student workload obligation to secure additional full-time faculty shall, when required pursuant to the provisions of Section 51025(a)(1) and (e), be made by multiplying the percentage of funded credit FTES growth times the base number of full-time faculty that were to be in place by Fall of the current year.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsections (a) and (c) and NOTE and new subsection (d) filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

§ 53314. Report to Districts.

The Chancellor shall report to districts by Spring of each year the estimated number of FTF each district must secure by the following Fall based upon the appropriation of revenues contained in that year's Budget Act and the Board of Governors action pursuant to section 51025(e).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for

printing ...' pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

2. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

Article 3. Enforcement

§ 53320. Funding Reductions.

On or before December 31, 1991, the Chancellor shall determine the extent to which each district, by September 30, 1991, has hired the number of FTF determined pursuant to Section 53312 for the 1989-90 and 1990-91 fiscal years. To the extent that cumulative number of FTF have not been retained, the Chancellor shall reduce the district's allocation for 1991-92 by an amount equivalent to the average replacement costs times the deficiency in the number of FTF. To the extent a district hires the additional FTF in subsequent fiscal years, the reduction made to the district's revenue shall be restored.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

Subchapter 4. Minimum Qualifications

Article 1. Scope and Definitions

§ 53400. Scope.

This subchapter implements and should be read in conjunction with the requirements of Education Code Sections 87001, 87002, 87003, 87356 and 87539 concerning minimum qualifications for community college faculty and administrators. The provisions of this subchapter shall become effective in accordance with the provisions of Section 70 of Chapter 973 of the Statutes of 1989.

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code. Reference: Sections 87001, 87002, 87003, 87356 and 87359, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§ 53401. Applicability to Community Services and Contract Classes.

Community service or contract classes which do not award college credit and are not supported by state apportionment are not subject to the provisions of this subchapter. Contract classes which award college credit are subject to this subchapter, even if they are not supported by state apportionment.

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 78020 through 78023 and 78300, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

§ 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Faculty" or "faculty member" means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisorial, nonmanagement community college certification qualifications.

NOTE: Authority cited: Sections 66700, 70901 and 87001, Education Code. Reference: Sections 87001, 87002 and 87003, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§ 53403. Applicability of Amendments.

Notwithstanding changes that may be made to the minimum qualifications established in this division, or to the implementing discipline lists adopted by the Board of Governors, the governing board of a community college district may continue to employ a person to teach in a discipline or render a service subject to minimum qualifications, if he or she, at the time of initial hire by the district, was qualified to teach in that discipline or render that service under the minimum qualifications or disciplines lists then in effect.

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

§ 53404. Definition of Experience.

Where years of professional or occupational experience are referred to in this subchapter, the requirement is for the stated number of years of full-time experience, or the equivalent in part-time experience. Unpaid experience may be counted if it entailed responsibilities substantially similar to those of relevant paid positions in the field.

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

Article 2. Qualifications and Equivalencies

§ 53410. Minimum Qualifications for Instructors of Credit Courses.

The minimum qualifications for service as a community college faculty member teaching any credit course shall be satisfied by meeting any one of the following requirements:

(a) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of bachelor's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(1) In instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

(2) In instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

(e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to subsection (a) of this section.

(f) The appointment of faculty members to serve on college or district committees, task forces, or other grounds dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 81, No. 3.

§ 53204. Scope of Regulations.

Nothing in this subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No.18).
3. Repealer filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) In order that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters, an Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901, and 71079, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 3. Full-Time and Part-Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This subchapter relates to and should be read in conjunction with the requirements of Section 51025 of Subchapter 1 of Chapter 2 of this Division concerning the proportion of full-time and part-time instructors on the faculty of community colleges.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).
3. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

§ 53302. Full-Time Instructor.

For purposes of this chapter only, a full-time instructor shall be defined as any regular and contact faculty member teaching credit instruction.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

Article 2. Proportions of Full-Time and Part-Time Faculty, Computation and Reports

§ 53310. Hours of Instruction.

In computing the percentage of hours of credit instruction taught by full-time instructors, the following rules shall be applied:

(a) Overload. The hours of overload teaching by full-time instructors shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(b) Sabbatical. The hours of a full-time instructor on sabbatical, whether paid or unpaid, shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(c) Released/Reassigned Time. The hours of a full-time instructor on released or reassigned time shall be counted as if the instructor was teaching full-time and had not been provided released or reassigned time. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(d) Unpaid Leave. The hours of a full-time instructor on unpaid leave shall be counted as if the instructor was teaching full time and had not been provided with unpaid leave. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(e) Teaching by Others. The hours of instruction taught by counselors, librarians, classified staff or administrators who are appropriately certified to teach shall, under the following conditions, be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors:

(1) Only the actual hours of teaching by such individuals shall be included;

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

(f) Outreach Locations. The hours of instruction taught by full-time and part-time instructors at any outreach location that is more than 25 miles from the main campus and generates less than 200 FTES, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(g) Late Retirement. The hours of a full-time instructor who resigned or retired and who provided written notice thereof within 45 faculty duty days of the end of the previous Spring primary term and whose position has not been replaced by another full-time instructor by the current Fall primary term, shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

Districts are required to fill the position(s) by the following Spring primary term unless designees for the district governing board and academic senate jointly agree that it is in the best interests of the district to delay the filling of the position. In such cases, replacement must be made by the following primary term of the Chancellor shall reduce the district's state apportionment revenues for the current year in accordance with the provisions of Section 51025.

(h) Librarians. A number of hours equivalent to the number of hours taught by a full-time instructor shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors for each full-time librarian hired in excess of the number of full-time librarians in the previous year's base. A comparable number of hours shall be counted for each year thereafter unless the position(s) is vacant or eliminated. This subdivision shall become inoperative on July 1, 1994, unless a later-adopted regulation deletes or extends this date.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in article 2 heading (Register 91, No. 31).
3. New subsections (f)-(h) and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
4. Amendment of subsection (h) filed 2-4-93; operative 3-6-93 (Register 93, No. 6).

§ 53311. Base Data.

For purposes of this subchapter, "base data" means the base percentage of hours of credit instruction taught by full-time instructors and the base number of full-time faculty required to be maintained or additional hires to be made by the fall of the subsequent year. This data shall be determined from the current year's fall management information system staff data submission to the Chancellor's office.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of section heading, text and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

§ 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute each community college district's number of full-time faculty (FTF) which are to be secured in accordance with the provisions of Section 51025, as the result of additional funded growth in credit full-time equivalent students and through the use of the prescribed portion of program improvement revenue allocated to each district.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient determined in paragraph (b) is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

(d) The computation for the funded growth in full-time equivalent student workload obligation to secure additional full-time faculty shall, when required pursuant to the provisions of Section 51025(a)(1) and (e), be made by multiplying the percentage of funded credit FTES growth times the base number of full-time faculty that were to be in place by Fall of the current year.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsections (a) and (c) and NOTE and new subsection (d) filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

§ 53314. Report to Districts.

The Chancellor shall report to districts by Spring of each year the estimated number of FTF each district must secure by the following Fall based upon the appropriation of revenues contained in that year's Budget Act and the Board of Governors action pursuant to section 51025(e).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

Article 3. Enforcement

§ 53320. Funding Reductions.

On or before December 31, 1991, the Chancellor shall determine the extent to which each district, by September 30, 1991, has hired the number of FTF determined pursuant to Section 53312 for the 1989-90 and 1990-91 fiscal years. To the extent that cumulative number of FTF have not been retained, the Chancellor shall reduce the district's allocation for 1991-92 by an amount equivalent to the average replacement costs times the deficiency in the number of FTF. To the extent a district hires the additional FTF in subsequent fiscal years, the reduction made to the district's revenue shall be restored.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

Subchapter 4. Minimum Qualifications

Article 1. Scope and Definitions

§ 53400. Scope.

This subchapter implements and should be read in conjunction with the requirements of Education Code Sections 87001, 87002, 87003, 87356 and 87539 concerning minimum qualifications for community college faculty and administrators. The provisions of this subchapter shall become effective in accordance with the provisions of Section 70 of Chapter 973 of the Statutes of 1989.

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code. Reference: Sections 87001, 87002, 87003, 87356 and 87359, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§ 53401. Applicability to Community Services and Contract Classes.

Community service or contract classes which do not award college credit and are not supported by state apportionment are not subject to the provisions of this subchapter. Contract classes which award college credit are subject to this subchapter, even if they are not supported by state apportionment.

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 78020 through 78023 and 78300, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

§ 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Faculty" or "faculty member" means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisorial, nonmanagement community college certification qualifications.

NOTE: Authority cited: Sections 66700, 70901 and 87001, Education Code. Reference: Sections 87001, 87002 and 87003, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§ 53403. Applicability of Amendments.

Notwithstanding changes that may be made to the minimum qualifications established in this division, or to the implementing discipline lists adopted by the Board of Governors, the governing board of a community college district may continue to employ a person to teach in a discipline or render a service subject to minimum qualifications, if he or she, at the time of initial hire by the district, was qualified to teach in that discipline or render that service under the minimum qualifications or disciplines lists then in effect.

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

§ 53404. Definition of Experience.

Where years of professional or occupational experience are referred to in this subchapter, the requirement is for the stated number of years of full-time experience, or the equivalent in part-time experience. Unpaid experience may be counted if it entailed responsibilities substantially similar to those of relevant paid positions in the field.

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

Article 2. Qualifications and Equivalencies

§ 53410. Minimum Qualifications for Instructors of Credit Courses.

The minimum qualifications for service as a community college faculty member teaching any credit course shall be satisfied by meeting any one of the following requirements:

(a) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

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tions 3540, et seq., such procedures for staff participation shall not intrude on matters within the scope of representation under Section 3543.2 of the Government Code. In addition, governing boards shall not interfere with the exercise of employee rights to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer–employee relations. Nothing in this Section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards. It is the intent of the Board of Governors to respect lawful agreements between staff and exclusive representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to staff pursuant to these regulations.

(c) Nothing in this Section shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to Sections 53200–53204, and Section 51023.7, respectively.

(d) The governing board of a community college district shall comply substantially with the provisions of this Section.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b), (Register 91, No. 23).
2. Editorial correction of printing error in subsection (b) and HISTORY 1. (Register 91, No. 43).
3. Amendment of subsections (a)(1), (a)(3), (a)(5), (a)(7), (b), (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).

§ 51023.7. Students.

(a) The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance. Among other matters, said policies and procedures shall include the following:

(1) Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures.

(2) Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

(3) Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration.

(4) For the purpose of this Section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code Section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.

(b) For the purposes of this Section, district and college policies and procedures that have or will have a "significant effect on students" includes the following:

(1) grading policies;
(2) codes of student conduct;
(3) academic disciplinary policies;
(4) curriculum development;
(5) courses or programs which should be initiated or discontinued;
(6) processes for institutional planning and budget development;
(7) standards and policies regarding student preparation and success;
(8) student services planning and development;
(9) student fees within the authority of the district to adopt; and
(10) any other district and college policy, procedure, or related matter that the district governing board determines will have a significant effect on students.

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.

(d) Nothing in this Section shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to the regulations on academic senates contained in Sections 53200–53206.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this Section.

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901 (b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 23).
2. Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1 (Register 91, No. 43).
3. Amendment of subsections (a)(2), (a)(4), (b), (b)(10), (d) and (e) 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).

§ 51024. Matriculation Services.

The governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under Section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under Section 55512(c);

(c) provide matriculation services to its students in accordance with Sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with Section 55534; and

(e) substantially comply with all other provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210–78218, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsection (e) filed 4–3–92; operative 5–4–92 (Register 92, No. 15).

§ 51025. Full–Time/Part–Time Faculty.

This Section relates to and should be read in conjunction with Subchapter 3 (commencing with Section 53300) of Chapter 4 of this Division.

(a) Community college districts which have less than 75 percent of their hours of credit instruction taught by full–time instructors, as determined from their base data calculated pursuant to Section 53311, shall apply the growth revenues received related to increases in credit FTES in accordance with Section 58774 and a portion of the program improvement allocation received in accordance with Section 58775, as follows:

(1) Of the growth revenues received related to increases in credit FTES pursuant to Section 58774, the districts shall increase the base number of full-time instructors, subject to Subsection (e) below, by the Fall term of the succeeding fiscal year, by the product of their base number of full-time faculty multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

(2) Districts which, as determined from their base data, had 67 percent or greater, but less than 75 percent of their hours of credit instruction taught by full-time instructors shall apply up to 33 percent of their program improvement allocation pursuant to Subsection (b) of Section 58775, as necessary to reach the 75 percent standard pursuant to Subsection (a)(4) below.

(3) Districts which, as determined from their base data, had less than 67 percent of their hours of credit instruction taught by full-time instructors shall apply up to 40 percent of their program improvement allocation pursuant to Subsection (b) of Section 58775, as necessary to reach the 75 percent standard pursuant to Subsection (a)(4) below.

(4) Of the program improvement funds identified in Subsection (a)(2) or (3), as appropriate, the district shall increase the number of full-time instructors, by the Fall term of the succeeding fiscal year, by the quotient of the applicable program improvement funds divided by the statewide average replacement cost, rounded down to the nearest whole number.

(5) If the number of full-time faculty derived in Subsections (a)(1) and (4) result in the district exceeding the 75 percent standard, the Chancellor shall reduce the number to a whole number to a whole number that leaves the district as close as possible to, but in excess of, the 75 percent standard.

(b) Statewide average replacement cost is the statewide average faculty salary plus benefits, minus the product of the statewide average hourly rate of compensation for part-time instructors times the statewide average full-time teaching load.

(c) On or before December 31 of each year, the Chancellor shall determine, based on information submitted by districts, the extent to which each district, by the Fall term of that year, has maintained or hired the number of additional full-time instructors determined pursuant to Subsection (a) for the prior fiscal year. To the extent that the number of full-time faculty has not been maintained or additional full-time instructors have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equivalent to the average replacement cost for the prior fiscal year times the deficiency in the number of full-time faculty. To the extent a district hires the additional full-time instructors in subsequent fiscal years the reductions made to the district's revenue shall be restored.

(d) All revenues available due to reductions made pursuant to Subsection (c), shall be made available on a one-time basis for that fiscal year, for purposes of faculty and staff diversity pursuant to Education Code, Section 87107.

(e) By January 20 of each fiscal year the Board of Governors shall determine whether adequate growth funds and adequate cost-of-living funds have been provided to allow full or partial implementation of the provisions of Subsection (a)(1).

(f) For districts that experience a reduction in base credit FTES, the Chancellor shall make a proportionate reduction to their base number of full-time faculty.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 7-3-91 and submitted to OAL on 7-12-91 for printing only pursuant to Education Code section 70901.5; operative 8-3-91 (Register 91, No. 46).
2. New first paragraph, amendment of subsections (a)-(a)(4) and (c) and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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).

§ 51027. Transfer Centers: Minimum Program Standards.

(a) The governing board of each community college district shall recognize transfer as one of its primary missions, and shall place priority emphasis on the preparation and transfer of underrepresented students, including African-American, Chicano/Latino, American Indian, disabled, low-income and other students historically and currently underrepresented in the transfer process.

(b) Each community college district governing board shall direct the development and adoption of a transfer center plan describing the activities of the transfer center and the services to be provided to students, incorporating the provisions established in the standards outlined below. Plans shall identify target student populations and shall establish target increases in the number of applicants baccalaureate institutions from these populations, including specific targets for increasing the transfer applications of underrepresented students among transfer students. Plans shall be developed in consultation with baccalaureate college and university personnel as available.

Plan components shall include, but not be limited to: services to be provided to students; facilities; staffing; advisory committee; and evaluation and reporting.

(1) Required Services. Districts shall:

(A) Identify, contact, and provide transfer support services to targeted student populations as identified in the transfer center plan, with a priority emphasis placed on African-American, Chicano/Latino, American Indian, disabled, low-income, and other underrepresented students. These activities shall be developed and implemented in cooperation with student services departments and with faculty.

(B) Ensure the provision of academic planning for transfer, the development and use of transfer admission agreements with baccalaureate institutions where available and as appropriate, and the development and use of course-to-course and major articulation agreements. Academic planning and articulation activities shall be provided in cooperation with student services, with faculty, and with baccalaureate institution personnel as available.

(C) Ensure that students receive accurate and up-to-date academic and transfer information through coordinated transfer counseling services.

(D) Monitor the progress of transfer students to the point of transfer, in accordance with monitoring activities established in the Transfer Center Plan.

(E) Support the progress of transfer students through referral as necessary, to such services as ability and diagnostic testing, tutoring, financial assistance, counseling, and to other instructional and student services on campus as appropriate.

(F) Assist students in the transition process, including timely completion and submittal of necessary forms and applications.

(G) In cooperation with baccalaureate institution personnel as available, develop and implement a schedule of services for transfer students to be provided by baccalaureate institution staff.

(H) Provide a resource library of college catalogs, transfer guides, articulation information and agreements, applications to baccalaureate institutions, and related transfer information.

(2) Facilities. Each district governing board shall provide space and facilities adequate to support the transfer center and its activities. Each district shall designate a particular location on campus as the focal point of transfer functions. This location should be readily identifiable and accessible to students, faculty, and staff.

(3) Staffing. Each district governing board shall provide clerical support for the transfer center and assign college staff to coordinate the activities of the transfer center; to coordinate underrepresented student transfer efforts; to serve as liaison to articulation, to student services, and to instructional programs on campus; and to work with baccalaureate institution personnel.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.
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).

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71052 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No.18).
3. Repealer filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) An Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils so that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901, and 71079, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
4. Amendment of subsection (a) 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 3. Full-Time and Part-Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This Subchapter relates to and should be read in conjunction with the requirements of Section 51020 concerning the proportion of full-time and part-time instructors on the faculty of community colleges.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).
3. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
5. 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).

§ 53302. Full-Time Instructor.

For purposes of this Chapter only, a full-time instructor shall be defined as any regular and contract faculty member teaching credit instruction.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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).

Article 2. Proportions of Full-Time and Part-Time Faculty, Computation and Reports

§ 53310. Hours of Instruction.

In computing the percentage of hours of credit instruction taught by full-time instructors, the following rules shall be applied:

(a) Overload. The hours of overload teaching by full-time instructors shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(b) Sabbatical. The hours of a full-time instructor on sabbatical, whether paid or unpaid, shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(c) Released/Reassigned Time. The hours of a full-time instructor on released or reassigned time shall be counted as if the instructor was teaching full-time and had not been provided released or reassigned time. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(d) Unpaid Leave. The hours of a full-time instructor on unpaid leave shall be counted as if the instructor was teaching full-time and had not been provided with unpaid leave. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(e) Teaching by Others. The hours of instruction taught by counselors, librarians, classified staff or administrators who are appropriately qualified to teach shall, under the following conditions, be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors:

(1) Only the actual hours of teaching by such individuals shall be included;

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

(f) Outreach Locations. The hours of instruction taught by full-time and part-time instructors at any outreach location that is more than 25 miles from the main campus and generates less than 200 FTES, shall be

excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(g) Late Retirement. The hours of a full-time instructor who resigned or retired and who provided written notice thereof within 45 faculty duty days of the end of the previous Spring primary term and whose position has not been replaced by another full-time instructor by the current Fall primary term, shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

Districts are required to fill the position(s) by the following Spring primary term unless designees for the district governing board and academic senate jointly agree that it is in the best interests of the district to delay the filling of the position. In such cases, replacement must be made by the following primary term or the Chancellor shall reduce the district's state apportionment revenues for the current year in accordance with the provisions of Section 51025.

(h) Librarians. A number of hours equivalent to the number of hours taught by a full-time instructor shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors for each full-time librarian hired in excess of the number of full-time librarians in the previous year's base. A comparable number of hours shall be counted for each year thereafter unless the position(s) is vacant or eliminated. This subdivision shall become inoperative on July 1, 1995, unless a later-adopted regulation deletes or extends this date.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in article 2 heading (Register 91, No. 31).
3. New subsections (f)-(h) and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
4. Amendment of subsection (h) filed 2-4-93; operative 3-6-93 (Register 93, No. 6).
5. Amendment of subsections (d), (e), (g) and (h) 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).

§ 53311. Base Data.

For purposes of this Subchapter, "base data" means both the base percentage of hours of credit instruction taught by full-time instructors and the base number of full-time faculty required to be maintained or additional hires to be made by the fall term of the subsequent year. This data shall be determined from the current year's fall management information system staff data submission to the Chancellor's office.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of section heading, text and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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).

§ 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute each community college district's number of full-time faculty (FTF) which are to be secured in accordance with the provisions of Section 51025, as the result of additional funded growth in credit full-time equivalent students and through the use of the prescribed portion of program improvement revenue allocated to each district.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient determined in paragraph (b) is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

(d) The computation for the funded growth in full-time equivalent student workload obligation to secure additional full-time faculty shall, when required pursuant to the provisions of Section 51025(a)(1) and (e), be made by multiplying the percentage of funded credit FTES growth times the base number of full-time faculty that were to be in place by Fall of the current year.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsections (a) and (c) and NOTE and new subsection (d) filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

§ 53314. Report to Districts.

By the spring term of each year, the Chancellor shall report to districts the estimated number of FTF each district must secure by the following Fall term based upon the appropriation of revenues contained in that year's Budget Act and the Board of Governors action pursuant to Section 51025(e).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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).

Article 3. Enforcement

§ 53320. Funding Reductions.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Repealer 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 4. Minimum Qualifications

Article 1. Scope and Definitions

§ 53400. Scope.

This Subchapter implements and should be read in conjunction with the requirements of Education Code Sections 87001, 87002, 87003,

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(c) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this Section.

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901 (b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3-12-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 23).
2. Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1 (Register 91, No. 43).
3. Amendment of subsections (a)(2), (a)(4), (b), (b)(10), (d) and (e) 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).

§ 51024. Matriculation Services.

The governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under Section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under Section 55512(c);

(c) provide matriculation services to its students in accordance with Sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with Section 55534; and

(e) substantially comply with all other provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210-78218, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsection (e) filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

§ 51025. Full-Time/Part-Time Faculty.

This Section relates to and should be read in conjunction with Subchapter 3 (commencing with Section 53300) of Chapter 4 of this Division.

(a) Community college districts which have less than 75 percent of their total faculty workload hours taught/worked by full-time faculty, as determined from their base data calculated pursuant to Section 53311, shall apply the growth revenues received related to increases in credit FTES in accordance with Section 58774 and a portion of the program improvement allocation received in accordance with Section 58775, as follows:

(1) Of the growth revenues received related to increases in credit FTES pursuant to Section 58774, the districts shall increase the base number of full-time faculty, subject to Subsection (e) below, by the Fall term of the succeeding fiscal year, by the product of their base number of full-time faculty multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

(2) Districts which, as determined from their base data, had 67 percent or greater, but less than 75 percent of their total faculty workload hours taught/worked by full-time faculty shall apply up to 33 percent of their program improvement allocation pursuant to Subsection (b) of Section 58775, as necessary to reach the 75 percent standard pursuant to Subsection (a)(4) below.

(3) Districts which, as determined from their base data, had less than 67 percent of their total faculty workload hours taught/worked by full-time faculty shall apply up to 40 percent of their program improvement allocation pursuant to Subsection (b) of Section 58775, as necessary to reach the 75 percent standard pursuant to Subsection (a)(4) below.

(4) Of the program improvement funds identified in Subsection (a)(2) or (3), as appropriate, the district shall increase the number of full-time faculty, by the Fall term of the succeeding fiscal year, by the quotient of the applicable program improvement funds divided by the statewide average replacement cost, rounded down to the nearest whole number.

(5) If the number of full-time faculty derived in Subsections (a)(1) and (4) result in the district exceeding the 75 percent standard, the Chancellor shall reduce the number to a whole number to a whole number that leaves the district as close as possible to, but in excess of, the 75 percent standard.

(b) Statewide average replacement cost is the statewide average faculty salary plus benefits, minus the product of the statewide average hourly rate of compensation for part-time faculty times the statewide average full-time teaching load.

(c) On or before December 31 of each year, the Chancellor shall determine, based on information submitted by districts, the extent to which each district, by the Fall term of that year, has maintained or hired the number of additional full-time faculty determined pursuant to Subsection (a) for the prior fiscal year. To the extent that the number of full-time faculty has not been maintained or additional full-time faculty have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equivalent to the average replacement cost for the prior fiscal year times the deficiency in the number of full-time faculty. To the extent a district hires the additional full-time faculty in subsequent fiscal years, the reductions made to the district's revenue shall be restored.

(d) All revenues available due to reductions made pursuant to Subsection (c), shall be made available on a one-time basis for that fiscal year, for purposes of faculty and staff diversity pursuant to Education Code, Section 87107.

(e) By January 20 of each fiscal year the Board of Governors shall determine whether adequate growth funds and adequate cost-of-living funds have been provided to allow full or partial implementation of the provisions of Subsection (a)(1).

(f) For districts that experience a reduction in base credit FTES, the Chancellor shall make a proportionate reduction to their base number of full-time faculty.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 7-3-91 and submitted to OAL on 7-12-91 for printing only pursuant to Education Code section 70901.5; operative 8-3-91 (Register 91, No. 46).
2. New first paragraph, amendment of subsections (a)-(a)(4) and (c) and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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. Amendment of subsections (a)-(a)(4), (b) and (c) filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).

§ 51026. Student Equity.

In accordance with the provisions of Section 54220, the governing board of a community college district shall adopt a student equity plan.

HISTORY

1. New section filed 1-12-98; operative 2-11-98. Submitted to OAL for printing only (Register 98, No. 3).

§ 51027. Transfer Centers: Minimum Program Standards.

(a) The governing board of each community college district shall recognize transfer as one of its primary missions, and shall place priority emphasis on the preparation and transfer of underrepresented students, including African-American, Chicano/Latino, American Indian, disabled, low-income and other students historically and currently underrepresented in the transfer process.

(b) Each community college district governing board shall direct the development and adoption of a transfer center plan describing the activities of the transfer center and the services to be provided to students, incorporating the provisions established in the standards outlined below. Plans shall identify target student populations and shall establish target increases in the number of applicants baccalaureate institutions from these populations, including specific targets for increasing the transfer applications of underrepresented students among transfer students. Plans

shall be developed in consultation with baccalaureate college and university personnel as available.

Plan components shall include, but not be limited to: services to be provided to students; facilities; staffing; advisory committee; and evaluation and reporting.

(1) Required Services. Districts shall:

(A) Identify, contact, and provide transfer support services to targeted student populations as identified in the transfer center plan, with a priority emphasis placed on African–American, Chicano/Latino, American Indian, disabled, low–income, and other underrepresented students. These

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between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.
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).

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No.18).
3. Repealer filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) An Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils so that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901, and 71079, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. 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).
4. Amendment of subsection (a) 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).
5. Editorial correction of HISTORY 3 (Register 95, No. 19).

Subchapter 3. Full-Time and Part-Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This Subchapter relates to and should be read in conjunction with the requirements of Section 51025 concerning the proportion of full-time and part-time faculty to be employed by community colleges.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).
3. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
5. 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).
6. Amendment filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).

§ 53302. Full-Time Faculty.

For purposes of this Chapter only, full-time faculty shall be defined as any regular and contract faculty member.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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. Amendment of section heading and section filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).

Article 2. Proportions of Full-Time and Part-Time Faculty, Computation and Reports

§ 53310. Total Faculty Workload Hours Taught/Worked.

For purposes of this Subchapter, "total faculty workload hours taught/worked" means the total hours of credit instruction taught by instructional faculty and the total hours worked by non-instructional faculty converted to a time base equivalent to that of instructional faculty in terms of the standard number of instructional hours as specified in the bargaining agreement. If there is no bargaining agreement for faculty or the agreement does not specify a standard number of hours for instructional faculty, then district policy or practice shall be controlling. In computing the percentage of total faculty workload hours taught/worked by full-time faculty, the following rules shall be applied:

(a) Overload. The hours of overload teaching/work by full-time faculty shall be excluded from both the total faculty workload hours taught/worked by full-time and part-time faculty and the total faculty workload hours taught/worked by full-time faculty.

(b) Sabbatical. The hours of a full-time faculty member on sabbatical, whether paid or unpaid, shall be included in both the total faculty workload hours taught/worked by full-time and part-time faculty and the total faculty workload hours taught/worked by full-time faculty. The faculty workload hours taught/worked by replacement faculty, whether full-time or part-time, shall be excluded from both the total faculty workload hours taught/worked by full-time and part-time faculty and the total faculty workload hours taught/worked by full-time faculty.

(c) Released/Reassigned Time. The hours of a full-time faculty member on released or reassigned time shall be counted as if the faculty member was teaching/working full-time and had not been provided released or reassigned time. The faculty workload hours of released/reassigned time shall thereby be included in both the total faculty workload hours taught/worked by full-time and part-time faculty and the total faculty workload hours taught/worked by full-time faculty. The faculty workload hours of replacement faculty, whether full-time or part-time, shall be excluded from both the total faculty workload hours taught/worked by full-time and part-time faculty and the total faculty workload hours taught/worked by full-time faculty.

(d) Unpaid Leave. The hours of a full-time faculty member on unpaid leave shall be counted as if the faculty member was teaching/working full-time and had not been provided with unpaid leave. The faculty work-

load hours of unpaid leave shall thereby be included in both the total faculty workload hours taught/worked by full-time and part-time faculty and the total faculty workload hours taught/worked by full-time faculty. The faculty workload hours of replacement faculty, whether full-time or part-time, shall be excluded from both the total faculty workload hours taught/worked by full-time and part-time faculty and the total faculty workload hours taught/worked by full-time faculty.

(e) Teaching by Others. The hours of instruction taught by classified staff or administrators who are appropriately qualified to teach shall, under the following conditions, be included in both the total faculty workload hours taught/worked by full-time and part-time faculty and the total faculty workload hours taught/worked by full-time faculty:

(1) Only the actual hours of teaching by such individuals shall be included;

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

(f) Outreach Locations. The faculty workload hours taught/worked by full-time and part-time faculty at any outreach location that is more than 25 miles from the main campus and generates less than 200 FTES, shall be excluded from both the total faculty workload hours taught/worked by full-time and part-time faculty and the total faculty workload hours taught/worked by full-time faculty.

(g) Late Retirement. The hours of a full-time faculty member who resigned or retired and who provided written notice thereof within 45 faculty duty days of the end of the previous Spring primary term and whose position has not been replaced by another full-time faculty member by the current Fall primary term, shall be included in both the total faculty workload hours taught/worked by full-time and part-time faculty and the total faculty workload hours taught/worked by full-time faculty. The faculty workload hours taught/worked by replacement faculty, whether full-time or part-time, shall be excluded from both the total faculty workload hours taught/worked by full-time and part-time faculty and the total faculty workload hours taught/worked by full-time faculty.

Districts are required to fill the position(s) by the following Spring primary term unless designees for the district governing board and academic senate jointly agree that it is in the best interests of the district to delay the filling of the position. In such cases, replacement must be made by the following primary term or the Chancellor shall reduce the district's state apportionment revenues for the current year in accordance with the provisions of Section 51025. If the number of late retirees exceeds 15% of the district's total number of full-time faculty, and the district's governing board and academic senate jointly agree, a district may file a request with the Chancellor's Office for a one-year extension to fulfill its hiring obligation to replace those retirees.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in article 2 heading (Register 91, No. 31).
3. New subsections (f)-(h) and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
4. Amendment of subsection (h) filed 2-4-93; operative 3-6-93 (Register 93, No. 6).
5. Amendment of subsections (d), (e), (g) and (h) 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).
6. Amendment of section heading and section filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).

§ 53311. Base Data.

For purposes of this Subchapter, "base data" means both the base percentage of faculty workload hours taught/worked by full-time faculty and the base number of full-time faculty required to be maintained or additional hires to be made by the fall term of the subsequent year. This data shall be determined from the current year's fall management information system staff data submission to the Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of section heading, text and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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. Amendment filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).

§ 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute each community college district's number of full-time faculty (FTF) which are to be secured in accordance with the provisions of Section 51025, as the result of additional funded growth in credit full-time equivalent students and through the use of the prescribed portion of program improvement revenue allocated to each district.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient determined in paragraph (b) is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

(d) The computation for the funded growth in full-time equivalent student workload obligation to secure additional full-time faculty shall, when required pursuant to the provisions of Section 51025(a)(1) and (e), be made by multiplying the percentage of funded credit FTES growth times the base number of full-time faculty that were to be in place by Fall of the current year.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsections (a) and (c) and NOTE and new subsection (d) filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

§ 53314. Report to Districts.

By the spring term of each year, the Chancellor shall report to districts the estimated number of FTF each district must secure by the following Fall term based upon the appropriation of revenues contained in that year's Budget Act and the Board of Governors action pursuant to Section 51025(e).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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).

Article 3. Enforcement

§ 53320. Funding Reductions.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Repealer 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 4. Minimum Qualifications

Article 1. Scope and Definitions

§ 53400. Scope.

This Subchapter implements and should be read in conjunction with the requirements of Education Code Sections 87001, 87002, 87003, 87356 and 87359 concerning minimum qualifications for community college faculty and administrators. The provisions of this subchapter are effective July 1, 1990.

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code. Reference: Sections 87001, 87002, 87003, 87356 and 87359, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Amendment filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
4. 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).

§ 53401. Applicability to Community Services and Contract Classes.

Community service or contract classes which do not award college credit and are not supported by state apportionment are not subject to the provisions of this Subchapter. Contract classes which award college credit are subject to this Subchapter, even if they are not supported by state apportionment.

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 78020 through 78023 and 78300, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
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).

§ 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Faculty" or "faculty member" means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisorial, nonmanagement community college certification qualifications.

NOTE: Authority cited: Sections 66700, 70901 and 87001, Education Code. Reference: Sections 87001, 87002 and 87003, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§ 53403. Applicability of Amendments.

Notwithstanding changes that may be made to the minimum qualifications established in this division, or to the implementing discipline lists adopted by the Board of Governors, the governing board of a community college district may continue to employ a person to teach in a discipline or render a service subject to minimum qualifications, if he or she, at the time of initial hire by the district, was qualified to teach in that discipline or render that service under the minimum qualifications or disciplines lists then in effect.

Every person authorized to serve under a credential shall retain the right to serve under the terms of that credential, and, for that purpose, shall be deemed to possess the minimum qualifications specified for every discipline or service covered by the credential until the expiration of that credential. However, a credential shall be invalid when the holder has been convicted of any crime that, under former law, would have been mandatory grounds for revocation, or when the Chancellor's Office has determined that the credential was obtained by fraud.

NOTE: Authority cited: Sections 70901, 87355 and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 87355 and 87356, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
2. New second paragraph and amendment of NOTE filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§ 53404. Definition of Experience.

Where years of professional or occupational experience are referred to in this Subchapter, the requirement is for the stated number of years of full-time experience or the equivalent in part-time experience. Unpaid experience may be counted if it entailed responsibilities substantially similar to those of relevant paid positions in the field. Applicants bear the responsibility for verifying all experience by documentation satisfactory to the districts.

As used in this Subchapter, "professional experience" includes teaching experience. "Occupational experience" does not include teaching experience.

As used in this Section, "year" means that period of time which in that occupation is accepted by contract or general agreement as a regular work year for that occupation on a full-time basis.

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
2. Amendment of section and NOTE filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (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).

§ 53405. Certificated Employees.

Whenever in this Division, reference is made to "certificated employees" or to employees in "positions with certification qualifications," where such references are to certificates or credentials issued by the Board of Governors, these references are deemed to also apply to persons

§ 51025
§ 53301
§ 53302
§ 53308
§ 53309
§ 53310
§ 53311
§ 53312
§ 53314

HISTORY

New section filed 3-12-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 23).

2. Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1 (Register 91, No. 43).

3. Amendment of subsections (a)(2), (a)(4), (b), (b)(10), (d) and (e) 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).

§ 51024. Matriculation Services.

The governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under Section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under Section 55512(c);

(c) provide matriculation services to its students in accordance with Sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with Section 55534; and

(e) substantially comply with all other provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210-78218, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

2. Amendment of first paragraph and subsection (e) filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

§ 51025. Full-Time/Part-Time Faculty.

This Section relates to and should be read in conjunction with Subchapter 3 (commencing with Section 53300) of Chapter 4 of this Division.

(a) If a district's full-time faculty percentage, as calculated pursuant to Section 53308, is less than 75 percent, the following shall apply:

(1) For growth revenues received related to increases in credit FTES pursuant to Section 58774, the district shall increase the base full-time faculty obligation (as defined in Section 53311), subject to Subsection (c) below, by the Fall term of the succeeding fiscal year, by the product of their base full-time faculty obligation multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

In computing the district's full-time faculty obligation for the succeeding fiscal year, the base obligation will be increased by the lower of the projected fundable growth at the time of the budget enactment or the actual percentage change in funded credit FTES. For the second succeeding Fall term the obligation will be adjusted to the actual percentage change in funded credit FTES.

(2) Districts which, as determined from their base data, had a full-time faculty percentage of 67 percent or greater, but less than 75 percent shall apply up to 33 percent of their program improvement allocation pursuant to Subsection (b) of Section 58775, as necessary to reach the 75 percent standard pursuant to Subsection (a)(4) below.

(3) Districts which, as determined from their base data, had a full-time faculty percentage of less than 67 percent shall apply up to 40 percent of their program improvement allocation pursuant to Subsection (b) of Section 58775, as necessary to reach the 75 percent standard pursuant to Subsection (a)(4) below.

(4) For program improvement funds identified in Subsection (a)(2) or (3), as appropriate, the district shall increase the number of full-time faculty, by the Fall term of the succeeding fiscal year, by the quotient of the applicable program improvement funds divided by the statewide average replacement cost, rounded down to the nearest whole number.

(5) If the number of full-time faculty derived in Subsections (a)(1) and (4) result in the district exceeding the 75 percent standard, the Chancellor shall reduce the number that leaves the district as close as possible to, but in excess of, the 75 percent standard.

(b) Statewide average replacement cost is the statewide average faculty salary plus benefits, minus the product of the statewide average hourly rate of compensation for part-time faculty times the statewide average full-time teaching load.

(c) On or before January 31 of each year, the Chancellor shall determine, based on information submitted by districts, the extent to which each district, by the Fall term of that year, has maintained or hired the number of additional full-time faculty determined pursuant to Subsection (a) for the prior fiscal year. To the extent that the number of full-time faculty has not been maintained or additional full-time faculty have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equal to the average replacement cost for the prior fiscal year times the deficiency in the number of full-time faculty. To the extent a district hires the additional full-time faculty in subsequent fiscal years, the reductions made to the district's revenue shall be restored.

(d) All revenues available due to reductions made pursuant to Subsection (c), shall be made available on a one-time basis for that fiscal year, for purposes of faculty and staff diversity pursuant to Education Code, Section 87107.

(e) By January 20 of each fiscal year the Board of Governors shall determine whether adequate growth funds and adequate cost-of-living funds have been provided to allow full or partial implementation of the provisions of Subsection (a)(1).

(f) For districts that experience a reduction in base credit FTES, the Chancellor shall make a proportionate reduction to their base number of full-time faculty.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 7-3-91 and submitted to OAL on 7-12-91 for printing only pursuant to Education Code section 70901.5; operative 8-3-91 (Register 91, No. 46).

2. New first paragraph, amendment of subsections (a)-(a)(4) and (c) and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

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. Amendment of subsections (a)-(a)(4), (b) and (c) filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).

5. Amendment filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 51026. Student Equity.

In accordance with the provisions of Section 54220, the governing board of a community college district shall adopt a student equity plan.

HISTORY

1. New section filed 1-12-98; operative 2-11-98. Submitted to OAL for printing only (Register 98, No. 3).

§ 51027. Transfer Centers: Minimum Program Standards.

(a) The governing board of each community college district shall recognize transfer as one of its primary missions, and shall place priority emphasis on the preparation and transfer of underrepresented students, including African-American, Chicano/Latino, American Indian, disabled, low-income and other students historically and currently underrepresented in the transfer process.

(b) Each community college district governing board shall direct the development and adoption of a transfer center plan describing the activities of the transfer center and the services to be provided to students, incorporating the provisions established in the standards outlined below. Plans shall identify target student populations and shall establish target increases in the number of applicants baccalaureate institutions from these populations, including specific targets for increasing the transfer applications of underrepresented students among transfer students. Plans shall be developed in consultation with baccalaureate college and university personnel as available.

between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.
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).

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No.18).
3. Repealer filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) An Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils so that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901, and 71079, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. 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).
4. Amendment of subsection (a) 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).
5. Editorial correction of HISTORY 3 (Register 95, No. 19).

Subchapter 3. Full-Time and Part-Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This Subchapter relates to and should be read in conjunction with the requirements of Section 51025 concerning the proportion of full-time and part-time faculty to be employed by community colleges.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).
3. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
5. 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).
6. Amendment filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).

§ 53301. Part-Time Faculty.

The term "part-time faculty" includes any faculty member, as defined in Section 53402(c), who is not a regular employee or contract employee of the district pursuant to Sections 87601, 87605, 87608, 87608.5, or 87609 of the Education Code.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750, 87482.7, 87601, 87605, 87608, 87608.5 and 87609, Education Code.

HISTORY

1. New section filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53302. Full-Time Faculty.

For purposes of this Chapter the term "full-time faculty" means any faculty member, as defined in Section 53402(c), who is a regular or contract employee of the district pursuant to Sections 87601, 87605, 87608, 87608.5 or 87609 of the Education Code.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750, 87482.6, 87601, 87605, 87608, 87608.5 and 87609, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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. Amendment of section heading and section filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).
5. Amendment of section and NOTE filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53308. Full-Time Faculty Percentage.

For purposes of this Subchapter and Section 51025, a district's full-time faculty percentage is determined as follows:

(a) Using the rules set forth in Section 53309, calculate the district's full-time equivalent faculty (FTEF) attributable to full-time faculty, as defined in Section 53302.

(b) Determine the district's total FTEF by adding together:

(1) FTEF attributable to full-time faculty, using the rules set forth in Section 53309; and

(2) FTEF attributable to part-time faculty, calculated using the rules set forth in Section 53310.

(c) To obtain the full-time faculty percentage, divide the figure from subdivision (a) (FTEF attributable to full-time faculty) by the figure from subdivision (b) (total FTEF).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53309. Rules for Calculating Full-Time Equivalent Faculty (FTEF) Attributable to Full-Time Faculty.

In calculating full-time equivalent faculty (FTEF) attributable to full-time faculty, the following rules shall be applicable:

(a) With respect to instruction, FTEF shall be calculated based on the percentage of instructional hours per week considered a full-time assignment for regular instructional employees having comparable duties, excluding any noncredit instructional assignments.

(b) With respect to non-instructional activities, FTEF shall be calculated based on the percentage of working hours per week considered a full-time assignment for regular non-instructional employees having comparable duties.

(c) Regular Assignment. Include the regular assignment of full-time faculty as defined in Section 53302.

(d) Overload. Exclude full-time faculty overload from the calculation of FTEF.

(e) Sabbatical. Include full-time faculty sabbatical FTEF, whether paid or unpaid, and exclude the FTEF of replacement faculty, whether full-time or part-time, from the computation to determine the full-time faculty percentage pursuant to Section 53308.

(f) Released/Reassigned Time. Include FTEF for full-time faculty who are released or reassigned. The FTEF of a full-time faculty member on released or reassigned time shall be counted as if the faculty member was teaching/working full-time and had not been provided released or reassigned time. The FTEF of replacement faculty, whether full-time or part-time, shall be excluded from the computation to determine the full-time faculty percentage pursuant to Section 53308.

(g) Unpaid Leave. Include unpaid leave FTEF for a faculty member on unpaid leave. The FTEF of a full-time faculty member on unpaid leave shall be counted as if the faculty member was teaching/working full-time and had not been provided with unpaid leave. The FTEF of replacement faculty, whether full-time or part-time, shall be excluded from the computation to determine the full-time faculty percentage pursuant to Section 53308.

(h) Teaching by Others. Include credit instruction FTEF taught by classified staff or administrators who are appropriately qualified to teach, under the following conditions:

(1) Only the actual hours of teaching by such individuals shall be included in determining the FTEF; and

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

(i) Late Retirement. The FTEF of a faculty member who resigned or retired and who provided written notice thereof within 45 faculty duty days of the end of the previous Spring primary term and whose position has not been replaced by another full-time faculty member by the current Fall primary term, shall be included.

Districts are required to fill the position(s) by the following Spring primary term unless designees for the district governing board and academic senate jointly agree that it is in the best interests of the district to delay the filling of the position. In such cases, replacement must be made by the following primary term or the Chancellor shall reduce the district's state apportionment revenues for the current year in accordance with the provisions of Section 51025. If the number of late retirees exceeds 15% of the district's total number of full-time faculty, and the district's governing board and academic senate jointly agree, a district may file a request with the Chancellor's Office for a one-year extension to fulfill its hiring obligation to replace those retirees.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

Article 2. Proportions of Full-Time and Part-Time Faculty, Computation and Reports

§ 53310. Rules for Calculating Full-Time Equivalent Faculty (FTEF) Attributable to Part-Time Faculty.

In calculating full-time equivalent faculty (FTEF) attributable to part-time faculty, the following rules shall be applicable:

(a) With respect to instruction, FTEF shall be calculated based on the percentage of instructional hours per week considered a full-time assignment for regular instructional employees having comparable duties, excluding any noncredit instructional assignments.

(b) With respect to non-instructional activities, FTEF shall be calculated based on the percentage of working hours per week considered a full-time assignment for regular non-instructional employees having comparable duties.

(c) All instructional and noninstructional activities of part-time faculty shall be included, except the following:

(1) FTEF attributable to part-time faculty who replace full-time faculty on sabbatical leave.

(2) FTEF attributable to part-time faculty who replace full-time faculty on released or reassigned time.

(3) FTEF of part-time faculty replacing full-time faculty on unpaid leave.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in article 2 heading (Register 91, No. 31).
3. New subsections (f)-(h) and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
4. Amendment of subsection (h) filed 2-4-93; operative 3-6-93 (Register 93, No. 6).
5. Amendment of subsections (d), (e), (g) and (h) 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).
6. Amendment of section heading and section filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).
7. Repealer and new section filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53311. Base Data.

For purposes of this Subchapter, "base data" means both the district's base full-time faculty percentage and its base full-time faculty obligation (the number of full-time faculty the district is required to maintain or the number of additional full-time faculty to be hired by the Fall term of the subsequent year.) The data necessary to calculate the base full-time faculty percentage shall be determined from the current year's Fall management information system staff data submission to the Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of section heading, text and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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. Amendment filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).
5. Amendment filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute the number of full-time faculty which each district is to secure in accordance with Sections 51025 and 53308, as the result of applying additional FTES growth and program improvement revenue allotments.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient determined in paragraph (b) is not a whole number, then the quotient shall be rounded down to the nearest whole number. If

the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

(d) The computation for the funded growth in full-time equivalent student workload obligation to secure additional full-time faculty shall, when required pursuant to the provisions of Section 51025(a)(1) and (c), be made by multiplying the percentage of funded credit FTES growth times the base number of full-time faculty that were to be in place by Fall of the current year.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsections (a) and (c) and NOTE and new subsection (d) filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
3. Amendment of subsection (a) filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53314. Report to Districts.

By the Spring term of each year, the Chancellor shall report to districts the estimated number of full-time faculty each district must secure by the following Fall term based upon the appropriation of revenues contained in that year's Budget Act and the Board of Governors' action pursuant to Section 51025(e).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
   Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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. Amendment filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

Article 3. Enforcement

§ 53320. Funding Reductions.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Repealer 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 4. Minimum Qualifications

Article 1. Scope and Definitions

§ 53400. Scope.

This Subchapter implements and should be read in conjunction with the requirements of Education Code Sections 87001, 87002, 87003, 87356 and 87359 concerning minimum qualifications for community college faculty and administrators. The provisions of this subchapter are effective July 1, 1990.

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code. Reference: Sections 87001, 87002, 87003, 87356 and 87359, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Amendment filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
4. 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).

§ 53401. Applicability to Community Services and Contract Classes.

Community service or contract classes which do not award college credit and are not supported by state apportionment are not subject to the provisions of this Subchapter. Contract classes which award college credit are subject to this Subchapter, even if they are not supported by state apportionment.

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 78020 through 78023 and 78300, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
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).

§ 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Faculty" or "faculty member" means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisorial, nonmanagement community college certification qualifications.

NOTE: Authority cited: Sections 66700, 70901 and 87001, Education Code. Reference: Sections 87001, 87002 and 87003, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§ 53403. Applicability of Amendments.

Notwithstanding changes that may be made to the minimum qualifications established in this division, or to the implementing discipline lists adopted by the Board of Governors, the governing board of a community college district may continue to employ a person to teach in a discipline or render a service subject to minimum qualifications, if he or she, at the time of initial hire by the district, was qualified to teach in that discipline or render that service under the minimum qualifications or disciplines lists then in effect.

Every person authorized to serve under a credential shall retain the right to serve under the terms of that credential, and, for that purpose, shall be deemed to possess the minimum qualifications specified for every discipline or service covered by the credential until the expiration of that credential. However, a credential shall be invalid when the holder has been convicted of any crime that, under former law, would have been

boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.
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).

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No.18).
3. Repealer filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) An Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils so that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901, and 71079, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-9-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. 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).
4. Amendment of subsection (a) 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).
5. Editorial correction of HISTORY 3 (Register 95, No. 19).

Subchapter 3. Full-Time and Part-Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This Subchapter relates to and should be read in conjunction with the requirements of Section 51025 concerning the proportion of full-time and part-time faculty to be employed by community colleges.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).
3. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
5. 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).
6. Amendment filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).

§ 53301. Part-Time Faculty.

The term "part-time faculty" includes any faculty member, as defined in Section 53402(c), who is not a regular employee or contract employee of the district pursuant to Sections 87601, 87605, 87608, 87608.5, or 87609 of the Education Code.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750, 87482.7, 87601, 87605, 87608, 87608.5 and 87609, Education Code.

HISTORY

1. New section filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53302. Full-Time Faculty.

For purposes of this Chapter the term "full-time faculty" means any faculty member, as defined in Section 53402(c), who is a regular or contract employee of the district pursuant to Sections 87601, 87605, 87608, 87608.5 or 87609 of the Education Code.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750, 87482.6, 87601, 87605, 87608, 87608.5 and 87609, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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. Amendment of section heading and section filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).
5. Amendment of section and NOTE filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53308. Full-Time Faculty Percentage.

For purposes of this Subchapter and Section 51025, a district's full-time faculty percentage is determined as follows:

(a) Using the rules set forth in Section 53309, calculate the district's full-time equivalent faculty (FTEF) attributable to full-time faculty, as defined in Section 53302.

(b) Determine the district's total FTEF by adding together:

(1) FTEF attributable to full-time faculty, using the rules set forth in Section 53309; and

(2) FTEF attributable to part-time faculty, calculated using the rules set forth in Section 53310.

(c) To obtain the full-time faculty percentage, divide the figure from subdivision (a) (FTEF attributable to full-time faculty) by the figure from subdivision (b) (total FTEF).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53309. Rules for Calculating Full-Time Equivalent Faculty (FTEF) Attributable to Full-Time Faculty.

In calculating full-time equivalent faculty (FTEF) attributable to full-time faculty, the following rules shall be applicable:

(a) With respect to instruction, FTEF shall be calculated based on the percentage of instructional hours per week considered a full-time assignment for regular instructional employees having comparable duties, excluding any noncredit instructional assignments.

(b) With respect to non-instructional activities, FTEF shall be calculated based on the percentage of working hours per week considered a full-time assignment for regular non-instructional employees having comparable duties.

(c) Regular Assignment. Include the regular assignment of full-time faculty as defined in Section 53302.

(d) Overload. Exclude full-time faculty overload from the calculation of FTEF.

(e) Sabbatical. Include full-time faculty sabbatical FTEF, whether paid or unpaid, and exclude the FTEF of replacement faculty, whether full-time or part-time, from the computation to determine the full-time faculty percentage pursuant to Section 53308.

(f) Released/Reassigned Time. Include FTEF for full-time faculty who are released or reassigned. The FTEF of a full-time faculty member on released or reassigned time shall be counted as if the faculty member was teaching/working full-time and had not been provided released or reassigned time. The FTEF of replacement faculty, whether full-time or part-time, shall be excluded from the computation to determine the full-time faculty percentage pursuant to Section 53308.

(g) Unpaid Leave. Include unpaid leave FTEF for a faculty member on unpaid leave. The FTEF of a full-time faculty member on unpaid leave shall be counted as if the faculty member was teaching/working full-time and had not been provided with unpaid leave. The FTEF of replacement faculty, whether full-time or part-time, shall be excluded from the computation to determine the full-time faculty percentage pursuant to Section 53308.

(h) Teaching by Others. Include credit instruction FTEF taught by classified staff or administrators who are appropriately qualified to teach, under the following conditions:

(1) Only the actual hours of teaching by such individuals shall be included in determining the FTEF; and

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

(i) Late Retirement. The FTEF of a faculty member who resigned or retired and who provided written notice thereof within 45 faculty duty days of the end of the previous Spring primary term and whose position has not been replaced by another full-time faculty member by the current Fall primary term, shall be included. The FTEF of replacement faculty, whether full-time or part-time, shall be excluded from the computation to determine the full-time faculty percentage pursuant to Section 53308.

Districts are required to fill the position(s) by the following Spring primary term unless designees for the district governing board and academic senate jointly agree that it is in the best interests of the district to delay the filling of the position. In such cases, replacement must be made by the following primary term or the Chancellor shall reduce the district's state apportionment revenues for the current year in accordance with the provisions of Section 51025. If the number of late retirees exceeds 15% of the district's total number of full-time faculty, and the district's governing board and academic senate jointly agree, a district may file a request with the Chancellor's Office for a one-year extension to fulfill its hiring obligation to replace those retirees.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).
2. Amendment of subsection (i) filed 10-16-2001; operative 11-15-2001. Submitted to OAL for printing only (Register 2001, No. 43).

Article 2. Proportions of Full-Time and Part-Time Faculty, Computation and Reports

§ 53310. Rules for Calculating Full-Time Equivalent Faculty (FTEF) Attributable to Part-Time Faculty.

In calculating full-time equivalent faculty (FTEF) attributable to part-time faculty, the following rules shall be applicable:

(a) With respect to instruction, FTEF shall be calculated based on the percentage of instructional hours per week considered a full-time assignment for regular instructional employees having comparable duties, excluding any noncredit instructional assignments.

(b) With respect to non-instructional activities, FTEF shall be calculated based on the percentage of working hours per week considered a full-time assignment for regular non-instructional employees having comparable duties.

(c) All instructional and noninstructional activities of part-time faculty shall be included, except the following:

(1) FTEF attributable to part-time faculty who replace full-time faculty on sabbatical leave.

(2) FTEF attributable to part-time faculty who replace full-time faculty on released or reassigned time.

(3) FTEF of part-time faculty replacing full-time faculty on unpaid leave.

(4) FTEF of part-time faculty replacing full-time faculty who resigned or retired late as defined in section 53309(i).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in article 2 heading (Register 91, No. 31).
3. New subsections (f)-(h) and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
4. Amendment of subsection (h) filed 2-4-93; operative 3-6-93 (Register 93, No. 6).
5. Amendment of subsections (d), (e), (g) and (h) 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).
6. Amendment of section heading and section filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).
7. Repealer and new section filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).
8. New subsection (c)(4) filed 10-16-2001; operative 11-15-2001. Submitted to OAL for printing only (Register 2001, No. 43).

§ 53311. Base Data.

For purposes of this Subchapter, "base data" means both the district's base full-time faculty percentage and its base full-time faculty obligation (the number of full-time faculty the district is required to maintain or the number of additional full-time faculty to be hired by the Fall term of the subsequent year.) The data necessary to calculate the base full-time faculty percentage shall be determined from the current year's Fall management information system staff data submission to the Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of section heading, text and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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. Amendment filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).
5. Amendment filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute the number of full-time faculty which each district is to secure in accordance with Sections 51025 and 53308, as the result of applying additional FTES growth and program improvement revenue allotments.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for

-time instructors times the statewide average full-time teaching load).

(c) If the quotient determined in paragraph (b) is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

(d) The computation for the funded growth in full-time equivalent student workload obligation to secure additional full-time faculty shall, when required pursuant to the provisions of Section 51025(a)(1) and (e), be made by multiplying the percentage of funded credit FTES growth times the base number of full-time faculty that were to be in place by Fall of the current year.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsections (a) and (c) and NOTE and new subsection (d) filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
3. Amendment of subsection (a) filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53314. Report to Districts.

By the Spring term of each year, the Chancellor shall report to districts the estimated number of full-time faculty each district must secure by the following Fall term based upon the appropriation of revenues contained in that year's Budget Act and the Board of Governors' action pursuant to Section 51025(c).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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. Amendment filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).

Article 3. Enforcement

§ 53320. Funding Reductions.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Repealer 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 4. Minimum Qualifications

Article 1. Scope and Definitions

§ 53400. Scope.

This Subchapter implements and should be read in conjunction with the requirements of Education Code Sections 87001, 87002, 87003, 87356 and 87359 concerning minimum qualifications for community college faculty and administrators. The provisions of this subchapter are effective July 1, 1990.

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code. Reference: Sections 87001, 87002, 87003, 87356 and 87359, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Amendment filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
4. 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).

§ 53401. Applicability to Community Services and Contract Classes.

Community service or contract classes which do not award college credit and are not supported by state apportionment are not subject to the provisions of this Subchapter. Contract classes which award college credit are subject to this Subchapter, even if they are not supported by state apportionment.

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 78020 through 78023 and 78300, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
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).

§ 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Faculty" or "faculty member" means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisorial, nonmanagement community college certification qualifications.

NOTE: Authority cited: Sections 66700, 70901 and 87001, Education Code. Reference: Sections 87001, 87002 and 87003, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§ 53403. Applicability of Amendments.

Notwithstanding changes that may be made to the minimum qualifications established in this division, or to the implementing discipline lists adopted by the Board of Governors, the governing board of a community college district may continue to employ a person to teach in a discipline or render a service subject to minimum qualifications, if he or she, at the time of initial hire by the district, was qualified to teach in that discipline or render that service under the minimum qualifications or disciplines lists then in effect.

Every person authorized to serve under a credential shall retain the right to serve under the terms of that credential, and, for that purpose, shall be deemed to possess the minimum qualifications specified for every discipline or service covered by the credential until the expiration of that credential. However, a credential shall be invalid when the holder has been convicted of any crime that, under former law, would have been

1 No. CSM. 02-TC-31

2 Minimum Conditions for State Aid:
3 Part 18: Student Equity

4 History Index for
5 Title 5, California Code of Regulations

6 Section 51026
7 Section 54220

8 **Register 93-06** § 54220: New Subchapter 4 and section.

9 **Register 98-03** § 51026: Added new section. Submitted to OAL for printing only.

10 § 54220: Amendment of subsections (a)(1), (a)(2) and (b), repealer
11 of subsections (d)-(d)(2), and new subsection (d).
12 Submitted to OAL for printing only.

13 **Subsequent Registers**: There may be changes to the regulations after the date the
14 test claim was filed, which are not included.

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§ 54220

portation to such persons, in those parking areas which are most accessible to facilities which the district finds are most used by students.

(f) Each community college district shall post in conspicuous places notice that parking is available to students with disabilities and those providing transportation for such students.

(g) When parking provided pursuant to this section is located in an area where access is controlled by a mechanical gate, the district shall ensure that accommodations are made for students with disabilities who are unable to operate the gate controls. Accommodations may be provided by an attendant assigned to assist in operation of the gate or by any other effective means deemed appropriate by the district.

(h) Revenue form parking fees collected pursuant to Education Code Section 72247 may be used to offset the costs of implementing this section.

NOTE: Authority cited: Sections 66260, 67311.5, 66700 and 70901, Education Code. Reference: Sections 66260, 67311.5 and 72247, Education Code; and Sections 21458, 22507 and 22511.5, Vehicle Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer of Chapter 2 (Section 54150) filed 7-29-82; effective thirtieth day thereafter (Register 82, No. 31).
3. New section filed 1-16-92; operative 2-18-92 (Register 92, No. 12).

Subchapter 2.5. Medical Insurance for Hazardous Activities

NOTE: Authority cited: Sections 71020, 72246.5, Education Code. Reference: Section 72246.5, Education Code.

HISTORY

1. New Chapter 2.5 (Articles 1-3, Sections 54161-54184, not consecutive) filed 12-13-78 as an emergency; effective upon filing. Certificate of Compliance included (Register 78, No. 50).
2. Repealer of Chapter 2.5 (Sections 54160-54184) filed 11—15-79; effective thirtieth day thereafter (Register 79, No. 46).

Subchapter 3. Attendance

NOTE: Authority cited: Sections 66700, 71020, 76300, 78405, 84500.1, and 84530, Education Code. Reference: Sections 8512, 76300, 78203, 78412, 84500, 84500.1, 84500.5, and 84530, Education Code.

HISTORY

1. Repealer of Chapter 3 (Subchapters 1 and 2, Sections 54200-54222, not consecutive) and new Chapter 3 (Articles 1 and 2, Sections 54180-54228, not consecutive) filed 8-12-80; effective thirtieth day thereafter (Register 80, No. 33). For prior history, see Registers 79, No. 46; 77, No. 45; and 74, No. 10.
2. Repealer of Chapter 3 (Articles 1 and 2, Sections 54180-54228, not consecutive) filed 7-29-82; effective thirtieth day thereafter (Register 82, No. 31). For prior history, see Register 81, No. 3.

§ 54200. Certain Students' Residences More than 60 Miles from Nearest Attendance Center.

Any student under 21 years of age, and any student under 25 years of age who has been honorably discharged or is otherwise returning from active or inactive military service within the armed forces of the United States, who resides in this state and more than 60 miles from the nearest community college measured by the usual vehicular route between the student's home and the college, may request to attend credit courses at any community college in the state, whether or not the student's residence is in a district maintaining a community college. The governing board of the district maintaining the community college designated by the student shall admit the student provided all requirements for admission are met.

The provisions of this section shall not apply to any student residing in a district maintaining a community college if that district maintains adequate dormitories or housing facilities or provides adequate transportation for the student between the student's home and community college attendance center.

If the student resides within territory not included within any district and resides more than 60 miles from the nearest community college, measured by the usual vehicular route between the students home and the attendance center, there shall be paid to the parents or other persons having charge or control of the student and directly to adult students and married minors, by the district in which the student attends, a maintenance allowance not to exceed four dollars ($4) per calendar day, including weekends and school holidays, for the portion of a semester, quarter, or other session or term in which the student is enrolled full time in credit classes in a community college under this section. Districts shall receive reimbursement from the Chancellor's Office for allowances paid to students from nondistrict territory for the prior fiscal year not to exceed the maximum amount as provided by law.

No later than 60 days after the close of each fiscal year the Chancellor shall determine the daily allowance rate for the prior fiscal year. If claims made by community colleges exceed total funds raised by nondistrict territories for that purpose prior to July 1, 1978, the Chancellor shall prorate the allowances made under this section. No later than 90 days after the close of each fiscal year the community college districts shall pay eligible students at the rate prescribed by the Chancellor and verification of the claims by the appropriate county superintendent of schools.

The Chancellor shall prescribe procedures for the submission of claims by districts.

For the purpose of this section, a person shall be deemed to be honorably discharged from the armed forces (a) if he or she was honorable discharged from the armed forces of the United States or (b) if he or she was inducted into the armed forces of the United States under the "Universal Military Training and Service Act," and

(1) satisfactorily completes his or her period of training and service under that act and is issued a certificate to that effect pursuant to that act, or

(2) having served honorably on active duty was transferred to a reserve component of the armed forces of the United States pursuant to that act, or

(3) was otherwise released pursuant to that act under honorable conditions.

For the purposes of this section, the term "armed forces of the United States" shall include all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretaries of the Army, Navy and Air Force, and all components of the Coast Guard.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Amendment of third and fifth paragraphs filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

Subchapter 4. Student Equity

§ 54220. Student Equity Plans.

(a) In order to promote student success for all students, the governing board of each community college district shall adopt, by July 1, 1993, a student equity plan which includes for each college in the district:

(1) Campus-based research as to the extent of student equity and as to institutional barriers to equity in order to provide a basis for the development of goals and the determination of what activities are most likely to be effective;

(2) Goals for access, retention, degree and certificate completion, ESL and basic skills completion, and transfer; for each of the historically underrepresented groups as appropriate;

(3) Implementation activities designed to attain the goals, including a means of coordinating existing student equity related programs;

(4) Sources of funds for the activities in the plan;

(5) Schedule and process for evaluation; and

(6) An executive summary that includes, at a minimum, the groups for whom goals have been set, the goals, the initiatives that the college or district will undertake to achieve these goals, the resources that have been

budgeted for that purpose, and the district official to contact for further information.

(b) These plans should be developed with the active involvement of all groups on campus as required by law, and with the involvement of appropriate people from the community who can articulate the perspective and concerns of the historically underrepresented groups.

(c) The Board-adopted plan shall be submitted to the Office of the Chancellor, which shall publish all executive summaries, sending copies to every college and district, the chair of each consultation group that so requests, and such additional individuals and organizations as deemed appropriate.

(d) Definitions. For purposes of this section the following definitions will apply:

(1) Historically Underrepresented Group. "Historically underrepresented group" means any group for which the percentage of persons from that group who enroll and complete their educational goals is now, and historically has been, significantly lower than the percentage that members of that group represent in the adult population of the state. The Board of Governors has determined that, on a statewide basis, ethnic minorities, women, and persons with disabilities are historically underrepresented groups.

(2) Ethnic Minorities. "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks and Hispanics. A person shall be included in the group with which he or she identifies as his or her group, but may be counted in only one ethnic group. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 66010.2, 66010.7, 66030 and 70901, Education Code.

HISTORY

1. New subchapter 4 and section filed 2-4-93; operative 3-6-93 (Register 93, No. 6).

Subchapter 5. Enrollment Accounting

NOTE: Authority cited: Section 71020 and 84522, Education Code.

HISTORY

1. New Chapter 5 (Sections 54500-54510, not consecutive) filed 12-13-74; effective thirtieth day thereafter (Register 74, No. 50).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 5 (Sections 54500-54512, not consecutive) filed 7-29-82; effective thirtieth day thereafter (Register 82, No. 31). For prior history, see Registers 76, No. 41 and 75, No. 26.

Subchapter 6. Student Records

§ 54600. Purpose.

This chapter is adopted pursuant to and for implementation of Chapter 1.5 (commencing with Section 76200), Part 47 of Division 7 of the Education Code regarding Student Records. The provisions of this Chapter should be read and interpreted in conjunction with the provisions of Chapter 1.5.

NOTE: Authority cited: Sections 76220, 76225 and 76246, Education Code. Reference: Chapter 1.5 (commencing with Section 76200), Part 47, Division 7, Education Code; and 20 USC 1232(g).

HISTORY

1. New Chapter 6 Articles 1-7, (Sections 54600-54662, not consecutive) filed 3-5-76; effective thirtieth day thereafter (Register 76, No. 10).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of article heading and amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54602. Construction.

HISTORY

1. Amendment filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54604. Policy.

Community College districts may establish and maintain only such information on students relevant to admission, registration, academic history, career, student benefits or services, extracurricular activities, counseling and guidance, discipline or matters relating to student conduct, and shall establish and maintain such information required by law.

NOTE: Authority cited: Sections 76220 and 76246, Education Code. Reference: Section 76210, Education Code; and 20 USC 1232(g).

HISTORY

1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54606. Definitions.

(a) "Student" as used in this Chapter means a currently enrolled or formerly enrolled student.

(b) "Access" means a personal inspection and review of a record, an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record, or a request to release a copy of any record. The student shall be permitted to select the means of access.

(c) "Student Record" means any item of information directly related to an identifiable student maintained by a Community College or required to be maintained by an employee in the performance of the employee's duties, whether recorded by handwriting, print, tapes, film, microfilm or other means, except:

(1) Information provided by a student's parents relating to applications for financial aid or scholarships,

(2) Information related to a student compiled by a Community College officer or employee:

(A) appropriate for such officer or employee's performance of his or he responsibility; and

(B) which remains in the sole possession of the maker thereof; and

(C) is not accessible or revealed to any other person except a substitute. For the purposes of this subdivision, "substitute" shall mean a person who performs on a temporary basis the duties of the individual who made the notes and does not refer to a person who permanently succeeds the maker of the notes in his or her position.

(3) Information related to a student created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional:

[The next page is 339.]

(c) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this Section.

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901 (b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3-12-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 23).
2. Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1 (Register 91, No. 43).
3. Amendment of subsections (a)(2), (a)(4), (b), (b)(10), (d) and (e) 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).

§ 51024. Matriculation Services.

The governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under Section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under Section 55512(c);

(c) provide matriculation services to its students in accordance with Sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with Section 55534; and

(e) substantially comply with all other provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210-78218, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsection (e) filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

§ 51025. Full-Time/Part-Time Faculty.

This Section relates to and should be read in conjunction with Subchapter 3 (commencing with Section 53300) of Chapter 4 of this Division.

(a) Community college districts which have less than 75 percent of their hours of credit instruction taught by full-time instructors, as determined from their base data calculated pursuant to Section 53311, shall apply the growth revenues received related to increases in credit FTES in accordance with Section 58774 and a portion of the program improvement allocation received in accordance with Section 58775, as follows:

(1) Of the growth revenues received related to increases in credit FTES pursuant to Section 58774, the districts shall increase the base number of full-time instructors, subject to Subsection (e) below, by the Fall term of the succeeding fiscal year, by the product of their base number of full-time faculty multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

(2) Districts which, as determined from their base data, had 67 percent or greater, but less than 75 percent of their hours of credit instruction taught by full-time instructors shall apply up to 33 percent of their program improvement allocation pursuant to Subsection (b) of Section 58775, as necessary to reach the 75 percent standard pursuant to Subsection (a)(4) below.

(3) Districts which, as determined from their base data, had less than 67 percent of their hours of credit instruction taught by full-time instructors shall apply up to 40 percent of their program improvement allocation pursuant to Subsection (b) of Section 58775, as necessary to reach the 75 percent standard pursuant to Subsection (a)(4) below.

(4) Of the program improvement funds identified in Subsection (a)(2) or (3), as appropriate, the district shall increase the number of full-time instructors, by the Fall term of the succeeding fiscal year, by the quotient of the applicable program improvement funds divided by the statewide average replacement cost, rounded down to the nearest whole number.

(5) If the number of full-time faculty derived in Subsections (a)(1) and (4) result in the district exceeding the 75 percent standard, the Chancellor shall reduce the number to a whole number to a whole number that leaves the district as close as possible to, but in excess of, the 75 percent standard.

(b) Statewide average replacement cost is the statewide average faculty salary plus benefits, minus the product of the statewide average hourly rate of compensation for part-time instructors times the statewide average full-time teaching load.

(c) On or before December 31 of each year, the Chancellor shall determine, based on information submitted by districts, the extent to which each district, by the Fall term of that year, has maintained or hired the number of additional full-time instructors determined pursuant to Subsection (a) for the prior fiscal year. To the extent that the number of full-time faculty has not been maintained or additional full-time instructors have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equivalent to the average replacement cost for the prior fiscal year times the deficiency in the number of full-time faculty. To the extent a district hires the additional full-time instructors in subsequent fiscal years the reductions made to the district's revenue shall be restored.

(d) All revenues available due to reductions made pursuant to Subsection (c), shall be made available on a one-time basis for that fiscal year, for purposes of faculty and staff diversity pursuant to Education Code, Section 87107.

(e) By January 20 of each fiscal year the Board of Governors shall determine whether adequate growth funds and adequate cost-of-living funds have been provided to allow full or partial implementation of the provisions of Subsection (a)(1).

(f) For districts that experience a reduction in base credit FTES, the Chancellor shall make a proportionate reduction to their base number of full-time faculty.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 7-3-91 and submitted to OAL on 7-12-91 for printing only pursuant to Education Code section 70901.5; operative 8-3-91 (Register 91, No. 46).
2. New first paragraph, amendment of subsections (a)-(a)(4) and (c) and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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).

§ 51026. Student Equity.

In accordance with the provisions of Section 54220, the governing board of a community college district shall adopt a student equity plan.

HISTORY

1. New section filed 1-12-98; operative 2-11-98. Submitted to OAL for printing only (Register 98, No. 3).

§ 51027. Transfer Centers: Minimum Program Standards.

(a) The governing board of each community college district shall recognize transfer as one of its primary missions, and shall place priority emphasis on the preparation and transfer of underrepresented students, including African-American, Chicano/Latino, American Indian, disabled, low-income and other students historically and currently underrepresented in the transfer process.

(b) Each community college district governing board shall direct the development and adoption of a transfer center plan describing the activities of the transfer center and the services to be provided to students, incorporating the provisions established in the standards outlined below. Plans shall identify target student populations and shall establish target increases in the number of applicants baccalaureate institutions from these populations, including specific targets for increasing the transfer applications of underrepresented students among transfer students. Plans

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer of Chapter 2 (Section 54150) filed 7-29-82; effective thirtieth day thereafter (Register 82, No. 31).
3. New section filed 1-16-92; operative 2-18-92 (Register 92, No. 12).

Subchapter 2.5. Medical Insurance for Hazardous Activities

NOTE: Authority cited: Sections 71020, 72246.5, Education Code. Reference: Section 72246.5, Education Code.

HISTORY

1. New Chapter 2.5 (Articles 1-3, Sections 54161-54184, not consecutive) filed 12-13-78 as an emergency; effective upon filing. Certificate of Compliance included (Register 78, No. 50).
2. Repealer of Chapter 2.5 (Sections 54160-54184) filed 11—15-79; effective thirtieth day thereafter (Register 79, No. 46).

Subchapter 3. Attendance

NOTE: Authority cited: Sections 66700, 71020, 76300, 78405, 84500.1, and 84530, Education Code. Reference: Sections 8512, 76300, 78203, 78412, 84500, 84500.1, 84500.5, and 84530, Education Code.

HISTORY

1. Repealer of Chapter 3 (Subchapters 1 and 2, Sections 54200-54222, not consecutive) and new Chapter 3 (Articles 1 and 2, Sections 54180-54228, not consecutive) filed 8-12-80; effective thirtieth day thereafter (Register 80, No. 33). For prior history, see Registers 79, No. 46; 77, No. 45; and 74, No. 10.
2. Repealer of Chapter 3 (Articles 1 and 2, Sections 54180-54228, not consecutive) filed 7-29-82; effective thirtieth day thereafter (Register 82, No. 31). For prior history, see Register 81, No. 3.

§ 54200. Certain Students' Residences More than 60 Miles from Nearest Attendance Center.

Any student under 21 years of age, and any student under 25 years of age who has been honorably discharged or is otherwise returning from active or inactive military service within the armed forces of the United States, who resides in this state and more than 60 miles from the nearest community college measured by the usual vehicular route between the student's home and the college, may request to attend credit courses at any community college in the state, whether or not the student's residence is in a district maintaining a community college. The governing board of the district maintaining the community college designated by the student shall admit the student provided all requirements for admission are met.

The provisions of this Section shall not apply to any student residing in a district maintaining a community college if that district maintains adequate dormitories or housing facilities or provides adequate transportation for the student between the student's home and community college attendance center.

If the student resides within territory not included within any district and resides more than 60 miles from the nearest community college, measured by the usual vehicular route between the students home and the attendance center, there shall be paid to the parents or other persons having charge or control of the student and directly to adult students and married minors, by the district in which the student attends, a maintenance allowance not to exceed four dollars ($4) per calendar day, including weekends and school holidays, for the portion of a semester, quarter, or other session or term in which the student is enrolled full time in credit classes in a community college under this Section. Districts shall receive reimbursement from the Chancellor's Office for allowances paid to students from nondistrict territory for the prior fiscal year not to exceed the maximum amount as provided by law.

No later than 60 days after the close of each fiscal year the Chancellor shall determine the daily allowance rate for the prior fiscal year. If claims made by community colleges exceed total funds raised by nondistrict territories for that purpose prior to July 1, 1978, the Chancellor shall prorate the allowances made under this Section. No later than 90 days after the close of each fiscal year the community college districts shall pay eligible students at the rate prescribed by the Chancellor and verification of the claims by the appropriate county superintendent of schools.

The Chancellor shall prescribe procedures for the submission of claims by districts.

For the purpose of this Section, a person shall be deemed to be honorably discharged from the armed forces (a) if he or she was honorable discharged from the armed forces of the United States or (b) if he or she was inducted into the armed forces of the United States under the "Universal Military Training and Service Act," and

(1) satisfactorily completes his or her period of training and service under that Act and is issued a certificate to that effect pursuant to that Act, or

(2) having served honorably on active duty was transferred to a reserve component of the armed forces of the United States pursuant to that Act, or

(3) was otherwise released pursuant to that Act under honorable conditions.

For the purposes of this Section, the term "armed forces of the United States" shall include all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretaries of the Army, Navy and Air Force, and all components of the Coast Guard.

Students residing in a nondistrict territory that has been annexed to a community college district and residing more than 60 miles from the nearest community college shall be provided a maintenance allowance as prescribed by this Section for up to four years from the date of annexation.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by the 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 third and fifth paragraphs filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Editorial correction of HISTORY 1 (Register 95, No. 19).
4. Amendment of section and NOTE filed 11-6-97; operative 12-6-97. Submitted to OAL for printing only (Register 97, No. 46).

Subchapter 4. Student Equity

§ 54220. Student Equity Plans.

(a) In order to promote student success for all students, the governing board of each community college district shall adopt, by July 1, 1993, a student equity plan which includes for each college in the district:

(1) Campus-based research as to the extent of student equity in the five areas described in paragraph (2) and the determination of what activities are most likely to be effective;

(2) Goals for access, retention, degree and certificate completion, ESL and basic skills completion, and transfer; for the overall student population and for each population group of students, as appropriate. Where significant underrepresentation is found to exist in accordance with standards adopted by the Board of Governors, the plan shall include race-neutral measures for addressing the disparity, and, when legally appropriate, race-conscious measures for addressing the disparity;

(3) Implementation activities designed to attain the goals, including a means of coordinating existing student equity related programs;

(4) Sources of funds for the activities in the plan;

(5) Schedule and process for evaluation; and

(6) An executive summary that includes, at a minimum, the groups for whom goals have been set, the goals, the initiatives that the college or district will undertake to achieve these goals, the resources that have been budgeted for that purpose, and the district official to contact for further information.

(b) These plans should be developed with the active involvement of all groups on campus as required by law, and with the involvement of appropriate people from the community.

(c) The Board-adopted plan shall be submitted to the Office of the Chancellor, which shall publish all executive summaries, sending copies to every college and district, the chair of each consultation group that so requests, and such additional individuals and organizations as deemed appropriate.

(d) For the purposes of this section, "each population group of students" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks, Hispanics, Whites, men, women, and persons with disabilities. A person shall be included in the group with which he or she identifies as his or her group.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 66010.2, 66010.7, 66030 and 70901, Education Code.

HISTORY

1. New subchapter 4 and section filed 2-4-93; operative 3-6-93 (Register 93, No. 6).
2. Amendment of subsections (a)(1), (a)(2) and (b), repealer of subsections (d)-(d)(2), and new subsection (d) filed 1-12-98; operative 2-11-98. Submitted to OAL for printing only (Register 98, No. 3).

Subchapter 5. Enrollment Accounting

NOTE: Authority cited: Section 71020 and 84522, Education Code.

HISTORY

1. New Chapter 5 (Sections 54500-54510, not consecutive) filed 12-13-74; effective thirtieth day thereafter (Register 74, No. 50).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 5 (Sections 54500-54512, not consecutive) filed 7-29-82; effective thirtieth day thereafter (Register 82, No. 31). For prior history, see Registers 76, No. 41 and 75, No. 26.

Subchapter 6. Student Records

§ 54600. Purpose.

This chapter is adopted pursuant to and for implementation of Chapter 1.5 (commencing with Section 76200), Part 47 of Division 7 of the Education Code regarding Student Records. The provisions of this Chapter should be read and interpreted in conjunction with the provisions of Chapter 1.5.

NOTE: Authority cited: Sections 76220, 76225 and 76246, Education Code. Reference: Chapter 1.5 (commencing with Section 76200), Part 47, Division 7, Education Code; and 20 USC 1232(g).

HISTORY

1. New Chapter 6 Articles 1-7, (Sections 54600-54662, not consecutive) filed 3-5-76; effective thirtieth day thereafter (Register 76, No. 10).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of article heading and amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54602. Construction.

HISTORY

1. Amendment filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54604. Policy.

Community College districts may establish and maintain only such information on students relevant to admission, registration, academic history, career, student benefits or services, extracurricular activities, counseling and guidance, discipline or matters relating to student conduct, and shall establish and maintain such information required by law.

NOTE: Authority cited: Sections 76220 and 76246, Education Code. Reference: Section 76210, Education Code; and 20 USC 1232(g).

HISTORY

1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54606. Definitions.

(a) "Student" as used in this Chapter means a currently enrolled or formerly enrolled student.

(b) "Access" means a personal inspection and review of a record, an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record, or a request to release a copy of any record. The student shall be permitted to select the means of access.

(c) "Student Record" means any item of information directly related to an identifiable student maintained by a Community College or required to be maintained by an employee in the performance of the employee's duties, whether recorded by handwriting, print, tapes, film, microfilm or other means, except:

(1) Information provided by a student's parents relating to applications for financial aid or scholarships,

(2) Information related to a student compiled by a Community College officer or employee:

(A) appropriate for such officer or employee's performance of his or he responsibility; and

(B) which remains in the sole possession of the maker thereof; and

(C) is not accessible or revealed to any other person except a substitute. For the purposes of this subdivision, "substitute" shall mean a person who performs on a temporary basis the duties of the individual who made the notes and does not refer to a person who permanently succeeds the maker of the notes in his or her position.

(3) Information related to a student created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional:

(A) acting or assisting in his professional or paraprofessional capacity; and

(B) the record is created, maintained or used in connection with the provision of treatment to the student; and

(C) the record is not available to anyone other than persons providing such treatment; provided, however, that such a record may be personally reviewed by a physician or other appropriate professional of the student's choice.

(4) Information maintained by a Community College law enforcement unit:

(A) necessary and appropriate to enable such law enforcement unit to carry out its duties and responsibilities as required by law or as may be assigned by the district

(B) unit personnel do not have access to other student records; and

(C) such information is kept apart from other student records; and

(D) maintained solely for law enforcement purposes; and

(E) is available only to other law enforcement officials of the same jurisdiction.

(5) Confidential letters and statements of recommendations maintained by a Community College on or before January 1, 1975, provided that such letters or statements are not used for purposes other than those for which they were specifically intended.

(6) Information maintained in the normal course of business pertaining to persons who are employed by a community college, provided that such information relates exclusively to such person in that person's capacity as an employee and is not available for use for any other purpose.

(7) Information related to a student compiled by a community college officer or employee which remains in the sole possession of the maker and is not available to any other person except a substitute who performs the duties of the individual who made the notes on a temporary basis.

(d) "Directory Information" means one or more of the following items: student's name, address, telephone number, date and place of birth, major field of study, class schedule, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part 19: Transfer Centers

History Index for
Title 5, California Code of Regulations

Section 51027

Register 92-04 § 51027: Added new section.

Register 94-38 § 51027: Amendment of section; submitted to OAL for printing only pursuant to Education Code Section 70901.5.

Subsequent Registers: There may be changes to the regulations after the date the test claim was filed, which are not included.

Register 1992-04

§ 51027

suant to the regulations on academic senates contained in sections 53200–53205 of chapter IV of this division.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this section.

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901 (b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3-12-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 23).
2. Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1. (Register 91, No. 43). (Subchapter 15, section 51950, and chapter 3, section 52000)

§ 51024. Matriculation Services.

When matriculation services have been fully funded, as certified by the Chancellor in accord with policies adopted by the Board of Governors, the governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under section 55512(c);

(c) provide matriculation services to its students in accordance with sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with section 55534; and

(e) substantially comply with all other provisions of chapter 6 (commencing with section 55500) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210–78218, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 51025. Full-time/Part-time Faculty.

(a) Community College districts which have less than 75 percent of their hours of credit instruction taught by full-time instructors, in the prior fiscal year, shall apply the growth revenues received related to increases in credit FTES in accordance with section 58774 of this division and a portion of the program improvement allocation received in accordance with section 58775 of this division, as follows:

(1) Of the growth revenues received related to increases in credit FTES pursuant to section 58774 of this division, the districts shall increase the number of full-time instructors, by September 30 of the succeeding fiscal year, by the product of their base number of full-time faculty multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

(2) Districts which, in the prior fiscal year, had 67 percent or greater, but less than 75 percent of their hours of credit instruction taught by full-time instructors shall apply up to 33 percent of their program improvement allocation pursuant to subdivision (b) of section 58775 of this division, as necessary to reach the 75 percent standard pursuant to paragraph (4).

(3) Districts which, in the prior fiscal year, had less than 67 percent of their hours of credit instruction taught by full-time instructors shall apply up to 40 percent of their program improvement allocation pursuant to subdivision (b) of section 58775 of this division, as necessary to reach the 75 percent standard pursuant to paragraph (4).

(4) Of the program improvement funds identified in paragraph (2) or (3), as appropriate, the district shall increase the number of full-time instructors, by September of the succeeding fiscal year, by the quotient of the applicable program improvement funds divided by the statewide average replacement cost, rounded down to the nearest whole number.

(5) If the number of full-time faculty derived in paragraphs (1) and (4), result in the district exceeding the 75 percent standard, the Chancellor shall reduce the number to a whole number that leaves the district as close as possible to, but in excess of, the 75 percent standard.

(b) Statewide average replacement cost is the statewide average faculty salary plus benefits, minus the product of the statewide average hourly rate of compensation for part-time instructors times the statewide average full-time teaching load.

(c) On or before December 31 of each year, the Chancellor shall determine the extent to which each district, by September 30 of that year, has hired the number of additional full-time instructors determined pursuant to subdivision (a) for the prior fiscal year. To the extent that the number of additional full-time instructors have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equivalent to the average replacement cost for the prior fiscal year times the deficiency in the number of full-time faculty. To the extent a district hires the additional full-time instructors in subsequent fiscal years the reductions made to the district's revenue shall be restored.

(d) All revenues available due to reductions made pursuant to subdivision (c), shall be made available on a one-time basis for that fiscal year, for purposes of faculty and staff diversity pursuant to Education Code section 87107.

(e) By January 20 of each fiscal year the Board of Governors shall determine whether adequate growth funds and adequate cost-of-living funds have been provided to allow full or partial implementation of the provisions of subparagraph (a)(1).

(f) For districts that experience a reduction in base credit FTES, the Chancellor shall make a proportionate reduction to their base number of full-time faculty.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 7-3-91 and submitted to OAL on 7-12-91 for printing only pursuant to Education Code section 70901.5; operative 8-3-91 (Register 91, No. 46).

§ 51027. Transfer Centers: Minimum Program Standards.

(a) The governing board of each community college district shall recognize transfer as one of its primary missions, and shall place priority emphasis on the preparation and transfer of underrepresented students, including African-American, Chicano/Latino, American Indian, disabled, low-income and other students historically and currently underrepresented in the transfer process.

(b) Each community college district governing board shall direct the development and adoption of a Transfer Center Plan describing the activities of the transfer center and the services to be provided to students, incorporating the provisions established in these standards, as outlined below. Plans shall identify target student populations and shall establish target increases in the number of applicants to the four-year segments from these populations, including specific targets for increasing the transfer applications of those underrepresented among transfer students. Plans shall be developed in consultation with four-year college and university personnel as available.

Plan components shall include, but not be limited to: services to be provided to students; facilities; staffing; advisory committee; and evaluation and reporting.

(1) Required Services. The following services shall be provided to students:

(A) Identify, contact and provide transfer support services to targeted student populations as identified in the Transfer Center Plan, with a priority emphasis placed on African-American, Chicano/Latino, American Indian, disabled, low-income and other underrepresented students. These activities shall be developed and implemented in cooperation with student services departments and with faculty.

(B) Ensure the provision of academic planning for transfer, the development and utilization of transfer admission agreements with four-year institutions where available and as appropriate, and the development and utilization of course-to-course and major articulation agreements. Academic planning and articulation activities shall be provided in coopera-

tion with student services, with faculty, and with four–year college and university personnel as available.

(C) Ensure that students receive accurate and up–to–date academic and transfer information through the provision of coordinated transfer counseling services.

(D) Monitor the progress of transfer students to the point of transfer, in accordance with monitoring activities established in the Transfer Center Plan.

(E) Support the progress of transfer students through referral as necessary, to such services as ability and diagnostic testing, tutoring, financial assistance, and counseling, and other instructional and student services on campus as appropriate.

(F) Assist students in the transition process, including the timely completion and submittal of necessary forms and applications.

(G) In cooperation with four–year college and university personnel as available, develop and implement a schedule of services for transfer students to be provided by four–year staff.

(H) Provide a resource library of college catalogs, transfer guides, articulation information and agreements, applications to four–year colleges and universities, and related transfer information.

(2) Facilities. Each district governing board shall designate a particular location on campus which is readily identifiable and accessible to students, faculty and staff as the focal point of transfer functions. Space and facilities adequate to support the Transfer Center and its activities shall be provided.

(3) Staffing. Each district governing board shall ensure that college staff are assigned to coordinate the activities of the transfer center; to coordinate underrepresented student transfer efforts; to serve as liaison to articulation, to student services, and to instructional programs on campus; and to work with four–year college and university personnel. Clerical support for the transfer center shall also be provided.

(4) Advisory Committee. An advisory committee shall be designated to plan the development, implementation, and ongoing operations of the transfer center. Membership shall be representative of campus departments and services. Four–year college and university personnel shall be included as available.

(5) Evaluation and Reporting. Each district governing board shall include in its Transfer Center Plan a plan of institutional research for ongoing internal evaluation of the effectiveness of the college's transfer efforts, and the achievement of its Transfer Center Plan.

Each community college district shall submit an annual report to the Chancellor describing the status of the district's efforts to implement its transfer center(s), achievement of Transfer Center Plan targets and goals, and expenditures supporting transfer center operations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66010.4 and 70901, Education Code.

HISTORY

1. New section filed 7–22–91; operative 8–21–91 (Register 92, No. 4).

Subchapter 2. Investigation and Enforcement of Minimum Conditions

§ 51100. Review of Colleges.

(a) The Chancellor, at least once each seven years, and at such other times or as he or she deems necessary, shall review each community college to determine whether it has met the minimum conditions contained in chapter 1 (commencing with section 51000) of this division.

(b) In the event that the Chancellor determines that a visit to the college is necessary to investigate compliance, he or she shall inform the chief executive officer of the district at least one month in advance of such visit, and shall specify the particular minimum conditions which will be investigated.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Repealer of chapter 2 (sections 51100 and 51101) and new chapter 2 (sections 51100 and 51102) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 2, see Registers 81, No. 52; 77, No. 45; and 71, No. 27.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51102. Enforcement.

(a) If any review pursuant to section 51100 discloses that a college is not in compliance with the provisions of chapter 1 (commencing with section 51000) of this division, the Chancellor shall notify the chief executive officer of the district in writing, and shall request an official written response from the district by a date which the Chancellor shall specify.

(b) After receiving the district's written response, or after the time for response has lapsed, the Chancellor shall pursue one or more of the following courses of action:

(1) Accept in whole or part the district's response regarding noncompliance;

(2) Require the district to submit and adhere to a plan and timetable for achieving compliance as a condition for continued receipt of state aid;

(3) Withhold all or part of the district's state aid. The amount of withholding shall be related to the extent and gravity of noncompliance, and shall require approval of the Board of Governors.

(c) The Chancellor shall report to the Board of Governors on any actions taken pursuant to subsection (b) of this section; provided that in the event he or she determines to withhold all or a portion of a district's state aid, the Chancellor shall inform and obtain the approval of the Board prior to the withholding.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 3. Faculty

NOTE: Authority cited: Sections 71020, 71024 and 71025, Education Code.

HISTORY

1. Repealer of Chapter 3[216z (Sections 51200 and 51201) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 4. Standards of Scholarship

NOTE: Authority cited: Section 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

HISTORY

1. Repealer of Chapter 4 (Sections 51300–51319, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 4, see Registers 82, No. 20; 80, No. 19; 80, No. 11; 77, No. 45; and 71, No. 27.

Subchapter 5. Facilities

HISTORY

1. Repealer of Chapter 5 (Sections 51400 and 51401) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 6. Counseling Services

HISTORY

1. Repealer of Chapter 6 (Sections 51500–51503) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 7. Degrees and Certificates

HISTORY

1. Repealer of Chapter 7 (Sections 51600–51606) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 71, No. 40.

(1) Of the growth revenues received related to increases in credit FTES pursuant to Section 58774, the districts shall increase the base number of full-time instructors, subject to Subsection (e) below, by the Fall term of the succeeding fiscal year, by the product of their base number of full-time faculty multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

(2) Districts which, as determined from their base data, had 67 percent or greater, but less than 75 percent of their hours of credit instruction taught by full-time instructors shall apply up to 33 percent of their program improvement allocation pursuant to Subsection (b) of Section 58775, as necessary to reach the 75 percent standard pursuant to Subsection (a)(4) below.

(3) Districts which, as determined from their base data, had less than 67 percent of their hours of credit instruction taught by full-time instructors shall apply up to 40 percent of their program improvement allocation pursuant to Subsection (b) of Section 58775, as necessary to reach the 75 percent standard pursuant to Subsection (a)(4) below.

(4) Of the program improvement funds identified in Subsection (a)(2) or (3), as appropriate, the district shall increase the number of full-time instructors, by the Fall term of the succeeding fiscal year, by the quotient of the applicable program improvement funds divided by the statewide average replacement cost, rounded down to the nearest whole number.

(5) If the number of full-time faculty derived in Subsections (a)(1) and (4) result in the district exceeding the 75 percent standard, the Chancellor shall reduce the number to a whole number to a whole number that leaves the district as close as possible to, but in excess of, the 75 percent standard.

(b) Statewide average replacement cost is the statewide average faculty salary plus benefits, minus the product of the statewide average hourly rate of compensation for part-time instructors times the statewide average full-time teaching load.

(c) On or before December 31 of each year, the Chancellor shall determine, based on information submitted by districts, the extent to which each district, by the Fall term of that year, has maintained or hired the number of additional full-time instructors determined pursuant to Subsection (a) for the prior fiscal year. To the extent that the number of full-time faculty has not been maintained or additional full-time instructors have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equivalent to the average replacement cost for the prior fiscal year times the deficiency in the number of full-time faculty. To the extent a district hires the additional full-time instructors in subsequent fiscal years the reductions made to the district's revenue shall be restored.

(d) All revenues available due to reductions made pursuant to Subsection (c), shall be made available on a one-time basis for that fiscal year, for purposes of faculty and staff diversity pursuant to Education Code, Section 87107.

(e) By January 20 of each fiscal year the Board of Governors shall determine whether adequate growth funds and adequate cost-of-living funds have been provided to allow full or partial implementation of the provisions of Subsection (a)(1).

(f) For districts that experience a reduction in base credit FTES, the Chancellor shall make a proportionate reduction to their base number of full-time faculty.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 7-3-91 and submitted to OAL on 7-12-91 for printing only pursuant to Education Code section 70901.5; operative 8-3-91 (Register 91, No. 46).
2. New first paragraph, amendment of subsections (a)-(a)(4) and (c) and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
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).

§ 51027. Transfer Centers: Minimum Program Standards.

(a) The governing board of each community college district shall recognize transfer as one of its primary missions, and shall place priority emphasis on the preparation and transfer of underrepresented students, including African-American, Chicano/Latino, American Indian, disabled, low-income and other students historically and currently underrepresented in the transfer process.

(b) Each community college district governing board shall direct the development and adoption of a transfer center plan describing the activities of the transfer center and the services to be provided to students, incorporating the provisions established in the standards outlined below. Plans shall identify target student populations and shall establish target increases in the number of applicants baccalaureate institutions from these populations, including specific targets for increasing the transfer applications of underrepresented students among transfer students. Plans shall be developed in consultation with baccalaureate college and university personnel as available.

Plan components shall include, but not be limited to: services to be provided to students; facilities; staffing; advisory committee; and evaluation and reporting.

(1) Required Services. Districts shall:

(A) Identify, contact, and provide transfer support services to targeted student populations as identified in the transfer center plan, with a priority emphasis placed on African-American, Chicano/Latino, American Indian, disabled, low-income, and other underrepresented students. These activities shall be developed and implemented in cooperation with student services departments and with faculty.

(B) Ensure the provision of academic planning for transfer, the development and use of transfer admission agreements with baccalaureate institutions where available and as appropriate, and the development and use of course-to-course and major articulation agreements. Academic planning and articulation activities shall be provided in cooperation with student services, with faculty, and with baccalaureate institution personnel as available.

(C) Ensure that students receive accurate and up-to-date academic and transfer information through coordinated transfer counseling services.

(D) Monitor the progress of transfer students to the point of transfer, in accordance with monitoring activities established in the Transfer Center Plan.

(E) Support the progress of transfer students through referral as necessary, to such services as ability and diagnostic testing, tutoring, financial assistance, counseling, and to other instructional and student services on campus as appropriate.

(F) Assist students in the transition process, including timely completion and submittal of necessary forms and applications.

(G) In cooperation with baccalaureate institution personnel as available, develop and implement a schedule of services for transfer students to be provided by baccalaureate institution staff.

(H) Provide a resource library of college catalogs, transfer guides, articulation information and agreements, applications to baccalaureate institutions, and related transfer information.

(2) Facilities. Each district governing board shall provide space and facilities adequate to support the transfer center and its activities. Each district shall designate a particular location on campus as the focal point of transfer functions. This location should be readily identifiable and accessible to students, faculty, and staff.

(3) Staffing. Each district governing board shall provide clerical support for the transfer center and assign college staff to coordinate the activities of the transfer center; to coordinate underrepresented student transfer efforts; to serve as liaison to articulation, to student services, and to instructional programs on campus; and to work with baccalaureate institution personnel.

(4) Advisory Committee. Each district shall designate an advisory committee to plan the development, implementation, and ongoing operations of the transfer center. Membership shall be representative of campus departments and services. Baccalaureate institution personnel shall be included as available.

(5) Evaluation and Reporting. Each district governing board shall include in its transfer center plan a plan of institutional research for ongoing internal evaluation of the effectiveness of the college's transfer efforts, and the achievement of its transfer center plan.

Each community college district shall submit an annual report to the Chancellor describing the status of the district's efforts to implement its transfer center(s), achievement of transfer center plan targets and goals, and expenditures supporting transfer center operations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66010.4 and 70901, Education Code.

HISTORY

1. New section filed 7-22-91; operative 8-21-91 (Register 92, No. 4).
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).

Subchapter 2. Investigation and Enforcement of Minimum Conditions

§ 51100. Review of Colleges.

(a) At least once each seven years, and at such other times as he or she deems necessary, the Chancellor shall review each community college to determine whether it has met the minimum conditions contained in Subchapter 1 (commencing with Section 51000) of Chapter 2.

(b) In the event that the Chancellor determines that a visit to the college is necessary to investigate compliance, he or she shall inform the chief executive officer of the district at least one month in advance of such visit, and shall specify the particular minimum conditions which will be investigated.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Repealer of chapter 2 (sections 51100 and 51101) and new chapter 2 (sections 51100 and 51102) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 2, see Registers 81, No. 52; 77, No. 45; and 71, No. 27.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
3. Amendment of subsection (a) 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).

§ 51102. Enforcement.

(a) If any review pursuant to Section 51100 discloses that a college is not in compliance with the provisions of Subchapter 1 (commencing with Section 51100) of Chapter 2, the Chancellor shall notify the chief executive officer of the district in writing, and shall request an official written response from the district by a date which the Chancellor shall specify.

(b) After receiving the district's written response, or after the time for response has lapsed, the Chancellor shall pursue one or more of the following courses of action:

(1) accept in whole or part the district's response regarding noncompliance;

(2) require the district to submit and adhere to a plan and timetable for achieving compliance as a condition for continued receipt of state aid;

(3) withhold all or part of the district's state aid. The amount of withholding shall be related to the extent and gravity of noncompliance and shall require approval of the Board of Governors.

(c) The Chancellor shall report to the Board of Governors on any actions taken pursuant to Subsection (b) of this Section, provided that, in the event he or she determines to withhold all or a portion of a district's state aid, the Chancellor shall inform and obtain the approval of the Board prior to the withholding.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, 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. 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).

Subchapter 3. Faculty

NOTE: Authority cited: Sections 71020, 71024 and 71025, Education Code.

HISTORY

1. Repealer of Chapter 3[216z (Sections 51200 and 51201) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 4. Standards of Scholarship

NOTE: Authority cited: Section 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

HISTORY

1. Repealer of Chapter 4 (Sections 51300-51319, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 4, see Registers 82, No. 20; 80, No. 19; 80, No. 11; 77, No. 45; and 71, No. 27.

Subchapter 5. Facilities

HISTORY

1. Repealer of Chapter 5 (Sections 51400 and 51401) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 6. Counseling Services

HISTORY

1. Repealer of Chapter 6 (Sections 51500-51503) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 7. Degrees and Certificates

HISTORY

1. Repealer of Chapter 7 (Sections 51600-51606) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 71, No. 40.

Subchapter 8. Degrees and Certificates

NOTE: Authority cited: Sections 66700, 71020 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

HISTORY

1. New Chapter 8 (§§ 51620 through 51626) filed 10-1-71; effective thirtieth day thereafter (Register 71, No. 40).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 6-9-82; designated effective 7-1-83 (Register 82, No. 24).
4. Repealer of Chapter 8 (Sections 51620-51629) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 9. Minimum Class Size

NOTE: Authority cited for Chapter 9: Section 71027, Education Code.

HISTORY

1. New Chapter (§§ 51700 through 51703) filed 11-12-71; effective thirtieth day thereafter (Register 71, No. 46).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 9 (Sections 51700-51703) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

No. CSM. 02-TC-31

Minimum Conditions for State Aid:
Part. 20: Compliance Enforcement

History Index for
Title 5, California Code of Regulations

Section 51000
Section 51100
Section 51102

Register 83-29 Repealer of Chapter 1 (section 51000) and new Chapter 1 (sections 51000-51021, not consecutive).

Repealer of Chapter 2 (sections 51100 and 51101) and new Chapter 2 (sections 51100 and 51102).

Register 91-23 § 51000: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 51100: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 51102: Amendment filed by Board of Governors of California Community Colleges with the Secretary of State. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

1 **Register 94-38** § 51000: Amendment of section; submitted to OAL for printing
2 only pursuant to Education Code section 70901.5.
3 § 51100: Amendment of subsection (a). Submitted to OAL for
4 printing only pursuant to Education Code section
5 70901.5.
6 § 51102: Amendment of section. Submitted to OAL for printing only
7 pursuant to Education Code section 70901.5.
8 **Register 95-15** § 51000: Editorial correction of HISTORY 2.
9 § 51100: Editorial correction of HISTORY 2.
10 § 51102: Editorial correction of HISTORY 1.
11 **Subsequent Registers**: There may be changes to the regulations after the date the
12 test claim was filed, which are not included.
13

Register 1983-29

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CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78007 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(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, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be 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 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

CHAPTER 2. INVESTIGATION AND ENFORCEMENT OF MINIMUM STANDARDS

51100. Review of Colleges.

(a) The Chancellor, at least once each seven years, and at such other times as he or she deems necessary, shall review each community college to determine whether it has met the minimum standards contained in Chapter 1 (commencing with Section 51000) of this Division.

(b) In the event that the Chancellor determines that a visit to the college is necessary to investigate compliance, he or she shall inform the chief executive officer of the district at least one month in advance of such visit, and shall specify the particular minimum standards which will be investigated.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Section 71026, Education Code.

HISTORY:

1. Repealer of Chapter 2 (Sections 51100 and 51101) and new Chapter 2 (Sections 51100 and 51102) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 2, see Registers 81, No. 52; 77, No. 45; and 71, No. 27.

51102. Enforcement.

(a) If any review pursuant to Section 51100 discloses that a college is not in compliance with the provisions of Chapter 1 (commencing with Section 51000) of this Division, the Chancellor shall notify the chief executive officer of the district in writing, and shall request an official written response from the district by a date which the Chancellor shall specify.

(b) After receiving the district's written response, or after the time for response has lapsed, the Chancellor shall pursue one or more of the following courses of action:

(1) Accept in whole or part the district's response regarding noncompliance;

(2) Require the district to submit and adhere to a plan and timetable for achieving compliance as a condition for continued receipt of state aid;

(3) Withhold all or part of the district's state aid. The amount of withholding shall be related to the extent and gravity of noncompliance, and shall require approval of the Board of Governors.

(c) The Chancellor shall report to the Board of Governors on any actions taken pursuant to subsection (b) of this section; provided that in the event he or she determines to withhold all or a portion of a district's state aid, the Chancellor shall inform and obtain the approval of the Board prior to the withholding.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 84373, Education Code.

CHAPTER 3. FACULTY

NOTE: Authority cited: Sections 71020, 71024 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 3 (Sections 51200 and 51201) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

CHAPTER 4. STANDARDS OF SCHOLARSHIP

NOTE: Authority cited: Section 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

HISTORY:

1. Repealer of Chapter 4 (Sections 51300–51319, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 4, see Registers 82, No. 20; 80, No. 19; 80, No. 11; 77, No. 45; and 71, No. 27.

CHAPTER 5. FACILITIES

HISTORY:
1. Repealer of Chapter 5 (Sections 51400 and 51401) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

CHAPTER 6. COUNSELING SERVICES

HISTORY:
1. Repealer of Chapter 6 (Sections 51500–51503) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

CHAPTER 7. DEGREES AND CERTIFICATES

HISTORY:
1. Repealer of Chapter 7 (Sections 51600–51606) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 71, No. 40.

CHAPTER 8. DEGREES AND CERTIFICATES

NOTE: Authority cited: Sections 66700, 71020 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

HISTORY:
1. New Chapter 8 (§§ 51620 through 51626) filed 10-1-71; effective thirtieth day thereafter (Register 71, No. 40).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 6-9-82; designated effective 7-1-83 (Register 82, No. 24).
4. Repealer of Chapter 8 (Sections 51620–51629) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

CHAPTER 9. MINIMUM CLASS SIZE

NOTE: Authority cited for Chapter 9: Section 71027, Education Code.

HISTORY:
1. New Chapter (§§ 51700 through 51703) filed 11-12-71; effective thirtieth day thereafter (Register 71, No. 46).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 9 (Sections 51700–51703) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

CHAPTER 10. NEW COLLEGES AND EDUCATIONAL CENTERS

HISTORY:
1. New Chapter 10 (Sections 51800–51808, not consecutive) filed 6-27-75; effective thirtieth day thereafter (Register 75, No. 26).
2. Amendment filed 3-18-77; effective thirtieth day thereafter (Register 77, No. 12).
3. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
4. Amendment of subsection (a) filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
5. Repealer of Chapter 10 (Sections 51800–51808, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

CHAPTER 11. OPEN COURSES

NOTE: Authority cited: Sections 71020, 78452 and 84500, Education Code. Reference Sections 78452 and 84500, Education Code.

HISTORY:

1. New Chapter 11 (Sections 51820–51826) filed 12-17-76; effective thirtieth day thereafter (Register 76, No. 51).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 11 (Sections 51820–51826) filed 7-29-82; effective thirtieth day thereafter (Register 82, No. 31).

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4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income if the business entity or source of income provides education, training, or experience to persons toward attaining a valid credential for employment as an instructor, supervisor, chief administrative officer, librarian, counselor, supervisor of health, student personnel worker, or other similar position within a Community College district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations affirming and fixing the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 70901, Education Code.

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in chapter 9 (commencing with section 55750) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in chapter 10 (commencing with section 55800) of division 6 of this part;

(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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district 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 1 (commencing with section 58100) of chapter 2, division 9 of title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they 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 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 of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by section 53004 of this part;

(d) Undertake a program of recruitment as required by section 53021 of this part; and

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901(b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3-12-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 51024. Matriculation Services.

When matriculation services have been fully funded, as certified by the Chancellor in accord with policies adopted by the Board of Governors, the governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under section 55512(c);

(c) provide matriculation services to its students in accordance with sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with section 55534; and

(e) substantially comply with all other provisions of chapter 6 (commencing with section 55500) of division 6 of this part.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210-78218, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

Subchapter 2. Investigation and Enforcement of Minimum Conditions

§ 51100. Review of Colleges.

(a) The Chancellor, at least once each seven years, and at such other times or as he or she deems necessary, shall review each community college to determine whether it has met the minimum conditions contained in chapter 1 (commencing with section 51000) of this division.

(b) In the event that the Chancellor determines that a visit to the college is necessary to investigate compliance, he or she shall inform the chief executive officer of the district at least one month in advance of such visit, and shall specify the particular minimum conditions which will be investigated.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Repealer of chapter 2 (sections 51100 and 51101) and new chapter 2 (sections 51100 and 51102) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 2, see Registers 81, No. 52; 77, No. 45; and 71, No. 27.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

§ 51102. Enforcement.

(a) If any review pursuant to section 51100 discloses that a college is not in compliance with the provisions of chapter 1 (commencing with section 51000) of this division, the Chancellor shall notify the chief executive officer of the district in writing, and shall request an official written response from the district by a date which the Chancellor shall specify.

(b) After receiving the district's written response, or after the time for response has lapsed, the Chancellor shall pursue one or more of the following courses of action:

(1) Accept in whole or part the district's response regarding noncompliance;

(2) Require the district to submit and adhere to a plan and timetable for achieving compliance as a condition for continued receipt of state aid;

(3) Withhold all or part of the district's state aid. The amount of withholding shall be related to the extent and gravity of noncompliance, and shall require approval of the Board of Governors.

(c) The Chancellor shall report to the Board of Governors on any actions taken pursuant to subsection (b) of this section; provided that in the event he or she determines to withhold all or a portion of a district's state aid, the Chancellor shall inform and obtain the approval of the Board prior to the withholding.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

Subchapter 3. Faculty

NOTE: Authority cited: Sections 71020, 71024 and 71025, Education Code.

HISTORY

1. Repealer of Chapter 3[216z (Sections 51200 and 51201) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 4. Standards of Scholarship

NOTE: Authority cited: Section 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

HISTORY

1. Repealer of Chapter 4 (Sections 51300-51319, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 4, see Registers 82, No. 20; 80, No. 19; 80, No. 11; 77, No. 45; and 71, No. 27.

Subchapter 5. Facilities

HISTORY

1. Repealer of Chapter 5 (Sections 51400 and 51401) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 6. Counseling Services

HISTORY

1. Repealer of Chapter 6 (Sections 51500-51503) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 7. Degrees and Certificates

HISTORY

1. Repealer of Chapter 7 (Sections 51600-51606) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 71, No. 40.

Subchapter 8. Degrees and Certificates

NOTE: Authority cited: Sections 66700, 71020 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

HISTORY

1. New Chapter 8 (§§ 51620 through 51626) filed 10-1-71; effective thirtieth day thereafter (Register 71, No. 40).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 6-9-82; designated effective 7-1-83 (Register 82, No. 24).
4. Repealer of Chapter 8 (Sections 51620-51629) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 9. Minimum Class Size

NOTE: Authority cited for Chapter 9: Section 71027, Education Code.

HISTORY

1. New Chapter (§§ 51700 through 51703) filed 11-12-71; effective thirtieth day thereafter (Register 71, No. 46).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 9 (Sections 51700-51703) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

Register 1994-38

§ 51000
§ 51100
§ 51102

Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

History

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

History

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

History

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

History

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 70901, Education Code.

History

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
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).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) 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 standards of scholarship.

(4) Advisory Committee. Each district shall designate an advisory committee to plan the development, implementation, and ongoing operations of the transfer center. Membership shall be representative of campus departments and services. Baccalaureate institution personnel shall be included as available.

(5) Evaluation and Reporting. Each district governing board shall include in its transfer center plan a plan of institutional research for ongoing internal evaluation of the effectiveness of the college's transfer efforts, and the achievement of its transfer center plan.

Each community college district shall submit an annual report to the Chancellor describing the status of the district's efforts to implement its transfer center(s), achievement of transfer center plan targets and goals, and expenditures supporting transfer center operations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66010.4 and 70901, Education Code.

HISTORY

1. New section filed 7-22-91; operative 8-21-91 (Register 92, No. 4).
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).

Subchapter 2. Investigation and Enforcement of Minimum Conditions

§ 51100. Review of Colleges.

(a) At least once each seven years, and at such other times as he or she deems necessary, the Chancellor shall review each community college to determine whether it has met the minimum conditions contained in Subchapter 1 (commencing with Section 51000) of Chapter 2.

(b) In the event that the Chancellor determines that a visit to the college is necessary to investigate compliance, he or she shall inform the chief executive officer of the district at least one month in advance of such visit, and shall specify the particular minimum conditions which will be investigated.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Repealer of chapter 2 (sections 51100 and 51101) and new chapter 2 (sections 51100 and 51102) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 2, see Registers 81, No. 52; 77, No. 45; and 71, No. 27.
2. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
3. Amendment of subsection (a) 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).

§ 51102. Enforcement.

(a) If any review pursuant to Section 51100 discloses that a college is not in compliance with the provisions of Subchapter 1 (commencing with Section 51100) of Chapter 2, the Chancellor shall notify the chief executive officer of the district in writing, and shall request an official written response from the district by a date which the Chancellor shall specify.

(b) After receiving the district's written response, or after the time for response has lapsed, the Chancellor shall pursue one or more of the following courses of action:

(1) accept in whole or part the district's response regarding noncompliance;

(2) require the district to submit and adhere to a plan and timetable for achieving compliance as a condition for continued receipt of state aid;

(3) withhold all or part of the district's state aid. The amount of withholding shall be related to the extent and gravity of noncompliance and shall require approval of the Board of Governors.

(c) The Chancellor shall report to the Board of Governors on any actions taken pursuant to Subsection (b) of this Section, provided that, in the event he or she determines to withhold all or a portion of a district's state aid, the Chancellor shall inform and obtain the approval of the Board prior to the withholding.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, 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. 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).

Subchapter 3. Faculty

NOTE: Authority cited: Sections 71020, 71024 and 71025, Education Code.

HISTORY

1. Repealer of Chapter 3[216z (Sections 51200 and 51201) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 4. Standards of Scholarship

NOTE: Authority cited: Section 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

HISTORY

1. Repealer of Chapter 4 (Sections 51300-51319, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 4, see Registers 82, No. 20; 80, No. 19; 80, No. 11; 77, No. 45; and 71, No. 27.

Subchapter 5. Facilities

HISTORY

1. Repealer of Chapter 5 (Sections 51400 and 51401) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 6. Counseling Services

HISTORY

1. Repealer of Chapter 6 (Sections 51500-51503) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 7. Degrees and Certificates

HISTORY

1. Repealer of Chapter 7 (Sections 51600-51606) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 71, No. 40.

Subchapter 8. Degrees and Certificates

NOTE: Authority cited: Sections 66700, 71020 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

HISTORY

1. New Chapter 8 (§§ 51620 through 51626) filed 10-1-71; effective thirtieth day thereafter (Register 71, No. 40).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 6-9-82; designated effective 7-1-83 (Register 82, No. 24).
4. Repealer of Chapter 8 (Sections 51620-51629) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 9. Minimum Class Size

NOTE: Authority cited for Chapter 9: Section 71027, Education Code.

HISTORY

1. New Chapter (§§ 51700 through 51703) filed 11-12-71; effective thirtieth day thereafter (Register 71, No. 46).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 9 (Sections 51700-51703) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).

Register 1995-15

§ 51000
§ 51100
§ 51102

Senior Accounting Officers (Specialists) 3
Accounting Officers (Specialists) 3
Accounting I (Specialist) 3
Administrators Fiscal Planning and Administration 1
Specialists Fiscal Planning and Administration 2
Business Services Officer I (Specialist) 3
Property Controller I 1
Administrator Facilities Planning and Utilization 1
Specialist Facilities Planning and Utilization 2
Specialist Student Services Planning and Development 2
Staff Services Manager I 3
State Financial Examiner III 2
Consultants* 2

Student Services Division
Vice Chancellor 1, 4
Specialists Student Services Planning and Development 2, 4
Administrator Student Services Planning and Development 1
Consultants* 2

Transfer/General Education Division
Vice Chancellor 1, 4
Specialists/Lib. Planning and Development 2
Administrators Academic Planning and Development 1
Specialists Academic Planning and Development 2
Specialist Student Services Planning and Development 2
Consultants* 2

Economic Development/Vocational Education Division
Vice Chancellor 1, 4
Specialists General Vocational Education 2
Specialists Business Education 2
Specialist Criminal Justice 2
Specialist Agricultural Education 2
Specialist Health Occupations 2
Specialists Industrial Education 2
Specialists Employment and Certification 2
Administrator Vocational Education 1
Consultants* 2

Management Information Services Division
Vice Chancellor 1, 4
Specialists Information Systems and Analysis 2
Staff Information Systems Analyst (Supervisor) 3
Staff Programmer Analyst (Specialist) 3
Senior Programmer Analyst (Supervisor) 3
Consultants* 2

*Note: With respect to consultants, the Chancellor may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope. If the duties of the consultant are limited in scope, the consultant is not required to comply with the disclosure requirements described in this category. The Chancellor's determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination will be maintained at the offices of the Chancellor in the same location as this conflict of interest code. Nothing herein excuses any such consultant from any other provision of the conflict of interest code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) any interest in real property; and

(b) any business entity in which the designated employee has an investment or a business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) instructional materials, (2) equipment, or (3) services, when such materials, equipment or services are of the type utilized by community college districts or the Chancellor's Office.

2. Designated employees in Category 2 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(a) instructional materials;

(b) equipment; or

(c) services, when such materials, equipment, or services are of the type utilized by community college districts or the Chancellor's Office.

3. Designated employees in Category 3 must report any business entity in which they have an investment or business position, and income if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(a) instructional materials;

(b) equipment; or,

(c) services, when such materials, equipment, or services are of the type utilized by the Chancellor's Office.

4. Designated employees in Category 4 must report any business entity in which they have an investment or business position, and income, if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this Chapter are adopted under the authority of Education Code Section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of its community colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 70901, Education Code.

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
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 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. 15).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in Subchapter 9 (commencing with Section 55750) of Chapter 6;

activities shall be developed and implemented in cooperation with student services departments and with faculty.

(B) Ensure the provision of academic planning for transfer, the development and use of transfer admission agreements with baccalaureate institutions where available and as appropriate, and the development and use of course-to-course and major articulation agreements. Academic planning and articulation activities shall be provided in cooperation with student services, with faculty, and with baccalaureate institution personnel as available.

(C) Ensure that students receive accurate and up-to-date academic and transfer information through coordinated transfer counseling services.

(D) Monitor the progress of transfer students to the point of transfer, in accordance with monitoring activities established in the Transfer Center Plan.

(E) Support the progress of transfer students through referral as necessary, to such services as ability and diagnostic testing, tutoring, financial assistance, counseling, and to other instructional and student services on campus as appropriate.

(F) Assist students in the transition process, including timely completion and submittal of necessary forms and applications.

(G) In cooperation with baccalaureate institution personnel as available, develop and implement a schedule of services for transfer students to be provided by baccalaureate institution staff.

(H) Provide a resource library of college catalogs, transfer guides, articulation information and agreements, applications to baccalaureate institutions, and related transfer information.

(2) Facilities. Each district governing board shall provide space and facilities adequate to support the transfer center and its activities. Each district shall designate a particular location on campus as the focal point of transfer functions. This location should be readily identifiable and accessible to students, faculty, and staff.

(3) Staffing. Each district governing board shall provide clerical support for the transfer center and assign college staff to coordinate the activities of the transfer center; to coordinate underrepresented student transfer efforts; to serve as liaison to articulation, to student services, and to instructional programs on campus; and to work with baccalaureate institution personnel.

(4) Advisory Committee. Each district shall designate an advisory committee to plan the development, implementation, and ongoing operations of the transfer center. Membership shall be representative of campus departments and services. Baccalaureate institution personnel shall be included as available.

(5) Evaluation and Reporting. Each district governing board shall include in its transfer center plan a plan of institutional research for ongoing internal evaluation of the effectiveness of the college's transfer efforts, and the achievement of its transfer center plan.

Each community college district shall submit an annual report to the Chancellor describing the status of the district's efforts to implement its transfer center(s), achievement of transfer center plan targets and goals, and expenditures supporting transfer center operations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66010.4 and 70901, Education Code.

HISTORY

1. New section filed 7-22-91; operative 8-21-91 (Register 92, No. 4).
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).

Subchapter 2. Investigation and Enforcement of Minimum Conditions

§ 51100. Review of Colleges.

(a) At least once each seven years, and at such other times as he or she deems necessary, the Chancellor shall review each community college to determine whether it has met the minimum conditions contained in Subchapter 1 (commencing with Section 51000) of Chapter 2.

(b) In the event that the Chancellor determines that a visit to the college is necessary to investigate compliance, he or she shall inform the chief executive officer of the district at least one month in advance of such visit, and shall specify the particular minimum conditions which will be investigated.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Repealer of chapter 2 (sections 51100 and 51101) and new chapter 2 (sections 51100 and 51102) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 2, see Registers 81, No. 52; 77, No. 45; and 71, No. 27.
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) 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. 15).

§ 51102. Enforcement.

(a) If any review pursuant to Section 51100 discloses that a college is not in compliance with the provisions of Subchapter 1 (commencing with Section 51100) of Chapter 2, the Chancellor shall notify the chief executive officer of the district in writing, and shall request an official written response from the district by a date which the Chancellor shall specify.

(b) After receiving the district's written response, or after the time for response has lapsed, the Chancellor shall pursue one or more of the following courses of action:

(1) accept in whole or part the district's response regarding noncompliance;

(2) require the district to submit and adhere to a plan and timetable for achieving compliance as a condition for continued receipt of state aid;

(3) withhold all or part of the district's state aid. The amount of withholding shall be related to the extent and gravity of noncompliance and shall require approval of the Board of Governors.

(c) The Chancellor shall report to the Board of Governors on any actions taken pursuant to Subsection (b) of this Section, provided that, in the event he or she determines to withhold all or a portion of a district's state aid, the Chancellor shall inform and obtain the approval of the Board prior to the withholding.

NOTE: Authority cited: Sections 66700 and 70901, 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. 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).

Subchapter 3. Faculty

NOTE: Authority cited: Sections 71020, 71024 and 71025, Education Code.

HISTORY

1. Repealer of Chapter 3[216z (Sections 51200 and 51201) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 4. Standards of Scholarship

NOTE: Authority cited: Section 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

HISTORY

1. Repealer of Chapter 4 (Sections 51300-51319, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 4, see Registers 82, No. 20; 80, No. 19; 80, No. 11; 77, No. 45; and 71, No. 27.