



JOHN CHIANG
California State Controller
Division of Accounting and Reporting

July 22, 2011

Mr. Drew Bohan
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: **Proposed Parameters and Guidelines**
Minimum Conditions for State Aid, 02-TC-25 and 02-TC-31
Los Rios Community College District, Santa Monica Community College District, and
West Kern Community College District, Claimants

Dear Mr. Bohan:

We have reviewed the proposed Parameters and Guidelines (P's & G's) for the Minimum Conditions for State Aid mandate. Our comments and recommendations are as follows:

ISSUE #1

For uniformity, only one set of proposed P's & G's should be approved for a particular mandate. We recommend putting all reimbursable activities from the Minimum Conditions for State Aid mandate into one set of P's & G's, which is the standard practice for mandate programs. This will avoid confusion, simplify future amendments if necessary, and maintain consistency.

ISSUE #2

The Commission on State Mandates partially approved seven of the eighteen categories addressed in the Minimum Conditions for State Aid test claim. The partially approved categories include faculty participation in district and college governance, transfer centers, vocational education, standards of scholarship, curriculum, degrees and certificates, and open courses. The nine sets of proposed P's & G's include nine categories. They incorporate two additional categories, corequisite courses and college catalog. By adding extra categories, it created confusion because the reimbursable activities are switched around among the nine sets of P's & G's.

For example, from pages 157 – 161 of the Statement of Decision (SOD), it lists twenty reimbursable activities under the category of curriculum. When comparing these activities to the proposed P's & G's, only twelve of these activities can be found under the category of curriculum. The other eight activities are scattered among other categories; two are found under the category of college catalog, four are found under the category of open courses, and another two are found under the category of corequisite courses. In order to reduce confusion, we

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recommend using only the seven categories from the SOD and to leave the same reimbursable activities under these categories. This will create a simple and consistent set of P's & G's that will coincide with the SOD.

ISSUE #3

While reviewing the nine sets of P's & G's, we found that some activities that are not reimbursable were included.

For example, on page 55 of the SOD it concludes that Education Code section 66738, subdivision (b), does not impose any state-mandated activities on community college districts because it sets forth the elements of a comprehensive transfer system. But for the set of proposed P's & G's relating to transfer centers, these activities were included. These are non-reimbursable activities and need to be removed.

For the same set of proposed P's & G's relating to transfer centers, activities from California Code of Regulations, Title 5, section 51027 were included. These activities were never mentioned in the SOD as imposing any state-mandated activities. Therefore, these activities are non-reimbursable and need to be removed.

Another example is for the set of proposed P's & G's relating to curriculum standards. Under policies and procedures for curriculum standards, the activities listed include Education Code section 70902, subdivision (b)(2). The SOD concludes that only Education Code section 70902, subdivision (b)(2)(A), are reimbursable activities. On page 118 of the SOD, it states that Education Code section 70902, subdivision (b)(2)(B), does not constitute a new program or higher level of service. As a result, the activities from Education Code section 70902, subdivision (b)(2)(B), need to be removed because they are non-reimbursable activities.

ISSUE #4

We cannot offer any comments or recommendations on the other sections of the proposed P's & G's because they are incomplete. We instead would request that the sections where it mentions "Per Commission boilerplate language" that they be filled out completely. After being filled out thoroughly, we can then offer our input.

CONCLUSION

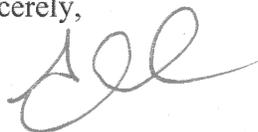
Overall, the proposed P's & G's need revisions for clarification and consistency before being adopted. The nine separate P's & G's should be consolidated. We recommend deleting any additions made to the reimbursable activities because they make the proposed P's & G's confusing. The nine categories from the proposed P's & G's need to be reduced to the seven categories that were approved by the Commission on State Mandates. Non-reimbursable activities must be removed from the proposed P's & G's. We also request that all sections of the proposed P's & G's be fully completed.

To address some of our concerns that we have presented, we have attached a draft of Section IV Reimbursable Activities. We added the reimbursable activities specified in the SOD, pages 150 – 164. A consolidated P's & G's that incorporate the format of the reimbursable activities section similar to the one we have attached will reduce any confusion and provide clarity for both the claimants and the State Controller's Office.

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Should you have any questions regarding the above, please contact Carlos Garcia at (916) 323-0766, or e-mail to cegarcia@sco.ca.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "JAL", written in black ink.

JAY LAL, Manager
Local Reimbursements Section

Enclosure

Section IV. Reimbursable Activities

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant, the following activities are reimbursable:

A. Faculty Participation in District and College Governance (Ed. Code, § 70902, subds. (b)(7) and (b)(14), and Cal. Code Regs., tit. 5, §§ 53203 and 53207)

1. Establish procedures to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, and to ensure that these opinions are given every reasonable consideration, and to ensure the right of the academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

The procedures established shall be consistent with the minimum standards set forth in California Code of Regulations, title 5, sections 53200-53207 (for faculty), 51023.5 (for staff), and 51023.7 (for students). (Ed. Code, § 70902, subds. (b)(7) (Stats. 1988, ch. 973).)

2. Participate in the consultation process established by the Board of Governors for the development and review of policy proposals pursuant to Education Code section 70901, subdivision (e). (Ed. Code, § 70902, subd. (b)(14) (Stats. 1988. Ch. 973).)

3. Adopt policies for appropriate delegation of authority and responsibility to its college or district academic senate.

Policies must provide, at a minimum, that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. (Cal. Code Regs., tit. 5, § 53203, subd. (a) (Register 94, No. 38).)

4. Consult collegially with representatives of the academic senate when adopting the policies for appropriate delegation of authority and responsibility to its college or district academic senate

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pursuant to California Code of Regulations, title 5, section 53202, subd. (a). (Cal. Code Regs., tit. 5, § 53203, subd. (b) (Register 94, No. 38).)

5. Adopt procedures for responding to recommendations of the academic senate that incorporate the following:

a. 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 recommendation 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. (Cal. Code Regs., tit. 5, § 53203, subd. (d)(1) (Register 94, No. 38).)

b. 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. (Cal. Code Regs., tit. 5, § 53203, subd. (d)(2) (Register 94, No. 38).)

6. Grant faculty members elected to serve as president and vice president of the Academic Senate of the California Community Colleges release or reassigned time from their terms of office. This activity is subject to offsetting revenue from reimbursement of release or reassigned time and administrative costs for hiring faculty to replace the faculty serving as president or vice president pursuant to title 5 section 53207, subdivision (b) (Register 2003, No. 18). (Cal. Code Regs., tit. 5, § 53207, subd. (a) (Register 2003, No. 18).) *(Reimbursement begins April 11, 2003)*

7. Identify release or reassigned time prior to September of each year for employees elected to serve as president and vice president of the Academic Senate of the California Community Colleges for reimbursement at the part-time replacement cost. (Cal. Code Regs., tit. 5, § 53207, subd. (c) (Register 2003, No. 18).) *(Reimbursement begins April 11, 2003)*

8. If the release or reassigned time need identified by the district is 100 percent and the position is in a hard to replace discipline area, certify this to the Chancellor by August 1 for reimbursement at the full-time temporary replacement cost of the employee released. (Cal. Code Regs., tit. 5, § 53207, subd. (c) (Register 2003, No. 18).) *(Reimbursement begins April 11, 2003)*

B. Transfer Centers (Ed. Code, §§ 66721.5, 66731, 66732, 66736, 66738, 66740, and 66742)

1. The governing board of each community college district direct the appropriate officials at their respective campuses to provide each of their students with a copy of the current transfer core curriculum (Ed. Code § 66721.5, subd. (a)(1) (Stats. 2000, ch. 187).)

2. Distribute a copy of the current transfer core curriculum to each community college student who is enrolled in a degree or certification program and is physically in attendance at the institution (Ed. Code § 66721.5, subd. (b) (Stats. 2000, ch. 187).)

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3. Including the text of the current transfer core curriculum in the published class schedule for each academic term, or distribute the transfer core curriculum during the registration process, or by mail, or during the issuance of student identification cards, or during student orientation programs (Ed. Code § 66721.5, subd. (c) and (d) (Stats. 2000, ch. 187).)
4. Recognize student matriculation from community colleges through the University and California State University as a central institutional priority of all segments of higher education. (Ed. Code, § 66731 (Stats. 1991, ch. 1188).)
5. Declare as policy that the student transfer agreement program shall constitute a significant role in achieving the goal of student diversity within their segments, and in ensuring that all students, particularly those currently underrepresented in higher education, have access to a university education. (Ed. Code, § 66732 (Stats. 1991, ch. 1188).)
6. Design, adopt, and implement policies intended to facilitate successful movement of students from community colleges through the University of California and the California State University. (Ed. Code, § 66732(Stats. 1991, ch. 1188).)
7. Ensure that its college or colleges maintain student transfer counseling centers or other counseling and student services designed and implemented to affirmatively seek out, counsel, advise, and monitor the progress of potential and identified community college transfer students. All policies and procedures adopted for this purpose must give preference and emphasis toward enhancing the transfer of students from economically disadvantaged families and students from traditionally underrepresented minorities, to the fullest extent possible under state and federal statutes and regulations. (Ed. Code, § 66736 (Stats. 1991, ch. 1188).)
8. Be accountable for the development and implementation of formal system wide articulation agreements and transfer agreement programs, including those for general education or a transfer core curriculum, and other appropriate procedures to support and enhance the transfer function. (Ed. Code, § 66738, subd. (a) (Stats. 1991, ch. 1188).)
9. Expand existing practices related to concurrent enrollment, in which community college students are provided the opportunity to take courses at University of California and California State University campuses, as space is available, and to expand opportunities for potential transfer students to participate in activities that familiarize them with the university campus. (Ed. Code, § 66738, subd. (c) (Stats. 1991, ch. 1188).)
10. Act in conjunction with each department, school, major in the University of California and California State University to develop discipline-specific articulation agreements and transfer program agreements for those majors that have lower division prerequisites. In doing so, faculty from community colleges and university campuses are to participate in discipline-specific curriculum development to coordinate course content and expected levels of student competency. (Ed. Code, § 66740, first paragraph (Stats. 1991, ch. 1188).)
11. Develop discipline-based agreements in conjunction with the California State University and the University of California with as many campuses of the two university segments as feasible, but no fewer than three University of California campuses and five California State University campuses. No one segment should bear the organizational or financial responsibility for accomplishing these goals. (Ed. Code, § 66740, third paragraph (Stats. 1991, ch. 1188).)

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12. Present annual statistical reports with the California Community Colleges, California State University, and the University of California on transfer patterns to the Governor and Legislature via the California Postsecondary Education Commission. Include in these reports statistics and information as described in Education Code section 66742. (Education Code section 66742 (Stats. 1991, ch. 1188).)

C. Vocational Education (Ed. Code, §§ 78015 and 78016)

1. Conduct a job market study of the labor market area, as defined by Education Code section 52301.5, in which it proposes to establish the program prior to establishing the program.

The labor market study must use the State-Local Cooperative Labor Market Information Program established by Unemployment Insurance Code section 10533, or if this program is not available for the labor market area, the study must use other sources of labor market information.

The study must include a California Occupational Information System supply analysis of existing vocational and occupational education or training programs for adults maintained by high schools, community colleges, and private postsecondary schools in the area to ensure that the anticipated employment demand for students in the proposed programs justifies the establishment of the proposed courses of instruction. (Ed. Code, § 78015, subd. (a)(1) (Stats. 1998, ch. 365).)

2. Make copies of each job market study available to the public. (Ed. Code, § 78015, subd. (a)(2) (Stats. 1998, ch. 365).)

3. Determine whether or not the job market study justifies the proposed vocational education program. (Ed. Code, § 78015, subd. (b) (Stats. 1998, ch. 365).)

4. Determine by resolution whether the program will be offered through the district's own facilities or through a contract with an approved private postsecondary school pursuant to Education Code section 8092, if the district determines that the job market study justifies the initiation of the proposed program. (Ed. Code, § 78015, subd. (c) (Stats. 1998, ch. 365).)

5. Review every vocational or occupational training program offered by the district and commenced subsequent to July 28, 1983, every two years to ensure that each program: (1) meets a documented labor market demand; (2) does not represent unnecessary duplication of other manpower training programs in the area; and (3) is of demonstrated effectiveness as measured by the employment and completion success of its students.

These three requirements are to be demonstrated by the California Occupational Information System, including State-Local Cooperative Labor Market Information Program established in Unemployment Insurance Code section 10533, or if this program is not available in the labor market area, other available sources of labor market information. (Ed. Code, § 78016, subd. (a) (Stats. 1998, ch. 365).)

6. Terminate any program that does not meet the requirements of Education Code section 78016, subdivision (a), and the standards promulgated by the governing board within one year. (Ed. Code, § 78016, subd. (b) (Stats. 1998, ch. 365).)

7. Include the review and comments by the local Private Industry Council, established pursuant to Unemployment Insurance Code section 15000 et seq., in the review process of every

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vocational or occupational training program offered by the district and commenced subsequent to July 28, 1983, the review and comments by the Private Industry Council shall occur prior to any decision by the district governing board. (Ed. Code, § 78016, subd. (c) (Stats. 1998, ch. 365).)

8. Make a written summary of the findings of each review available to the public. (Ed. Code, § 78016, subd. (e) (Stats. 1998, ch. 365).)

D. Standards of Scholarship (Ed. Code, § 70902, subd. (b)(3), and Cal. Code Regs., tit. 5, §§ 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, and 55765)

1. Adopt regulations consistent with the subchapter regarding standards of scholarship consisting of California Code of Regulations, title 5, section 55750 – 55765. (Ed. Code, § 70902, subd. (b)(3), and Cal. Code Regs., tit. 5, § 55750 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55020 (Register 2007, No. 35).)

2. Publish the regulations consistent with the subchapter regarding standards of scholarship in the college catalog under appropriate headings. (Cal. Code Regs., tit. 5, § 55750 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55020 (Register 2007, No. 35).)

3. File a copy of the community college district's regulations regarding standards of scholarship, and any amendments of the regulations, with the Chancellor. (Cal. Code Regs., tit. 5, § 55750 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55020 (Register 2007, No. 35).)

4. Determine a uniform grading practice for the district based on sound academic principles. (Cal. Code Regs., tit. 5, § 55751 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55021, subd. (a) (Register 2007, No. 35).)

5. Conform the uniform grading practices to the standard that work in all courses acceptable in the fulfillment of the requirements for an associate or baccalaureate degree, a certificate, diploma or license is graded in accordance with a grading scale adopted by the governing board consistent with section 55758, and sections 55752 (Credit-No Credit Options) or 55753 (Credit by Examination). (Cal. Code Regs., tit. 5, § 55751, subs. (a) and (b) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55021, subd. (c) (Register 2007, No. 35).)

6. Adopt and publish regulations pertaining to credit by examination in accordance with the provisions of Subchapter 9 "Standards of Scholarship" (Cal. Code Regs., tit. 5, § 55750 et seq.). (Cal. Code Regs., tit. 5, § 55753, subd. (a) (Register 2002, No. 8); for current requirement see Cal. Code Regs., tit. 5, § 55050, subd. (a) (Register 2007, No. 35).)

7. Place a student on academic probation when he/she has attempted at least 12 semester or 18 quarter units as shown by the official academic record and earned a grade point average below 2.0 in all units which were graded on the basis of the grading scale. (Cal. Code Regs., tit. 5, § 55754, subd. (a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55031, subd. (a) (Register 2007, No. 35).)

8. Remove a student from academic probation when the student's accumulated grade point average is 2.0 or higher. (Cal. Code Regs., tit. 5, § 55755, subd. (a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55032, subd. (a) (Register 2007, No. 35).)

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9. Adopt and publish procedures and conditions for probation and appeal of probation and request for removal from probation. (Cal. Code Regs., tit. 5, § 55755, subd. (c) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55032, subd. (c) (Register 2007, No. 35).)
10. Make a student subject to dismissal if the student is on academic probation and has earned a cumulative grade point average of less than 1.75 in all units attempted in each of 3 consecutive semesters or 5 consecutive quarters which were graded on the basis of a grading scale. (Cal. Code Regs., tit. 5, § 55756, subd. (a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55033, subd. (a) (Register 2007, No. 35).)
11. Adopt and publish procedures and conditions for dismissal and appeal of dismissal and request for reinstatement. (Cal. Code Regs., tit. 5, § 55756, subd. (c) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55033, subd. (c) (Register 2007, No. 35).)
12. Adopt rules setting forth the circumstances that warrant exceptions to the standards for dismissal. (Cal. Code Regs., tit. 5, § 55756, subd. (d) (Register 91, No. 23) ending August 16, 2007.)
13. File a copy of the rules setting forth the circumstances that warrant exceptions to the standards for dismissal with the Chancellor. (Cal. Code Regs., tit. 5, § 55756, subd. (d) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55033, subd. (d) (Register 2007, No. 35).)
14. Determine a student's need for remedial coursework using appropriate assessment instruments, methods, or procedures, including, but 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; other measures of performance; and assessment procedures such as identification of test cores which measure particular skill levels, the administrative process by which students are referred for assessment, the manner in which assessment results are made available, and the length of time required before such results are available. (Cal. Code Regs., tit. 5, § 55756.5, subd. (b) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55035, subd. (a) (Register 2007, No. 35).)
15. Dismiss and refer students that have exhausted the remedial coursework unit limitation to appropriate adult noncredit education services, provided by college, adult school, community-based organization, or other appropriate local provider which the district has an established referral agreement. (Cal. Code Regs., tit. 5, § 55756.5, subs. (b) and (e) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55035, subd. (a) and (e) (Register 2007, No. 35).)
16. Submit, through the established Management Information System, information necessary to enable the Chancellor to determine the effect of the California Code of Regulations, title 5, section 55756.5, on students by sex, age, and ethnicity, and the success rates for students enrolled in "remedial coursework." (Cal. Code Regs., tit. 5, § 55756.5, subd. (g) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55035, subd. (g) (Register 2007, No. 35).)

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17. Adopt rules and regulations governing the inclusion in or exclusion of units, for the purpose of determining whether to place a student on probation or dismissal, 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. (Cal. Code Regs., tit. 5, § 55757 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55030, subd. (a) (Register 2007, No. 35).)
18. Determine a student's grade point average using the grades from a grading scale and the corresponding point equivalencies set forth in California Code of Regulations, title 5, section 55758, subdivision (a). (Cal. Code Regs., tit. 5, § 55758, subd. (a) (Register 2000, No. 50); for current requirement see Cal. Code Regs., tit. 5, § 55023, subd. (a) (Register 2007, No. 35).)
19. Publish the point equivalencies for the grades used in California Code Regulations, title 5, section 55758, subdivision (a), in the catalog or catalogs of the community college district as part of its grading practices. "Point equivalencies for the grades" that are to be published excludes the symbols for credit (CR) and no credit (NC). (Cal. Code Regs., tit. 5, § 55758, subd. (d) (Register 2000, No. 50); for current requirement see Cal. Code Regs., tit. 5, § 55023, subd. (d) (Register 2007, No. 35).)
20. Make reasonable efforts to notify a student subject to academic probation or dismissal at or near the beginning of the semester or quarter which it will take effect, but no later than the start of the fall semester or quarter. (Cal. Code Regs., tit. 5, § 55759 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55034 (Register 2007, No.35).)
21. Make reasonable efforts to notify a student of removal from probation or reinstatement after dismissal within timelines established by the district. (Cal. Code Regs., tit. 5, § 55759 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55034 (Register 2007, No. 35).)
22. Publish the policies and procedures regarding probation and dismissal in the college catalog. (Cal. Code Regs., tit. 5, § 55759 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55034 (Register 2007, No. 35).)
23. Make reasonable effort to provide counseling and other support services to a student on probation to help the student overcome any academic difficulties. (Cal. Code Regs., tit. 5, § 55759 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55034 (Register 2007, No. 35).)
24. The instructor of the course is to determine the grade to be awarded each student in accordance with the California Code of Regulations, title 5, section 55758 ("Academic Record Symbols and Grade Point Average"). (Cal. Code Regs., tit. 5, § 55760, subd. (a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55025, subd. (a) (Register 2007, No. 35).)
25. Include in the procedures for the correction of grades given in error the expunging of the incorrect grade from the record. (Cal. Code Regs., tit. 5, § 55760, subd. (a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55025, subd. (d) (Register 2007, No. 35).)
26. Adopt and publish regulations for repeating courses in which substandard work has been recorded. (Cal. Code Regs., tit. 5, §§ 55760, subd. (b); and 55761 (Register 91, No. 23); for

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current requirement see Cal. Code Regs., tit. 5, §§ 55040, subd. (a), and 55042, subd. (a) (Register 2007, No. 35).)

27. Adopt and publish regulations for alleviation of previously recorded substandard academic performance that is not reflective of a student's demonstrated ability. (Cal. Code Regs., tit. 5, § 55764 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55046, subd. (a) (Register 2007, No. 35).)

E. Curriculum (Ed. Code, § 70902, subd. (b)(2)(A), and Cal. Code Regs., tit. 5, §§ 55001, 55002, 55005, 55006, 55130, 55150, 55200, 55201, and 55202)

1. Report the classification of all courses, classes, and activities offered in accordance with California Code of Regulations, title 5, sections 55001, subdivision (a) (describing instructional services of community colleges), and 55002 (standards and criteria for associate degree credit course, nondegree credit course, and noncredit course) by transmitting the following information to the Chancellor's Office:

- a. The unique static course identifier and the course title for all credit and noncredit courses. (Cal. Code Regs., tit. 5, § 55001, subd. (c)(1) (Register 94, No. 38) ending April 14, 2006.)
- b. The classification of each credit and noncredit course in accordance with its primary objective, consistent with guidelines published by the Chancellor. (Cal. Code Regs., tit. 5, § 55001, subd. (c)(2) (Register 94, No. 38) ending April 14, 2006.)
- c. Whether the course is offered as credit or noncredit. (Cal. Code Regs., tit. 5, § 55001, subd. (c)(3) (Register 94, No. 38) ending April 14, 2006.)
- d. Whether the course transfers to the California State University or the University of California or both. (Cal. Code Regs., tit. 5, § 55001, subd. (c)(4) (Register 94, No. 38) ending April 14, 2006.)

2. Establish a college or district curriculum committee by mutual agreement of the college 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 or district administration and academic senate. (Cal. Code Regs., tit. 5, § 55002, subd. (a)(1) (Register 93, No. 42).)

3. When seeking to offer a course as an associate degree credit course, nondegree credit course, or noncredit course, the course must be recommended by the college or district curriculum committee and approved by the district governing board. (Cal. Code Regs., tit. 5, § 55002, subsd. (a), (b), and (c) (Register 93, No. 42).)

4. Each section of an associate degree course, nondegree course, or noncredit 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. (Cal. Code Regs., tit. 5, § 55002, subsd. (a)(4), (b)(4), and (c)(3) (Register 93, No. 42).)

5. Proposed associate degree credit courses and nondegree credit courses must meet the following requirements found in California Code of Regulations, title 5, section 55002,

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subdivisions (a)(2) and (b)(2), in order to receive a recommendation by the college or district curriculum committee:

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 California Code of Regulations, title 5, section 55758 (Register 2000, No. 50), which details the academic record symbols and associated grade points to be used by community colleges.

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 for associate degree credit courses or written expression for nondegree credit courses, or in courses where the curriculum committee deems them to be appropriate, by problem-solving exercises or skills demonstrations by students. (Cal. Code Regs., tit. 5, § 55002, subs. (a)(2)(A) and (b)(2)(A) (Register 93, No. 42).)

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 (and/or demonstrated competency for nondegree credit courses) for each unit of credit, prorated for short-term, laboratory and activity courses. (Cal. Code Regs., tit. 5, § 55002, subs. (a)(2)(B) and (b)(2)(B) (Register 93, No. 42).)

c. Intensity: For associate degree credit course, the course must treat subject matter with a scope and intensity that requires students to study independently outside of class time. For nondegree credit courses, the course must provide 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. (Cal. Code Regs., tit. 5, § 55002, subs. (a)(2)(C) and (b)(2)(C) (Register 93, No. 42).)

6. Proposed associate degree credit courses must also meet the following requirements found in California Code of Regulations, title 5, section 55002, subdivisions (a)(2), in order to receive a recommendation by the college or district curriculum committee:

a. Prerequisites and Corequisites: Require prerequisites or corequisites when: (a) 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; or (b) success in the course is dependent upon communication or computation skills, then the course shall require as prerequisites or corequisites eligibility for enrollment in associate degree credit courses in English and/or mathematics. (Cal. Code Regs., tit. 5, § 55002, subd. (a)(2)(D) and (E) (Register 93, No. 42).)

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- b. 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. (Cal. Code Regs., tit. 5, § 55002, subd. (a)(2)(F) (Register 93, No. 42).)
- c. Level: The course work calls for critical thinking and the understanding and application of concepts determined by the curriculum committee to be at college level. (Cal. Code Regs., tit. 5, § 55002, subd. (a)(2)(G) (Register 93, No. 42).)
7. Maintain a course outline of record for associate degree credit courses, nondegree credit courses, and noncredit courses in the official college files that describe the course and make the outline available to each instructor.
- For associate degree credit courses and nondegree credit courses, the course outline shall specify the unit value, scope, objectives, and content of the course in terms of a specific body of knowledge. Also, the course outline shall 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.
- For noncredit course, the course outline shall specify the scope, objectives, contents, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met. (Cal. Code Regs., tit. 5, § 55002, subds. (a)(3), (b)(3), and (c)(2) (Register 93, No. 42); and Cal. Code Regs., tit. 5, § 55150, subd. (b) (Register 91, No. 23).)
8. Proposed noncredit courses must treat subject matter and use resource materials, teaching methods, and standards of attendance and achievement that is deemed appropriate for the enrolled students by the college or district curriculum committee in order to receive a recommendation by the college or district curriculum committee. (Cal. Code Regs., tit. 5, § 55002, subd. (c)(1) (Register 93, No. 42).)
9. Make available to students through college publications all of the following facts regarding each course offered before they enroll in the course: (1) whether the course is offered as a credit or noncredit course; (2) whether the course is transferable to four-year colleges and universities; and (3) whether the course fulfills a major or general education requirement. (Cal. Code Regs., tit. 5, § 55005 (Register 91, No. 23).)
10. Each community college must keep and submit such current records and reports concerning their total activities as may be required by the Chancellor to fulfill statutory responsibilities. (Cal. Code Regs., tit. 5, §§ 55006 and 55150, subd. (c) (Register 91, No. 23).)
11. Establish policies for and approve educational programs (Ed. Code, § 70902, subd. (b)(2)(A) (Stats. 1988, ch. 973).)
12. Adopt policies for the following in accordance with the Board of Governors regulations addressing faculty participation in district and college governance (Cal. Code Regs., tit. 5, §§ 53200-53204) when establishing prerequisites or corequisites for an associate degree credit course as required by California Code of Regulations, title 5, section 55002, subdivisions (a)(2)(D) and (E) (e.g. a student is unlikely to receive a satisfactory grade in a course without the prerequisite or corequisite, or success in a course is dependent on communication or computation skills):

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- a. The process for establishing prerequisites and corequisites. The policy for the process for establishing prerequisites or corequisites shall be based on content review with additional methods of scrutiny being applied depending on the type of prerequisite or corequisite established. (Cal. Code Regs., tit. 5, § 55201, subd. (b)(1) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003, subd. (b)(1) (Register 2007, No. 35).)
 - b. The procedures to assure that courses for which prerequisites or corequisites are established will be taught in accordance with the course outline that are the basis for the requirement to establish the prerequisite or corequisite. (Cal. Code Regs., tit. 5, § 55201, subd. (b)(2) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003, subd. (b)(2) (Register 2007, No. 35).)
 - c. The process, including levels of scrutiny, for reviewing prerequisites and corequisites to assure that they remain necessary and appropriate. The process shall provide that at least once each six years all prerequisites and corequisites established by the district shall be reviewed. (Cal. Code Regs., tit. 5, § 55201, subd. (b)(3) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003, subd. (b)(3) (Register 2007, No. 35).)
 - d. The bases and process for an individual student to challenge the application of a prerequisite or corequisite. The bases to challenge a prerequisite or corequisite are:
 - i. The prerequisite or corequisite was not established in accordance with the district's process for establishing prerequisites and corequisites;
 - ii. The prerequisite or corequisite violates California Code of Regulations, title 5, sections 55200-55202, which address the authority, requirements, and limitations on authority, when establishing prerequisites and corequisites;
 - iii. The prerequisite or corequisite are either unlawfully discriminatory or are being applied in an unlawfully discriminatory manner;
 - iv. The student has the knowledge or ability to succeed in the course or program despite not meeting the prerequisite or corequisite; and
 - v. 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. (Cal. Code Regs., tit. 5, § 55201, subds. (b)(2) and (f)(1)-(5) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003, subd. (b)(2) and (m)(1)-(5) (Register 2007, No. 35).)
13. Gather data according to sound research practices and show that a student is highly unlikely to succeed in the course unless the student has met the proposed prerequisite or corequisite, in addition to conducting a content review, if the community college district seeks to establish a course in communication or computation skills as a prerequisite or corequisite for any non-communication or non-computation skills course.

This data gathering requirement does not apply when:

- a. Four-year institutions will not grant credit for a course unless it has the particular communication or computation skill prerequisite; or

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- b. The prerequisite or corequisite is required for enrollment in a program that is subject to approval by a state agency other than the Chancellor's Office and both of the following conditions are satisfied:
- i. Colleges in at least six different districts have previously satisfied the data collection requirement with respect to the same prerequisite or corequisite for the same program; and
 - ii. 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, and if there is a disproportionate impact the district in consultation with the Chancellor develops and implements a plan setting forth the steps the district will take to correct the disproportionate impact. (Cal. Code Regs., tit. 5, § 55201, subd. (e) (Register 98, No. 7) ; for current requirement see Cal. Code Regs., tit. 5, § 55003, subd. (e) (Register 2007, No. 35).)
14. If a prerequisite or corequisite is challenged on the basis that it is either unlawfully discriminatory or applied in an unlawfully discriminatory manner (pursuant to Cal. Code Regs., tit. 5, § 55201, subd. (f)(3)), advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to the title 5 regulations addressing discrimination complaint procedures (Cal. Code Regs., tit. 5, § 59300 et seq.). (Cal. Code Regs., tit. 5, § 55201, subd. (g) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003, subd. (n) (Register 2007, No. 35).)
15. Identify prerequisites and corequisites in college publications available to students as well as in the course outline of any course for which they are established. (Cal. Code Regs., tit. 5, § 55202, subd. (a) (Register 93, No. 42); for current requirement see Cal. Code Regs., tit. 5, § 55003, subd. (f) (Register 2007, No. 35).)
16. Determine whether a student meets a prerequisite based on successful completion of an appropriate course. (Cal. Code Regs., tit. 5, § 55202, subd. (c) (Register 93, No. 42) ; for current requirement see Cal. Code Regs., tit. 5, § 55003, subd. (h) (Register 2007, No. 35).)
17. Ensure precollegiate basic skills courses designed to teach the required skills in reading, written expression, or mathematics, 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, if a prerequisite requires precollegiate skills in reading, written expression, or mathematics. (Cal. Code Regs., tit. 5, § 55202, subd. (d) (Register 93, No. 42); for current requirement see Cal. Code Regs., tit. 5, § 55003, subd. (i) (Register 2007, No. 35).)
18. Offer sufficient sections of a corequisite course to reasonably accommodate all students who are required to take the corequisite. (Cal. Code Regs., tit. 5, § 55202, subd. (e) (Register 93, No. 42); for current requirement see Cal. Code Regs., tit. 5, § 55003, subd. (j) (Register 2007, No. 35).)

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19. Waive a corequisite for any student whom space in the corequisite course is not available. (Cal. Code Regs., tit. 5, § 55202, subd. (e) (Register 93, No. 42); for current requirement see Cal. Code Regs., tit. 5, § 55003, subd. (j) (Register 2007, No. 35).)

20. Make a determination of whether a student meets a prerequisite prior to the student's enrollment in the course requiring the prerequisite. (Cal. Code Regs., tit. 5, § 55202, subd. (g) (Register 93, No. 42); for current requirement see Cal. Code Regs., tit. 5, § 55003, subd. (l) (Register 2007, No. 35).)

F. Degrees and Certificates (Cal. Code Regs., tit. 5, §§ 55800, 55805, and 55806)

1. Adopt policy consistent with the subchapter regarding degrees and certificates consisting of California Code of Regulations, title 5, section 55800 – 55810. (Cal. Code Regs., tit. 5, § 55800 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55060 (Register 2007, No. 35).)

2. Publish the policy consistent with the subchapter regarding degrees and certificates in the college catalog under appropriate headings. (Cal. Code Regs., tit. 5, § 55800 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55060 (Register 2007, No. 35).)

3. File a copy of the policy regarding degrees and certificates, and any amendments, with the Chancellor. (Cal. Code Regs., tit. 5, § 55800 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55060 (Register 2007, No. 35).)

4. Adopt a policy which states its specific philosophy on General Education. (Cal. Code Regs., tit. 5, § 55805, subd. (a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55061, subd. (a) (Register 2007, No. 35).)

5. Consider the policy of the Board of Governors specified in California Code Regulations, title 5, section 55805, subdivision (a) (Register 91, No. 23), when developing the policy stating its specific philosophy on General Education. (Cal. Code Regs., tit. 5, § 55805, subd. (a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55061, subd. (a) (Register 2007, No. 35).)

6. Establish criteria, subject to the limitations in California Code of Regulations, title 5, section 55805.5 (Register 91, No. 23), to determine which courses may be used in implementing its philosophy on the associate degree and general education. (Cal. Code Regs., tit. 5, §§ 55805, subd. (b); and 55805.5 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, §§ 55061, subd. (b), and 55062 (Register 2007, No. 35).)

7. Review the policy and criteria for General Education, established pursuant to California Code of Regulations, title 5, section 55805, subdivisions (a) and (b), on a regular basis. (Cal. Code Regs., tit. 5, § 55805, subd. (c) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55061, subd. (c) (Register 2007, No. 35).)

8. Condition receipt of an associate degree upon a student who has satisfactorily completed at least 60 semester units or 90 quarter units of college work that is fulfilled in a curriculum accepted toward the degree by a college within the district (as shown in its catalog). This course work includes 18 semester or 27 quarter units in general education and at least 18 semester or 27 quarter units in a major, at least 12 semester or 18 quarter units completed in residence at the college granting the degree.

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The 18 semester or 27 quarter units in a major must be taken in a single discipline or related disciplines, as listed in the Community Colleges "Taxonomy of Programs."

The 18 semester or 27 quarter units in general education requirements must include a minimum of three semester or four quarter units in each of the following areas: (1) Natural Sciences, (2) Social and Behavioral Sciences, (3) Humanities, (4) Language and Rationality – English Composition, and (5) Language and Rationality – Communication and Analytical Thinking.

The remainder of the unit requirement is also to be selected from among these five divisions of learning or as determined by local option. (Cal. Code Regs., tit. 5, § 55806, subd. (a) and (b)(1) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55063, subd. (a) and (b) (Register 2007, No. 35).)

9. Offer ethnic studies in at least one of the general education areas of learning listed in California Code of Regulations, title 5, section 55806, subdivision (b)(1)(A)-D (i.e. Natural Sciences, Social and Behavioral Sciences, Humanities, Language and Rationality-English Composition, and Language and Rationality-Communication and Analytical Thinking) (Cal. Code Regs., tit. 5, § 55806, subd. (b)(3) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55063, subd. (b)(2) (Register 2007, No. 35).)

10. Design a course to help students develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities, in order to satisfy the general education requirement in natural sciences. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(A) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55063, subd. (b)(1)(A) (Register 2007, No. 35).)

11. Design a course to develop an awareness of the method of inquiry used by the social and behavioral sciences and 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, in order to satisfy the general education requirement in social and behavioral sciences. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(B) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55063, subd. (b)(1)(B) (Register 2007, No. 35).)

12. Design a course to help students to 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 ability to make value judgments, in order to satisfy the general education requirement in humanities. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(C) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55063, subd. (b)(1)(C) (Register 2007, No. 35).)

13. Design courses fulfilling the written composition (English composition) requirement to include both expository and argumentative writing. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(D)(1) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55063, subd. (b)(1)(D)(1) (Register 2007, No. 35).)

14. Design a course to fulfill the communication and analytical thinking requirement. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(D)(2) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55063, subd. (b)(1)(D)(2) (Register 2007, No. 35).)

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G. Open Courses (Cal. Code Regs., tit. 5, §§ 58102, 58104, and 58106)

1. Publish a description of each course that is clear and understandable to the prospective student in the official catalog, schedule of classes, and addenda. (Cal. Code Regs., tit. 5, §§ 58102 and 58104 (Register 93, No. 25).)
2. Handle challenges to enrollment limitations made by students pursuant to title 5, section 58106, subdivision (c), in a timely manner. (Cal. Code Regs., tit. 5, § 58106 (Register 93, No. 42).)
3. Waive the enrollment limitation with respect to a student that challenged an enrollment limitation, if the challenge is upheld. (Cal. Code Regs., tit. 5, § 58106 (Register 93, No. 42).)
4. Advise a student that he or she may file a formal complaint of unlawful discrimination pursuant to title 5, section 59300 et seq., upon completion of handling a challenge to an enrollment limitation made by a student alleging that an enrollment limitation is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner (pursuant to Cal. Code Regs., tit. 5, § 58106, subd. (c)(1) (Register 93, No. 42)). (Cal. Code Regs., tit. 5, § 58106 (Register 93, No. 42).)