

ITEM _
DRAFT STAFF ANALYSIS
PROPOSED PARAMETERS AND GUIDELINES

Education Code Sections 66010.2, 66010.7,¹ 66721.5, 66731, 66732, 66736, 66738, 66740,
66742, 70902, 78015, and 78016

Statutes 1988, Chapter 973; Statutes 1991, Chapter 1188; Statutes 1998, Chapter 365; and
Statutes 2000, Chapter 187

California Code of Regulations, Title 5, Sections 53203, 53207, 55001, 55002, 55005, 55006,
55150, 55201, 55202, 55750, 55751, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5,
55757, 55758, 55759, 55760, 55761, 55764, 55800, 55805, 55805.5, 55806, 58102, 58104, and
58106

Register 91, Number 23; Register 93, Number 25; Register 93, Number 42;
Register 94, Number 38; Register 98, Number 7; Register 2000, Number 50;
Register 2002, Number 8; and Register 2003, Number 18.

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, Co-Claimants

EXECUTIVE SUMMARY

The following is the proposed statement of decision for this matter prepared pursuant to section 1188.1 of the Commission's regulations. As of January 1, 2011, Commission hearings on the adoption of proposed parameters and guidelines are conducted under article 7 of the Commission's regulations.² Article 7 hearings are quasi-judicial hearings. The Commission is required to adopt a decision that is correct as a matter of law and based on substantial evidence in the record.³ Oral or written testimony is offered under oath or affirmation in article 7 hearings.⁴

¹ During the September 28, 2012 Commission hearing, the Commission severed the reimbursable state-mandated new programs or higher levels of service imposed by Education Code sections 66010.2 and 66010.7 from the *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31) parameters and guidelines in order to include those activities with the *Minimum Conditions for State Aid* (02-TC-25 and 02-TC-31) parameters and guidelines. See the adopted statement of decision and parameters and guidelines for *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31) at <<http://www.csm.ca.gov/pendingclaims/docs/dcp/doc78.pdf>> as of October 24, 2012.

² California Code of Regulations, Title 2, section 1187.

³ Government Code section 17559(b); California Code of Regulations, Title 2, 1187.5.

I. Summary of the Mandate

The *Minimum Conditions for State Aid* program addresses standards for the formation and basic operation of the California Community Colleges. On May 26, 2011, the Commission on State Mandates (Commission) adopted a statement of decision finding that the test claim statutes and regulations impose a partially reimbursable state-mandated program upon community college districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission separated the activities found to be reimbursable into the following seven program areas: (1) faculty participation in district and college governance; (2) transfer centers in community colleges; (3) vocational education; (4) standards of scholarship; (5) curriculum; (6) degrees and certificates; and (7) open courses.

The Commission approved this test claim for the reimbursable activities associated with the newly required standards for the formation and basic operation of community college districts identified on pages 150-164 of the Commission's statement of decision on the test claim and those activities are included in the proposed parameters and guidelines.

In addition, at the September 28, 2012 Commission hearing, the Commission severed the reimbursable state-mandated new programs or higher levels of service imposed by Education Code sections 66010.2 and 66010.7, which address student equity in education, from the *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31) parameters and guidelines in order to include those activities with the *Minimum Conditions for State Aid* (02-TC-25 and 02-TC-31) parameters and guidelines.⁵

II. Procedural History

On June 16, 2011, the claimants submitted proposed parameters and guidelines to the Commission. The claimants propose separating the parameters and guidelines into the following nine separate single subject parameters and guidelines: (1) Academic Standards; (2) Co-requisite Courses; (3) College Catalog; (4) Curriculum Standards; (5) Degrees and Certificates; (6) Open Courses; (7) Shared Governance; (8) Transfer Centers; and (9) Vocational Education Programs.

On July 22, 2011, the State Controller's Office (SCO) submitted comments raising three substantive issues regarding the claimants' proposed parameters and guidelines. First, the SCO recommends that all of the reimbursable activities from the *Minimum Conditions for State Aid* program be placed into one set of parameters and guidelines in order to avoid confusion, simplify future amendments if necessary, and to maintain consistency. Second, the SCO points out that the Commission partially approved activities falling under seven programmatic categories, however, the claimants propose separating the approved activities into nine programmatic categories and moving some of the activities under categories that differ from the Commission's statement of decision on the test claim. The SCO recommends using only the seven categories from the Commission's statement of decision on the test claim and to leave the same reimbursable activities under these categories in order to reduce confusion. Third, the SCO notes that activities that were not found to be reimbursable were included in the claimants' proposed

⁴ *Ibid.*

⁵ Adopted statement of decision and parameters and guidelines for *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31), at <<http://www.csm.ca.gov/pendingclaims/docs/dcp/doc78.pdf>> as of October 24, 2012.

parameters and guidelines. The SCO asserts that these activities need to be removed because they are non-reimbursable activities.

On December 7, 2011, the Department of Finance (Finance) submitted comments on the claimants' proposed parameters and guidelines. Finance's comments raise concerns in regard to the following four programmatic areas in which the claimants have separated the activities: (1) Curriculum Standards; (2) Open Courses; (3) Shared Governance; and (4) Transfer Centers. Finance generally requests the removal of language that Finance believes causes confusion as to what is actually reimbursable and the removal of activities that Finance argues are not reimbursable.

III. Staff Analysis

Commission staff analyzed the claimants' proposal to issue nine separate single subject parameters and guidelines, to reorganize and split the approved activities among the separate subject parameters and guidelines, and to amend some of the activities, and found that the claimants' proposal for multiple parameters and guidelines should not be adopted for the following reasons: (1) the separation of the parameters and guidelines into separate single subject parameters and guidelines unnecessarily separates the reimbursable activities approved in the *Minimum Conditions for State Aid* test claim, which are already delineated under subject headings; (2) the benefit of adding additional subject headers and reorganizing the activities approved is outweighed by the added confusion created by these proposals; and (3) the proposed amendments to some of the activities are inconsistent with the Commission's statement of decision on the test claim.

Staff recommends the adoption of one set of parameters and guidelines that maintain the seven subject matter headings set forth in the statement of decision for the test claim. In addition, staff recommends leaving the approved activities under the same headings set forth in the statement of decision for the test claim. Finally, staff recommends the adoption of non-substantive, technical changes made to some of the reimbursable activities found in the test claim statement of decision for the purposes of clarification, consistency, and conformity to the statement of decision on the test claim and statutory language.

Staff Recommendation

Staff recommends that the Commission adopt the proposed statement of decision on the parameters and guidelines and the attached proposed parameters and guidelines as amended by staff.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the statement of decision and parameters and guidelines following the Commission hearing.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES
FOR:

Education Code Sections 66010.2, 66010.7,⁶
66721.5, 66731, 66732, 66736, 66738, 66740,
66742, 70902, 78015, and 78016

Statutes 1988, Chapter 973; Statutes 1991,
Chapter 1188; Statutes 1991, Chapter 1198;
Statutes 1998, Chapter 365; and Statutes 2000,
Chapter 187

California Code of Regulations, Title 5,
Sections 53203, 53207, 55001, 55002, 55005,
55006, 55150, 55201, 55202, 55750, 55751,
55753, 55753.5, 55753.7, 55754, 55755,
55756, 55756.5, 55757, 55758, 55759, 55760,
55761, 55764, 55800, 55805, 55805.5, 55806,
58102, 58104, and 58106

Register 91, Number 23; Register 93, Number
25; Register 93, Number 42; Register 94,
Number 38; Register 98, Number 7; Register
2000, Number 50; Register 2002, Number 8;
and Register 2003, Number 18.

Period of reimbursement beginning:
July 1, 2001

Case No.: 02-TC-25 and 02-TC-31

Minimum Conditions for State Aid

STATEMENT OF DECISION
PURSUANT TO GOVERNMENT
CODE SECTION 17500 ET SEQ.;
TITLE 2, CALIFORNIA CODE OF
REGULATIONS, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

(Proposed for Adoption: January 25, 2013)

⁶ During the September 28, 2012 Commission hearing, the Commission severed the reimbursable state-mandated new programs or higher levels of service imposed by Education Code sections 66010.2 and 66010.7 from the *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31) parameters and guidelines in order to include those activities with the *Minimum Conditions for State Aid* (02-TC-25 and 02-TC-31) parameters and guidelines. See the adopted statement of decision and parameters and guidelines for *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31) at <<http://www.csm.ca.gov/pendingclaims/docs/dcp/doc78.pdf>> as of October 24, 2012.

STATEMENT OF DECISION

The Commission on State Mandates (Commission) adopted this statement of decision and parameters and guidelines during a regularly scheduled hearing on January 25, 2013. [Witness list will be included in the final statement of decision.]

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission adopted the parameters and guidelines and statement of decision by a vote of [Vote count will be included in the final statement of decision].

I. Summary of the Mandate

The *Minimum Conditions for State Aid* program addresses standards for the formation and basic operation of the California Community Colleges. On May 26, 2011, the Commission adopted a statement of decision finding that the test claim statutes and regulations impose a partially reimbursable state-mandated program upon community college districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission separated the activities found to be reimbursable into the following seven program areas: (1) faculty participation in district and college governance; (2) transfer centers in community colleges; (3) vocational education; (4) standards of scholarship; (5) curriculum; (6) degrees and certificates; and (7) open courses.

The Commission approved this test claim for the reimbursable activities associated with the newly required standards for the formation and basic operation of community college districts identified on pages 150-164 of the Commission's statement of decision on the test claim and those activities are included in the parameters and guidelines.

In addition, at the September 28, 2012 Commission hearing, the Commission severed the reimbursable state-mandated new programs or higher levels of service imposed by Education Code sections 66010.2 and 66010.7, which address student equity in education, from the *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31) parameters and guidelines in order to include those activities with the *Minimum Conditions for State Aid* (02-TC-25 and 02-TC-31) parameters and guidelines.⁷

II. Procedural History

The test claim statement of decision was adopted on May 26, 2011.⁸ Pursuant to Government Code section 17557 and Section 1183.11 of the Commission's regulations, the claimants submitted proposed parameters and guidelines to the Commission on June 16, 2011. The claimants propose separating the parameters and guidelines into the following nine separate single subject parameters and guidelines: (1) Academic Standards; (2) Co-requisite Courses; (3) College Catalog; (4) Curriculum Standards; (5) Degrees and Certificates;

⁷ Adopted statement of decision and parameters and guidelines for *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31), at <<http://www.csm.ca.gov/pendingclaims/docs/dcp/doc78.pdf>> as of October 24, 2012.

⁸ Exhibit A, statement of decision for *Minimum Conditions for State Aid* (02-TC-25 and 02-TC-31), at <<http://www.csm.ca.gov/sodscan/060111c.pdf>> as of October 24, 2012.

(6) Open Courses; (7) Shared Governance; (8) Transfer Centers; and (9) Vocational Education Programs.

III. Position of the Parties

On July 22, 2011, the State Controller's Office (SCO) submitted comments raising three substantive issues regarding the claimants' proposed parameters and guidelines. First, the SCO recommends that all of the reimbursable activities from the *Minimum Conditions for State Aid* program be placed into one set of parameters and guidelines in order to avoid confusion, simplify future amendments if necessary, and to maintain consistency. Second, the SCO points out that the Commission partially approved activities falling under seven programmatic categories, however, the claimants propose separating the approved activities into nine programmatic categories and moving some of the activities under categories that differ from the Commission's statement of decision on the test claim. The SCO recommends using only the seven categories from the Commission's statement of decision on the test claim and to leave the same reimbursable activities under these categories in order to reduce confusion. Third, the SCO notes that activities that were not found to be reimbursable were included in the claimants' proposed parameters and guidelines. The SCO asserts that these activities need to be removed because they are non-reimbursable activities.

On December 7, 2011, the Department of Finance (Finance) submitted comments on the claimants' proposed parameters and guidelines. Finance's comments raises concerns in regard to the following four programmatic areas in which the claimants have separated the activities: (1) Curriculum Standards; (2) Open Courses; (3) Shared Governance; and (4) Transfer Centers.⁹

In regard to "Curriculum Standards," Finance notes that the claimants have combined the reimbursable activity imposed by Education Code section 70902(b)(2)(A) with the language of Education Code section 70902(b)(2)(B). Finance argues that this causes confusion as to what the reimbursable activity actually is, and requests that the activities be separated to avoid confusion.

In the claimants' proposed parameters and guidelines for "Open Courses," the claimants have included reference to the *Discrimination Complaint Procedures* (02-TC-46) parameters and guidelines in activities associated with a student challenging course enrollment requirements. Finance argues that the *Minimum Conditions for State Aid* parameters and guidelines should explicitly state what is needed instead of referencing the parameters and guidelines of a separate mandate in order to avoid any confusion and inappropriate claims. As a result, Finance requests that references to the *Discrimination Complaint Procedures* parameters and guidelines be removed and that appropriate language be added to state what is needed.

In regard to "Shared Governance," Finance argues that reimbursements received by a school district from the Academic Senate for the release time of faculty serving as president and vice president for the Academic Senate should be identified as an offsetting revenue source. In addition, Finance argues that the claimants have included activities that are not reimbursable in the "Shared Governance" and "Transfer Centers" parameters and guidelines proposed by the claimants. Finance requests the removal of these activities.

⁹ Exhibit D, Department of Finance's Comments on Claimants' Proposed Parameters and Guidelines, dated December 7, 2011.

IV. Commission Findings

The test claim statement of decision, the claimants' proposed parameters and guidelines, and comments filed by the SCO and Finance were reviewed and considered by the Commission as discussed below.

A. Claimants' Proposal to Adopt Nine Sets of Parameters and Guidelines

The claimants' proposed parameters and guidelines separates the parameters and guidelines into the following nine separate single subject parameters and guidelines: (1) Academic Standards; (2) Co-requisite Courses; (3) College Catalog; (4) Curriculum Standards; (5) Degrees and Certificates; (6) Open Courses; (7) Shared Governance; (8) Transfer Centers; and (9) Vocational Education Programs. The claimants state that issuing "[s]eparate single-subject parameters and guidelines will reduce confusion when the districts collect documentation for the annual claims and facilitate amendments required by any future legislation or litigation."¹⁰

Additionally, the claimants propose reorganizing, and in some cases splitting, some of the activities within and among the separate subject parameters and guidelines. In addition, the claimants propose adding activities not specifically found to impose reimbursable state-mandated activities in the proposed parameters and guidelines.

The Commission denies the claimants' proposal to issue nine separate single subject parameters and guidelines and to reorganize and split the approved activities among the separate subject parameters and guidelines for the following reasons: (1) the separation of the parameters and guidelines into separate single subject parameters and guidelines unnecessarily separates the reimbursable activities approved in the *Minimum Conditions for State Aid* test claim, which are already delineated under subject headings; and (2) the benefit of adding additional subject headers and reorganizing the activities approved is outweighed by the added confusion created by these proposals.

In the statement of decision for the *Minimum Conditions for State Aid* (02-TC-25 and 02-TC-31) test claim the Commission organized the approved activities into seven separate categories based on subject matter. The headers identifying each category sufficiently delineate the approved activities in the statement of decision for the test claim. The claimants do not explain the confusion that is caused by issuing a single parameters and guidelines for the activities approved in the *Minimum Conditions for State Aid* test claim, and it is unclear how issuing separate parameters and guidelines would reduce such confusion.

In addition, any benefit arising from creating two new subject matter headings, renaming other headings, and reorganizing and splitting the activities approved in the statement of decision for the test claim within and among nine separate parameters and guidelines is outweighed by the confusion that arises from the claimants' proposal. The Commission organized the approved activities based on subject matter, organization that exists within the Education Code and California Code of Regulations, and the order in which the code sections and regulations were analyzed within the statement of decision of the test claim. The claimants' proposal to reorganize and split the approved activities between nine separate subject matter parameters and guidelines would cause confusion as to the meaning of activities meant to be read in context of a reorganized or split activity. In addition, the proposal makes it difficult to trace the activity back

¹⁰ Exhibit B, parameters and guidelines proposed by the claimants, dated June 16, 2011.

to the statement of decision for the test claim in the event of such confusion. The statements of decision adopted for the test claim and parameters and guidelines provide the legal and factual basis for the parameters and guidelines. Therefore, in the interests of simplicity and clarity, the Commission denies the claimants' proposal to adopt nine sets of parameters and guidelines, and instead adopts one set of parameters and guidelines consistent with the test claim decision.

B. Reimbursable Activities (Section IV of the Parameters and Guidelines)

The following discussion addresses claimant's proposed activities and non-substantive, technical changes made to the reimbursable activities for the purposes of clarification, consistency, and conformity to the test claim statement of decision and the statutory language.

(1) Participation in District and College Governance (Ed. Code, § 70902(b)(7) and (b)(14), and Cal. Code Regs., tit. 5, §§ 53203 and 53207) (Subdivision One of Section IV of the Parameters and Guidelines)

As a preliminary matter, for purposes of clarification, the title for the activities listed under "Faculty Participation in District and College Governance" in the statement of decision for the test claim has been changed in the parameters and guidelines to "Participation in District and College Governance." Although most of the reimbursable activities contained in this section of the statement of decision for the test claim are limited to faculty participation in district and college governance, the activity imposed by Education Code section 70902(b)(7) is not limited to faculty, but also includes the establishment of procedures for staff and student participation in college governance.

a. Clarifying changes to the approved activity imposed by Education Code section 70902(b)(7)

In the statement of decision for the test claim the Commission approved the following activity imposed by Education Code section 70902(b)(7):

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 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(b)(7) (Stats. 1988, ch. 973).)

The claimants propose including language in the parameters and guidelines that paraphrases the requirements of California Code of Regulations, title 5, sections 51023.5(a)(3) and (4), and 51023.7(a)(1)-(3). This language includes the adoption of policies and procedures that provide district and college staff and students the opportunity to participate effectively in district and college governance, and the opportunity to participate in the formulation and development of district and college policies and procedures that have or will have a significant effect on staff or students.

Finance argues that the claimants' proposal incorrectly allows for costs associated with activities related to California Code of Regulations, title 5, sections 51023.5 and 51023.7. Finance states:

While the Commission identified state-mandated activities related to Education Code 70902(b)(7) which directs districts to establish procedures consistent with CCR, title 5, sections 51023.5 and 51023.7, the activities associated with these regulations are not mandated activities because [community college districts] do not face practical compulsion to comply.¹¹

Consistent with the statement of decision for the test claim, the Commission finds that community college districts are entitled to reimbursement for including content required by California Code of Regulations, title 5, sections 51023.5 and 51023.7, in the procedures adopted by community college districts pursuant to Education Code section 70902(b)(7). However, the Commission denies the claimants' proposed language because it goes beyond the scope of the mandate and conflicts with the Commission's findings.

In the statement of decision for the test claim, the Commission found that sections 51023.5 and 51023.7 do not independently impose state-mandated activities because: (1) the requirements contained in the sections are triggered by a district's underlying discretionary decision; and (2) there is no evidence of practical compulsion to comply with the requirements.¹² However, when analyzing the requirement imposed by Education Code section 70902(b)(7), the Commission found:

Education Code section 70902, subdivision (b)(7), requires community college districts to 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 the right of the academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards. The procedures that community college districts are required to establish must be consistent with the minimum standards established by the Board of Governors. The minimum standards regarding faculty are set forth in title 5, sections 53200-53207, discussed below. In contrast, the minimum standards established by the Board of Governors addressing staff and student participation are set forth in title 5, sections 51023.5 and 51023.7, which the Board of Governors established as minimum conditions, satisfaction of which entitles a district to state aid. As a result, although the requirements of title 5, sections 51023.5 and 51023.7, do not independently impose state-mandated activities, Education Code section 70902, subdivision (b)(7), requires that community college districts establish policies to ensure staff and students the opportunity to participate in college governance, that are consistent with sections 51023.5 and 51023.7. (Underline added.)

Thus, as the Commission determined, although the requirements of title 5, sections 51023.5 and 51023.7, do not independently impose state-mandated activities, Education Code section 70902(b)(7) requires that community college districts establish policies to ensure staff and students the opportunity to participate in college governance, that are consistent with sections 51023.5 and 51023.7, in order for the procedures to be consistent with the minimum standards adopted by the Board of Governors.

¹¹ Exhibit D, *supra*.

¹² Exhibit A, Statement of Decision, pgs. 26-30.

The Commission emphasizes that the reimbursable activity found to be imposed by Education Code section 70902(b)(7) is the *establishment of procedures* to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, *not* the subsequent *process or implementation of the procedures* that allow faculty, staff, and student participation in formulating and developing any subsequent district and college policies and procedures.

Education Code section 70902(b)(7) provides in relevant part:

[T]he governing board of each community college district shall do all of the following:

[¶] ... [¶]

(7) Establish procedures not inconsistent with minimum standards established by the board of governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level

The language of Education Code section 70902(b)(7) does not specifically cite to California Code of Regulations, title 5, sections 53200-53207 (for faculty), 51023.5 (for staff), and 51023.7 (for students). The Commission included references to the regulation sections for purposes of clarifying for the parties where the minimum standards established by the Board of Governors were located at the start of the reimbursement period for this test claim.

In addition, where the requirements of a set of laws are incorporated by general reference to the entire set of laws rather than by reference to specific sections in the set, the referring statute or regulation takes the law referred to not only in its contemporary form but also as it may be changed in the future or eliminated altogether by repeal.¹³ Education Code section 70902(b)(7) incorporates the minimum standards regarding faculty, staff, and student participation by general reference to the “minimum standards” established by the Board of Governors. Thus, the reimbursable activity takes the minimum standards referred to not only in its contemporary form but also as it may be changed in the future or eliminated altogether by repeal. Including language in the parameters and guidelines that paraphrases the content of title 5, sections 51023.5 and 51023.7, as they exist at any specific time would improperly limit or expand the scope of what is required by Education Code section 70902(b)(7). As a result, the Commission does not adopt the claimants’ proposed language.

Therefore, the parameters and guidelines identify the activity imposed by Education Code section 70902(b)(7) as follows:

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 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 established by the Board of Governors. The minimum standards are set forth in California Code of Regulations, title 5, sections 53200-53207 (for faculty), 51023.5 (for staff), and 51023.7 (for students).

¹³ *People v. Eddy* (1995) 32 Cal.App.4th 1098, 1105-1106.

Reimbursement is not required to implement the procedures. (Ed. Code, § 70902(b)(7) (Stats. 1988, ch. 973).)

b. Clarifying changes to the activities imposed by California Code of Regulations, title 5, section 53207

California Code of Regulations, title 5, section 53207, provides for the release or reassigned time of faculty members elected to serve as president and vice president of the Academic Senate of the California Community Colleges (ASCCC) and the process for community colleges to get reimbursement from the ASCCC for the release or reassigned time. The Commission makes the following clarifying changes to the reimbursable activities imposed by California Code of Regulations, title 5, section 53207:

- f. 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.

Reimbursement is not required for the replacement cost of the released or reassigned faculty member. Rather reimbursement is required *only* for the administrative costs associated with granting faculty members release or reassigned time and the administrative costs associated with replacing the faculty serving as president or vice president. This activity is subject to offsetting revenue from the Academic Senate of the California Community Colleges for the administrative costs associated with granting 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(b) (Register 2003, No. 18). (Cal. Code Regs., tit. 5, § 53207(a) (Register 2003, No. 18).) *This activity was operative April 11, 2003, and thus, reimbursement for this activity begins on this date.*

- g. Identify release or reassigned time at the part-time replacement cost 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(c) (Register 2003, No. 18).) *This activity was operative April 11, 2003, and thus, reimbursement for this activity begins on this date.*

- h. 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(c) (Register 2003, No. 18).) *This activity was operative April 11, 2003, and thus, reimbursement for this activity begins on this date.*

The amendments made to the above activities are consistent with the Commission's statement of decision and the language of the regulations.

The first activity listed above has to be read in light of the fact that the ASCCC provides for reimbursement of the replacement costs of faculty members elected to serve as president or vice president of the ASCCC. As a result, the activity cannot include reimbursement for the replacement cost of the released or reassigned faculty member. Instead, the activity must be limited to the administrative costs associated with granting faculty members release or reassigned time. In addition, to the extent that these administrative costs include the

administrative costs to hire faculty to replace faculty serving as president or vice president of the ASCCC, those costs are subject to offsetting revenue from the reimbursement provided by the ASCCC.

Finance argues that because California Code of Regulations, title 5, section 53027, provides for reimbursement by the ASCCC for the reasonable and documented administrative costs associated with hiring faculty to replace the faculty serving as president and vice president of the Academic Senate the second and third activities listed above should be subject to the offsetting revenue provided by the Academic Senate. The Commission disagrees. The second and third activities are administrative processes associated with seeking reimbursement from the ASCCC. The activities are not administrative costs associated with *hiring* faculty to replace faculty serving as present and vice president of the ASCCC. As a result, the offsetting revenue identified by Finance that may be provided by the Academic Senate of the California Community Colleges does not pay for, and is not relevant to, these reimbursable activities.

(2) Transfer Centers (Ed. Code, §§ 66721.5, 66731, 66732, 66736, 66738, 66740, and 66742) (Subdivision Two of Section IV of the Parameters and Guidelines)

a. *Clarifying changes to the activities imposed by Education Code sections 66721.5(a)(1), and 66721.5(b),(c), and (d)*

For purposes of clarification, the Commission makes the following changes to the activities imposed by Education Code sections 66721.5(a)(1) and 66721.5(b), (c), and (d):

- a. ~~The governing board of each community college district~~ Provide direction to 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(a)(1) (Stats. 2000, ch. 187).)
- b. 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(b) (Stats. 2000, ch. 187).)~~

Include 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(b), (c) and (d) (Stats. 2000, ch. 187).)

The Commission combines the activities imposed by Education Code section 66721.5(b),(c), and (d) because subdivisions (c) and (d) are ways in which community college districts distribute copies of the current transfer core curriculum to each student. These amendments are consistent with the Commission's statement of decision on the test claim.

b. *Clarifying changes to the activities imposed by Education Code sections 66731 and 66732*

For purposes of clarification, the Commission makes the following changes indicated by the underlined language and strike-out to the activities imposed by Education Code sections 66731 and 66732:

- c. ~~Recognize~~ Formally acknowledge student matriculation from community colleges through the University of California and California State University as a central

institutional priority of all segments of higher education. (Ed. Code, § 66731 (Stats. 1991, ch. 1188).)

- d. ~~Declare~~Adopt as policy that the student transfer agreement program shall constitute a significant role in achieving the goal of student diversity within ~~their segments~~ community colleges, 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).)

Included in the definition of “recognize” is to make formal acknowledgment of something.¹⁴ Additionally, the plain meaning of “declare” is to “make known publicly, formally, or explicitly, [especially] by language.”¹⁵ In the context of the governing board of a community college district, making something formally known as policy is in essence the adoption of a policy. Thus, above changes are consistent with the Commission’s statement of decision for the test claim and the plain language of the Education Code sections and are intended to clarify these reimbursable activities.

c. Clarifying changes to the activity imposed by Education Code section 66736

For purposes of clarification, the Commission makes the following changes indicated by the underlined language and strike-out to the activity imposed by Education Code section 66736:

~~Ensure that its college or colleges maintain~~Maintain student transfer counseling centers or other counseling and student services at its college or colleges 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).)

The above amendments are consistent with the Commission’s statement of decision for the test claim.

The claimants propose amending the approved activity imposed by Education Code section 66736 by including activities derived from California Code of Regulations, title 5, section 51027, as part of the approved activity. The Commission denies the claimants’ proposal because it is not consistent with the Commission’s statement of decision on the test claim and the claimants have not provided evidence or analysis as to why the activities contained in section 51027 are reasonably necessary to implement the activity imposed by Education Code section 66736.

As a condition to be entitled to state aid, title 5, section 51027 requires community college districts to provide specific services and engage in specific activities associated with transfer center services. These services and activities include ensuring the provision of academic planning for transfer; assisting students in the transition process of transferring; designating a particular location on campus as the focal point of transfer functions; providing clerical support

¹⁴ Webster’s Third New International Dictionary (1993) p. 1986.

¹⁵ Webster’s Third New International Dictionary (1993) p. 586.

for the transfer center; designating an advisory committee to plan the development, implementation, and ongoing operations of the transfer center; and including in a transfer center plan a plan of institutional research for ongoing internal evaluation of the effectiveness of the college's transfer efforts.

In the Commission's statement of decision on the test claim, the Commission found that California Code of Regulations, title 5, section 51027, does not impose a state-mandated activity on community college districts because: (1) the requirements contained in the sections are triggered by a district's underlying discretionary decision; and (2) there is no evidence of practical compulsion to comply with the requirements.¹⁶ As a result, the inclusion of the activities required by title 5, section 51027, in the parameters and guidelines for this test claim would be inconsistent with the Commission's statement of decision for the test claim.

Additionally, the claimants have not provided evidence or analysis as to why activities such as designating a particular location on campus as the focal point of transfer functions, designating an advisory committee, and including a plan of institutional research for ongoing internal evaluation are reasonably necessary to implement the general activity of maintaining student transfer counseling centers as mandated by Education Code section 66736. As a result, the Commission denies the claimants' proposal.

d. Clarifying changes to the activity imposed by Education Code section 66738

For purposes of clarification, the Commission makes the following changes indicated by the underlined language and strike-out to the activities imposed by Education Code section 66738(a):

~~Be accountable for the development and implementation of~~Develop and implement formal system wide articulation agreements and transfer agreement programs, including those for general education or a transfer core curriculum, and other appropriate procedure to support and enhance the transfer function. (Ed. Code, § 66738(a) (Stats. 1991, ch. 1188).)

This amendment is clarifying and consistent with the Commission's statement of decision on the test claim.

The claimants propose amending the approved activity imposed by Education Code section 66738(a) by including the language of Education Code section 66738(b) in the parameters and guidelines. However, the Commission specifically found that the plain language of subdivision (b) does not impose any state-mandated activities on community college districts.¹⁷ Rather, subdivision (b) sets forth elements of a "comprehensive transfer system," which includes the agreements set forth in subdivision (a). The plain language of subdivision (b) does not require community college districts to engage in any activities to implement or develop a *comprehensive transfer system*. As a result, the inclusion of the claimants' proposed language is inconsistent with the statement of decision and is not adopted as part of the parameters and guidelines.

¹⁶ Exhibit A, Statement of Decision, pgs. 26-30.

¹⁷ Exhibit A. Statement of Decision, p. 54-55.

- e. *Addition of activities approved by the Commission in the Discrimination Complaint Procedures (02-TC-46 and a portion of 02-TC-25 and 02-TC-31) test claim within the Minimum Conditions for State Aid (02-TC-25 and 02-TC-31) parameters and guidelines*

At the September 28, 2012 Commission hearing, the Commission severed the reimbursable state-mandated new programs or higher levels of service imposed by Education Code sections 66010.2 and 66010.7, which address student equity in education, from the *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31) parameters and guidelines in order to include those activities with the *Minimum Conditions for State Aid* (02-TC-25 and 02-TC-31) parameters and guidelines.¹⁸ The approved activities imposed by Education Code section 66010.7(b) and (c) fit programmatically within the “Transfer Centers” activities approved by the Commission in the statement of decision for this test claim.

Thus, the parameters and guidelines include the following approved activities within the parameters and guidelines for the *Minimum Conditions for State Aid*. These activities are placed after the approved activity imposed by Education Code section 66736 and before the approved activity imposed by Education Code section 66738(a) under the “Transfer Centers” heading:

- g. Except as provided in the next paragraph, Undertake intersegmental collaboration and coordination (with the University of California and California State University) particularly when it can do either of the following: (1) facilitate achievement of the goals of educational equity; (2) facilitate student progress from one segment to another, particularly with regard to preparation of students for higher education as well as the transfer from the California Community Colleges to four-year institutions.

~~This activity excludes~~ Reimbursement is not required in instances in which cooperation can: (1) enhance the achievement of the institutional missions shared by the segments; (2) enable public and private postsecondary education to more effectively meet the educational needs of a geographical region; and (3) provide more effective planning of postsecondary education on a statewide basis. (Ed. Code, § 66010.7(b) (Stats. 1991, ch. 1198).)

- h. Work together with other leaders responsible for public (University of California and California State University) and independent institutions of higher education and the Superintendent of Public Instruction to promote and facilitate the development of intersegmental programs and other cooperative efforts aimed at improving the progress of students through the educational systems and at strengthening the teaching profession at all levels. (Ed. Code, § 66010.7(c) (Stats. 1991, ch. 1198).)

¹⁸ Adopted statement of decision and parameters and guidelines for *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31), at <<http://www.csm.ca.gov/pendingclaims/docs/dcp/doc78.pdf>> as of October 24, 2012.

- (3) Standards of Scholarship (Ed. Code, § 70902(b)(3), and Cal. Code Regs., tit. 5, §§ 55750, 55751, 55753, 55753.5, 55753.7, 55754, 55755, 55756.5, 55757, 55758, 55759, 55760, 55761, and 55764) (Subdivision Four of Section IV of the Parameters and Guidelines)

For purposes of clarification the Commission makes the following changes indicated by the underlined language and strike-out to the activity imposed by California Code of Regulations, title 5, section 55760:

- x. ~~The instructor of the course is to determine~~ 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(a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55025(a) (Register 2007, No. 35).)
- y. Include expunging of incorrect grades from the record 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(a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55025(d) (Register 2007, No. 35).)

This amendment is non-substantive and consistent with the Commission’s statement of decision on the test claim.

- (4) Curriculum (Ed. Code, § 70902(b)(2)(A), and Cal. Code Regs., tit. 5, §§ 55001, 55002, 55005, 55006, 55150, 55201, and 55202) (Subdivision Five of Section IV of the Parameters and Guidelines)

- a. *Clarifying changes to the activity imposed by California Code of Regulations, title 5, section 55002*

California Code of Regulations, title 5, section 55002, requires community colleges to get a recommendation from the college or district curriculum committee and approval by the district governing board when seeking to offer a course, and sets forth the elements the course must have to receive recommendation and approval. For purposes of clarification the Commission consolidates the elements for approval with the requirement of getting a recommendation and approval when seeking to offer a course. Specifically, the Commission makes the following changes indicated by the underlined language and strike-out to the activity imposed by California Code of Regulations, title 5, section 55002:

- c. Get a recommendation by the college or district curriculum committee and approval by the district governing board. ~~When~~ when seeking to offer a the 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.~~ Recommendation by the college or district curriculum committee and approval by the district governing board are based on the courses meeting the following requirements listed in i. through iv.: ~~(Cal. Code Regs., tit. 5, § 55002(a), (b), and (c) (Register 93, No. 42).)~~
 - i. 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(a)(4), (b)(4), and (c)(3) (Register 93, No. 42).)

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

1. 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(a)(2)(A) and (b)(2)(A) (Register 93, No. 42).)

2. 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(a)(2)(B) and (b)(2)(B) (Register 93, No. 42).)

3. 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(a)(2)(C) and (b)(2)(C) (Register 93, No. 42).)

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

1. Prerequisites and Co-requisites: Require prerequisites or co-requisites 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 co-requisites eligibility for enrollment in associate degree credit courses in English and/or mathematics. (Cal. Code Regs., tit. 5, § 55002(a)(2)(D) and (E) (Register 93, No. 42).)

2. 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(a)(2)(F) (Register 93, No. 42).)
3. 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(a)(2)(G) (Register 93, No. 42).)

- iv. 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(c)(1) (Register 93, No. 42).)

Reimbursement is not required to pay for the courses offered. Reimbursement is limited to obtaining the recommendation. (Cal. Code Regs., tit. 5, § 55002(a), (b), and (c) (Register 93, No. 42).)

This clarification is consistent with the Commission’s statement of decision on the test claim and similar to the claimants’ proposed parameters and guidelines titled “Curriculum Standards.”¹⁹

- b. *Clarifying changes to the activity imposed by California Code of Regulations, title 5, section 55002(a)(3), (b)(3), and (c)(2); and section 55150(b)*

For purposes of clarification, the Commission makes the following non-substantive change to the following activity:

~~Maintain~~Develop and keep 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.

¹⁹ Exhibit B. Claimants proposed parameters and guidelines, dated April 27, 2011, “Curriculum Standards,” pgs. 4-6.

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(a)(3), (b)(3), and (c)(2) (Register 93, No. 42); and Cal. Code Regs., tit. 5, § 55150(b) (Register 91, No. 23).)

This amendment is non-substantive and consistent with the Commission’s statement of decision on the test claim.

- c. *Amendment of the activity imposed by Education Code section 70902(b)(2)(A) by adding an activity approved by the Commission in the Discrimination Complaint Procedures (02-TC-46 and a portion of 02-TC-25 and 02-TC-31) test claim within the Minimum Conditions for State Aid (02-TC-25 and 02-TC-31) parameters and guidelines*

At the September 28, 2012 Commission hearing, the Commission severed the reimbursable state-mandated new programs or higher levels of service imposed by Education Code sections 66010.2 and 66010.7, which address student equity in education, from the *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31) parameters and guidelines in order to include those activities with the *Minimum Conditions for State Aid* (02-TC-25 and 02-TC-31) parameters and guidelines.²⁰ In the statement of decision for the *Discrimination Complaint Procedures* test claim, the Commission found Education Code section 66010.2(b) to impose the following reimbursable activity:

Provide all students the opportunity to address issues, including ethical issues that are central to their full development as responsible citizens, in community college programs. (Ed. Code, § 66010.2(b) (Stats. 1991, ch. 1198).)

This activity fits programmatically within the “Curriculum” activities approved by the Commission in the statement of decision for this test claim. Specifically, this activity is directly related to the following approved activity imposed by Education Code section 70902(b)(2)(A): Establish policies for and approve educational programs. (Ed. Code, § 70902(b)(2)(A).)

In order to emphasize that the opportunity to address issues, including ethical issues that are central to their full development as responsible citizens, is to occur in community college programs, the Commission combines the activities imposed by Education Code sections 66010.2(b) and 70902(b)(2)(A) as indicated by the underlined language and strike-out:

Establish policies for and approve educational programs. When doing so, provide~~Provide~~ all students the opportunity to address issues, including ethical issues that are central to their full development as responsible citizens, ~~in community college programs.~~ (Ed. Code, § 66010.2(b) (Stats. 1991, ch. 1198) and Ed. Code, § 70902(b)(2)(A) (Stats. 1988, ch. 973).)

This amendment is consistent with the statement of decision for both the *Minimum Condition for State Aid* test claim and the *Discrimination Complaint Procedures* test claim.

²⁰ Adopted statement of decision and parameters and guidelines for *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31), at <<http://www.csm.ca.gov/pendingclaims/docs/dcp/doc78.pdf>> as of October 24, 2012.

The claimants also propose amending the approved activity imposed by Education Code section 70902(b)(2)(A) by including language that was specifically denied in the Commission’s statement of decision for the test claim. Specifically, the claimants seek to amend the activity as indicated by the underlined language and strike-out below:

The governing board of each community college district shall [e]stablish policies for ~~and approve~~ courses of instruction and educational programs. The governing board shall establish policies for individual courses that are offered in approved educational programs without referral to the board of governors. (Citation omitted.)

[¶] . . . [¶]

The governing board of each community college district shall ~~Establish policies for and~~ approve courses of instruction and educational programs. The educational programs shall be submitted to the board of governors for approval. Courses of instruction that are not offered in approved educational programs shall be submitted to the board of governors for approval. The governing board shall approve individual courses that are not offered in approved educational programs without referral to the board of governors. (Citation omitted.)

The proposed language is derived from a portion of Education Code section 70902(b)(2)(A) and (b)(2)(B). As noted above, the language proposed to be added by the claimants was specifically denied in the Commission’s statement of decision for the test claim, which found that proposed language did not constitute a new program or higher level of service.²¹ Specifically, the Commission found that community college districts were required to engage in these activities since 1971. As a result, the Commission denies the claimants’ proposed amendment because it is inconsistent with the statement of decision for the test claim.

d. Clarifying changes to the activity imposed by California Code of Regulations, title 5, section 55201(b) and (e)

In the statement of decision, the Commission found that in specific circumstances community college districts are required to establish prerequisites or co-requisites.²² The Commission makes the following non-substantive clarifying changes to the activities imposed by California Code of Regulations, title 5, section 55201(b) and (e) which address the policies and processes for establishing prerequisites and co-requisites:

- h. Adopt policies for the provisions outlined in i. through iv. below, in accordance with the Board of Governors regulations addressing faculty participation in district and college governance (i.e. Cal. Code Regs., tit. 5, §§ 53200-53204), when a college is required to establish prerequisites or co-requisites for an associate degree credit course pursuant to California Code of Regulations, title 5, section 55002(a)(2)(D) and (E) (e.g. a student is unlikely to receive a satisfactory grade in a course without the prerequisite or co-requisite, or success in a course is dependent on communication or computation skills) (Cal. Code Regs., tit. 5, §§ 53200-53204) ~~when establishing prerequisites or corequisites~~

²¹ Exhibit A. Statement of Decision, pgs. 117-118.

²² *Id.* at pgs. 105-106.

~~for an associate degree credit course as required by California Code of Regulations, title 5, section 55002(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):~~

- i. The process for establishing prerequisites and co-requisites. The policy for the process for establishing prerequisites or co-requisites shall be based on content review with additional methods of scrutiny being applied depending on the type of prerequisite or co-requisite established. (Cal. Code Regs., tit. 5, § 55201(b)(1) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(1) (Register 2007, No. 35).)
- ii. The procedures to assure that courses for which prerequisites or co-requisites are established will be taught in accordance with the course outline that are the basis for the requirement to establish the prerequisite or co-requisite. (Cal. Code Regs., tit. 5, § 55201(b)(2) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(2) (Register 2007, No. 35).)
- iii. The process, including levels of scrutiny, for reviewing prerequisites and co-requisites to assure that they remain necessary and appropriate. The process shall provide that at least once each six years all prerequisites and co-requisites established by the district shall be reviewed. (Cal. Code Regs., tit. 5, § 55201(b)(3) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(3) (Register 2007, No. 35).)
- iv. The basis and process for an individual student to challenge the application of a prerequisite or co-requisite. The basis to challenge a prerequisite or co-requisite are:
 1. The prerequisite or co-requisite was not established in accordance with the district's process for establishing prerequisites and co-requisites;
 2. The prerequisite or co-requisite violates California Code of Regulations, title 5, sections 55200-55202, which address the authority, requirements, and limitations on authority, when establishing prerequisites and co-requisites;
 3. The prerequisite or co-requisite are either unlawfully discriminatory or are 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 co-requisite; and
 5. The student will be subject to undue delay in attaining the goal of his or her educational plan because the prerequisite or co-requisite course has not been made reasonably available. (Cal. Code Regs., tit. 5, § 55201(b)(2) and (f)(1)-(5) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(2) and (m)(1)-(5) (Register 2007, No. 35).)
- i. Gather data according to sound research practices and show the college or district curriculum committee and district governing board that a student is highly unlikely to succeed in ~~the~~ a non-communication or non-computation skills course unless the student

has met the proposed prerequisite or co-requisite, in addition to conducting a content review.

This activity is reimbursable only when a college is required to establish a course in communication or computation skills as a prerequisites or co-requisites for any non-communication or non-computation skills course pursuant to California Code of Regulations, title 5, section 55002(a)(2)(D) and (E) (e.g. a student is unlikely to receive a satisfactory grade in a course without the prerequisite or co-requisite, or success in a course is dependent on communication or computation skills), 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:

- i. Four-year institutions will not grant credit for a course unless it has the particular communication or computation skill prerequisite; or
- ii. The prerequisite or co-requisite 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:
 1. Colleges in at least six different districts have previously satisfied the data collection requirement with respect to the same prerequisite or co-requisite for the same program; and
 2. The district establishing the prerequisite or co-requisite conducts an evaluation to determine whether the prerequisite or co-requisite 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(e) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(e) (Register 2007, No. 35).)

These amendments clarify that the activities are only required in the limited circumstances identified in the Commission's statement of decision on the test claim.

- e. Claimants' proposal to amend the activity imposed by California Code of Regulations, title 5, section 55201(g)*

The claimants propose to include the following underlined reference to the *Discrimination Complaint Procedures* parameters and guidelines to the activity imposed by California Code of Regulations, title 5, section 55201(g):

If a prerequisite or co-requisite 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(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(g) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(n) (Register 2007,

No. 35.) See the parameters and guidelines for Discrimination Complaint Procedures for reimbursable activities.

Title 5, section 59300 et seq., set forth the procedures to handle complaints of discrimination within a community college and was analyzed and addressed in the *Discrimination Complaint Procedures* (02-TC-46, and a portion of 02-TC-25 and 02-TC-31) test claim. The activities approved in the statement of decision for the *Discrimination Complaint Procedures* were included in the parameters and guidelines for that test claim. It is unnecessary to “[s]ee the parameters and guidelines for the Discrimination Complaint Procedures for reimbursable activities,” because the activity imposed by title 5, section 55201(g), is *only* to advise a student that he or she may file a complaint of unlawful discrimination pursuant to title 5, section 59300 et seq. Title 5, section 55201(g), *does not* require community college districts to process any subsequent complaints via that process. To the contrary, that process was addressed in the *Discrimination Complaint Procedures* statement of decision and any part of that process that is reimbursable is already included in the parameters and guidelines for the *Discrimination Complaint Procedures* and cannot be listed in these parameters and guidelines as reimbursable again. Thus, the Commission does not include the language proposed by the claimants.

f. *Clarifying change to the activity imposed by California Code of Regulations, title 5, section 55202(e)*

The Commission approved the following activity in the statement of decision for the test claim:

Offer sufficient sections of a co-requisite course to reasonably accommodate all students who are required to take the co-requisite. (Cal. Code Regs., tit. 5, § 55202(e) (Register 93, No. 42); for current requirement see Cal. Code Regs., tit. 5, § 55003(j) (Register 2007, No. 35).)

This activity must be read in light of the statement of decision as a whole, in which the Commission found that districts have been required to offer courses of instruction since prior to 1971.²³ Co-requisite courses constitute courses of instruction, and thus, the above activity cannot be read as approving reimbursement for offering co-requisite courses, including the associated teacher time. Rather, it must be read as the administrative act of ensuring sufficient sections of a co-requisite course are offered in light of the students required to take the course. As a result, the Commission amends the activity as follows:

Ensure sufficient sections of a co-requisite course are offered to reasonably accommodate all students who are required to take the co-requisite. Reimbursement for this activity is limited to the administrative functions of ensuring that sufficient sections of a co-requisite course are offered. This activity *does not* require reimbursement for offering the co-requisite course or the costs associated with the teacher time for the course. (Cal. Code Regs., tit. 5, § 55202(e) (Register 93, No. 42); for current requirement see Cal. Code Regs., tit. 5, § 55003(j) (Register 2007, No. 35).)

Viewed as a whole, this amendment is consistent with the Commission’s statement of decision on the test claim.

²³ Exhibit A, p. 118.

(5) Degrees and Certificates (Cal. Code Regs., tit. 5, §§ 55800, 55805, and 55806)
(Subdivision Six of Section IV of the Parameters and Guidelines)

For purposes of clarification, the Commission amends the following activities found in the statement of decision for the test claim as indicated by the underline and strike out:

- a. 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).)

When adopting this policy, Condition receipt of an associate degree by a student upon a student who has on the satisfactory completion of 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.

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(a) and (b)(1) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55063(a) and (b) (Register 2007, No. 35).)

- b. Publish in the college catalog under appropriate headings the policy that is consistent with the subchapter in title 5 of the California Code of Regulations 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).)

[¶] ... [¶]

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

These amendments are non-substantive clarifying changes that are consistent with the Commission’s statement of decision for the test claim.

(6) Open Courses (Cal. Code Regs., tit. 5, §§ 58102, 58104, and 58106) (Subdivision Seven of Section IV of the Parameters and Guidelines)

The claimants propose to include the following underlined reference to the *Discrimination Complaint Procedures* parameters and guidelines²⁴ to the activity imposed by California Code of Regulations, title 5, section 58106:

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(c)(1) (Register 93, No. 42)). (Cal. Code Regs., tit. 5, § 58106 (Register 93, No. 42).) See the parameters and guidelines for Discrimination Complaint Procedures for reimbursable activities.

Title 5, section 59300 et seq., set forth the procedures to handle complaints of discrimination within a community college and was analyzed and addressed in the *Discrimination Complaint Procedures* (02-TC-46, and a portion of 02-TC-25 and 02-TC-31) test claim. The activities approved in the statement of decision for the *Discrimination Complaint Procedures* were included in the parameters and guidelines for that test claim. It is unnecessary to “[s]ee the parameters and guidelines for the Discrimination Complaint Procedures for reimbursable activities,” because the activity imposed by tile 5, section 58106, is *only* to advise a student that he or she may file a complaint of unlawful discrimination pursuant to title 5, section 59300 et seq. Title 5, section 58106, *does not* require community college districts to process any subsequent complaints via that process. To the contrary, that process was addressed in the *Discrimination Complaint Procedures* statement of decision. Any part of that process that is reimbursable is already included in the parameters and guidelines for the *Discrimination Complaint Procedures* and cannot be listed in these parameters and guidelines as reimbursable again. Thus, the Commission does not include the language proposed by the claimants.

C. Offsetting Revenues and Reimbursements (Section VII of the Parameters and Guidelines)

The Commission adds language to Section VII of the parameters and guidelines identifying reimbursement received from the ASCCC for the administrative costs associated with granting faculty members release or reassigned time and administrative costs for hiring faculty to replace the faculty serving as president or vice president to be deducted as offsetting revenue for the mandate imposed by California Code of Regulations, title 5, section 53207(a).

V. Conclusion

For the foregoing reasons the Commission hereby adopts the proposed statement of decision and the attached proposed parameters and guidelines for the *Minimum Conditions for State Aid* program (02-TC-25 and 02-TC-31), with a period of reimbursement beginning July 1, 2001.

²⁴ (02-TC-46 and a portion of 02-TC-25 and 02-TC-31)

PROPOSED PARAMETERS AND GUIDELINES

Education Code Sections 66010.2, 66010.7,¹ 66721.5, 66731, 66732, 66736, 66738, 66740, 66742, 70902, 78015, and 78016

Statutes 1988, Chapter 973; Statutes 1991, Chapter 1188; Statutes 1991, Chapter 1198; Statutes 1998, Chapter 365; and Statutes 2000, Chapter 187

California Code of Regulations, Title 5, Sections 53203, 53207, 55001, 55002, 55005, 55006, 55150, 55201, 55202, 55750, 55751, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55759, 55760, 55761, 55764, 55800, 55805, 55805.5, 55806, 58102, 58104, and 58106

Register 91, Number 23; Register 93, Number 25; Register 93, Number 42; Register 94, Number 38; Register 98, Number 7; Register 2000, Number 50; Register 2002, Number 8; and Register 2003, Number 18.

Minimum Conditions for State Aid

02-TC-25 and 02-TC-31

I. SUMMARY OF THE MANDATE

The test claim statutes and regulations address the standards for the formation and basic operation of the California Community Colleges which includes: (1) faculty participation in district and college governance; (2) transfer centers in community colleges; (3) vocational education; (4) standards of scholarship; (5) curriculum; (6) degrees and certificates; and (7) open courses.

On May 26, 2011, the Commission on State Mandates (Commission) adopted a statement of decision for the *Minimum Conditions for State Aid* test claim finding that the test claim statutes and regulations impose a partially reimbursable state-mandated program upon community college districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission approved this test claim for the reimbursable activities found under Section IV. Reimbursable Activities.

¹ During the September 28, 2012 Commission hearing, the Commission severed the reimbursable state-mandated new programs or higher levels of service imposed by Education Code sections 66010.2 and 66010.7 from the *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31) parameters and guidelines in order to include those activities with the *Minimum Conditions for State Aid* (02-TC-25 and 02-TC-31) parameters and guidelines. See the adopted statement of decision and parameters and guidelines for *Discrimination Complaint Procedures* (02-TC-46 and a portion of 02-TC-25 and 02-TC-31) at <<http://www.csm.ca.gov/pendingclaims/docs/dcp/doc78.pdf>> as of October 24, 2012.

II. ELIGIBLE CLAIMANTS

Any community college district, which incurs increased costs as a result of this mandate, is eligible to claim reimbursement.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557(e), states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimants filed the test claim in the 2002-2003 fiscal year, establishing eligibility for reimbursement on or after July 1, 2001. All of the reimbursable activities approved in the *Minimum Conditions for State Aid* test claim were operative at the start of the reimbursement period *except* for the activities mandated by California Code of Regulations, title 5, section 53207. Title 5, section 53207, (Register 2003, No. 18) was operative April 11, 2003. As a result, all of the activities approved in the *Minimum Conditions for State Aid* test claim are eligible for reimbursement beginning July 1, 2001, *except* for the activities mandated by title 5, section 53207. The activities mandated by title 5, section 53207, are reimbursable beginning April 11, 2003.

Reimbursement for state-mandated costs may be claimed as follows:

- Actual costs for one fiscal year shall be included in each claim.
- Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions.
- Pursuant to Government Code section 17560(a), a school district may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
- If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a school district filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Government Code section 17560(b).)
- If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
- There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

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 to 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, 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:

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

- a. 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 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 established by the Board of Governors. The minimum standards are set forth in California Code of Regulations, title 5, sections 53200-53207 (for faculty), 51023.5 (for staff), and 51023.7 (for students).

Reimbursement is not required to implement the procedures. (Ed. Code, § 70902(b)(7) (Stats. 1988, ch. 973).)

- b. 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(e). (Ed. Code, § 70902(b)(14) (Stats. 1988, Ch. 973).)
- c. 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(a) (Register 94, No. 38).)

- d. 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 pursuant to California Code of Regulations, title 5, section 53202(a). (Cal. Code Regs., tit. 5, § 53203(b) (Register 94, No. 38).)
- e. Adopt procedures for responding to recommendations of the academic senate that incorporate the following:
 - i. 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(d)(1) (Register 94, No. 38).)

- ii. 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(d)(2) (Register 94, No. 38).)
- f. 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.

Reimbursement is not required for the replacement cost of the released or reassigned faculty member. Rather reimbursement is required only for the administrative costs associated with granting faculty members release or reassigned time and the administrative costs associated with replacing the faculty serving as president or vice president. This activity is subject to offsetting revenue from the Academic Senate of the California Community Colleges for the administrative costs associated with granting 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(b) (Register 2003, No. 18). (Cal. Code Regs., tit. 5, § 53207(a) (Register 2003, No. 18).) This activity was operative April 11, 2003, and thus, reimbursement for this activity begins on this date.

- g. Identify release or reassigned time at the part-time replacement cost 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. (Cal. Code Regs., tit. 5, § 53207(c) (Register 2003, No. 18).) *This activity was operative April 11, 2003, and thus, reimbursement for this activity begins on this date.*
- h. 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(c) (Register 2003, No. 18).) *This activity was operative April 11, 2003, and thus, reimbursement for this activity begins on this date.*

2. Transfer Centers (Ed. Code, §§ 66010.7, 66721.5, 66731, 66732, 66736, 66738, 66740, and 66742)

- a. Provide direction to 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(a)(1) (Stats. 2000, ch. 187).)
- b. 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.

Include 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(b), (c) and (d) (Stats. 2000, ch. 187).)

- c. Formally acknowledge student matriculation from community colleges through the University of California and California State University as a central institutional priority of all segments of higher education. (Ed. Code, § 66731 (Stats. 1991, ch. 1188).)
- d. Adopt as policy that the student transfer agreement program shall constitute a significant role in achieving the goal of student diversity within community colleges, 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).)
- e. 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).)
- f. Maintain student transfer counseling centers or other counseling and student services at its college or colleges 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).)
- g. Except as provided in the next paragraph, undertake intersegmental collaboration and coordination (with the University of California and California State University) particularly when it can do either of the following: (1) facilitate achievement of the goals of educational equity; (2) facilitate student progress from one segment to another, particularly with regard to preparation of students for higher education as well as the transfer from the California Community Colleges to four-year institutions.

Reimbursement is not required in instances which cooperation can: (1) enhance the achievement of the institutional missions shared by the segments; (2) enable public and private postsecondary education to more

effectively meet the educational needs of a geographical region; and (3) provide more effective planning of postsecondary education on a statewide basis. (Ed. Code, § 66010.7(b) (Stats. 1991, ch. 1198).)

- h. Work together with other leaders responsible for public (University of California and California State University) and independent institutions of higher education and the Superintendent of Public Instruction to promote and facilitate the development of intersegmental programs and other cooperative efforts aimed at improving the progress of students through the educational systems and at strengthening the teaching profession at all levels. (Ed. Code, § 66010.7(c) (Stats. 1991, ch. 1198).)
- i. Develop and implement 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(a) (Stats. 1991, ch. 1188).)
- j. 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(c) (Stats. 1991, ch. 1188).)
- k. 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).)
- l. 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).)
- m. 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).)

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

- a. 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.²

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(a)(1) (Stats. 1998, ch. 365).)

- b. Make copies of each job market study available to the public. (Ed. Code, § 78015(a)(2) (Stats. 1998, ch. 365).)
- c. Determine whether or not the job market study justifies the proposed vocational education program. (Ed. Code, § 78015(b) (Stats. 1998, ch. 365).)
- d. 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(c) (Stats. 1998, ch. 365).)
- e. 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(a) (Stats. 1998, ch. 365).)

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

² Education Code section 52301.5 defines "Labor Market Area" as "a county or aggregation of counties designated by the Employment Development Department (EDD) that has one or more central core cities and that meets criteria of population, population density, commute patterns, and social and economic integration specified by the EDD."

- g. 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 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(c) (Stats. 1998, ch. 365).)
 - h. Make a written summary of the findings of each review available to the public. (Ed. Code, § 78016(e) (Stats. 1998, ch. 365).)
- 4. Standards of Scholarship (Ed. Code, § 70902(b)(3), and Cal. Code Regs., tit. 5, §§ 55750, 55751, 55753, 55753.5, 55753.7, 55754, 55755, 55756.5, 55757, 55758, 55759, 55760, 55761, and 55764)**
- a. Adopt regulations consistent with the subchapter regarding standards of scholarship consisting of California Code of Regulations, title 5, section 55750 – 55765. (Ed. Code, § 70902(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).)
 - b. 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).)
 - c. 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).)
 - d. 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(a) (Register 2007, No. 35).)
 - e. 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(a) and (b) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55021(c) (Register 2007, No. 35).)
 - f. 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(a) (Register 2002, No. 8); for current requirement see Cal. Code Regs., tit. 5, § 55050(a) (Register 2007, No. 35).)
 - g. 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(a) (Register 91, No. 23); for

current requirement see Cal. Code Regs., tit. 5, § 55031(a) (Register 2007, No. 35).)

- h. 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(a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55032(a) (Register 2007, No. 35).)
- i. Adopt and publish procedures and conditions for probation and appeal of probation and request for removal from probation. . (Cal. Code Regs., tit. 5, § 55755(c) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55032(c) (Register 2007, No. 35).)
- j. 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(a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55033(a) (Register 2007, No. 35).)
- k. Adopt and publish procedures and conditions for dismissal and appeal of dismissal and request for reinstatement. (Cal. Code Regs., tit. 5, § 55756(c) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55033(c) (Register 2007, No. 35).)
- l. Adopt rules setting forth the circumstances that warrant exceptions to the standards for dismissal. (Cal. Code Regs., tit. 5, § 55756(d) (Register 91, No. 23) ending August 16, 2007.)
- m. 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(d) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55033(d) (Register 2007, No. 35).)
- n. 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(b) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55035(a) (Register 2007, No. 35).)
- o. 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(b) and (e) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55035(a) and (e) (Register 2007, No. 35).)

- p. 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(g) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55035(g) (Register 2007, No. 35).)
- q. 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(a) (Register 2007, No. 35).)
- r. 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(a). (Cal. Code Regs., tit. 5, § 55758(a) (Register 2000, No. 50); for current requirement see Cal. Code Regs., tit. 5, § 55023(a) (Register 2007, No. 35).)
- s. Publish the point equivalencies for the grades used in California Code Regulations, title 5, section 55758(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(d) (Register 2000, No. 50); for current requirement see Cal. Code Regs., tit. 5, § 55023(d) (Register 2007, No. 35).)
- t. 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).)
- u. 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).)
- v. 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).)
- w. 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).)

- x. 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(a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55025(a) (Register 2007, No. 35).)
 - y. Include expunging of incorrect grades from the record in the procedures for the correction of grades given in error. (Cal. Code Regs., tit. 5, § 55760(a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55025(d) (Register 2007, No. 35).)
 - z. Adopt and publish regulations for repeating courses in which substandard work has been recorded Cal. Code Regs., tit. 5, §§ 55760(b); and 55761 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, §§ 55040(a), and 55042(a) (Register 2007, No. 35).)
 - aa. 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(a) (Register 2007, No. 35).)
- 5. Curriculum (Ed. Code, §§ 66010.2, 70902(b)(2)(A), and Cal. Code Regs., tit. 5, §§ 55001, 55002, 55005, 55006, 55150, 55201, and 55202)**
- a. Report the classification of all courses, classes, and activities offered in accordance with California Code of Regulations, title 5, sections 55001 (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:
 - i. The unique static course identifier and the course title for all credit and noncredit courses. (Cal. Code Regs., tit. 5, § 55001(c)(1) (Register 94, No. 38) ending April 14, 2006.)
 - ii. 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(c)(2) (Register 94, No. 38) ending April 14, 2006.)
 - iii. Whether the course is offered as credit or noncredit. (Cal. Code Regs., tit. 5, § 55001(c)(3) (Register 94, No. 38) ending April 14, 2006.)
 - iv. Whether the course transfers to the California State University or the University of California or both. (Cal. Code Regs., tit. 5, § 55001(c)(4) (Register 94, No. 38) ending April 14, 2006.)
 - b. 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(a)(1) (Register 93, No. 42).)

- c. Get a recommendation by the college or district curriculum committee and approval by the district governing board of a course, when seeking to offer the course as an associate degree credit course, nondegree credit course, or noncredit course. Recommendation by the college or district curriculum committee and approval by the district governing board are based on the courses meeting the following requirements listed in i. through iv.:
 - i. 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(a)(4), (b)(4), and (c)(3) (Register 93, No. 42).)
 - ii. Proposed associate degree credit courses and nondegree credit courses must meet the following requirements found in California Code of Regulations, title 5, section 55002(a)(2) and (b)(2), in order to receive a recommendation by the college or district curriculum committee:
 1. 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(a)(2)(A) and (b)(2)(A) (Register 93, No. 42).)
 2. 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(a)(2)(B) and (b)(2)(B) (Register 93, No. 42).)
 3. 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(a)(2)(C) and (b)(2)(C) (Register 93, No. 42).)

- iii. Proposed associate degree credit courses must also meet the following requirements found in California Code of Regulations, title 5, section 55002(a)(2), in order to receive a recommendation by the college or district curriculum committee:
 1. Prerequisites and Co-requisites: Require prerequisites or co-requisites 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 co-requisites eligibility for enrollment in associate degree credit courses in English and/or mathematics. (Cal. Code Regs., tit. 5, § 55002(a)(2)(D) and (E) (Register 93, No. 42).)
 2. 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(a)(2)(F) (Register 93, No. 42).)
 3. 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(a)(2)(G) (Register 93, No. 42).)
- iv. 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(c)(1) (Register 93, No. 42).)

Reimbursement is not required to pay for the courses offered. Reimbursement is limited to obtaining the recommendation. (Cal. Code Regs., tit. 5, § 55002(a), (b), and (c) (Register 93, No. 42).)

- d. Develop and keep 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(a)(3), (b)(3), and (c)(2) (Register 93, No. 42); and Cal. Code Regs., tit. 5, § 55150(b) (Register 91, No. 23).)

- e. 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).)
- f. 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(c) (Register 91, No. 23).)
- g. Establish policies for and approve educational programs. When doing so, provide all students the opportunity to address issues, including ethical issues that are central to their full development as responsible citizens. (Ed. Code, § 66010.2(b) (Stats. 1991, ch. 1198) and Ed. Code, § 70902(b)(2)(A) (Stats. 1988, ch. 973).)
- h. Adopt policies for the provisions outlined in i. through iv. below, in accordance with the Board of Governors regulations addressing faculty participation in district and college governance (i.e. Cal. Code Regs., tit. 5, §§ 53200-53204), when a college is required to establish prerequisites or co-requisites for an associate degree credit course pursuant to California Code of Regulations, title 5, section 55002(a)(2)(D) and (E) (e.g. a student is unlikely to receive a satisfactory grade in a course without the prerequisite or co-requisite, or success in a course is dependent on communication or computation skills):
 - i. The process for establishing prerequisites and co-requisites. The policy for the process for establishing prerequisites or co-requisites shall be based on content review with additional methods of scrutiny being applied depending on the type of prerequisite or co-requisite established. (Cal. Code Regs., tit. 5, § 55201(b)(1) (Register 98, No. 7); for current

requirement see Cal. Code Regs., tit. 5, § 55003(b)(1) (Register 2007, No. 35).)

- ii. The procedures to assure that courses for which prerequisites or co-requisites are established will be taught in accordance with the course outline that are the basis for the requirement to establish the prerequisite or co-requisite. (Cal. Code Regs., tit. 5, § 55201(b)(2) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(2) (Register 2007, No. 35).)
- iii. The process, including levels of scrutiny, for reviewing prerequisites and co-requisites to assure that they remain necessary and appropriate. The process shall provide that at least once each six years all prerequisites and co-requisites established by the district shall be reviewed. (Cal. Code Regs., tit. 5, § 55201(b)(3) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(3) (Register 2007, No. 35).)
- iv. The basis and process for an individual student to challenge the application of a prerequisite or co-requisite. The basis to challenge a prerequisite or co-requisite are:
 1. The prerequisite or co-requisite was not established in accordance with the district's process for establishing prerequisites and co-requisites;
 2. The prerequisite or co-requisite violates California Code of Regulations, title 5, sections 55200-55202, which address the authority, requirements, and limitations on authority, when establishing prerequisites and co-requisites;
 3. The prerequisite or co-requisite are either unlawfully discriminatory or are 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 co-requisite; and
 5. The student will be subject to undue delay in attaining the goal of his or her educational plan because the prerequisite or co-requisite course has not been made reasonably available. (Cal. Code Regs., tit. 5, § 55201(b)(2) and (f)(1)-(5) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(2) and (m)(1)-(5) (Register 2007, No. 35).)
- i. Gather data according to sound research practices and show the college or district curriculum committee and district governing board that a student is highly unlikely to succeed in a non-communication or non-computation skills course unless the student has met the proposed prerequisite or co-requisite, in addition to conducting a content review.

This activity is reimbursable only when a college is required to establish a course in communication or computation skills as a prerequisite or co-requisite for any non-communication or non-computation skills course pursuant to California Code of Regulations, title 5, section 55002(a)(2)(D) and (E) (e.g. a student is unlikely to receive a satisfactory grade in a course without the prerequisite or co-requisite, or success in a course is dependent on communication or computation skills).

This data gathering requirement does not apply when:

- i. Four-year institutions will not grant credit for a course unless it has the particular communication or computation skill prerequisite; or
- ii. The prerequisite or co-requisite 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:
 1. Colleges in at least six different districts have previously satisfied the data collection requirement with respect to the same prerequisite or co-requisite for the same program; and
 2. The district establishing the prerequisite or co-requisite conducts an evaluation to determine whether the prerequisite or co-requisite 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(e) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(e) (Register 2007, No. 35).)
- j. If a prerequisite or co-requisite 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(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(g) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(n) (Register 2007, No. 35).)
- k. Identify prerequisites and co-requisites 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(a) (Register 93, No. 42); for current requirement see Cal. Code Regs., tit. 5, § 55003(f) (Register 2007, No. 35).)
- l. Determine whether a student meets a prerequisite based on successful completion of an appropriate course. . (Cal. Code Regs., tit. 5, § 55202(c) (Register 93, No. 42) ; for current requirement see Cal. Code Regs., tit. 5, § 55003(h) (Register 2007, No. 35).)
- m. 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(d) (Register 93, No. 42); for current requirement see Cal. Code Regs., tit. 5, § 55003(i) (Register 2007, No. 35).)

- n. Ensure sufficient sections of a co-requisite course are offered to reasonably accommodate all students who are required to take the co-requisite. Reimbursement for this activity is limited to the administrative functions of ensuring that sufficient sections of a co-requisite course are offered. *This activity does not require reimbursement for offering the co-requisite course or the costs associated with the teacher time for the course.* (Cal. Code Regs., tit. 5, § 55202(e) (Register 93, No. 42); for current requirement see Cal. Code Regs., tit. 5, § 55003(j) (Register 2007, No. 35).)
- o. Waive a co-requisite for any student whom space in the co-requisite course is not available. (Cal. Code Regs., tit. 5, § 55202(e) (Register 93, No. 42); for current requirement see Cal. Code Regs., tit. 5, § 55003(j) (Register 2007, No. 35).)
- p. 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(g) (Register 93, No. 42); for current requirement see Cal. Code Regs., tit. 5, § 55003(l) (Register 2007, No. 35).)

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

- a. 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).)

When adopting this policy, condition receipt of an associate degree by a student on the satisfactory completion of 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.

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(a) and (b)(1) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55063(a) and (b) (Register 2007, No. 35).)

- b. Publish in the college catalog under appropriate headings the policy that is consistent with the subchapter in title 5 of the California Code of Regulations regarding degrees and certificates. (Cal. Code Regs., tit. 5, § 55800 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55060 (Register 2007, No. 35).)
- c. 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).)
- d. Adopt a policy which states its specific philosophy on General Education. (Cal. Code Regs., tit. 5, § 55805(a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55061(a) (Register 2007, No. 35).)
- e. When developing the policy stating its specific philosophy on General Education, consider the policy of the Board of Governors specified in California Code Regulations, title 5, section 55805(a) (Register 91, No. 23). (Cal. Code Regs., tit. 5, § 55805(a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55061(a) (Register 2007, No. 35).)
- f. 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(b); and 55805.5 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, §§ 55061(b), and 55062 (Register 2007, No. 35).)
- g. Review the policy and criteria for General Education, established pursuant to California Code of Regulations, title 5, section 55805(a) and (b), on a regular basis. (Cal. Code Regs., tit. 5, § 55805(c) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55061(c) (Register 2007, No. 35).)
- h. Offer ethnic studies in at least one of the general education areas of learning listed in California Code of Regulations, title 5, section 55806(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(b)(3) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(2) (Register 2007, No. 35).)
- i. 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(b)(1)(A) (Register 2007, No. 35).)
- j. 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(b)(1)(B) (Register 2007, No. 35).)

- k. 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(b)(1)(C) (Register 2007, No. 35).)
- l. 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(b)(1)(D)(1) (Register 2007, No. 35).)
- m. 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(b)(1)(D)(2) (Register 2007, No. 35).)

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

- a. 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).)
- b. Handle challenges to enrollment limitations made by students pursuant to title 5, section 58106(c), in a timely manner. (Cal. Code Regs., tit. 5, § 58106 (Register 93, No. 42).)
- c. 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).)
- d. 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(c)(1) (Register 93, No. 42)). (Cal. Code Regs., tit. 5, § 58106 (Register 93, No. 42).)

V. CLAIM PREPARATION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the dates when services were performed and itemize all costs for those services.

4. Fixed Assets

Report the purchase price paid for fixed assets (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1., Salaries and Benefits, for each applicable reimbursable activity.

B. Indirect Cost Rates

Indirect costs are costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to be allocated to benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost. Indirect costs may include: (a) the indirect costs originating in each department or agency of the governmental unit carrying out state mandated programs; and (b) the costs of central

governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

Community colleges have the option of using: (1) a federally approved rate, utilizing the cost accounting principles from the Office of Management and Budget Circular A-21, "Cost Principles of Educational Institutions;" (2) the rate calculated on State Controller's Form FAM-29C; or (3) a 7% indirect cost rate.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter³ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsets the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. Also, reimbursement for the mandate imposed by California Code of Regulations, title 5, section 53207(a), received from the Academic Senate of the California Community Colleges for the administrative costs associated with granting faculty members release or reassigned time and for hiring faculty to replace the faculty servicing as president or vice president shall be identified and deducted from this claim.

In addition, reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds, and other state funds, shall be identified and deducted from this claim.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561(d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

³ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(d), and California Code of Regulations, title 2, section 1183.2.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The statements of decision adopted for the test claim and the statement of decision for the parameters and guidelines are legally binding on all parties and provide the legal and factual basis for the parameters and guidelines.⁴ The support for the legal and factual findings is found in the administrative record. The administrative record is on file with the Commission.

⁴ Reference to “statements of decision adopted for the test claim” includes the statement of decision for the *Discrimination Complaint Procedures* (02-TC-46; and a part of 02-TC-25 and 02-TC-31) test claim for purposes of the activities associated with Education Code sections 66010.2 and 66010.7, which were severed from the parameters and guidelines for that test claim and included in the parameters and guidelines for *Minimum Conditions for State Aid* (02-TC-25 and 02-TC-31).