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Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions.

51006. Open Courses

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

(b) The statement of policy adopted by the board pursuant to Subsection (a) of this Section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance¹ is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

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

51008. Comprehensive Plan.

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

(b) Such plans, as well as any annual updates or changes to such plans, shall be submitted to the Chancellor's Office for review and approval in accordance with Section 70901(b)(9) of the Education Code and with regulations of the Board of Governors pertaining to such plans.

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

51010. Affirmative Action.

The governing board of a community college district shall

(a) adopt a district policy which describes its affirmative action employment program and meets the requirements of Section 53002;

(b) develop and adopt a district faculty and staff diversity plan which meets the requirements of Section 53003;

¹The reference to average daily attendance (ADA) rather than full-time equivalent student (FTES) is being retained in this Section to accommodate prior year recalculations. Title 5, Section 58782, provides the transition from ADA to FTES.

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

(d) ensure that a program of recruitment is carried out as required by Section 53021, and

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

(f) ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan; and

(g) substantially comply with the other provisions of Subchapter 1 (commencing with section 53000) of Chapter 4.

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

51021. Curriculum

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

51022. Instructional Program

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

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

51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance.

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and manmanagement positions or groups of positions shall be separately defined or categorized.

(2) Participation in structures and procedures for the staff positions defined or categorized.

(3) In performing the requirements of Subsections (a)(1) and (2), the governing board or its designees shall consult with the representatives of existing staff councils,

committees, employee organizations, and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this Section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.

(7) The selection of staff representatives to serve on college and district task forces, committees, or other governance groups shall, when required by law, be made by those councils, committees, employee organizations, or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation. In all other instances, the selection shall either be made by, or in consultation with, such staff groups. In all cases, representatives shall be selected from the category that they represent.

(b) In developing and carrying out policies and procedures pursuant to Subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code Sections 3540, et seq., such procedures for staff participation shall not intrude on matters within the scope of representation under Section 3543.2 of the Government Code. In addition, governing boards shall not interfere with the exercise of employee rights to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Nothing in this Section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards. It is the intent of the Board of Governor to respect lawful agreements between staff and exclusive representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or maybe delegated to staff pursuant to these regulations.

(c) Nothing in this Section shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to Sections 53200-204, and Section 51023.7, respectively.

(d) The governing board of a community college district shall comply substantially with the provisions of this Section.

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

51023.7. Students.

(a) The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance. Among other matters, said policies and procedures shall include the following:

(1) Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures.

(2) Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formation of the policy or procedure or the joint development of recommendations regarding the action.

(3) Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration.

(4) For the purpose of this Section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code Section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.

(b) For the purposes of this Section, district and college policies and procedures that have or will have a "significant effect on students" includes the following:

- (1) grading policies;
- (2) codes of student conduct;
- (3) academic disciplinary policies;
- (4) curriculum development;
- (5) courses or programs which should be initiated or discontinued;
- (6) processes for institutional planning and budget development;
- (7) standards and policies regarding student preparation and success;
- (8) student services planning and development;
- (9) student fees within the authority of the district to adopt; and
- (10) any other district and college policy, procedure, or related matter that the district governing board determines will have a significant effect on students.

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.

(d) Nothing in this Section shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to the regulations on academic senates contained in Sections 53200-52306.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this Section

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901(b)(1)(E), 70902(b)(7) and 76060, Education Code.

51024. Matriculation Services

The governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under Section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under Section 55512(c);

(c) provide matriculation services to its students in accordance with Sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with Section 55534; and

(e) substantially comply with all other provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210-78218, Education Code.

Chapter 4. Employees

Subchapter 1. Affirmative Action and Equal Employment Opportunity Programs

Article 1. General

53000. Scope and intent.

(a) This Subchapter implements and should be read in conjunction with Government Code Sections 11135-11139.5. Education Code Sections 200 et seq., Education Code Sections 87100 et seq., Title VI of the Civil Rights Act of 1964 (42 U.S.C. 6 2000d). Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681). Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12100 et. seq.) and the Age Discrimination Act (42 U.S.C. § 6101).

(b) The regulations in this Subchapter require affirmative steps to promote faculty and staff diversity which are in addition to the nondiscrimination requirements of state or federal law. Therefore, compliance with these regulations or approval of the district's faculty and staff diversity plan pursuant to Section 53003 does not imply and should

not be construed to mean that a district has necessarily complied with its obligations under any other applicable laws or regulations. The Chancellor shall assist districts in identifying other applicable state or federal laws which may affect district affirmative action or nondiscrimination policies.

NOTE: Authority cited: Sections 70901 and 87105, Education Code; and Section 11138 Government Code. Reference: Sections 200 et seq. and 87100 et seq., Education Code; Sections 11135-11139.5. Government Code; Title 20 United States Code. Section 1681; Title 29. United States Code. Section 794 and Title 42 United States Code. Sections 2000d, 6101 and 12100, et seq.

3. Section 53001 of Subchapter 1 (commencing with Section 53000) of Chapter 4 of Division 6 of Title 5 of the California Code of Regulations is amended to read:

53001. Definitions.

As used in this Subchapter:

(a) Affirmative Action Employment Programs. "Affirmative action employment programs" means all the various methods by which equal employment opportunity is ensured and expected representation is to be achieved for qualified members of historically underrepresented groups. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively monitoring and taking other steps to ensure equal employment opportunities, promoting diversity in the work force, and taking corrective action consistent with the requirements of Section 53006.

(b) Faculty and Staff Diversity Plan. A "faculty and staff diversity plan" is a written document in which a district's work force is analyzed and specific result-oriented plans and procedures are set forth for ensuring equal employment opportunity, promoting diversity, and achieving expected representation of qualified members of historically underrepresented groups.

(c) Business Necessity. "Business necessity" means circumstances which justify an exception to the requirements of Section 53021 because compliance with that Section would result in substantial additional financial cost to the district or pose a significant threat to human life or safety. Business necessity requires greater financial cost than does mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.

(d) Equal Employment Opportunity. "Equal employment opportunity" means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the district.

(e)(1) Ethnic Minorities. "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.

(2) Ethnicity. "Ethnicity" means the ethnic group in which an individual is included or with which an individual identifies. A person shall be included in the group with which he or she identifies as his or her group, but may be counted in only one ethnic group. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

(f) Goal. "Goal" means a statement that the district will strive to attract and hire

additional qualified members of an historically underrepresented group in order to achieve the level of expected representation for that group by a target date established by taking into account the expected turnover in the work force and the availability of persons from that group who are qualified to perform a particular job. Goals are not "quotas" or rigid proportions.

(g) Person with a Disability. "Person with a disability" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment because of such an impairment.

(h) Historically Underrepresented Group. "Historically underrepresented group" means ethnic minorities, women and persons with disabilities. The Board of Governors recognizes that ethnic minorities, women, and persons with disabilities have historically faced discrimination and other obstacles that limited their education, employment and upward mobility. The Board of Governors further acknowledges that as early as 1983 evidence became available documenting that these groups were underrepresented in many job classifications in many community college districts throughout the system.

(i) Reasonable Accommodation. "Reasonable accommodation" means the efforts made on the part of the employer to remove artificial or real barriers which prevent or limit the employment and upward mobility of persons with disabilities.

(j) Expected Representation. "expected representation" means that the percentage of persons from an historically underrepresented group in the applicable work force is substantially equal to the percentage that members of that group represent given the number of persons from that group in the pool of persons who are determined by the Chancellor to be available and qualified to perform the work in question.

(k) In-house or Promotional Only Hiring. "In-house" or "promotional only" hiring means that only existing district employees are allowed to apply for a position.

(l) Screening or Selection Procedure. "Screening or selection procedure" means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to, traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.

(m) Adverse or Disparate Impact. "Adverse impact" or "disparate impact" means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures") is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group defined in terms of ethnicity, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if:

- (1) the numbers involved are too small to permit a meaningful comparison;
- (2) the disparity is attributable to the fact that affirmative action recruitment resulted in large numbers of persons from historically underrepresented groups in the

applicant pool; or

(3) the disparity occurs because the district is taking corrective action pursuant to Section 53006 to overcome the significant underrepresentation of another group.

(n) Significantly Underrepresented Group. "Significantly underrepresented group" means any historically underrepresented group for which the percentage of persons from that group employed by the district in any job category listed in Section 53004(a) is below seventy percent (70%) of the percentage that members of that group should represent given the pool of persons who are available and qualified to perform the work in question.

(o) Diversity. "Diversity" means a condition each district must strive to achieve in which the district's work force includes men and women, persons with disabilities, and individuals from all ethnic groups in numbers adequate to ensure that the community college provides an inclusive educational and employment environment which fosters cooperation, acceptance, democracy and the free exchange of ideas. Diversity should exist at all levels and in all job categories listed in Section 53004(a). Although there is no universal or specific measure for determining when diversity has been achieved, the demographics of the adult population of the state and of the community served by the district should both be considered.

(p) Target Date. "Target date" means a point in time by which the district plans to meet an established goal and achieve expected representation for a particular historically underrepresented group in a particular job category.

(q) Timetable. "Timetable" means a set of specific annual hiring objectives that will lead to meeting a goal by a projected target date.

NOTE: Authority cited: Sections 66700, 70901, and 87105, Education Code. Reference Section 87101, Education Code; Section 11092, Government Code; 29 C.F.R. 1602.48 (1981); 29 U.S.C. 793; 41 C.F.R. 60-741-2 (1980).

53003. District Plan.

(a) The governing board of each community college district shall develop and adopt a district-wide written faculty and staff diversity plan to implement its affirmative action employment program. Such plans and revisions shall be submitted to the Chancellor's Office for review and approval.

(b) This plan shall include the goals and timetables, as appropriate, for hiring and promotion of members of historically underrepresented groups developed pursuant to Section 53006 for each college in the district and for the district as a whole. Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the Chancellor's Office for approval. Each community college district shall notify the Chancellor at least 30 days prior to adopting any other amendments to its plan.

(c) In particular, the plan shall include all of the following:

(1) the designation of the district employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Subchapter pursuant to Section 53020,

(2) the procedure for filing complaints pursuant to Section 53026 and the person with whom such complaints are to be filed;

(3) a process for notifying all district employees of the provisions of the plan and the policy statement required under Section 53002;

(4) a process for ensuring that district employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of this Subchapter and of state and federal non-discrimination laws.

(5) a process for providing annual written notice to appropriate community organizations concerning the district's plan and the need for assistance from the community in identifying qualified members of historically underrepresented groups for openings with the district;

(6) an analysis of the number of persons from historically underrepresented groups who are employed in the district's work force and those who have applied for employment in each of the job categories listed in Section 53004(c);

(7) an analysis of the degree to which women, ethnic minorities, and persons with disabilities are underrepresented in comparison to the numbers of persons from such groups who the Chancellor determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;

(8) the steps the district will take to address the general goal of creating a diverse work force;

(9) goals for addressing any underrepresentation identified pursuant to Subparagraph (7); and

(10) a plan of corrective action consistent with Section 53006, including specific goals and timetables for hiring and promotion if necessary, to remedy any significant underrepresentation identified in the plan by achieving expected representation for all historically underrepresented groups in all job categories listed in Section 53004(a).

(d) The plans submitted to the Chancellor shall be public records.

(e) Each community college district shall make a continuous good faith effort to comply with the requirements of the plan required under this Section.

(f) In developing the availability data called for in Subsection (c)(7), the Chancellor shall work through the established Consultation Process.

NOTE: Authority cited: Sections 70901 and 87105, Education Code Reference: Sections 87100 et seq., Education Code.

5. Section 53004 of Subchapter 1 (commencing with Section 53000) of Chapter 4 of Division 6 of Title 5 of the California Code of Regulations is amended to read:

53004. District Evaluation and Report to Chancellor.

(a) Each district shall annually survey its employees and shall monitor applicants for employment on an ongoing basis in order to evaluate its progress in implementing its faculty and staff diversity plan and to provide data needed for the analyses required by Sections 53003, 53006, 53023, and 53024. Each district shall annually report to the Chancellor, in a manner prescribed by the Chancellor, the results of its annual survey of employees at each college in the district. Each employee shall be reported so that he or she may be identified as belonging to one of the following seven job categories:

(1) executive/administrative/managerial;

- (2) faculty and other instructional staff;
- (3) professional nonfaculty;
- (4) secretarial/clerical;
- (5) technical and paraprofessional;
- (6) skilled crafts; and
- (7) service and maintenance.

(b) For purposes of the survey and report, required pursuant to Subsection (a) of this Section, each applicant or employee shall be afforded the opportunity to identify his or her gender, ethnicity and, if applicable, his or her disability. Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories. However, determining whether corrective action is necessary, analysis of the separate subgroups is not necessary.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code; Section 8310.5, Government Code.

53006. Corrective Action.

(a) Continuation of Existing Goals. If a district established a hiring goal prior to the effective date of this Section and significant underrepresentation still exists, it shall update that goal, set a new target date for achieving expected representation for that group in the category or categories in question, and concurrently do the following:

(1) review its recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;

(2) consider various other means of reducing the underrepresentation which do not involve taking underrepresented group status into account, and implement any such techniques which are determined to be feasible and potentially effective; and

(3) comply with Subsection (c) of this Section.

(b) New goals. If a district determines, pursuant to Section 53003(c)(7), that a particular group is significantly underrepresented with respect to one or more job categories, and no goal has previously been set, the district shall take corrective action consistent with this Section. At a minimum, the district shall:

(1) review its recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;

(2) consider various other means of reducing the underrepresentation which do not involve taking underrepresented group status into account, and implement any such techniques which are determined to be feasible and potentially effective;

(3) determine whether the group is still significantly underrepresented in the category or categories in question after the measures described in (1) and (2) have been in place a reasonable period of time; and

(4) if significant underrepresentation persists, the district shall set a goal with a target date for achieving expected representation for the significantly underrepresented group in each job category where significant underrepresentation persists. The staffing rate for the significantly underrepresented group in the specified job category or categories shall be monitored on an ongoing basis and the use of

goals shall be discontinued when expected representation has been achieved for that group in the category or categories in question.

(c) Additional Measures. If a goal has been set, and after a reasonable period of time significant underrepresentation persists for a particular group in the job category in question, the district shall establish a specific timetable to project the levels of annual hiring of persons from the significantly underrepresented group which will be necessary to meet the goal by the target date. In addition, the district shall implement one or more of the following additional corrective measures until expected representation has been achieved for that group in the category in question.

(1) include in the applicant pool applicants from significantly underrepresented groups who were initially screened out because they failed to meet locally established "desirable or preferred" qualifications beyond state minimum qualifications, where such applicants can be expected to meet the additional qualifications through appropriate training or experience within one year.

(2) consider, as one factor in the final selection process, the fact that a candidate is a member of a significantly underrepresented group, provided that the qualifications of the candidates under consideration are reasonably considered to be substantially equivalent.

(d) New Goals for Women or Persons With Disabilities. Where either women or persons with disabilities are found to be significantly underrepresented, and no goal has previously been set for that group, the measures required under Subsections (b)(1) and (b)(2) shall be implemented concurrently with setting a specific hiring goal with a target date for achieving expected representation for that group in the job categories where the underrepresentation was found to exist. Goals shall remain in effect only until proportionate representation has been achieved for that group in the category or categories in question. Until the Chancellor's Office provides data regarding the availability of persons with disabilities by job category, an aggregate labor force availability rate shall be utilized for setting goals for hiring persons with disabilities with respect to the total district workforce. The district may also concurrently take other corrective action which takes gender or disability into account, so long as such measures are discontinued when expected representation is achieved for that group in the category or categories in question.

(e) Definition of Reasonable Period. For purposes of this Section, "a reasonable period of time" means three years, or such longer period that the Chancellor may approve, upon request of the faculty and staff diversity committee and the chief executive officer, where the district has not filled enough positions to appreciably alter the composition of its work force in the job category in question.

(f) Other voluntary Measures. Nothing in this Subchapter shall be construed to prohibit a district from taking any other steps it concludes are necessary to ensure equal employment opportunity, provided that such actions are consistent with the requirements of federal and state constitutional and statutory nondiscrimination law.

NOTE: Authority cited: Sections 70901 and 87105, Education Code and Section 11138, Government Code. Reference: Sections 87100 et seq., Education Code; and Sections 11135-11139.5, Government Code.

53021. Recruitment.

(a) Except as otherwise provided in this section, community college districts shall actively recruit from both within and outside the district work force to attract qualified applicants for all new openings. This shall include focused outreach to historically underrepresented groups. The requirement of open recruitment shall apply to all new full-time and part-time openings in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/ managerial positions. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include seeking qualified applicants listed in the California Community Colleges Faculty and Staff Diversity Registry. Recruitment for part-time faculty positions may be conducted separately for each new opening or by annually establishing a pool of eligible candidates, but in either case full and open affirmative action recruitment is required consistent with this Section.

(b) "In house or promotional only" recruitment shall not be used to fill any new opening except when:

(1) the pool of eligible district employees has achieved expected representation for all historically underrepresented groups and the district has an upward mobility program which is included in the faculty and staff diversity plan approved by the Chancellor;

(2) the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment; provided however, that in no interim appointment or series of interim appointments exceed one year in duration. The Chancellor may approve an extension of up to one additional year if the district demonstrates "business necessity" as defined in Section 53001(c)

(c) If a district believes justification exists for use of any of the exceptions listed in Subsection (b), it shall so notify the Faculty and Staff Diversity Advisory Committee established pursuant to Section 53005 and the Chancellor at least ten (10) working days prior to offering the position to a candidate.

(d) Even where in-house or promotional only recruitment is permitted pursuant to subsection (b), the district shall comply with its established hiring procedures and all qualified district employees shall be afforded the opportunity to apply.

(e) For purposes of this section, a new opening is not created when:

(1) there is a series of lateral transfers that do not result in a net increase in the number of employees;

(2) a position which is currently occupied by an incumbent and is upgraded, reclassified, or renamed without significantly altering the duties being performed by the individual;

(3) the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term;

(4) the position is filled by a temporary, short-term, or substitute employee appointed pursuant to Education Code Sections 87422, 87480, 87482.5(b), 88003, 88106, or 88109; or

(5) a part-time faculty member is assigned to teach the same or fewer hours he or she has previously taught in the same discipline without a substantial break in service. For purposes of this Section, "a substantial break in service" means more than one

calendar year or such different period as may be defined by a collective bargaining agreement.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

53023. Applicant Pool.

(a) The application for employment shall afford each applicant an opportunity to voluntarily identify his or her gender, ethnicity and, if applicable, his or her disability. This information shall be kept confidential and shall be used only in research, validation, monitoring, evaluating the effectiveness of the district's affirmative action employment program, or any other purpose specifically authorized in this Subchapter, or by any applicable statute or regulation.

(b) After the application deadline has passed, the composition of the initial applicant pool shall be analyzed to ensure that expected representation has been achieved for historically underrepresented groups. If necessary the application deadline shall be extended and additional focused recruitment shall be conducted for any historically underrepresented group for which expected representation has not been achieved. When the expected representation of historically underrepresented groups is achieved, or further recruitment efforts would be futile, applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. Before the selection process continues, the composition of the qualified applicant pool shall be analyzed to ensure that no group, defined in terms of ethnicity, gender, or disability, is adversely impacted pursuant to Section 53001(m). If adverse impact is found to exist, the chief executive officer or his or her designee shall take effective steps to address the adverse impact before the selection process is begun. Such steps may include, but are not limited to:

(1) the deadline is extended and additional recruitment focused on historically underrepresented groups is undertaken;

(2) locally established qualifications beyond state minimum qualifications are modified or removed and the application deadline is extended.

(c) If adverse impact persists after taking steps required under subdivision (b), the selection process may proceed only if:

(1) the job announcement does not require qualifications beyond the statewide minimum qualifications;

(2) locally established qualifications beyond state minimum qualifications, if any, are validated as job related and consistent with business necessity through a process meeting the requirements of federal law; or

(3) the particular requirements beyond statewide minimum qualifications which are used in the job announcement are among those which the Board of Governors has found to be job-related and consistent with business necessity throughout the community college system.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. References: Sections 87100 et seq., Education Code; 42 U.S.C. 2000 e-2.

53024. Screening or Selection Procedures.

(a) All screening or selection techniques, including the procedure for developing Interview questions, and the selection process as a whole, shall be:

(1) provided to the Chancellor upon request;

(2) designed to ensure that for faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;

(3) based solely on job-related criteria, except as authorized by Section 53006; and

(4) designed and monitored to ensure that they do not have an adverse impact, as defined in Section 53001(m), on any group defined in terms of ethnicity, gender, or disability.

(b) If monitoring pursuant to subsection (a)(4) reveals that any selection technique or procedure has adversely impacted any such group, the chief executive officer or his/her designee shall suspend the selection process and timely and effective steps shall be taken to remedy the problem before the selection process resumes. The affirmative action officer, or other official charged with responsibility for monitoring selection procedures, may assist the screening committee by discussing the overall composition of the applicant pool and the screening criteria or procedures which have produced an adverse impact, provided that confidential information about individual candidates is not disclosed. Where necessary, the position may be re-opened at any time and a new selection process initiated in a way designed to avoid adverse impact.

(c) A district may not designate or set aside particular positions to be filled by members of any group defined in terms of race, ethnicity, gender, age, or disability, or engage in any other practice which would result in discriminatory treatment prohibited by state or federal law. Nor may a district apply the goals, if any, set forth in the district's faculty and staff diversity plan in a rigid manner which has the purpose or effect of so discriminating.

(d) Seniority or length of service may be taken into consideration only to the extent it is job related, is not the sole criterion, and is included in the job announcement consistent with the requirements of Section 53022.

(e) Selection testing for employees shall follow procedures as outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures."

(f) Selection committees shall include members of historically underrepresented groups whenever possible.

(g) Notwithstanding any other provision of this Division, the governing board or its designee shall have the authority to make all final hiring decisions based upon careful review of the candidate or candidates recommended by a screening committee. This includes the right to reject all candidates and order further review by the screening committee or reopening of the position where necessary to further achievement of the goals, if any, established in the faculty and staff diversity plan. However, consistent failure to select qualified candidates from historically underrepresented groups who are recommended by screening committees shall constitute a violation of Section

51010 of this Division.

NOTE: Authority cited: Sections 70901 and 87105, Education Code. Reference: Sections 87100 et seq., Education Code.

53025. Persons with Disabilities.

Districts shall ensure that applicants and employees with disabilities receive reasonable accommodations consistent with the requirements of Government Code Sections 11135 et seq., Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, flexible scheduling, adaptive equipment, and auxiliary aids such as readers, interpreters, and note takers. Such accommodations may be paid for with faculty and staff diversity funds provided pursuant to Article 3 (commencing with Section 53030) of this Subchapter.

NOTE: Authority cited: Sections 70901 and 87105, Education Code Reference: Sections 87100 et seq., Education Code; Sections 11135 et seq., Government Code, 29 U.S.C. 794; 42 U.S.C. Sections 12101, et seq.

53030. Fund Allocation

Before the end of the fiscal year preceding the year of allocation, the Chancellor shall recommend to the Board of Governors an allocation formula for distribution of the Faculty and Staff Diversity Fund established pursuant to Education Code Section 87107. The allocation shall be consistent with the following:

(a) A portion of the fund, but not more than 25 percent, shall be set aside for the purposes of Education Code Section 87107(c), provided that:

(1) sufficient funds to provide technical assistance, service, monitoring, and compliance functions shall be designated from these monies; and

(2) the remainder of these funds shall be distributed on the basis of the full-time equivalent students of each district as a proportion of the total full-time equivalent students for all districts. These funds are to be used to reimburse costs as specified in Education Code Section 87107.

(b) That portion of the funds not allocated pursuant to subsection (a) may be allocated to the districts in the following ~~five~~ categories:

(1) an amount proportional to the full-time equivalent students of each district to the full-time equivalent students for all districts;

(2) an equal dollar amount to each district;

(3) an amount related to success in promoting diversity. Multiple methods of measuring success shall be identified by the Chancellor working through the established Consultation Process.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

53033. Failure to Report.

Any district failing to provide the data required under Section 53004 is not in

compliance with this Subchapter. Faculty and Staff Diversity funds for any given fiscal year other than those under Section 53030(a) shall not be granted unless the district provides the data no later than March 31 of the preceding fiscal year.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

59300. Purpose.

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

NOTE: Authority cited: Section 70901 Education Code; and Section 11138, Government Code. Reference: Sections 11135-11139.5, Government Code, Sections 200 et seq., Education Code, Title 29, United States Code, Section 794, and Title 42, United States Code, Sections 2000d. 6101 and 12100. et seq.

59327. Informal Resolution.

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

(1) undertake efforts to informally resolve the charges;

(2) advise the complainant that he or she need not participate in informal resolution;

(3) notify the person bringing the charges of the procedure for filing a complaint pursuant to Section 59328: and

(4) advise the complainant that he or she may file a complaint with the Office for Civil Rights of the U.S. Department of Education (OCR).

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

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

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

59328. Complaint.

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

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

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

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

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

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

59333. Office for Civil Rights.

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

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

(c) OCR shall have no jurisdiction to rule on any finding regarding violation of state law.

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

53200. Definitions.

For the purpose of subchapter 2. Academic Senates:

(a) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) "Academic senate", "faculty council", and "faculty senate" means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this subchapter, reference to the

term "academic senate" shall also constitute reference to "faculty council" or "faculty senate."

(c) "Academic and professional matters" means the following policy development and implementation matters:

(1) Curriculum, including establishing prerequisites and placing courses within disciplines

(2) Degree and certificate requirements

(3) Grading policies

(4) Educational program development

(5) Standards or policies regarding student preparation and success

(6) District and college governance structures, as related to faculty roles

(7) Faculty roles and involvement in accreditation processes, including self study and annual reports

(8) Policies for faculty professional development activities

(9) Processes for program review

(10) Processes for institutional planning and budget development, and

(11) Other academic and professional matters as mutually agreed upon between the governing board and the academic senate.

(d) "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

(1) Relying primarily upon the advice and judgment of the academic senate; or

(2) That the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

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

53201. Academic Senate or Faculty Council.

In order that the faculty may have a formal and effective procedure for participating in the formation and implementation of district policies on academic and professional matters, an academic senate may be established at the college and/or district level.

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

53202. Formation; Procedures; Membership.

The following procedure shall be used to establish an academic senate:

(a) The full-time faculty of a community college shall vote by secret ballot to form an academic senate.

(b) In multi-college districts, the full-time faculty of the district colleges may vote on whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of a district shall recognize the academic senate and authorize the faculty to:

(1) Fix and amend by vote of the full-time faculty the composition, structure, and procedures of the academic senate.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate.

(d) The full-time faculty may provide for the membership and participation of part-time faculty members in the academic senate.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate.

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

53203. Powers.

(a) The governing board of a community college district shall adopt policies for the appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other regulations contained in this part.

(b) In adopting the policies and procedures described in subsection (a), the governing board or its designees, shall consult collegially with representatives of the academic senate.

(c) While in the process of consulting collegially, the academic senate shall retain the right to meet with or appear before the governing board with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(1) In instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

(2) In instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

(e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to

subsection (a) of this section.

(f) The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

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

53204. Scope of Regulations.

Nothing in this subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

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

Chapter 6. Curriculum and Instruction

Subchapter 1. Programs, Courses and Classes

Article 1. Program, Course and Class Classification and Standards

55000 Definitions

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

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

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

55002. Standards and Criteria for Courses and Classes

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

(1) Curriculum Committee. The college and/or district curriculum committee recommending the course shall be established by the mutual agreement of the college and/or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is

otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.

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

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

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

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

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

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

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

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

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

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

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of Chapter 2 (commencing with Section 51000), Sections 55761-55763 and 58161 of this Division.

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

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

(A) precollegiate basic skills courses as defined in Section 55502(d) of this Division;

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

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

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

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

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

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

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

successfully complete college-level work upon completion of the required sequence of such courses.

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

(c) Noncredit Course

A noncredit course is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under subdivision (a)(1) of this section) and approved by the district governing board as a course meeting the needs of enrolled students.

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

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

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

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

(1) Is approved by the local district governing board.

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

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

(4) Is conducted in accordance with a predetermined strategy or plan.

(5) Is open to all members of the community.

(6) May not be claimed for apportionment purposes.

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

55100 Course Approval

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

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

(c) For each course approved by a district, whether or not Chancellor's Office approval is required, the district shall designate the appropriate classification of the course or activity in accordance with Section 5500I [defining categories of instruction to be reported].

55130

(a) Before offering any course as a part of an educational program at a college, the governing board of a district shall obtain approval of the education program from the Chancellor in accordance with the provisions of this article. Approval shall be requested on forms provided by the Chancellor.

(b) The application for approval [of a new educational program] shall contain at least the following:

- (1) The name of the proposed program
- (2) The description of the proposed program
- (3) The purposes and specific objectives of the proposed program
- (4) The place of the proposed program in the district master plan

(5) An explanation of whether the program is appropriate to the objectives and conditions of higher education and community college education in California and whether it conforms to statewide master planning.

(6) The need for the proposed program ascertained with regard to at least the following factors:

- (A) Other community colleges in the area currently offering the program.
- (B) Other programs closely related to the proposed program offered by the college
- (C) Relation of the proposed program to job market analysis
- (D) Enrollment projection for the proposed program
- (E) Recommendations of area vocational master plan committees when applicable.

(F) The classification of the courses in the program in accordance with Section 55001.

(7) The need for and present adequacy of the following resources shall be determined in relation to the proposed program:

- (A) Library resources
- (B) Facilities and equipment required to initiate and sustain the program. If a new facility is to be used, reference should be made to the five-year master plan.
- (C) Availability of adequate or proposed financial support
- (D) Availability of faculty.

(c) The development, establishment and evaluation of an educational program shall include representative faculty involvement.

(d) An approval is effective until the program or implementation of the program is discontinued or modified in any substantial way. From time to time the Chancellor

may evaluate an educational program, after its approval, on the basis of factors listed in this section. If on the basis of such an evaluation the Chancellor determines that an educational program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.

(e) In multicollge districts, program approval is granted for a specific college.

Article 2.5. Prerequisites, Corequisites, and Recommended Preparation

55200. Definitions.

For the purposes of this Division, the following definitions apply:

(a) "Prerequisite" means a condition of enrollment that a student is required to meet in order to demonstrate current readiness for enrollment in a course or educational program.

(b) "Corequisite" means a condition of enrollment consisting of a course that a student is required to simultaneously take in order to enroll in another course.

(c) "Advisory on recommended preparation" means a condition of enrollment that a student is advised, but not required, to meet before or in conjunction with enrollment in a course or educational program.

(d) "Satisfactory grade" means that, for the course in question, the student's academic record has been annotated with the symbol A, B, C or "CR" as those symbols are defined in Section 55758 of this Division.

(e) "Necessary and appropriate" means that a strong rational basis exists for concluding that a prerequisite or corequisite is reasonably needed to achieve the purpose that it purports to serve. This standard does not require absolute necessity.

(f) "content review" means a rigorous, systematic process developed in accordance with Sections 53200 to 53204, approved by the Chancellor as part of the district matriculation plan required under Section 55510, and is conducted by faculty to identify the necessary and appropriate body of knowledge or skills students need to possess prior to enrolling in a course, or which students need to acquire through concurrent enrollment in a corequisite course.

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

55201. Policies for Prerequisites, Corequisites, and Advisories on Recommended Preparation.

(a) The governing board of a community college district may establish prerequisites, corequisites, and advisories on recommended preparation, but must do so in accordance with the provisions of this Article 2.5 §55200-55202. Nothing in this subchapter shall be construed to require a district to establish prerequisites, corequisites or advisories on recommended preparation; provided however, that a prerequisite or corequisite shall be required if the course is to be offered for associate degree credit and the curriculum committee finds that the prerequisite or corequisite is necessary pursuant to Section 55002(a)(2)(D) or 55002(a)(2)(E).

(b) A governing board choosing to establish prerequisites, corequisites or advisories on recommended preparation shall, in accordance with the provision of

Sections 53200-53204 of this Division, adopt policies for the following:

(1) The process for establishing prerequisites, corequisites, and advisories on recommended preparation. Such policies shall provide that in order to establish a prerequisite or corequisite, the prerequisite or corequisite must be determined to be necessary and appropriate for achieving the purpose for which it is being established. District policies shall also specify the level of scrutiny that shall be required in order to establish different types of prerequisites, corequisites, and advisories on recommended preparation. At a minimum, prerequisites, corequisites, and advisories on recommended preparation shall be based on content review, with additional methods of scrutiny being applied depending on the type of prerequisite or corequisite being established. The policy shall provide that the types of prerequisites described in Subsection (e) may be established only on the basis of data collected using sound research practices. Determinations about prerequisites or corequisites shall be made on a course-by-course or program-by program basis.

(2) Procedures to assure that courses for which prerequisites or corequisites are established will be taught in accordance with the course outline, particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or corequisite.

(3) The process, including levels of scrutiny, for reviewing prerequisites and corequisites to assure that they remain necessary and appropriate. These processes shall provide that at least once each six years all prerequisites and corequisites established by the district shall be reviewed. These processes shall also provide for the periodic review of advisories on recommended preparation.

(4) The bases and process for an individual student to challenge the application of a prerequisite or corequisite.

(c) Prerequisites or corequisites may be established only for any of the following purposes;

(1) the prerequisite or corequisite is expressly required or expressly authorized by statute or regulation; or

(2) the prerequisite will assure, consistent with Section 55002(a)(2)(D), that a student has the skills, concepts, and/or information that is presupposed in terms of the course or program for which it is being established, such that a student who has not met the prerequisite is highly unlikely to receive a satisfactory grade in the course (or at least one course within the program) for which the prerequisite is being established; or

(3) the corequisite course will assure, consistent with Section 55002(a)(2)(D), that a student acquires the necessary skills, concepts, and/or information, such that a student who has not enrolled in the corequisite is highly unlikely to receive a satisfactory grade in the course or program for which the corequisite is being established; or

(4) the prerequisite or corequisite is necessary to protect the health and safety of a student or the health and safety of others.

(d) Except as provided in this Subsection, no prerequisite or corequisite may be established or renewed pursuant to Subsection (b)(3) unless it is determined to be necessary and appropriate to achieve the purpose for which it has been established. A prerequisite or corequisite need not be so scrutinized until it is reviewed pursuant to

Subsection (b)(3) if:

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

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

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

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

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

(e) A course in communication or computation skills may be established as a prerequisite or corequisite for any course other than another course in communication or computation skills only if, in addition to conducting a content review, the district gathers data according to sound research practices and shows that a student is highly unlikely to succeed in the course unless the student has met the proposed prerequisite or corequisite. If the curriculum committee initially determines, pursuant to Section 50002(a)(2)(E), that a new course needs to have a communication or computation skill prerequisite or corequisite, then despite Subsection (d) of this Section, the prerequisite or corequisite may be established for a single period of not more than two years while the research is being conducted and the final determination is being made, provided that all other requirements for establishing the prerequisite or corequisite have been met.

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

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

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

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

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

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

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

(g) In the case of a challenge under Subsection (f)(3) of this Section, the district shall, upon completion of the challenge procedure established pursuant to this Section, advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to Subchapter 5 (commencing with Section 59300) of Chapter 10 of this Division. Completion of the challenge procedure shall be deemed to satisfy the requirement of Section 59328(b) that the district and the student attempt informal resolution of the complaint.

(h) District policies adopted pursuant to this section shall be submitted to the

Chancellor as part of the district's matriculation plan pursuant to Section 55510 of Subchapter 6 of Chapter 6 of this Division.

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

55202. Additional Rules.

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

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

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

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

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

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

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

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

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

55316 Criteria

Courses offered pursuant to this Chapter shall:

(a) Be accepted by the college toward completion of an appropriate educational sequence leading to an associate degree, and

(b) Be recognized by an institution of the University of California or the California State University upon transfer to that institution

55316.5 Additional Courses

Notwithstanding any other provision of law, after June 1, 1995, the following additional types of courses may be offered pursuant to this Chapter, consistent with guidelines developed by the Chancellor:

(a) Nontransferable courses designed to meet the requirements of Sections 55805.5, 55806, and 55002(a) or (b);

(b) Noncredit courses conducted as distance education independent study. This Section shall become inoperative on July 1, 2000, unless a later-adopted regulation deletes or extends this date.

55317. Ongoing Responsibilities of Districts

Any district conducting courses under Section 55316 or 555316.5 shall:

(a) Maintain records and report data through the Chancellor's Office Management Information System on the number of students and faculty participating in new courses or sections of established courses:

(b) Provide to the local governing board no later than July 1, 1995, and annually thereafter, a report on all distance education activity.

(c) Provide other information consistent with reporting guidelines which shall be developed by the Chancellor pursuant to Section 409 of the Procedures and Standing Orders of the Board of Governors. This Section shall become inoperative on July 1, 2000, unless a later-adopted regulation deletes or extends this date.

55340. Eligibility for State Funds

In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this Chapter, the course must be reported as required by this Chapter, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

55352. Number of Students.

The number of students assigned to any one course section offered by distance education shall be determined by and be consistent with other district procedures related to faculty assignment. Procedures for determining the number of students assigned to a course section offered by distance education may include a review by the curriculum committee established pursuant to Section 55002(a)(1).

55370. Distance Education

Distance education means instruction in which the instructor and student are separated by distance and interact through the assistance of communication technology. All distance education is independent study and subject to the general requirements of Article 1 as well as the specific requirements of this Article (Article 2). Provided however, that fully interactive distance education courses, as defined in

guidelines adopted by the Chancellor, shall not be considered independent study for purposes of calculating state apportionment pursuant to Section 58003.1. In addition, instruction provided as distance education is subject to the requirements that may be imposed by the Americans with Disabilities Act (42 U.S.C. Sec. 12100 et. seq).

55372. Course Quality Standards

The same standards of course quality shall be applied to distance education as are applied to traditional classroom courses, in regard to the course quality judgments made pursuant to the requirements of Section 55002 of this Part, and in regard to any local course quality determination or review process.

55374. Course Quality Determinations

Determinations and judgments about the quality of distance education, under the course quality standards referred to in Section 55372, shall be made with the full involvement of faculty in accordance with the provision of Subchapter 2 (commencing with Section 53200) of Chapter 2 of Division 4 of this Part.

55376. Instructor Contact

In addition to the requirements of Section 55002 and any locally-established requirements applicable to all courses, district governing boards shall ensure that:

(a) Each section of a credit transferable course which is delivered as distance education shall include regular personal contact between instructor and students, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, or other in-person activities. Personal contact may be supplemented by telephone contact and correspondence.

(b) All other approved courses offered by distance education shall include regular contact between instructors and students consistent with guidelines issued by the Chancellor pursuant to Section 409 of the Procedures and Standing Orders of the Board of Governors.

55378. Separate Course Approval

Each proposed or existing course if delivered by distance education, shall be separately reviewed and approved, according to the district's certified course approval procedures.

See: Section 55380 Faculty Selection

Section 58003.1 & 58051 Average Daily Attendance Computation

Section 58007 Noncredit Classes

Section 58009 Application of Independent Study or Work Experience

Subchapter 5. Educational Master Plans

55400. Definitions

The definitions provided in the Student Attendance Accounting Manual issued by the Chancellor shall apply to the provisions of this chapter.

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

55401. Current and Long Range Plans

The governing board of each Community College district shall establish policies for, and approve, current and long range educational plans and programs for each Community College which it maintains and for the district as a whole.

55402. Educational Master Plans

On or before January 1, 1972, the governing board of each Community College district shall submit to the Chancellor an educational master plan for each Community College which it maintains and for the district as a whole. Each plan shall be modified and brought up to date annually and shall be submitted to the Chancellor on or before November 1 of each year thereafter.

55403. Form

Each plan shall be submitted on a form provided by the Chancellor and shall contain such information as the Chancellor shall require.

55404. Contents

Each plan shall contain the educational objectives of the Community College or district and the future plans for transfer programs, occupational programs, continuing education courses, and remedial and developmental programs. On the basis of current and future enrollment, it shall contain plans for the development and expansion of ancillary services, including services in the library and for counseling, placement, and financial aids.

55405. Review and Approval

The Chancellor shall review each master plan. On or before February 1 following the submission of each plan, the Chancellor shall send a copy of the approval of it to the superintendent of each district.

Subchapter 6. Matriculation Programs

Article 1. Scope and Definitions

55500. Scope and Implementation.

(a) This chapter implements and should be read in conjunction with the provisions of the Seymour-Campbell Matriculation Act of 1986, c. 1467, Stats. 1986, codified as Education Code Sections 78210, et seq. The purpose of this chapter is to further equality of educational opportunity and success for all students in the California Community Colleges.

(b) The requirements of this chapter apply only to districts receiving funds pursuant to Education Code Section 78216 for the period of time during which such funds are received. The Chancellor shall, in consultation with districts and other interested parties, adopt a schedule for implementing the provisions of this chapter as expeditiously as possible within the constraints of available funding. The schedule

shall be coordinated with the implementation and funding of the systemwide management information system and the accountability mechanisms established pursuant to Education Code Section 71020.5.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 71020.5 and 78210-78218, Education Code.

55502. Definitions.

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

(a) “matriculation” means a process that brings a college and a student who enrolls for credit into an agreement for the purpose of realizing the student’s educational goal through the college’s established programs, policies, and requirements. This agreement is to be implemented by means of the student’s individual educational plan developed pursuant to Section 55525.

(b) “assessment” means the process of gathering information about individual students to facilitate student success. Assessment may include, but is not limited to, information regarding the student’s study skills, English language proficiency, computational skills, aptitudes, goals, learning skills, career aspirations, academic performance, and need for special services. Assessment involves the collection of such information at any time, before or after enrolment, except that the process of assigning a grade by an instructor shall not be considered part of the assessment process. Once a grade has been assigned and recorded in a student’s transcript it can be used in the assessment process.

(c) “assessment instruments, methods or procedures” means one or more assessment instruments, assessment methods, or assessment procedures, or any combination thereof. These include, but are not limited to, interviews, standardized tests, holistic scoring processes, attitude surveys, vocational or career aptitude and interest inventories, high school or college transcripts, specialized certificates or licenses, educational histories and other measures of performance. The term “assessment instruments, methods or procedures” also includes assessment procedures such as the identification of test scores which measure particular skill levels, the administrative process by which students are referred for assessment, the manner in which assessment sessions are conducted, the manner in which assessment results are made available, and the length of time required before such results are available.

(d) “pre-collegiate basic skills courses” are those courses in reading, writing, computation, learning skills, study skills, and English as a Second Language which are designated by the community college district as nondegree credit courses pursuant to Section 55002(b) of this Part.

(e) “disproportionate impact” occurs when the percentage of persons from a particular racial, ethnic, gender, age or disability group who are directed to a particular service or placement based on an assessment instrument, method or procedure is significantly different than the representation of that group in the population of persons being assessed and that discrepancy is not justified by empirical evidence demonstrating that the assessment instrument, method or procedure is a valid and reliable predictor of performance in the relevant educational setting.

(f) “exemption” means waiving or deferring a student’s participation in orientation, assessment, counseling or advisement required pursuant to subsections (b), (c), and (d) of Section 55520.

(g) “matriculation services” are those services listed in Section 55520.

(h) “matriculation practices” means one or more instruments, methods or procedures, or any combination thereof, used in providing any of the matriculation services listed in Section 55520.

(i) “student” means a person enrolled in at least one credit course.

(j) “orientation” is a process which acquaints students and potential students with college programs, services, facilities and grounds, academic expectations, and institutional procedures.

(k) “student follow-up” is the process of monitoring a student’s progress toward his or her educational goals and providing the student with appropriate advice based on the results of such monitoring.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78212 and 78213, Education Code.

55510. Matriculation Plans.

(a) Each community college district shall adopt a matriculation plan describing the services to be provided to its students. The plan shall include, but not be limited to:

(1) a description of the methods by which required services will be delivered;

(2) the district’s budget for matriculation;

(3) plans for faculty and staff development;

(4) computerized information services and institutional research and evaluation necessary to implement this Chapter;

(5) criteria for exempting students from participation in the matriculation process;

(6) procedures for establishing and validating prerequisites pursuant to Article 2.5 (commencing with Section 55200) of Subchapter 1 of Chapter 6 of this Division; and

(7) in districts with more than one college, arrangements for coordination by the district of the matriculation plans of its various colleges.

(b) The plan shall be developed through consultation with representatives of the academic senate, students, and staff with appropriate expertise, pursuant to Sections 51023 et seq.

(c) Such plans shall conform to the requirements of this Chapter and shall be submitted to the Chancellor for review and approval. Plans submitted prior to the effective date of this Section need not be revised or resubmitted if the Chancellor finds that they meet the requirements of this Chapter. Regardless of when plans are initially submitted, the Chancellor may require periodic updates of such plans.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference Section 78216, Education Code.

55512. Evaluation and Audits.

(a) Each community college district shall establish a program of institutional

research for ongoing evaluation of the effectiveness of its matriculation process to ensure compliance with the requirements of this chapter.

As part of this evaluation, all assessment instruments, methods or procedures shall be evaluated to ensure that they minimize or eliminate cultural or linguistic bias and are being used in a valid manner. Based on this evaluation, districts shall determine whether any assessment instrument, method or procedure has a disproportionate impact on particular groups of students described in terms of ethnicity, gender, age or disability, as defined by the Chancellor. When there is a disproportionate impact on any such group of students, the district shall, in consultation with the Chancellor, develop and implement a plan setting forth the steps the district will take to correct the disproportionate impact. The evaluation shall include, but not be limited to, an analysis of the degree to which the matriculation program:

- (1) impacts on particular courses, programs, and facilities;
- (2) helps students to define their educational goals;
- (3) promotes student success, as evidenced by outcome and retention data such as student persistence, goal attainment, skill improvement, and grades;
- (4) assists the district in the assessment of students' educational needs;
- (5) matches district resources with students' educational needs; and
- (6) provides students with the support services described in Section 55520(g).

(b) Each district shall also, as part of its annual financial audit, provide for a review of the revenue and expenditures of the matriculation program.

(c) The Chancellor shall establish a system for evaluation of the matriculation program on a statewide basis, including procedures for monitoring compliance with district plans and the requirements of this chapter.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78214 and 78217, Education Code.

55514. Data Collection.

Each community college district shall submit an annual report describing the district's efforts to implement its matriculation plan and expenditures made for that purpose. In this report, or through the established management information system or otherwise, the district shall submit to the Chancellor the data to be collected for evaluation purposes pursuant to Education Code Section 78214 and Section 55512 of this Part. Such data shall specifically include, but is not limited to, the information necessary to permit the Chancellor to determine the following:

(a) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who are placed in pre-collegiate, associate degree applicable, or transfer level courses in reading, writing, computation or English as a Second Language;

(b) the proportion of ethnic, gender, age and disability groups, as defined by the Chancellor, who enter and complete pre-collegiate basic skills courses;

(c) the proportion of ethnic, gender, age and disability groups, as defined by the Chancellor, completing pre-collegiate basic skills courses who subsequently enter and complete courses applicable to the associate degree;

(d) outcome and retention data, as described in Section 55512(a), indicating the effectiveness of matriculation;

(e) the basis on which the use of particular assessment instruments, methods or procedures was validated by a district;

(f) the numbers of students exempted, pursuant to Section 55532, from participation in the district's matriculation program by category of exemption;

(g) the number of students filing complaints pursuant to 55534 and the bases of those complaints;

(h) the particular matriculation services, as listed in Section 55520, which each student received; and

(i) any other matter the Chancellor, after consultation with community college districts, deems necessary for the effective evaluation of matriculation programs.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78214, Education Code.

55516. Training and Staff Development.

(a) The Chancellor shall adopt a funding formula, consistent with the requirements of this Section, for allocating matriculation funds to community college districts complying with the requirements of this chapter.

(b) Each dollar of state matriculation funding shall be matched by three dollars of other district resources devoted to the matriculation program.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

55518. Funding.

(a) The Chancellor shall adopt a funding formula, consistent with the requirements of this Section, for allocating matriculation funds to community college districts complying with the requirements of this chapter.

(b) Each dollar of state matriculation funding shall be matched by three dollars of other district resources devoted to the matriculation program.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

Article 3. Matriculation Services

55520. Required Services.

At a minimum, each community college district shall provide students, except as exempted pursuant to Section 55532, all of the following services:

(a) the processing of applications for admission;

(b) orientation and pre-orientation services designed to provide nonexempt students and potential students, on a timely basis, information concerning college procedures and course scheduling, academic expectations, financial assistance, and any other matters the college or district finds appropriate;

(c) assessment for all nonexempt students pursuant to Section 55524;

(d) counseling or advisement for nonexempt students pursuant to Section 55523;

(e) assistance in developing a student educational plan, pursuant to Section 55525, which identifies the student's educational goals and the courses, services, and programs to be used to achieve them;

(f) post-enrollment evaluation, pursuant to Section 55526, of each student's progress; and

(g) referral of students to:

(1) support services which may be available, including, but not limited to, counseling, financial aid, health services, campus employment placement services, Extended Opportunity Programs and Services, campus child care services, tutorial services, and Disabled Student Programs and Services; and

(2) specialized curriculum offerings including but not limited to, pre-collegiate basic skills courses and programs in English as a Second Language.

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

55521. Prohibited Practices.

(a) In implementing matriculation services, community college districts shall not, except as provided in subdivision (b), do any of the following:

(1) use an assessment instrument which has not been approved by the Chancellor pursuant to Section 55524, except that the Chancellor may permit limited field-testing, under specified conditions, of new or alternative assessment instruments, where such instruments are not used for placement and are evaluated only in order to determine whether they should be added to the list of approved instruments;

(2) use any assessment instrument in a manner or for a purpose other than that for which it was developed or has been otherwise validated;

(3) use any single assessment instrument, method or procedure, by itself, for placement, required referral to appropriate services, or subsequent evaluation of any student; provided however that, in the case of assessment instruments, the use of two or more highly correlated instruments does not satisfy the requirement for use of multiple measures;

(4) use any assessment instrument, method or procedure to exclude any person from admission to a community college;

(5) use any assessment instrument, method or procedure for mandatory placement of a student in or exclusion from any particular course or educational program, except that districts may establish appropriate prerequisites pursuant to Sections 55002 and 58106 of Division 9 of this Part; or

(6) use any matriculation practice which has the purpose or effect of subjecting any person to unlawful discrimination prohibited by Chapter 5 (commencing with Section 59300) of Division 10 of this Part.

(b) Notwithstanding the provisions of subdivisions (a)(1) and (2), assessment instruments approved by the Secretary of the United States Department of Education may be used to determine "ability to benefit" in the process of establishing a student's eligibility for federal financial aid pursuant to subdivision (d) of Section 1091 of Title 20 of the United States Code.

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

55522. Special Accommodations.

Matriculation services for ethnic and language minority students and students with disabilities, shall be appropriate to their needs, and community college districts shall, where necessary, make modifications in the matriculation process or use alternate instruments, methods or procedures to accommodate the needs of such students. Districts may require students requesting such accommodations to provide proof of need. Extended Opportunity Programs and Services (EOPS) and Disabled Students Programs and Services (DSP&S) are authorized, consistent with the provisions of Chapter 1 (commencing with Section 56000) and Chapter 2.5 (commencing with Section 56200) of Division 7 of this part, to provide specialized matriculation services and modified or alternative matriculation services to their respective student populations. Notwithstanding this authorization, participation in the EOPS and DSP&S programs is voluntary and no student may be denied necessary accommodations in the assessment process because he or she chooses not to use specialized matriculation services provided by these programs. Modified or alternative matriculation services for limited or non-English-speaking students may be provided in English as a Second Language programs.

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

55523. Counseling and Advisement.

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

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

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

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

(4) make available to all students, as defined in Section 55502(1), advisement or counseling on general academic requirements and the selection of specific courses by counselors or appropriately trained instructor/advisors and/or other appropriately trained staff working in consultation with counselors.

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

55525.

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

55524. Assessment.

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

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

55525. Student Educational Plan.

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

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

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

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

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

55526. Student Follow-up.

Each community college district shall establish a student follow-up process to

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

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

Article 4. Appeals, Waivers, Student Rights and Responsibilities

55530. Student Rights and Responsibilities.

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

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

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

(d) Students shall be required to express at least a broad educational intent upon admission; declare a specific educational goal within a reasonable period after admission; participate in counseling or advisement pursuant to Section 55523(a)(1), (2), and (3); diligently attend class and complete assigned coursework; and complete courses and maintain progress toward an educational goal according to standards established by the district, consistent with the requirements of Chapter 9 (commencing with Section 55750) of Division 6 of this Part. The governing board of each community college district shall adopt clear written policies not inconsistent with law, specifically defining these responsibilities of students and the consequences of failure to fulfill such responsibilities. This policy shall define the period of time within which a student must identify a specific educational goal as required by this Subsection, provided however, that all students shall be required to declare such a goal during the term after which the student completes 15 semester units or 22 quarter units of degree-applicable credit course work, unless the district policy establishes a shorter period. Once the student has developed a specific educational goal, the district must provide the student with an opportunity to develop a student educational plan pursuant to Section 55525. Student responsibilities shall also be identified in the student's educational plan developed pursuant to Section 55525. If a student fails to

fulfill the responsibilities listed in this Subsection, fails to cooperate with the district in the development of a student educational plan within 90 days after declaring his or her specific educational goal, or fails to abide by the terms of his or her student educational plan, the district may, subject to the requirements of this Chapter, suspend or terminate the provision of services authorized in Section 55520, provided however, that nothing in this Section shall be construed to permit a district to suspend or terminate any service to which a student is otherwise entitled under any other provision of law.

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

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

55532. Exemptions.

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

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

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

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

- (1) the student has enrolled only in evening classes;
- (2) the student has enrolled in fewer than some specified number of units;
- (3) the student is undecided about his or her educational goals; or
- (4) the student does not intend to earn a degree or certificate.

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

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

55534. Violations, Waivers and Appeals.

(a) Each community college district shall establish written procedures by which students may challenge any alleged violation of the provisions of this Subchapter. Districts shall investigate and attempt to resolve any such complaints in a timely manner. Such complaint procedures may be consolidated with existing student

grievance procedures by action of the governing board. Records of all such complaints shall be retained for at least three years after the complaint has been resolved and shall be subject to review by the Chancellor as part of the statewide evaluation required under Section 55512(c).

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

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

55805. Philosophy and Criteria for Associate Degree and General Education

(a) The governing board of a community college district shall adopt a policy which states its specific philosophy on General Education. In developing this policy governing boards shall consider the following policy of the Board of Governors:

The awarding of an Associate Degree is intended to represent more than an accumulation of units. It is to symbolize a successful attempt on the part of the college to lead students through patterns of learning experiences designed to develop certain capabilities and insights.

Among these are the ability to think and to communicate clearly and effectively both orally and in writing; to use mathematics; to understand the modes of inquiry of the major disciplines; be aware of other cultures and times; to achieve insights gained through experience in thinking about ethical problems; and to develop the capacity for self-understanding. In addition to these accomplishments, the student shall possess sufficient depth in some field of knowledge to contribute to lifetime interest.

Central to an Associate Degree, General Education is designed to introduce students to the variety of means through which people comprehend the modern world. It reflects the conviction of colleges that those who receive their degrees must possess in common certain basic principles, concepts and methodologies both unique to and shared by the various disciplines. College educated persons must be able to use this knowledge when evaluating and appreciating the physical environment, the culture and the society in which they live. Most importantly, General Education should lead to better self-understanding.

In establishing or modifying a general education program, ways shall be sought to create coherence and integration among the separate requirements. It is also desirable that general education programs involve students actively in examining values inherent in proposed solutions to major social problems.

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

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

55805.5. Types of Courses Appropriate to the Associate Degree

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

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

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

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

(d) All mathematical courses above and including Elementary Algebra.

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

55806. Minimum Requirements for the Associate Degree...

The governing board of a community college district shall confer the degree of Associate in Arts or Associate in Science upon a student who has demonstrated competence in reading, in written expression, and in mathematics, and who has satisfactorily completed at least 60 semester units or 90 quarter units of college work. This course work requirement must be fulfilled in a curriculum accepted toward the degree by a college within the district (as shown in its catalog.) It must include at least 18 semester or 27 quarter units in General Education and at least 18 semester or 27 quarter units in major as prescribed in this section. Of the required units, at least 12 semester or 18 quarter units must be completed in residence at the college granting the degree. Exceptions to residence requirements for the Associate Degree may be made by the governing board when it determines that an injustice or undue hardship would be placed on the student.

(a) Major Requirements. At least 18 semester or 27 quarter units of study taken in a single discipline or related disciplines, as listed in the Community Colleges "Taxonomy of Programs" shall be required.

(b) General Education Requirements.

(1) Students receiving an Associate Degree shall complete a minimum of 18 semester or 27 quarter units of general education, including a minimum of three semester or four quarter units in each of the areas (A), (B) and (C) and the same minimum in each pair of (D). The remainder of the units requirement is also to be selected from among these four divisions or learning or as determined by local option:

(A) Natural Sciences.

Courses in the natural science are those which examine the physical universe, its life

forms, and its natural phenomena. To satisfy the General Education Requirement in natural sciences, a course shall be designed to help the student develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities. This category would include introductory or integrative courses in astronomy, biology, chemistry, general physical science, geology, meteorology, oceanography, physical geography, physical anthropology, physics and other scientific disciplines.

(B) Social and Behavioral Sciences.

Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the general education requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the methods of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. This category would include introductory or integrative survey courses in cultural anthropology, cultural geography, economics, history, political science, psychology, sociology and related disciplines.

(C) Humanities.

Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the general education requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people through the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Such courses could include introductory or integrative courses in the arts, foreign language, literature, philosophy, and religion.

(D) Language and Rationality.

Courses in language that cover the principles and applications of language toward logical thought, clear and precise expression and critical evaluation of communication in whatever symbol system the student uses.

1. English Composition.

Courses fulfilling the written composition requirement shall be designed to include both expository and argumentative writing.

2. Communication and Analytical Thinking.

Courses fulfilling the communication and analytical thinking requirement include oral communication, mathematics, logic, statistics, computer languages and programming, and related disciplines.

(2) While courses might satisfy more than one general education requirement, it may not be counted more than once for these purposes. A course may be used to satisfy both a general education requirement and a major requirement. Whether it may be counted again for a different degree requirement is a matter for each college to determine. Students may use the same course to meet a general education requirement for the Associate Degree and to partially satisfy a general education requirement at the California State University, if such a course is eligible under the provisions of section 40405 of this title.

(3) Ethnic Studies will be offered in at least one of the required areas...

56028. Special Class Instruction

Special classes are instructional activities offered consistent with the provisions of Section 56000 and designed to address the educational limitations of students with disabilities who are admitted to the institution pursuant to Education Code Sections 76000 et seq. and who would be unable to substantially benefit from regular class college classes even with appropriate support services or accommodations. Such classes generate revenue based on the number of full-time equivalent students (FTES) enrolled in the classes.

Such classes shall be open to enrollment of students who do not have disabilities. However, to qualify as a special class, a majority of those enrolled in the class must be students with disabilities. Special classes offered for credit or noncredit shall meet the applicable requirement for degree credit, non-degree credit, or noncredit set forth in Sections 55002 and 55805.5 of this part. In addition, special classes shall:

(a) Be designed to enable disabled students to compensate for educational limitations and/or acquire the skills necessary to complete their educational objectives;

(b) Employ instructors who meet minimum qualifications set forth in Section 53414 of this division.

(c) Utilize instructional methods, or materials specifically designed to address the educational limitations of students with disabilities. Curriculum committees responsible for reviewing and/or recommending special class offerings shall have or obtain the expertise appropriate for determining whether the requirements of this section are satisfied.

(d) Utilize student/instructor ratios determined to be appropriate by the district given the educational limitations of the students with disabilities enrolled in each class. Class size should not be so large as to impede measurable progress or to endanger the well-being and safety of students or staff.

56029. Special Class Course Repeatability

Repetition of special classes is subject to the provisions of Sections 55761-63 and 52161 of this division. However, districts are authorized to permit additional repetitions of special classes to provide an accommodation to a student's educational limitations pursuant to state and federal nondiscrimination law. Districts shall develop policies and procedures providing for repetition under the following circumstances:

(a) When continuing success of the student in other general and/or special classes is dependent on additional repetitions of a specific class;

(b) When additional repetitions of a specific class are essential to completing a student's preparation for enrollment into other regular or special classes; or

(c) When the student has a student educational contract which involves a goal other than completion of the special class in question and repetition of the course will further the achievement of that goal.

Article 5. Attendance Accounting Standards

58051.5 Reports of Apportionment; Prohibited Classes.

Except as otherwise provided in Article 11 (commencing with Section 76170) of Chapter 1 of Part 46 of the Education Code, no community college district may claim for purposes of state apportionment any classes:

(a) if the district receives full compensation for direct education costs for the class from any public or private agency, individual or group of individuals, or

(b) if such classes are not located in facilities clearly identified in such a manner, and established by appropriate procedures, to ensure that attendance in such classes is open to the general public, except that students may be required to meet prerequisites which have been established pursuant to Section 58106 of this Chapter.

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

Subchapter 2. Limitation on State Aid

Article 1. Open Classes

58106. Limitations on Enrollment.

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

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

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

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

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

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

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

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

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

(1) the enrollment limitation is either unlawfully discriminatory or is being applied

in an unlawfully discriminatory manner;

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

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

(4) any other criteria established by the district.

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

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

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

58161(c)

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

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

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

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

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

(3) The district must develop and implement a mechanism for the proper monitoring of such repetition. The attendance of students repeating a course pursuant to this subsection when approved by the Chancellor, may be claimed for state apportionment for more than three semesters or five quarters.

Subchapter 6. Student Fees

Article 1. Enrollment Fee and Differential Enrollment Fee

58508 Refunds.

(a) A community college district governing board shall refund upon request any enrollment fee paid by a student in excess of that computed pursuant to Section 58501 for program changes made during the first two weeks of instruction.

(b) A community college district shall not refund any enrollment fee paid by a

student for program changes made after the first two weeks of instruction unless the program change is a result of action by the district to cancel or reschedule a class or to drop a student pursuant to Section 58106(g) where the student fails to meet a prerequisite.

(c) When refunding an enrollment fee pursuant to subsection (a), a community college district may retain once each semester or quarter an amount not to exceed \$10.00.

(d) If the district has adopted a withdrawal policy pursuant to Section 55758 of this Division, any student who is a member of an active or reserve United States military service, and who has withdrawn from courses due to military orders, may file a petition with the district requesting refund of the enrollment fee. The district shall refund the entire enrollment fee unless academic credit has been awarded.

NOTE: Authority cited: Sections 66700, 70901 and 72252, Education Code.
Reference: Section 72252, Education Code.