

**TITLE 5 REGULATIONS: REVISIONS TO
CHAPTER 6 REGARDING CURRICULUM
PART 2**

4.1

FIRST READING

Presentation: *Steven Bruckman, Executive Vice Chancellor and General Counsel*
Carole Bogue-Feinour, Vice Chancellor, Academic Affairs

Issue

This item proposes a large package of regulation changes affecting curriculum standards, course approval and related topics. The item addresses those sections removed for more discussion from the title 5 regulations approved by the Board of Governors at its July 2007 meeting. That set of regulations became effective August 16, 2007, and is referred to as Part 1. This set of changes reflects those discussions, as well as changes to clarify issues raised in the regulations approved in Part 1, and is referred to as Part 2.

Background

During development of the System Strategic Plan, we often heard concerns about the quantity and complexity of title 5 regulations. As part of the implementation of the System Strategic Plan, the System Office is undertaking a broad review and revision of title 5 of the California Code of Regulations. Chapter 6, which is the subject of this agenda item, covers several important topics including course and program approval, curriculum standards, standards of scholarship, and requirements for the associate degree. Other chapters in title 5 may need to be reviewed and revised in the future.

In addition to pursuing the strategic plan goal of improving System efficiency, the decision to review chapter 6 was prompted by the fact that several significant policy discussions related to curriculum standards were already underway in the Fall of 2006. The passage of Assembly Bill 1943 (stats. 2006, ch. 817) requires the Board of Governors to adopt regulations allowing for stand-alone course approval at the local level. Also, the Board adopted emergency regulations to allow for enhanced funding of certain noncredit courses in January 2007, but permanent regulations needed to be in place by August 2007.

These and many other reforms are contained in this package.

In Fall 2006, staff from the Academic Affairs and Legal Affairs Divisions began discussing the review of chapter 6 with the Systemwide Advisory Committee on Curriculum (SACC). SACC established a special subcommittee which has met with staff on several occasions and reviewed numerous drafts of the proposed regulation changes. Portions of the package were also distributed more broadly for input from the Academic Senate and Chief Instructional Officers. The full package of proposed changes was reviewed by the Consultation Council at its meetings in April and May 2007 and was submitted to the Board of Governors for a public hearing and preliminary review at the May meeting.

Prior to the May 2007 Board meeting, the package of proposed revisions to chapter 6 was noticed for public comment. A number of written comments were received and there was testimony on the proposed changes at the May Board meeting.

On May 17, 2007, Executive Vice Chancellor Steve Bruckman provided the Consultation Council with a list of sections, which had generated significant comment. He indicated that the provisions included in the package to the Board for action in July would only include those sections where general consensus had been reached. The provisions, which required further input and discussion, would be addressed in a subsequent Part 2 package.

Therefore, two packages were prepared: Part 1 (which was approved in July and became effective August 16, 2007, as previously stated) and Part 2, which is being presented to the Board for a first reading, and is attached. Part 2 contains the remaining material not included in the Part 1 package approved by the Board in July 2007. The Part 2 package also contains additional sections or further amendments to sections included in the Part 1 package.

The special subcommittee of the SACC, which has been working on this package, met in September, October, and November 2007, and January and February 2008 to consider the continuing input, which was provided. The full SACC reviewed the package and input from the subcommittee at its scheduled meetings in September, October, and November 2007, and January and February 2008. In addition to the subcommittee and SACC meetings, the System Office conducted two meetings with Student Services admissions and records officials in October and November of 2007, and as a result received numerous questions and comments on both the Part 1 and Part 2 packages. The combination of meetings and additional input from other community college constituents and System Office staff has generated significant revisions and changes.

Part 2 was presented to the Consultation Council on January 17, 2008, for comments and released to the general community college stakeholders for comments on January 21, 2008. The comments received from the Consultation Council and community college stakeholders were discussed at a meeting of the special sub-committee of SACC on February 6, 2008, and the full SACC on February 7, 2008. The revisions based on those comments were submitted to the Consultation Council for discussion at its February 21, 2008, meeting and are being submitted to the Board now for a first reading, no action.

Analysis

The basic concept underlying the two combined parts of these curriculum and instruction related title 5 revisions is to reorganize chapter 6 so that related topics are grouped together and the most important and most frequently used regulations appear at the beginning of the chapter. In the adopted rewrite, a new subchapter 1 was created to bring together those provisions most directly related to curriculum development and course and program approval at the local level. Provisions related to approval functions of the System Office were placed in a new subchapter 2. The remainder of the chapter is related to ancillary topics.

To accomplish this reorganization, many provisions in the previous version of chapter 6 before Part 1 became effective were repealed and readopted with a different section number in a different part of the chapter. Attachment 1 provides an index showing the changes to the revised chapter.

In some instances, a provision is readopted with only minor technical or editorial changes. In other cases, substantive changes have also been made. To assist the reader in understanding changes, a comment preceding each section explains its origins (if it has been moved) and describes any significant changes which have been made. In addition, in those cases where a provision has been relocated to a new section, language which is actually new is italicized as well as underlined.

The attached draft of Part 2 is designed to reflect input on the issues that generated the separation of the package in May 2007 and to make other adjustments in language approved in Part 1, which had been brought to our attention during the meetings in the fall of 2007. The following comments do not address all of the changes in the Part 2 package but only the most significant ones.

1. Section § 55024. Withdrawal.

Section 55024 authorizes districts to establish policies on withdrawal and describes requirements which such policies must satisfy. During the consideration of the first round of revisions to chapter 6, there was discussion about the possibility of limiting the number of times a student could withdraw, receive a "W" and re-enroll in a course. At that time, the proposal was to limit students to three re-enrollments after receiving a "W." Due to concerns about the restrictive nature of this proposal, it was removed and the regulation was adopted without any limitation on re-enrollment. However, the Board agenda item made clear that this issue would be revisited in the second phase of revisions to chapter 6.

The new proposed amendment to section 55024 would add a new subdivision (a)(9) which would generally limit students to receiving no more than four "Ws" as a result of withdrawal from the same course. Districts would, however, be allowed to adopt more restrictive policies or to adopt policies permitting additional withdrawals based on a petition from the student demonstrating that the need for withdrawal is due to extenuating circumstances.

In addition, language is added to clarify that the criteria for withdrawal specified in this section apply to withdrawal from credit courses. A district could, but is not required, to establish withdrawal procedures for noncredit courses.

Finally, a new subdivision (a)(10) is included to reflect in this section the policy appearing in section 58509 that students withdrawing due to the impact of fires, floods and other extraordinary conditions should not be penalized by receiving a "W."

2. Section § 55040. District Policy for Course Repetition.

This section currently addresses repetition of courses where substandard academic work has been recorded. It is being substantially amended to list all of the circumstances in which a district may permit course repetition. Subsequent sections in the same article will provide greater detail on these various circumstances. This is being done in an attempt to clarify the rules applicable to different types of course repetition and the interaction between these different situations. Language specific to repetition to alleviate substandard work is being removed from this section and will instead appear in new section 55042.

3. Section § 55041. Repeatable Courses.

This section is being amended to focus on courses which are, by their nature, repeatable without respect to the circumstances of a particular student. Repeatable courses include legally mandated training and activity courses. The section is also amended to distinguish between true activity courses and lecture courses where the content changes each time the course is offered. The language that is currently appearing in section 55042, which details rules for the repetition of activity courses, is moved to this section because section 55042 is repealed and readopted with different content.

4. Section § 55042. Course Repetition To Alleviate substandard Academic Work.

This new section describes the circumstances under which a student may be permitted to repeat a course which is not otherwise repeatable in an attempt to alleviate substandard work previously recorded on the student's transcript. This same material previously appeared in section 55040. Some additional language is added to clarify the circumstances under which a second repetition to alleviate substandard work is allowed.

5. Section § 55043. Course Repetition Due To Significant Lapse of Time.

This new section contains language previously appearing in section 55041 concerning situations where a district may permit or require a student to repeat a course due to significant lapse of time.

6. Section § 55044. Repetition of Variable Unit Courses.

This section contains material previously appearing in section 55043 concerning repetition of variable unit open-entry/open-exit courses. Language has been added to permit repetition of a portion of the curriculum to alleviate substandard work.

7. Section § 55045. Course Repetition Due To Extenuating Circumstances.

This section contains material previously appearing in section 55041 concerning repetition due to extenuating circumstances. The intent of this section is that where course repetition is not authorized under any other provision (or the repetitions under another section such as section 55042 have been exhausted), a student may petition for the opportunity to repeat the course under this section regardless of what grade he or she previously received, but only if the district finds that there were extenuating circumstances which affected the student's previous grade.

8. Section § 55046. Academic Renewal Without Course Repetition.

This new section contains material previously appearing in section 55044 pertaining to academic renewal.

9. Section § 55062. Types of Courses Appropriate to the Associate Degree.

During the first phase of revisions to chapter 6, the language of this section (which was largely taken from former section 55805.5) was modified to limit the scope of subdivision (c) to English composition courses. However, it has been concluded that this was erroneous and that reading courses should also fall under that provision. The amendments will accomplish this.

10. Section § 55064. Acceptance of Noncredit Courses.

Section 55064 permits a student to petition to have a noncredit course counted toward satisfaction of requirements for an associate degree. It is an old provision which was moved without significant change during the first phase of revisions to chapter 6 from its previous location as section 55807. In more carefully reviewing the section, the SACC determined that there were many problematic aspects to this provision such as ensuring that the course really does meet appropriate rigor standards and that the faculty member who taught the course met appropriate minimum qualifications. In addition, permitting students to have a noncredit course counted for credit could amount to a circumvention of the statutory requirements for charging enrollment fees and nonresident tuition.

An earlier draft of this package suggested amendments to section 55064 which were designed to put in place adequate safeguards for appropriate use of this provision. However, considerable input was received objecting to that proposal. Accordingly, the SACC has subsequently advised that section 55064 should be repealed and the new

proposal would do so effective July 1, 2009. After that date, students would still be able to receive credit for learning which occurred in a noncredit course, but this would need to be accomplished through the credit by examination process. The SACC believes this is the appropriate process and one which eliminates the many complexities associated with designing an academically and legally sound procedure which would permit directly awarding credit for completion of a noncredit course without a demonstration of competency.

11. Section § 55070. Credit Certificates.

This section, which addresses credit certificate programs, is being amended to codify the long-standing administrative rule that certificate programs may not consist solely of basic skills and/or ESL courses.

12. Section § 55151. Career Development and College Preparation.

This section is revised to remove its sunset date of June 30, 2008.

13. Section § 55153. Other Noncredit Programs Providing 288 Hours or More of Instruction.

This section, which deals with noncredit programs other than short-term vocational and high school diploma programs, is being amended to clarify its interaction with section 55151, which addresses enhanced funding.

14. Section § 55154. Adult High School Diploma Programs.

Section 55154 sets forth requirements, which must be satisfied for approval of a high school diploma program. The proposed amendments to section 55154 would spell out the number of high school credits that a program must provide and the types of courses, which must be included in the curriculum. The language has been expanded to more broadly define five categories of coursework, which parallel those described in regulations related to the associate degree. Language has also been added allowing work completed at other institutions to be counted toward the high school diploma and to establish a requirement for the number of credits completed in residence at the college. In addition, subdivision (f) has been revised to provide "grand parenting" protection to students who begin their high school diploma program by Spring 2008 and remain consistently enrolled thereafter. Finally, a new subdivision (h) would specify the relationship of hours of instruction to high school credits.

15. Section § 55253. College Credit and Repetition.

Section 55253 limits the total number of units of credit students can take in cooperative work experience courses. However, if a college only offers one occupational work experience course in a given field it is possible that students will not be able to accumulate

the full 16 semester or 24 quarter units of work experience in that area before repeating the course for the maximum of four semesters or six quarters authorized for activity courses under section 55041. An amendment is proposed to create an exception to the general rule for repetition of activity courses to allow students to take the full number of units of cooperative work experience, which would otherwise be allowed.

16. Section § 55254. Student Qualifications.

Section 55254 establishes eligibility requirements students must meet to be enrolled in cooperative work experience. It is amended to delete requirements related to enrollment in the parallel or alternate plans of cooperative work experience. The first phase of revisions to chapter 6 eliminated the distinction between the parallel and alternate plans but the reference to these plans in section 55254 was overlooked. The amendments now being proposed to this section will resolve this problem.

17. Section § 55255. District Services.

Section 55255 describes services districts are to provide in support of cooperative work experience placements. One requirement is for the college to assign an academic employee to conduct an in-person visit with the employer at least once each term. The proposed amendment, which was suggested by practitioners in the field, would allow districts to authorize alternatives to the in-person visit under limited circumstances to be defined in guidelines adopted by the Chancellor.

18. Section § 55502. Definitions.

Section 55502 sets forth definitions applicable to subchapter 6 related to the matriculation program. One proposed amendment would modify subdivision (c) to clarify that a test used solely for resolving a prerequisite challenge is not considered an assessment instrument. Current subdivision (h) is deleted. It defines a student, for matriculation purposes, as a person enrolled in one or more credit courses, but this is no longer appropriate since the Legislature has provided funding to expand the matriculation program to serve students in noncredit courses.

19. Section § 55521. Prohibited Practices.

Section 55521 lists practices which are prohibited if a college receives funding under the Matriculation Act. Subdivision (a)(4) is amended to recognize that Education Code section 76002 now permits colleges to use an assessment conducted in accordance with the Board's matriculation regulations to determine admission of special full-time or part-time students.

20. Section § 55532. Exemptions.

Section 55532 permits districts to adopt policies exempting certain students from the coverage of the matriculation program. Subdivision (d) lists criteria, which may not be used as the sole basis for an exemption. Language is added to specify that a district may not exempt students from the matriculation program solely because they are enrolled exclusively in noncredit courses. This is appropriate because the Legislature has provided funding for matriculation services for noncredit students. Districts could include noncredit students in exemption categories, but the fact that a student is enrolled exclusively in noncredit courses should not, by itself, serve as grounds for exempting the student.)

21. Section § 58003.1. Full-time Equivalent Student; Computation.

This section, which describes the several available attendance accounting procedures, is amended to make technical changes, which clarify the treatment of distance education courses.

22. Section 58006. Application of Actual Student Contact Hours of Attendance Procedure.

This section provides additional detail concerning the positive attendance accounting procedure. It is amended to clarify the application of that procedure to distance education courses so as to conform with changes made to section 58003.1.

23. Section 58007. Noncredit Courses.

This section provides additional detail concerning the attendance accounting procedure to be used for noncredit courses. It is amended to conform with changes made to section 58003.1.

24. Section 58009. Application of Alternate Attendance Procedure for Independent Study, Work-Experience and Certain Distance Education Courses.

This section provides additional detail concerning the attendance accounting procedure to be used for independent study and work-experience courses. It is amended to also cover certain distance education courses so as to conform with changes made to section 58003.1.

25. Section § 58106. Limitations on Enrollment.

Section 58106 sets forth rules applicable to enrollment limitations. It generally prohibits limiting enrollment based on factors, which would involve an evaluation of the student's ability to succeed in the course because such factors would normally be expected to be validated as prerequisites. The amendment to this section would permit the use of such factors if they were part of a selection procedure expressly authorized by statute.

26. Section § 58160. Noncredit Course Funding.

Section 58160 sets forth rules applicable to claiming apportionment for noncredit courses. It is amended to explicitly list the categories of noncredit courses, which can be claimed for state apportionment rather than simply referring to Education Code section 84757 as is done in the current regulation. This change is necessary because Senate Bill 361 (Stats. 2006, ch. 631) effectively broadened the scope of basic skills workforce preparation courses. In addition, transition language dealing with claiming courses for enhanced funding during 2006-07 is deleted because it is no longer necessary.

27. Section § 58161. Apportionment for Course Repetition.

This section sets forth rules related to claiming apportionment for course repetition. It is amended to conform with changes to sections 55040-45. In addition, language is added to permit claiming apportionment for students repeating cooperative work experience courses pursuant to sections 55040 and 55253.

28. Section § 58161.7. Recommendations Regarding Repetition of Noncredit Courses and Related Issues.

Section 58161.7 calls upon the Chancellor to conduct a study of certain issues related to repetition and multiple enrollments in noncredit courses. These issues were discussed during the first round of revisions to chapter 6, but no consensus was reached. This provision will permit research and continued discussion of the issues and define the parameters and timeframe for completion of the study. The time frame for completion of the study has been extended to reflect the anticipated delay in adoption of this package.

29. Section 58509. Authority of Chancellor To Waive Provisions To Accommodate Students Impacted by Extraordinary Conditions.

Section 58509, addressing accommodations for students affected by wildfires, is amended to correctly cross-reference new section 55024 which deals with withdrawal policies. In addition, the scope of the section is expanded to encompass other types of extraordinary circumstances which would justify accommodating students in terms of withdrawal and refund of fees.

In addition, a few other technical and editorial changes have been made throughout the package.

Conclusion

The Board of Governors should accept testimony at the public hearing. Given the complexity of the package, it is expected that changes will be made in the package after the first reading by the Board. The Consultation Council will have another opportunity to review the package at its March meeting, and if necessary at its April meeting, before the proposed regulation changes are finalized for action by the Board of Governors in May.

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ATTACHMENT 1

Index for Proposed Changes to Chapter 6 and Related Provisions - Part 2

Chapter 6. Curriculum and Instruction

Subchapter 1. Programs, Courses and Classes (starting at page 13)

Article 2. Grading and Academic Record Symbols (starting at page 13)

55024. Withdrawal.

Article 4. Course Repetition and Academic Renewal (starting at page 15)

55040. District Policy for Course Repetition

55041. ~~Course Repetition Absent Substandard Academic Work~~ Repeatable Courses.

55042. ~~Course Repetition in Activity Courses~~ Course Repetition To Alleviate substandard Academic Work.

55043. ~~Repetition of Variable Unit Courses~~ Course Repetition Due To Significant Lapse of Time.

55044. ~~Academic Renewal Without Course Repetition~~ Repetition of Variable Unit Courses.

55045. Course Repetition Due To Extenuating Circumstances.

55046. Academic Renewal Without Course Repetition.

Article 5. Alternative Methods of Awarding Credit (starting at page 25)

55062. Types of Courses Appropriate to the Associate Degree.

55064. Acceptance of Noncredit Courses.

Article 7. Credit Certificates (starting at page 26)

55070. Credit Certificates.

Subchapter 2. Approval by the Chancellor

Article 2. Approval of Noncredit Courses and Programs (starting at page 27)

55151. Career Development and College Preparation.

55153. Other Noncredit Programs Providing 288 Hours or More of Instruction.

55154. Adult High School Diploma Programs.

Subchapter 3. Alternative Instructional Methodologies

Article 4. Cooperative Work Experience Education (starting at page 33)

55253. College Credit and Repetition.

55254. Student Qualifications.

55255. District Services.

Subchapter 6. Matriculation Programs

Article 1. Scope and Definition (starting at page 36)

- 55502. Definitions.
- 55521. Prohibited Practices.
- 55523. Counseling and Advisement.
- 55532. Exemptions.

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Article 2. Attendance Reporting Procedures (starting at page 43)

- 58003.1. Full-time Equivalent Student; Computation.
- 58006. Application of Actual Student Contact Hours of Attendance Procedure.
- 58007. Noncredit Courses.
- 58009. Application of Alternate Attendance Procedure for Independent Study, or Work-Experience and Certain Distance Education Courses ~~Attendance Procedure~~.

Subchapter 2. Limitations on State Aid.

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- 58106. Limitations on Enrollment.

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- 58160. Noncredit Course Funding.
- 58161. Apportionment for Course Repetition.
- 58161.7. Recommendations Regarding Repetition of Noncredit Courses and Related Issues.

Subchapter 6. Student Fees

Article 1. Enrollment Fee and Differential Enrollment Fee.

- 58509. Authority of Chancellor To Wave Provisions To Accommodate Students Impacted by ~~Wildfires~~ Extraordinary Conditions.

ATTACHMENT 1

Title 5 Review

Part 2 – Proposed Revisions to Chapter 2

1. Section 55024 of article 2 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 55024 authorizes districts to establish policies on withdrawal and describes requirements which such policies must satisfy. During the consideration of the first round of revisions to chapter 6, there was discussion about the possibility of limiting the number of times a student could withdraw, receive a "W" and re-enroll in a course. At that time, the proposal was to limit students to three re-enrollments after receiving a "W." Due to concerns about the restrictive nature of this proposal, it was removed and the regulation was adopted without any limitation on re-enrollment. However, the Board agenda item made clear that this issue would be revisited in the second phase of revisions to chapter 6.

The new proposed amendment to section 55024 would add a new subdivision (a)(9) which would generally limit students to receiving no more than four "W"s as a result of withdrawal from the same course. Districts would, however, be allowed to adopt more restrictive policies or to adopt policies permitting additional withdrawals based on a petition from the student demonstrating that the need for withdrawal is due to extenuating circumstances.

In addition, language is added to clarify that the criteria for withdrawal specified in this section apply to withdrawal from credit courses. A district could, but is not required to establish withdrawal procedures for noncredit courses.

Finally, a new subdivision (a)(10) is included to reflect in this section the policy appearing in section 58509 that students withdrawing due to the impact of fires, floods and other extraordinary conditions should not be penalized by receiving a "W.")

§ 55024. Withdrawal.

(a) The governing board of a district which decides to provide a withdrawal procedure shall adopt a policy which provides for withdrawal from credit courses consistent with the following:

(1) Withdrawal from a course or courses shall be authorized through the last day of the fourteenth week of instruction (or 75 percent of a term, whichever is less). The governing board, however, may establish a final withdrawal date which prohibits withdrawal after a designated point in time between the end of the fourth week of instruction (or 30 percent of a term, whichever is less) and the last day of the fourteenth week of instruction (or 75 percent of a term, whichever is less). The academic record of a

student who remains in a course beyond the time allowed by district policy must reflect a symbol as authorized in section 55023 other than a "W."

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

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

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

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

(6) For purposes of withdrawal policies, the term "appropriate faculty" means the instructor of each course section in question or, in the event the instructor cannot be contacted, the department chair or appropriate administrator.

(7) The "W" shall not be used in calculating grade point averages, but shall be used in determining probation and dismissal pursuant to article 3 of this subchapter.

(8) A "W" shall not be assigned, or if assigned shall be removed, from a student's academic record, if a determination is made pursuant to sections 59300 et seq. that the student withdrew from the course due to discriminatory treatment or due to retaliation for alleging discriminatory treatment or that the student withdrew because he or she reasonably believed that remaining in the course would subject him or her to discriminatory treatment or retaliation for alleging discriminatory treatment.

(9) Effective July 1, 2009, the district policy shall establish the number of times (not to exceed four times) that a student may withdraw and receive a "W" symbol on his or her record for enrollment in the same course. The district policy may permit a student to enroll again in a course after having previously received the authorized number of "W" symbols in the same course in colleges within the district, but in that case, the district policy shall provide that the student will receive a grade or have a different nonevaluative symbol (as defined in section 55023) recorded on his or her academic record unless:

(A) the student withdraws from the course prior to the end of the fourth week of instruction or 30 percent of the term, whichever is less, or such shorter period as established by the district pursuant to subdivision (3); or

(B)(i) the district policy permits additional withdrawals for which apportionment may not be available pursuant to section 58161.5; and

(ii) the chief instructional officer, chief student services officer or other district official designated in the district policy approves such a withdrawal after review of a petition filed by the student which demonstrates that there are extenuating circumstances, as defined in subdivision (2), which justify an additional withdrawal.

(10) The district policy may provide that a "W" symbol will not be assigned to any student who withdrew from one or more classes, where such withdrawal was necessary due to fire, flood or other extraordinary conditions and the withdrawal is authorized by the district pursuant to section 58509.

(b) Within the parameters set forth in subdivision (a), criteria for withdrawal and the procedures to accomplish it shall be established by the district governing board and published in college catalogs.

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

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

(1) "Military Withdrawal" occurs when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. Upon verification of such orders, a withdrawal symbol may be assigned at any time after the period established by the governing board during which no notation is made for withdrawals. The withdrawal symbol so assigned may be a "W" or, if necessary to distinguish military withdrawals, may be a "MW."

(2) Military withdrawals shall not be counted in progress probation and dismissal calculations.

(3) In no case may a military withdrawal result in a student being assigned an "FW" grade.

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

2. Section 55040 of article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: This section currently addresses repetition of courses where substandard academic work has been recorded. It is being substantially amended to list all of the circumstances in which a district may permit course repetition. Subsequent sections in the same article will provide greater detail on these various circumstances. This is being done in an attempt to clarify the rules applicable to different types of course repetition and the interaction between these different situations. Language specific to repetition to alleviate substandard work is being removed from this section and will instead appear in new section 55042.)

§ 55040. District Policy for Course Repetition.

(a) The governing board of each community college district shall adopt and publish policies and procedures pertaining to the repetition of credit courses ~~for which substandard academic work has been recorded~~. Such policies and procedures shall not conflict with section 55025 or Education Code section 76224, pertaining to the finality of grades assigned by instructors, or with chapter 2.5 (commencing with section 59020) of

division 10 of this part, pertaining to the retention and destruction of student records. Such procedures may:

~~(1) Permit repetition of any course which was taken in an accredited college or university and for which substandard academic work is recorded;~~

~~(2) Indicate any specific courses or categories of courses where repetition pursuant to this section is not permitted; and~~

~~(3) In determining transfer of a student's credits, honor similar, prior course repetition actions by other accredited colleges and universities.~~

(b) For purposes of course repetition, academic renewal, and all other related provisions in this division, the following terms shall have the meanings specified below:

(1) "Course repetition" occurs when a student who has previously received a grade as defined in section 55023, in a particular course re-enrolls in that course.

(2) "Substandard academic work" means course work for which the grading symbols "D," "F," "FW," "NP" or "NC" (as defined in section 55023 and 55030) have been recorded.

(c) The policies and procedures or regulations adopted pursuant to subdivision (a) may:

(1) designate certain types of courses as "repeatable courses" consistent with the requirements of section 55041;

(2) allow a student to repeat a course two times which is not designated as a repeatable course in an effort to alleviate substandard academic work consistent with the requirements of section 55042;

(3) permit or require a student to repeat a course due to significant lapse of time consistent with the requirements of section 55043;

(4) permit a student to repeat a portion of a variable unit open-entry/open-exit course which the student previously completed only under the circumstances described in section 55044;

(5) permit a student to repeat a course which is not designated as a repeatable course, regardless of whether or not substandard academic work was previously recorded, where the district determines, consistent with section 55045, that there are extenuating circumstances which justify the repetition;

(6) permit a student to repeat a course in occupational work experience under the circumstances described in section 55253. When an occupational work experience course is repeated pursuant to that section, the grade received each time shall be included for purposes of calculating the student's grade point average.

~~——— A district may, upon petition by the student, permit a third repetition of a course in which substandard academic work has previously been recorded, provided the district finds that there are extenuating circumstances which justify an additional repetition. Extenuating circumstances are verified cases of accidents, illness, or other circumstances beyond the control of the student. The district policy may allow the previous grade and credit to be disregarded in computing the student's GPA each time the course is repeated.~~

~~(d) The policy adopted pursuant to subdivision (a) may~~

(7) permit a student with a disability to repeat a special class for students with disabilities any number of times based on an individualized determination that such

repetition is required as a disability-related accommodation for that particular student for one of the reasons specified in section 56029. The district policy may allow the previous grade and credit to be disregarded in computing the student's GPA each time the course is repeated.

~~(e)~~—(d) When course repetition occurs pursuant to this section—, the student's permanent academic record shall clearly indicate any courses repeated using an appropriate symbol and be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

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

3. Section 55041 of article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: This section is being amended to focus on courses which are, by their nature, repeatable without respect to the circumstances of a particular student. Repeatable courses include legally mandated training and activity courses. The section is also amended to distinguish between true activity courses and lecture courses where the content changes each time the course is offered. Language currently appearing in section 55042, detailing rules for repetition of activity courses is moved to this section because section 55042 is repealed and readopted with different content.)

§ 55041. ~~Course Repetition Absent Substandard Academic Work Repeatable Courses.~~

~~(a) The governing board of a district may adopt procedures or regulations pertaining to the repetition of credit courses for which substandard academic work has not been recorded.~~

The district policy and procedures on course repetition adopted pursuant to section 55040 may designate as repeatable courses only those courses described in this section.

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

(c) ~~The district policy adopted pursuant to subdivision (a) section 55040 may allow repetition in activity courses also designate courses of the types described in this subdivision as repeatable courses, subject to the following conditions:~~

(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 either:

~~(A) the course content differs each time it is offered, and that; or~~

(B) the course is an activity course where the student meets course objectives by repeating a similar primary educational activity and the student who repeats it is gaining gains an expanded educational experience each time the course is repeated for one of the following reasons:

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

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

(3) Activity courses which may qualify as repeatable courses meeting the requirements of paragraph (2)(B) of this subdivision include, but are not limited to the following:

(A) Physical education courses; or

(B) Visual or performing arts courses in music, fine arts, theater or dance.

(4) foreign language courses, ESL courses and nondegree-applicable basic skills courses are not considered “activity courses” for purposes of paragraph (2)(B of this subdivision).

(5) The district must develop and implement a mechanism for the proper monitoring of such repetition.

~~(4)—(6) Students may repeat a course pursuant to this subdivision for not more than three semesters or five quarters. For purposes of this subdivision, semesters or quarters include summer or intersessions.~~

(7)(A) Except as provided in subparagraph (B) of this paragraph, where a college establishes several levels of courses which consist of similar educational activities, the repetition limitation in paragraph (6) of this subdivision applies to all levels of courses that involve a similar primary educational activity regardless of whether the repetitions reflect multiple enrollments in a single course or in multiple courses involving the same primary activity.

(B) Visual or performing arts courses in music, fine arts, theater or dance which are part of a sequence of transfer courses are not subject to subparagraph (A) of this paragraph.

(d) When a course is repeated pursuant to this section, the grade received each time shall be included for purposes of calculating the student's grade point average.

~~The policy adopted pursuant to subdivision (a) may permit a student with a disability to repeat a special class for students with disabilities any number of times based on an individualized determination that such repetition is required as a disability related accommodation for that particular student for one of the reasons specified in section 56029.~~

~~(e) Except as provided in subdivisions (b), (c) or (d), repetition of courses for which substandard academic work has not been recorded shall be permitted only upon petition of the student and with the written permission of the governing board or its designee based on a finding that the student's previous grade is, at least in part, the result of extenuating circumstances. Extenuating circumstances are verified cases of accidents, illness, or other circumstances beyond the control of the student. Grades awarded for courses repeated under this subdivision shall not be counted in calculating a student's grade point average.~~

~~(f) In addition to permitting course repetition in the circumstances described in this section, a district may also require repetition of a course where substandard academic work has not been recorded if the district determines that there has been a significant lapse of time since the student previously took the course. A district may require a student to repeat a course pursuant to this paragraph where the district has properly established a recency prerequisite for a course pursuant to section 55003 or has otherwise defined "significant lapse of time" in its policy on course repetition. If the district determines that a student needs to repeat an activity course due to significant lapse of time, that repetition shall be counted in applying the limit on repetitions set forth in subdivision (c)(4) except that, if the student has already exhausted the number of repetitions permitted under subdivision (c)(4), an additional repetition due to significant lapse of time may be required by the district.~~

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

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

4. Section 55042 of article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is repealed.

(Comment: This section dealing with repetition of activity courses is repealed and its content moved to section 55041.)

~~§ 55042. Course Repetition in Activity Courses.~~

~~(a) For purposes of subdivision (c) of section 55041, "activity courses" include courses where the student meets course objectives by repeating a similar primary educational activity and the student continues or builds on skills or proficiencies by supervised repetition and practice within class periods. Such courses include but are not limited to the following:~~

- ~~(1) Physical education courses;~~
- ~~(2) Visual or performing arts courses in music, fine arts, theater or dance;~~
- ~~(3) Career technical courses where the content differs each time the course is offered, but the primary educational activity remains the same.~~

~~(b)(1) Except as provided in paragraph (2) of this subdivision, where a college establishes several levels of courses which consist of similar educational activities, the repetition limitation in subdivision (c) of section 55041 applies to all levels of courses that involve a similar primary educational activity regardless of whether the repetitions reflect multiple enrollments in a single course or in multiple courses involving the same primary activity.~~

~~(2) Visual or performing arts courses in music, fine arts, theater or dance which are part of a sequence of transfer courses are not subject to paragraph (1) of this subdivision.~~

~~(c) ESL courses and nondegree applicable basic skills courses are not considered “activity courses” for purposes of subdivision (c) of section 55041.~~

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

5. Section 55043 of article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is repealed.

(Comment: This section dealing with repetition of variable unit open-entry/open-exit courses is repealed and its content is moved to new section 55044.)

~~§ 55043. Repetition of Variable Unit Courses.~~

~~(a) If a community college district offers credit courses for variable units on an open-entry/ open exit basis pursuant to section 58164, the district policies on course repetition shall provide that a student may enroll in the course as many times as necessary to complete the entire curriculum of the course as described in the course outline of record. However, the district policy may not permit the student to repeat any portion of the curriculum for the course, regardless of the grade the student received for that portion of the course, unless:~~

~~(1) the course is required for legally mandated training;~~

~~(2) the course is a special class for students with disabilities which the student needs to repeat for one of the reasons described in section 56029; or~~

~~(3) repetition of the course to retake a portion of the curriculum is justified by extenuating circumstances pursuant to subdivision (e) of section 55041.~~

~~(b) Notwithstanding subdivision (a), each time a student enrolls in a physical education activity course offered on an open entry/open exit basis, regardless of the number of units for which the student enrolls, the enrollment shall count as a repetition of the course for purposes of sections 55040-41 and 58161.~~

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

6. Section 55044 of article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is repealed.

(Comment: This section dealing with academic renewal is being repealed and the content moved without change to new section 55046.)

~~§ 55044. Academic Renewal Without Course Repetition.~~

~~(a) The governing board of each community college district shall adopt and publish policies and procedures pertaining to the alleviation of previously recorded substandard academic work, as defined in section 55040, which is not reflective of a student's demonstrated ability. Such policies and procedures shall include a clear statement of the educational principles upon which they are based, and shall be referred to as academic renewal procedures. When academic renewal procedures adopted by the district permit previously recorded, substandard course work to be disregarded in the computation of grade point averages, the permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history.~~

~~(b) Policies and procedures adopted pursuant to subdivision (a) shall not conflict with:~~

~~(1) Section 55025 of this subchapter and Education Code section 76224, pertaining to the finality of grades assigned by instructors; or~~

~~(2) Chapter 2.5 (commencing with section 59020) of division 10 of this part pertaining to the retention and destruction of records.~~

~~(c) The policies and procedures adopted pursuant to subdivision (a) shall address all of the following:~~

~~(1) The maximum amount of coursework that may be alleviated;~~

~~(2) The amount of academic work to have been completed at a satisfactory level (minimum 2.00) subsequent to the coursework to be alleviated;~~

~~(3) The length of time to have elapsed since the coursework to be alleviated was recorded;~~

~~(4) A description of any specific courses and/or categories of courses that are, for any reason, exempt from consideration under the alleviation procedures;~~

~~(5) The procedures to be followed by students in petitioning for alleviation; and~~

~~(6) The personnel responsible for implementing the procedures.~~

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

~~Reference: Sections 70901, 70902 and 76224, Education Code.~~

7. Section 55042 is added to article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations to read:

(Comment: This new section describes the circumstances under which a student may be permitted to repeat a course which is not otherwise repeatable in an attempt to alleviate substandard work previously recorded on the student's transcript. This same material previously appeared in section 55040. Some additional language is

added to clarify the circumstances under which a second repetition to alleviate substandard work is allowed.)

§ 55042. Course Repetition To Alleviate substandard Academic Work.

(a) The district policies and procedures on course repetition adopted pursuant to section 55040 may permit a student to repeat a course which is not designated as a repeatable course pursuant to section 55041 in an effort to alleviate substandard academic work. If a student repeats the course and receives a satisfactory grade, then he or she may not repeat the course again pursuant to this section and any further repetition of the course must be authorized by another provision of this division. If a student repeats the course and receives another substandard grade, the district policy may permit the student to repeat the course one additional time in an effort to alleviate substandard work. Under no circumstances may a student repeat a course more than two times pursuant to this section.

(b) Policies and procedures related to course repetition to alleviate substandard academic work shall:

(1) permit repetition of any course which was taken in an accredited college or university and for which substandard academic work is recorded;

(2) indicate any specific courses or categories of courses where repetition pursuant to this section is not permitted; and

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

(c) The district policy may allow the previous grade and credit to be disregarded in computing the student's GPA each time a course is repeated pursuant to this section.

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

Reference: Sections 70901 and 70902, Education Code.

8. Section 55043 is added to article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations to read:

(Comment: this new section contains language previously appearing in section 55041 concerning situations where a district may permit or require a student to repeat a course due to significant lapse of time.)

§ 55043. Course Repetition Due To Significant Lapse of Time.

(a) In addition to permitting course repetition in the circumstances described in other provisions of this article, a district may also permit or require repetition of a course where the student received a satisfactory grade the last time he or she took the course but the district determines that there has been a significant lapse of time since that grade was obtained and:

(1) the district has properly established a recency prerequisite for a course or program pursuant to section 55003 or has otherwise defined “significant lapse of time” in its policy on course repetition; or

(2) another institution of higher education to which the student seeks to transfer has established a recency requirement which the student will not be able to satisfy without repeating the course in question.

(b) If the district determines that a student needs to repeat an activity course of the type described in subdivision (c)(2)(B) of section 55041 due to significant lapse of time, that repetition shall be counted in applying the limit on repetitions set forth in subdivision (c)(6) of section 55041 except that, if the student has already exhausted the number of repetitions permitted under subdivision (c)(6), an additional repetition due to significant lapse of time may be permitted or required by the district.

(c) When a course is repeated pursuant to this section, the district policy may allow the previous grade and credit to be disregarded in computing the student's GPA.

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

9. Section 55044 is added to article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations to read:

(Comment: this section contains material previously appearing in section 55043 concerning repetition of variable unit open-entry/open-exit courses. Language has been added to permit repetition of a portion of the curriculum to alleviate substandard work.)

§ 55044. Repetition of Variable Unit Courses.

(a) If a community college district offers credit courses for variable units on an open-entry/ open-exit basis pursuant to section 58164, the district policies and procedures on course repetition adopted pursuant to section 55040 shall provide that a student may enroll in the course as many times as necessary to complete one time the entire curriculum of the course as described in the course outline of record. However, the district policy may not permit the student to repeat any portion of the curriculum for the course, unless:

- (1) the course is required for legally mandated training;
- (2) the course is a special class for students with disabilities which the student needs to repeat for one of the reasons described in section 56029;
- (3) repetition of the course to retake a portion of the curriculum is justified by extenuating circumstances pursuant to section 55045; or
- (4) the student wishes to repeat the course to alleviate substandard work recorded for a portion of the curriculum as authorized pursuant to section 55042.

(b) Notwithstanding subdivision (a), each time a student enrolls in a physical education activity course offered on an open entry/open exit basis, regardless of the number of units for which the student enrolls, the enrollment shall count as a repetition of the course for purposes of sections 55041 and 58161.

(c) When course repetition of a portion of a course is permitted under the circumstances described in subdivision (a), the district policy may allow the previous grade and credit to be disregarded in computing the student's GPA.

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

Reference: Sections 70901 and 70902, Education Code.

10. Section 55045 is added to article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations to read:

(Comment: This section contains material previously appearing in section 55041 concerning repetition due to extenuating circumstances. The intent of this section is that where course repetition is not authorized under any other provision (or the repetitions under another section such as section 55042 have been exhausted), a student may petition for the opportunity to repeat the course under this section regardless of what grade he or she previously received, but only if the district finds that there were extenuating circumstances which affected the student's previous grade.)

§ 55045. Course Repetition Due To Extenuating Circumstances.

The district policies and procedures on course repetition adopted pursuant to section 55040 may permit a student to repeat a course only if:

(a) the repetition is expressly authorized by another provision of this article; or

(b) the student files a petition and the governing board of the district or its designee grants written approval of the petition based on a finding that the student's previous grade (whether substandard or passing) was, at least in part, the result of extenuating circumstances. Extenuating circumstances are verified cases of accidents, illness, or other circumstances beyond the control of the student. When course repetition is approved pursuant to this subdivision, the district policy may allow the previous grade and credit to be disregarded in computing the student's GPA each time the course is repeated.

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

Reference: Sections 70901 and 70902, Education Code.

11. Section 55046 is added to article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations to read:

(Comment: This new section contains material previously appearing in section 55044 pertaining to academic renewal.)

§ 55046. Academic Renewal Without Course Repetition.

(a) The governing board of each community college district shall adopt and publish policies and procedures pertaining to the alleviation of previously recorded substandard academic work, as defined in section 55040, which is not reflective of a student's demonstrated ability. Such policies and procedures shall include a clear statement of the educational principles upon which they are based, and shall be referred to as academic renewal procedures. When academic renewal procedures adopted by the district permit previously recorded, substandard course work to be disregarded in the computation of grade point averages, the permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

(b) Policies and procedures adopted pursuant to subdivision (a) shall not conflict with:

(1) section 55025 of this subchapter and Education Code section 76224, pertaining to the finality of grades assigned by instructors; or

(2) chapter 2.5 (commencing with section 59020) of division 10 of this part pertaining to the retention and destruction of records.

(c) The policies and procedures adopted pursuant to subdivision (a) shall address all of the following:

(1) The maximum amount of coursework that may be alleviated;

(2) The amount of academic work to have been completed at a satisfactory level (minimum 2.00) subsequent to the coursework to be alleviated;

(3) The length of time to have elapsed since the coursework to be alleviated was recorded;

(4) A description of any specific courses and/or categories of courses that are, for any reason, exempt from consideration under the alleviation procedures;

(5) The procedures to be followed by students in petitioning for alleviation; and

(6) The personnel responsible for implementing the procedures.

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

Reference: Sections 70901, 70902 and 76224, Education Code.

12. Section 55062 of article 6 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: During the first phase of revisions to chapter 6, the language of this section (which was largely taken from former section 55805.5) was modified to limit the scope of subdivision (c) to English composition courses. However, it has been

concluded that this was erroneous and that reading courses should also fall under that provision. The amendments will accomplish this.)

§ 55062. 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 as degree-applicable credit courses:

(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 or area of emphasis in non-baccalaureate career technical fields.

(c) English composition or reading courses not more than one level below the first transfer level ~~composition~~ course, ~~typically known as Freshman Composition~~. Each student may count only one ~~English composition~~ such course below transfer level for credit toward the associate degree, except that reading courses which also satisfy the requirements of subdivision

(a) are not subject to this limit. English as a Second Language (ESL) courses which teach composition or reading skills are not considered to be English composition or reading courses for purposes of this subdivision.

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

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

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

Reference: Sections 66701, 70901 and 70902, Education Code.

13. Section 55064 of article 6 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 55064 permits a student to petition to have a noncredit course counted toward satisfaction of requirements for an associate degree. It is an old provision which was moved without significant change during the first phase of revisions to chapter 6 from its previous location as section 55807. In more carefully reviewing the section, the SACC determined that there were many problematic aspects to this provision such as ensuring that the course really does meet appropriate rigor standards and that the faculty member who taught the course met appropriate minimum qualifications. In addition, permitting students to have a noncredit course counted for credit could amount to a circumvention of the statutory requirements for charging enrollment fees and nonresident tuition.

An earlier draft of this package suggested amendments to section 55064 which were designed to put in place adequate safeguards for appropriate use of this provision. However, considerable input was received objecting to that proposal. Accordingly, the SACC has subsequently advised that section 55064 should be repealed and the new proposal would do so effective July 1, 2009. After that date, students would still be able to receive credit for learning which occurred in a noncredit course, but this would need to be accomplished through the credit by examination process. The SACC believes this is the appropriate process and one which eliminates the many complexities associated with designing an academically and legally sound procedure which would permit directly awarding credit for completion of a noncredit course without a demonstration of competency.)

§ 55064. Acceptance of Noncredit Courses.

The governing board of each community college district shall establish procedures by which a student may petition to have completion of a noncredit course counted toward satisfaction of the requirements for an associate degree. The petition shall be granted if the instructor of the noncredit course certifies that the student has achieved competence in the subject matter at a level and with academic rigor equivalent to that required for a degree-applicable credit course.

This section shall become inoperative on July 1, 2009. After that date, a student may nevertheless seek to receive credit for knowledge or skills acquired through completion of a noncredit course in accord with section 55050.

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

Reference: Sections 66701, 70901 and 78405, Education Code.

14. Section 55070 of article 7 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: This section, which addresses credit certificate programs, is being amended to codify the long-standing administrative rule that the Chancellor's Office will not approve certificate programs which consist solely of basic skills and/or ESL courses.)

§ 55070. Credit Certificates.

(a) Any sequence of courses consisting of 18 or more semester units or 27 or more quarter units of degree-applicable credit coursework shall constitute an educational program subject to approval by the Chancellor pursuant to section 55130. The college-awarded document confirming that a student has completed such a program shall be known as a certificate of achievement and may not be given any other designation. The award of a certificate of achievement is intended to represent more than an accumulation of units. Listing of the certificate of achievement on a student transcript symbolizes successful completion of patterns of learning experiences designed to develop certain capabilities that may be oriented to career or general education; provided however, that

no sequence or grouping of courses may be approved as a certificate of achievement pursuant to this section if it consists solely of basic skills and/or ESL courses. For purposes of this subdivision, the term “general education” includes coursework taken to satisfy transfer patterns established by the University of California, the California State University, or accredited public postsecondary institutions in adjacent states which award the baccalaureate degree.

(b) Shorter credit programs leading to a certificate may be established without review and approval by the Chancellor after approval by the college curriculum committee and the district governing board. Such a certificate may be given any name or designation deemed appropriate by the district governing board, except that such a certificate may not be referred to as a certificate of achievement, a certificate of completion, or a certificate of competency, unless approved by the Chancellor pursuant to subdivision (c). Such a certificate may not be listed on a student's transcript, unless approved by the Chancellor pursuant to subdivision (c).

(c) A district may submit any sequence of courses consisting of 12 or more semester units or 18 or more quarter units of degree-applicable credit coursework to the Chancellor and request that it be approved as a program leading to a certificate of achievement. The Chancellor may approve such a program if he or she determines that it satisfies the requirements of subdivision (a) despite requiring fewer than 18 semester or 27 quarter units of degree-applicable credit coursework.

(d) Content and assessment standards for certificates shall be defined by the local curriculum committee and comply with the requirements of this chapter. Such standards should also ensure that certificate programs will be consistent with the mission of the college, meet a demonstrated need, be feasible, and adhere to guidelines on academic integrity which may be developed by the Chancellor, the Academic Senate for California Community Colleges or other appropriate statewide bodies.

(e) A description of each approved program shall be included in the college catalog.

(f) The Chancellor shall develop forms and procedures for submission of applications for approval of a program leading to a certificate of achievement.

(g) Provisions of this section regarding the naming or designation of certificates shall become effective for the Fall 2008 term.

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

Reference: Sections 70901 and 70902, Education Code.

15. Section 55151 of article 2 of subchapter 2 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: this section is revised to remove its sunset date of June 30, 2008.)

§ 55151. Career Development and College Preparation.

A noncredit course involving career development or college preparation will be eligible for enhanced funding pursuant to Education Code sections 84750.5 and 84760.5 if it satisfies the requirements set forth in subdivisions (a), (b) and (c) below.

(a) The course is approved by the college curriculum committee and the district governing board pursuant to subdivision (c) of section 55002 and by the Chancellor's Office pursuant to section 55150 and is part of either:

(1) A short-term vocational program providing less than 288 hours of instruction which the Chancellor, in consultation with the Employment Development Department, has determined to have high employment potential. In making this determination, the Chancellor shall utilize job demand data provided by the Employment Development Department. If current job demand data in the relevant field is not available from the Employment Development Department, the Chancellor and the Employment Development Department may rely upon other data submitted by the college.

(2) A sequence of courses involving:

(A) Courses in elementary and secondary basic skills;

(B) Workforce preparation courses in the basic skills of speaking, listening, reading, writing, mathematics, decision-making, and problem solving skills that are necessary to participate in job-specific technical training; or

(C) Courses in English as a second language and vocational English as a second language.

(b) The program or sequence of courses is designed to result in either:

(1) A noncredit certificate of completion leading to improved employability or job opportunities; or

(2) A noncredit certificate of competency in a recognized career field articulated with degree-applicable coursework, completion of an associate degree or transfer to a baccalaureate institution. A certificate of competency in a recognized career field may be articulated with degree-applicable coursework, an associate degree, or transfer to a baccalaureate institution by means of nondegree-applicable coursework which may be completed prior to or taken concurrently with degree-applicable or transferable coursework.

(c) Each program or sequence of courses must be submitted to and approved by the Chancellor. Each application for approval shall include a list of required courses to be included in the program or sequence of courses, course outlines for each course, and an explanation of how the program or sequence of courses is designed to lead students to one of the outcomes described in subdivision (b). For short-term vocational programs, the application shall also include an analysis of labor market need or job availability.

(d) The Chancellor shall develop forms and procedures for electronic submission of applications for approval.

(e) If the Chancellor approves a sequence of courses or a short-term vocational program pursuant to this section, the sequence of courses or program may not be subsequently modified by the inclusion of additional courses unless the course or courses to be added are of one of the types listed in subdivision (a) and have themselves been individually approved by the Chancellor pursuant to section 55150.

(f) Under no circumstances may a district separate an existing noncredit course which provides less than one hundred and ten (110) hours of instruction into two or more courses for the purpose of forming a sequence of courses to satisfy the requirements of this section.

(g) Nothing in this section shall be construed to prevent a particular student from taking additional degree-applicable coursework, pursuing an associate degree, or pursuing transfer to a baccalaureate institution in addition to or instead of seeking immediate employment.

(h) For purposes of this article, the term “certificate of completion” means a document confirming that a student has completed a program or sequence of noncredit courses that prepares him or her to progress in a career path or to undertake degree-applicable or nondegree-applicable credit courses. The document must include the name of the certificate and the date awarded, be identified by a Taxonomy of Programs (T.O.P.) Code number and program discipline, identify the goal of the program, and list the courses completed by the student.

(i) For purposes of this article, the term “certificate of competency” means a document confirming that a student enrolled in a program or sequence of noncredit courses has demonstrated achievement of a set of competencies that prepares him or her to progress in a career path or to undertake degree-applicable or nondegree-applicable credit courses. The document must include the name of the certificate and the date awarded, be identified by a T.O.P. Code number and program discipline, and list the relevant competencies achieved by the student.

(j) Content and assessment standards for certificates shall be defined by the local curriculum committee. The review of noncredit certificate programs by the curriculum committee shall be conducted using the same standards as applied to credit programs with respect to academic integrity, consistency with college mission, meeting a demonstrated need and program feasibility.

(k) Each noncredit certificate program shall be approved by the governing board of the district.

(l) Noncredit certificates may be awarded to students who have earned them on behalf of the governing board of the district by any appropriate district official or by a particular department or division pursuant to a delegation of authority from the governing board.

~~(m) this section shall become inoperative on June 30, 2008.~~

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code.

Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

16. Section 55153 of article 2 of subchapter 2 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: This section, which deals with noncredit programs other than short-term vocational and high school diploma programs, is being amended to clarify its interaction with section 55151 which addresses enhanced funding.)

§ 55153. Other Noncredit Programs Providing 288 Hours or More of Instruction.

(a) Before offering any noncredit program on or after June 30, 2008, which provides 288 hours or more of instruction in any area of noncredit instruction other than those

covered by sections 55152 and 55154, the governing board of a community college district shall obtain approval of the program pursuant to this section. Each course which is to be part of the program must be approved by the college curriculum committee pursuant to subdivision (c) of section 55002.

(b) Applications shall include all of the following:

- (1) a list of courses to be included in the program;
- (2) course outlines for all courses in the program;
- (3) documentation of the need or demand for the program;
- (4) a statement of the goals and objectives of the program;
- (5) a description of the relationship of the proposed program to other programs; and
- (6) a discussion of the possible impact of the proposed program on nearby colleges.

~~(c) A community college district may submit to the Chancellor for approval any noncredit program providing 288 hours or more of instruction in an area not described in section 55152 or subdivision (a) of this section. The Chancellor may approve such programs if he or she determines that the program would satisfy the requirements of this section.~~

~~(d) The Chancellor shall develop forms and procedures for review and approval of programs submitted for approval pursuant to this section.~~

(d) A program approved pursuant to this section will only be eligible for enhanced funding pursuant to Education Code sections 84750.5 and 84760.5 if it also satisfies the requirements of section 55151 and the application so demonstrates. If an application for approval pursuant to section 55151 was filed prior to application for program approval under this section, materials submitted with the section 55151 application need not be resubmitted.

(e) If a program is approved by the Chancellor pursuant to this section, the program may be subsequently modified by the addition of other noncredit courses without the necessity to obtain separate approval of such courses from the Chancellor even if the program is also approved for enhanced funding pursuant to section 55151.

(f) A district may, but is not required to, award a noncredit certificate pursuant to section 55155 to students who complete such a program, provided that such a certificate may not be designated or referred to as a certificate of achievement, a certificate of completion or a certificate of competency unless the program is also approved for enhanced funding pursuant to section 55151.

NOTE: Authority cited: sections 66700, 70901, 78401 and 84760.5, Education Code.

Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

17. Section 55154 of article 2 of subchapter 2 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 55154 sets forth requirements which must be satisfied for approval of a high school diploma program. The proposed amendments to section 55154 would spell out the number of high school credits that a program must provide and the types of courses which must be included in the curriculum. The

language has been expanded to more broadly define five categories of coursework which parallel those described in regulations related to the associate degree. Language has also been added allowing work completed at other institutions to be counted toward the high school diploma and to establish a requirement for the number of credits completed in residence at the college. In addition, subdivision (f) has been revised to provide "grandparenting" protection to students who begin their high school diploma program by Spring 2008 and remain consistently enrolled thereafter. Finally, a new subdivision (h) would specify the relationship of hours of instruction to high school credits.)

§ 55154. Adult High School Diploma Programs.

(a) Before offering any noncredit course as part of a high school diploma program on or after June 30, ~~2008~~ 2009, the governing board of a community college district shall obtain approval of its high school diploma program as provided in section 55150.

(b) For purposes of this section, the term "high school diploma program" means an organized sequence of noncredit courses designed to meet the needs of adult learners which leads to a high school diploma which is awarded by the community college district or jointly by the district and a high school.

(c) The application for approval shall include all of the following:

(1) A statement that both the local curriculum committee(s) and the district governing board have reviewed and approved the high school diploma program.

(2) Information demonstrating that there exists demand for the college to offer a high school diploma program for adult learners in the area.

(3) Coursework requirements and content standards that meet or exceed those described in subdivision (e). ~~the standards for the high school curriculum established by the California State Board of Education and that ensure that students will be able to demonstrate levels of knowledge, skills, abilities and competency comparable to students in comprehensive secondary school programs.~~

(4) Comprehensive descriptions of program organization, instructional support services, student services, facilities and ongoing staffing efforts to demonstrate that the district has the resources to maintain the high school diploma program.

(5) A copy of the proposed catalog description.

(6) Requirements or conditions by which a student can obtain high school credit by examination or by successfully completing college degree-applicable or nondegree-applicable credit course work and any alternative means for students to complete the prescribed course of study.

(7) A description of the student assessment procedures for academic placement in the program and a description of how the district will evaluate student progress.

(d) Once a program is approved by the Chancellor pursuant to this section, the program may be subsequently modified by the addition of other noncredit courses without the necessity to obtain separate approval of such courses from the Chancellor even if the program has also been approved for enhanced funding pursuant to section 55151.

(e)(1) The governing board of a community college district shall confer a high school diploma upon a student who has satisfactorily completed at least 160 credits of high school level coursework and who has demonstrated competence in reading, writing, and

mathematics at a level generally accepted as appropriate for award of a high school diploma. The required 160 credits of high school level course work must be fulfilled in a core curriculum consisting of courses in the categories described in paragraph (2) and accepted toward the diploma by a college within the district (as shown in its catalog). A college may accept toward satisfaction of this requirement courses that were completed at an accredited high school or college that would reasonably be expected to meet or exceed the standards of this section, provided that at least 20 of the total 160 required high school credits must be completed in residence at the college granting the diploma.

(2) The curriculum must include the indicated minimum number of high school credits in each of the areas listed below. Each course shall be of duration sufficient to permit a student to master the content of the course as specified in the content standards described in paragraph (3).

(A) Natural Sciences. A minimum of 20 high school credits shall be required in natural sciences, including biological and physical sciences. Courses in the natural sciences are those which examine the physical universe, its life forms, and its natural phenomena. To satisfy the core curriculum 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 may 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. A minimum of 30 high school credits shall be required in social and behavioral sciences. Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the core curriculum requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the method of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. Each student shall be required to complete coursework that addresses United States history and geography; world history, geography, and culture; American government and civics; and economics. This category may also include introductory or integrative survey courses in cultural anthropology, cultural geography, political science, psychology, sociology and related disciplines, as well as additional courses in economics, American government, United States history, and world history.

(C) Humanities. A minimum of 10 high school credits shall be required in humanities. Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the core curriculum requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Each student shall be required to complete one course in visual or performing arts or foreign language. This category may also include introductory or integrative courses in literature, philosophy, and religion, as well as additional courses in the arts, and foreign languages.

For the purposes of satisfying the requirement specified in this paragraph, a course in American Sign Language shall be deemed a course in foreign language.

(D) English. A minimum of 30 high school credits shall be required in English. Courses in English are those which develop the principles and applications of language toward logical thought, clear and precise expression and critical evaluation. To satisfy the core curriculum requirement in English, a course shall be designed to develop reading, writing, and verbal expression skills as applicable to the needs and interests of an adult. Such courses may include introductory or integrative courses in literature and English grammar, writing strategies, and mechanics.

(E) Mathematics. A minimum of 20 high school credits shall be required in mathematics. Courses in mathematics develop the ability to reason with and apply mathematical operations and principles. To satisfy the core curriculum requirement in mathematics, a course shall be designed to help a student gain facility in the operations of mathematics as well as its practical applications. Such courses may include algebra, geometry, applied mathematics, and calculus.

(3) Course content standards for the coursework described in subdivision (2) must meet or exceed the standards for the high school curriculum established by the California State Board of Education.

(f) Notwithstanding the requirements of ~~subdivision (e) this section~~, any student enrolled in a high school diploma program prior to ~~December 1, 2007~~ June 30, 2009, may receive a high school diploma based on completion of the curriculum required for the program as set forth in the college catalog in effect at the time the student first enrolled in the program; provided the student remains continuously enrolled without a break of more than one primary term subsequent to the ~~Fall 2007-Spring 2009~~ term.

~~(f)-(g)~~ In order for a high school diploma program to qualify for enhanced noncredit funding pursuant to Education Code sections 84750.5 and 84760.5, the application for approval must satisfy the requirements of section 55151.

(h) For the purposes of this section, a noncredit course awarding 10 high school credits must be designed to require a minimum of 144 hours of lecture, study or laboratory work.

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code.
Reference: Sections 60851, 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

18. Section 55253 of article 4 of subchapter 3 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 55253 limits the total number of units of credit students can take in cooperative work experience courses. However, if a college only offers one occupational work experience course in a given field it is possible that students will not be able to accumulate the full 16 semester or 24 quarter units of work experience in that area before repeating the course for the maximum of four semesters or six quarters authorized for activity courses under section 55041. An

amendment is proposed to create an exception to the general rule for repetition of activity courses to allow students to take the full number of units of cooperative work experience which would otherwise be allowed.)

§ 55253. College Credit and Repetition.

(a) For the satisfactory completion of all types of Cooperative Work Experience Education, students may earn up to a total of 16 semester credit hours or 24 quarter credit hours, subject to the following limitations:

~~(a)~~ (1) General Work Experience Education.

A maximum of six semester credit hours or nine quarter credit hours may be earned in general work experience education.

~~(b)~~ (2) Occupational Work Experience Education.

A maximum of eight credit hours may be earned in occupational work experience education during one enrollment period up to a total of 16 semester or 24 quarter credit hours.

(b) If a college offers only one course in occupational work experience in a given field and that course is not offered as a variable unit open-entry/open-exit course, the district policy on course repetition adopted pursuant to section 55040 may permit a student to repeat that course any number of times so long as the student does not exceed the limits on the number of units of cooperative work experience education set forth in subdivision (a). Consistent with section 58161, attendance of a student repeating a cooperative work experience course pursuant to this subdivision may be claimed for state apportionment.

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

Reference: Sections 70901 and 70902, Education Code.

19. Section 55254 of article 4 of subchapter 3 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 55254 establishes eligibility requirements students must meet to be enrolled in cooperative work experience. It is amended to delete requirements related to enrollment in the parallel or alternate plans of cooperative work experience. The first phase of revisions to chapter 6 eliminated the distinction between the parallel and alternate plans but the reference to these plans in section 55254 was overlooked. The amendments now being proposed to this section will resolve this problem.)

§ 55254. Student Qualifications.

~~(a)~~ In order to participate in Cooperative Work Experience Education students shall meet the following criteria:

~~(1)~~ (a) Pursue a planned program of Cooperative Work Experience Education which, in the opinion of the Instructor/Coordinator, includes new or expanded responsibilities or learning opportunities beyond those experienced during previous employment.

~~(2)-(b)~~ Have on-the-job learning experiences that contribute to their occupational or education goals.

~~(3)-(c)~~ Have the approval of the ~~certificated~~ academic personnel.

~~(4)-(d)~~ Meet the following condition if self-employed: Identify a person who is approved by academic personnel to serve as the designated employer representative. This representative shall agree in writing to accept the following employer responsibilities:

~~(A)-(1)~~ Assist the student in identifying new or expanded on-the-job learning objectives.

~~(B)-(2)~~ Assist in the evaluation of the student's identified on-the-job learning objectives.

~~(C)-(3)~~ Validate hours worked.

~~(b)~~ In addition, students shall satisfy one of the following three criteria:

~~(1)~~ Be an apprentice as defined by Labor Code Section 3077 who is enrolled in related or supplementary courses required of the apprenticeship programs; or

~~(2)~~ Be enrolled in the parallel plan.

~~(A)~~ During regular semesters or quarters, students must enroll in a minimum of seven units including Cooperative Work Experience Education. Enrollment in an accredited secondary through four year institution or equivalent course work may meet this requirement.

~~(B)~~ During summer sessions, students must enroll in one other class in addition to Cooperative Work Experience Education; or

~~(3)~~ Be enrolled in the alternate plan. Concurrent enrollment will be limited to one other class.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

20. Section 55255 of article 4 of subchapter 3 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 55255 describes services districts are to provide in support of cooperative work experience placements. One requirement is for the college to assign an academic employee to conduct an in-person visit with the employer at least once each term. The proposed amendment, which was suggested by practitioners in the field, would allow districts to authorize alternatives to the in-person visit under limited circumstances to be defined in guidelines adopted by the Chancellor.)

§ 55255. District Services.

(a) The district shall provide sufficient services for initiating and maintaining on-the-job learning stations, coordinating the program, and supervising students. The supervision of students shall be outlined in a learning agreement coordinated by the college district under a state-approved plan. The employer and the qualified Community College Instructor/Coordinator shall share responsibility for on-the-job supervision, which shall include but not be limited to:

(1) Instructor/Coordinator consultation in person with employers or designated representatives to discuss students' educational growth on the job.

(2) Written evaluation of students' progress in meeting planned on-the-job learning objectives.

(3) Consultation with students in person to discuss students' educational growth on the job.

(b) The district shall provide the above services at least once each quarter or semester for each student enrolled in the Cooperative Work Experience Education. Qualified adjunct faculty may be hired from other institutions to develop the learning contracts and make the "in-person" consultation for a student that is out of a college's geographical region, state, or in another country. For legally indentured apprentices, the requirements of this §section may be delegated to the Joint Apprenticeship Committee in order to avoid duplication of supervisory services. The responsibility for compliance with Education Code and Title 5 Cooperative Work Experience Education requirements remains with the college.

(c) In certain limited situations that will be defined in guidelines issued by the Chancellor, the district may substitute approved alternatives to "in person" consultations. The guidelines will specify the types of alternatives which districts may approve and the circumstances under which they may be used. In establishing and maintaining guidelines on such alternatives, the Chancellor shall consult with, and rely primarily on the advice and judgment of, the statewide Academic Senate and shall provide a reasonable opportunity for comment by other statewide and regional representative groups.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

21. Section 55502 of article 1 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 55502 sets forth definitions applicable to subchapter 6 related to the matriculation program. One proposed amendment would modify subdivision (c) to clarify that a test used solely for resolving a prerequisite challenge is not considered an assessment instrument. Current subdivision (h) is deleted. It defines a student, for matriculation purposes, as a person enrolled in one or more credit courses, but this is no longer appropriate since the Legislature has provided funding to expand the matriculation program to serve students in noncredit courses.)

§ 55502. Definitions.

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

(a) "Matriculation" means a process that brings a college and an enrolled student ~~who enrolls for credit~~ into an agreement for the purpose of realizing the student's educational goal through the college's established programs, policies, and requirements. This agreement is to be implemented by means of the student's individual educational plan developed pursuant to section 55525.

(b) “Assessment” means the process of gathering information about individual students to facilitate student success. Assessment shall include, but is not limited to, information regarding the student's study skills, English language proficiency, computational skills, aptitudes, goals, learning skills, career aspirations, academic performance, and need for special services. Assessment involves the collection of such information at any time before or after enrollment, except that the process ~~of~~ by which an instructor assigning assigns a grade or otherwise evaluates the extent to which a student has achieved the objectives of a course by an instructor shall not be considered part of the assessment process. Once a grade has been assigned and recorded on 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. The term "assessment instrument" does not include a test which is used solely to determine whether a student who has formally challenged a prerequisite or corequisite pursuant to subdivision (m)(4) of section 55003 has the knowledge or ability to succeed in a course or program despite not meeting the prerequisite or corequisite.

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

(e) “Exemption” means waiving or deferring a student's participation in orientation, assessment, counseling, or advisement required pursuant to subdivisions (b), (c), and (f) of section 55520.

(f) “Matriculation services” are those services listed in section 55520.

(g) “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.

(h) ~~“Student” means a person enrolled in at least one credit course.~~

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

(j) (i) “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.

22. Section 55521 of article 3 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 55521 lists practices which are prohibited if a college receives funding under the Matriculation Act. Subdivision (a)(4) is amended to recognize that Education code section 76002 now permits colleges to use an assessment conducted in accordance with the Board's matriculation regulations to determine admission of special full-time or part-time students.)

§ 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, except that a college may determine the admission of special part-time or full-time students under Education Code section 76002 based on an assessment which involves multiple measures and complies with other requirements of this subchapter;

(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 55003; or

(6) use any matriculation practice which has the purpose or effect of subjecting any person to unlawful discrimination prohibited by subchapter 5 (commencing with section 59300) of chapter 10.

(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.

(c) Notwithstanding paragraphs (1), (2), (3) or (5) of subdivision (a) or the provisions of sections 55003 or 55524, a community college district may use an assessment test to select students for its nursing program, provided that:

(1) the district complies with all other provisions of this subchapter;

(2) the assessment instrument is used in conjunction with other assessment instruments, methods or procedures to select students for enrollment in the nursing program; and

(3) the Chancellor has determined that the assessment instrument predicts likelihood of success in nursing programs, has approved use of the assessment instrument for that purpose and has established statewide proficiency cut-off scores for that instrument pursuant to Education Code section 78261.

NOTE: Authority cited: Section 11138, Government Code; and Sections 66700 and 70901, Education Code. Reference: Section 11135, Government Code; and Sections 72011, 76002, 78211, 78213 and 78261, Education Code.

23. Section 55523 of article 3 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 55523 addresses the counseling component of the matriculation program. It is amended to eliminate a cross-reference to subdivision (h) of section 55502 which is, itself, being deleted as discussed above.)

§ 55523. Counseling and Advisement.

(a) If not already required to do so by the minimum standards for counseling services set forth in section 51018, 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 55034;

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

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

(4) make available to all students, ~~as defined in section 55502(h)~~, 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.

24. Section 55532 of article 4 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 55532 permits districts to adopt policies exempting certain students from the coverage of the matriculation program. Subdivision (d) lists criteria which may not be used as the sole basis for an exemption. Language is added to specify that a district may not exempt students from the matriculation program solely because they are enrolled exclusively in noncredit courses. This is appropriate because the Legislature has provided funding for matriculation services for noncredit students. Districts could include noncredit students in exemption categories, but the fact that a student is enrolled exclusively in noncredit courses should not, by itself, serve as grounds for exempting the student.)

§ 55532. Exemptions.

(a) Community college districts may elect to exempt certain students from participation in orientation, assessment, counseling or advisement, as required by ~~subsections~~ subdivisions (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 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 enrolled exclusively in noncredit courses;
- ~~(3)~~(4) the student is undecided about his or her educational objectives; or
- ~~(4)~~(5) the student does not intend to earn a degree or certificate.

(e) As part of the statewide evaluation provided for under ~~subsection~~ subdivision (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.

25. Section 58003.1 of article 2 of subchapter 1 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: This section, which describes the several available attendance accounting procedures, is amended to make technical changes which clarify the treatment of distance education courses.)

§58003.1. Full-time Equivalent Student; Computation.

(a) Pursuant to the provisions of section 58051, the units of full-time equivalent student for apportionment purposes shall be computed for courses, including those delivered by distance education under article 1 (commencing with section 55200) of subchapter 3 of chapter 6, based on the type of course, the way the course is scheduled, and the length of the course.

(b) The governing board of each community college district shall, for each of its colleges or its district, select and establish a single primary term length for credit courses that are scheduled regularly with respect to the number of days of the week and the number of hours the course meets each week, inclusive of holidays. The units of full-time equivalent student of credit courses scheduled coterminously with the term, exclusive of independent study and cooperative work-experience education courses, shall be computed by multiplying the student contact hours of active enrollment as of Monday of the weeks nearest to one-fifth of the length of the term, unless other weeks are specified by the Chancellor to incorporate past practice, by the term length multiplier, and divided by 525. The term length multiplier for attendance accounting purposes shall be determined in accordance with this chapter, provided that the maximum

multiplier for semester length terms shall be 17.5 and the maximum multiplier for quarter length terms shall be 11.67.

(c) For credit courses scheduled to meet for five or more days and scheduled regularly with respect to the number of hours during each scheduled day, but not scheduled coterminously with the college's primary term established pursuant to subdivision (b), or scheduled during the summer or other intersession, the units of full-time equivalent student, exclusive of independent study and cooperative work-experience education courses, shall be computed by multiplying the daily student contact hours of active enrollment as of the census days nearest to one

fifth of the length of the course by the number of days the course is scheduled to meet, and dividing by 525.

(d) For credit courses scheduled to meet for fewer than five days, and all credit courses scheduled irregularly with respect to the number of days of the week and the number of hours the course meets on the scheduled days, the units of full-time equivalent student, exclusive of independent study and cooperative work-experience education courses, shall be computed by dividing actual student contact hours of attendance by 525.

(e) For all open entry-open exit credit courses and for all noncredit courses otherwise eligible for state aid, except those described in subdivision (f), the units of full-time equivalent student shall be computed by dividing actual student contact hours of attendance by 525.

(f) For distance education courses not computed using other attendance accounting procedures described in this section and for independent study and cooperative work-experience education courses, the following alternative attendance accounting procedure shall be used:

(1) For credit courses, for purposes of computing full-time equivalent student only, one weekly student contact hour shall be counted for each unit of credit for which a student is enrolled in one of those courses. The full-time equivalent student of those courses shall be computed by multiplying the units of credit for which students are enrolled as of the census day prescribed in subdivision (b) or (c), as appropriate, for the primary term or intersession and

duration for which the course is scheduled, by the term length multiplier as provided for in subdivision (b), and dividing by 525.

(2) For noncredit course sections ~~conducted as independent study covered by this subdivision~~, for purposes of computing full-time equivalent student only, weekly student contact hours shall be derived by counting the total hours of instruction or programming

received by the students, plus instructor contact as defined in sections 55204 or 55234 ~~(or 55204 if the course is conducted through distance education)~~, plus outside-of-class work expected as noted in the course outline of record and approved by the curriculum committee, and dividing the total number of hours for the course thus derived by 54. Hours of instruction or programming received shall be independently verified by the instructor using a method or procedure approved by the district according to policies adopted by the local governing board as required by section 58030. Full-time equivalent student for such noncredit ~~independent study~~ course sections shall be computed by:

(A) multiplying the average of the number of students actively enrolled in the section as of each census date (those dates nearest to one-fifth and three-fifths of the length of the course section) by,

(B) the weekly student contact hours as derived above in this section, by

(C) the primary term length multiplier of 17.5, and

(D) dividing by 525.

(g) Notwithstanding subdivisions (b) and (c) of this section, the units of full-time equivalent student for any credit course other than independent study and cooperative work-experience education courses may, at the option of the district, be computed by dividing the actual student contact hours of attendance by 525. When a district chooses to exercise the option of computing attendance for any course section by the actual student contact hours method, such method must be used consistently for all attendance accounting for that section.

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

Reference: Section 70901, Education Code.

26. Section 58006 of article 2 of subchapter 1 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: This section provides additional detail concerning the positive attendance accounting procedure. It is amended to clarify the application of that procedure to distance education courses so as to conform with changes made to section 58003.1.)

§58006. Application of Actual Student Contact Hours of Attendance Procedure.

The actual student contact hours of attendance procedure is based upon a count of students present at each course meeting, and shall apply to:

(a) All credit courses, ~~(exclusive of independent study, and work experience and distance education courses computed using the alternative attendance accounting procedure described in subdivision (f) of section 58003.1)~~, scheduled to meet for fewer than five days, or credit courses of five or more days which are scheduled irregularly with respect to the number of days of the week and the number of hours the course meets;

(b) All open entry/open exit courses;

(c) All noncredit courses otherwise eligible for state aid except those computed using the alternative attendance accounting method described in subdivision (f)(2) of section 58003.1;

(d) Inservice training courses in the areas of police, fire, corrections, and other criminal justice system occupations as defined in subdivision (c) of section 58051.

(e) The attendance of students other than indentured apprentices who are actively enrolled in apprenticeship courses of related and supplemental instruction.

(f) A district may use, but shall not be required to use the actual student contact hours of attendance procedure for any other credit course, exclusive of independent study and work experience education courses, which it offers.

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

Reference: Sections 70901 and 84500, Education Code.

27. Section 58007 of article 2 of subchapter 1 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: this section provides additional detail concerning the attendance accounting procedure to be used for noncredit courses. It is amended to conform with changes made to section 58003.1.)

§58007. Noncredit Courses.

Contact hours of enrollment in noncredit courses, except for noncredit courses using the Alternative attendance accounting procedure described in subdivision (f)(2) of section 58003.1, shall be based upon the count of students present at each course meeting. Full-time equivalent student in noncredit courses shall be computed by dividing the sum of contact hours of enrollment by 525, except for noncredit courses ~~conducted as~~

~~independent study for which the computation of full-time equivalent student is prescribed using the alternative attendance Accounting procedure described in section 58003.1(f)(2).~~ Nonresidents may be claimed for purposes of calculating full-time equivalent student only if they are living in California during the period of attendance and are otherwise eligible for such purposes as provided in this chapter.

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

28. Section 58009 of article 2 of subchapter 1 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: This section provides additional detail concerning the attendance accounting procedure to be used for independent study and work-experience courses. It is amended to also cover certain distance education courses so as to conform with changes made to section 58003.1.)

§58009. Application of Alternate Attendance Procedure for Independent Study, or Work-Experience and Certain Distance Education Courses ~~Attendance Procedure.~~

(a) ~~One~~ For independent study, cooperative work-experience and distance education courses using the attendance accounting procedure specified in subdivision (f) of section 58003.1, one weekly student contact hour shall be counted for each unit of credit for which the student is enrolled as of the census day prescribed in section 58003.1(b) or (c), except for independent study or distance education laboratory courses. For independent study or distance education laboratory courses, weekly student contact hours shall be equivalent to those which would be generated for the same student effort in a laboratory course not ~~offered as independent study~~ computed pursuant to subdivision (f) of section 58003.1. For purposes of this section, a "distance education laboratory course" means a distance education course which consists partly or exclusively of laboratory work and uses the alternative attendance accounting procedure described in subdivision (f) of section 58003.1.

(b) For credit courses, full-time equivalent student in ~~independent study or work-experience education~~ courses described in subdivision (a) offered during ~~in~~ primary terms is computed by multiplying the weekly student contact hours authorized pursuant to subdivision (a) ~~of this section~~, generated as of the census date prescribed in section 58003.1(b) by the term length multiplier as provided for in section 58003.1, and dividing by 525.

(c) For noncredit courses ~~conducted as independent study~~ described in subdivision (a), full-time equivalent student is computed on a census basis as prescribed in section 58003.1(f)(2).

(d) Full-time equivalent student in ~~independent study or work-experience education~~ credit courses described in subdivision (a) which are conducted during a summer or other intersession is computed by multiplying the weekly student contact hours, authorized pursuant to subdivision (a) of this section, generated in each course, by a course length

multiplier that produces the same total weekly student contact hours for the same student effort as would be generated in such Courses conducted in the primary terms, and dividing by 525.

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

Reference: Section 70901, Education Code.

29. Section 58106 of article 1 of subchapter 2 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 58106 sets forth rules applicable to enrollment limitations. It generally prohibits limiting enrollment based on factors which would involve an evaluation of the student's ability to succeed in the course because such factors would normally be expected to be validated as prerequisites. The amendment to this section would permit the use of such factors if they were part of a selection procedure expressly authorized by statute.)

§ 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~~ 55003,

(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) limiting enrollment using any selection procedure expressly authorized by statute;
or

(6) with respect to students on probation or subject to dismissal, the governing board may, consistent with the provisions of sections ~~55754-55755~~ 55031 and 55032, 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 subdivision (b) on any of the following grounds:

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

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

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

(4) any other criteria established by the district.

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

(e) In the case of a challenge under subdivision (c)(1), the district shall, upon completion of the challenge procedure, 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. Completion of the challenge procedure shall be deemed to be an effort at informal resolution of the complaint under section 59327.

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

30. Section 58160 of article 5 of subchapter 2 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 58160 sets forth rules applicable to claiming apportionment for noncredit courses. It is amended to explicitly list the categories of noncredit courses which can be claimed for state apportionment rather than simply referring to Education Code section 84757 as is done in the current regulation. This change is necessary because SB 361 (Stats. 2006, ch. 631) effectively broadened the scope of basic skills workforce preparation courses. In addition, transition language dealing with claiming courses for enhanced funding during 2006-07 is deleted because it is no longer necessary.)

§ 58160. Noncredit Course Funding.

(a) ~~Only those~~ In order to be eligible to be claimed for state apportionment, a noncredit course must be approved pursuant to sections 55002 and 55150 and are eligible for funding pursuant to section 84757 of the Education Code may be claimed for purposes of state apportionments. fall into one of the following statutory categories:

(1) elementary and secondary basic skills courses and other courses such as remedial academic courses in reading, mathematics, and language arts;

(2) courses in English as a second language, including vocational English as a second Language;

(3) short-term vocational courses and programs with high employment potential;

(4) workforce preparation courses in the basic skills of speaking, listening, reading, writing, mathematics, decisionmaking, problem solving skills, and other courses required for preparation to participate in job-specific technical training;

(5) courses in citizenship for immigrants;

(6) parenting, including parent cooperative preschools, courses in child growth and development and parent-child relationships;

(7) courses and programs for persons with substantial disabilities;

(8) courses and programs for older adults;

(9) courses and programs in home economics; and

(10) courses in health and safety education.

(b) The provisions of sections 58050, 58051, 58051.5, 58130 and related provisions of this chapter also apply in determining whether a noncredit course is eligible for funding.

(c) In order to be eligible for enhanced funding pursuant to Education Code sections 84750.5 and 84760.5, a career development or college preparation noncredit course must be part of a program or sequence of courses approved by the Chancellor pursuant to section 55151. ~~Any such program or sequence of courses offered prior to approval may be claimed for apportionment at the enhanced rate during the 2006-07 fiscal year if it is submitted for approval by June 1, 2007, and subsequently approved without the need for significant modification. In order to receive enhanced funding for the 2006-07 fiscal year at the time of the second principle apportionment described in section 58131, applications must be submitted by February 28, 2007, and subsequently approved without the need for significant modification.~~

(d) Courses of the type described in section 55151 may not be claimed for enhanced funding if they are not part of a program or sequence of courses which is approved by the Chancellor pursuant to that section, but such courses may continue to be offered and be claimed for basic noncredit funding, provided that each individual course has been approved by the Chancellor pursuant to section 55150 ~~and is eligible for basic noncredit funding pursuant to Education Code section 84757~~ falls into one of the categories described in subdivision (a).

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code.
Reference: Sections 70901, 84500, 84750.5, 84757 and 84760.5, Education Code.

31. Section 58161 of article 5 of subchapter 2 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: This section sets forth rules related to claiming apportionment for course repetition. It is amended to conform with changes to sections 55040-45. In addition, language is added to permit claiming apportionment for students repeating cooperative work experience courses pursuant to sections 55040 and 55253.)

§ 58161. Apportionment for Course Repetition.

A community college district may claim the attendance of students who repeat credit courses for state apportionment only if so authorized by this section and if all other requirements of this chapter are satisfied.

(a) Where substandard academic work (as defined in section 55040) has been recorded for the attendance of a student in a credit course, apportionment may be claimed for a maximum of two repetitions of the course to alleviate substandard work pursuant to section 55042.

(b) The attendance of students in legally mandated training as provided in section 55041 may be claimed for state apportionment without limitation.

(c) The attendance of students in credit activity courses, ~~as defined in and other courses described in subdivision (c) of section 55041 and 55042,~~ may be claimed for state apportionment for a maximum of four semesters or six quarters (the original enrollment and three semesters or five quarters of repeated enrollment). For purposes of this subdivision, semesters and quarters include summer sessions and intersessions. This limitation applies even if the student receives a substandard grade during one or more of the enrollments in ~~an activity such a~~ course or petitions for repetition due to special circumstances as provided in ~~subdivision (e) of section 55041~~ 55045.

(d) The attendance of a student with a disability may be claimed for state apportionment each time the student repeats a credit special class as a disability-related accommodation which is justified by one of the circumstances described in section 56029.

(e) The attendance of a student repeating a credit course by petition pursuant to ~~subdivision (e) of section 55041-55045~~ may be claimed for state apportionment for a maximum of two repetitions ~~beyond the original enrollment.~~

(f) The attendance of a student repeating a credit course because the district determines pursuant to ~~subdivision (f) of section 55041-55043~~ that there has been a significant lapse of time since the student previously took the course may be counted for only one repetition beyond the prior enrollment.

(g) State apportionment may be claimed for the attendance of a student repeating a portion of a variable unit open entry/open exit credit course or portion thereof only to the extent that repetition of such courses is permitted pursuant to section ~~55043~~ 55044.

(h) The attendance of a student repeating a cooperative work experience course pursuant to section 55253 and may be claimed for state apportionment without limitation.

(i) To the extent permitted by article 4 of subchapter 1 of chapter 6, a district may permit repetition of credit courses beyond the limits set forth in this section, but such additional repetitions may not be claimed for state apportionment.

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

Reference: Section 70901, Education Code.

32. Section 58161.7 is added to article 5 of subchapter 2 of chapter 9 of division 6 of title 5 of the California Code of Regulations to read:

(Comment: Section 58161.7 calls upon the Chancellor to conduct a study of certain issues related to repetition and multiple enrollments in noncredit courses. These issues were discussed during the first round of revisions to chapter 6, but no consensus was reached. This provision will permit research and continued discussion of the issues and define the parameters and timeframe for completion of the study. The time frame for completion of the study has been extended to reflect the anticipated delay in adoption of this package.)

§ 58161.7. Recommendations Regarding Repetition of Noncredit Courses and Related Issues.

The Chancellor shall report to the Board of Governors by May 31, 2009, on appropriate limitations on state apportionment for repetition of noncredit courses including multiple enrollments in the same course during the same term. The Chancellor's recommendations shall be developed in consultation with the Academic Senate for California Community Colleges, the Chief Instructional Officers and other appropriate groups and shall be based on research concerning the educational efficacy and public benefit of repetition of each of the categories of noncredit courses. The Chancellor shall also consider recommendations related to ensuring appropriate academic standards for noncredit courses and determining when it is in the public interest to provide continued instruction through noncredit courses. It is the intent of the Board of Governors to consider the recommendations of the Chancellor and adopt appropriate limitations on multiple enrollments and repetition of noncredit courses by January 31, 2010.

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

33. Section 58509 of article 1 of subchapter 6 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

(Comment: Section 58509, addressing accommodations for students affected by wildfires, is amended to correctly cross-reference new section 55024 which deals with withdrawal policies. In addition, the scope of the section is expanded to

encompass other types of extraordinary circumstances which would justify accommodating students in terms of withdrawal and refund of fees.)

58509. Authority of Chancellor To Waive Provisions To Accommodate Students Impacted by ~~Wildfires~~ Extraordinary Conditions.

(a) Notwithstanding section 58508, a community college district may provide a full refund of enrollment fees to any student who withdrew from one or more classes, where the district finds that such withdrawal was necessary for one of the following reasons:

(1) the college attended by the student was closed or the college was unable to provide all or substantially all of the instruction in the course or courses in which the student was enrolled due to fire, flood or other conditions qualifying for adjustment of apportionment pursuant to section 58146; or

(2) although the district does not qualify for an apportionment adjustment pursuant to section 58146, one of the conditions enumerated in that section made it difficult or impossible for the student to attend one or more courses because the student was actively engaged in responding to the fire, flood or other condition or because such condition required the student to evacuate his or her home. ~~because the student was engaged in fighting wildfires, was forced to evacuate his or her home due to such fires, or suffered other loss or injury as a result of such fires.~~

~~(b) Notwithstanding section 55758, Consistent with section 55024, a community college district need not record a "W" on the academic records of a student who withdraws from one or more classes due to any of the circumstances described in subdivision (a).~~

(c) The Chancellor is authorized, upon receipt of a written request from a community college district, to waive any provision of this title in order to accommodate students affected by any of the circumstances described in subdivision (a).

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

Reference: Section 70901, Education Code.

34. Article 9 of subchapter 8 of chapter 9 of division 6 of title 5 of the California Code of Regulations is repealed:

~~Article 9. Reporting Procedures~~

(Comment: Section 58780 explains the purpose of this article. Since the only other section in the article, section 58782, is being repealed as discussed below, there is no need for section 58780 and it is repealed as well.)

~~§ 58780. Documentation Requirements.~~

~~The documentation requirements specified in this article are necessary to promote standardized and accurate reporting of district data used for calculating the state general apportionment allocation.~~

~~NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code.
Reference: Section 84750, Education Code.~~

(Comment: Section 58782, which is part of the subchapter dealing with the allocation of general apportionment and growth funds, describes certain rules applicable to claiming apportionment. These rules and many others are already set forth in other parts of chapter 9, so section 58782 is being repealed as unnecessary and duplicative.)

~~§ 58782. Computation and Limitations on State Aid.~~

~~(a) The provisions of subchapter 1 (commencing with section 58000) and subchapter 2 (commencing with section 58102) of chapter 9 shall be applicable in the computation of full-time equivalent student to the extent such provisions do not conflict with the principles or provisions of this subchapter.~~

~~(b) Notwithstanding any other provisions of law or regulation, full-time equivalent student (FTES) shall be computed as follows:~~

~~(1) Credit full-time equivalent student (FTES) generated by California residents are computed in accordance with the computation described in section 58003.1 without the count of student contact hours as of the second census week or day (three-fifths of the way through the term or course) or the application of the statewide attendance factor (.911), plus actual hours of attendance in positive attendance courses divided by 525.~~

~~(2) Noncredit full-time equivalent student (FTES) generated by California residents and nonresidents attending courses described in Education Code section 84757 are computed in accordance with the computations described in section 58007.~~

~~(c) In accordance with section 58704(h), the Chancellor shall, as necessary, interpret the provisions specified in subdivision (a) for consistency with the provisions of this subchapter.~~

~~NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code.
Reference: Section 84750, Education Code.~~