

**TITLE 5 REGULATION REVISIONS TO  
WITHDRAWAL AND REPETITION  
SECTIONS IN CHAPTER 6 OF AND TO  
IMMEDIATE SUPERVISION IN CHAPTER 9**

**4.1**

***FIRST READING (PUBLIC HEARING ITEM)***

**Presentation:** *Carole Bogue-Feinour, Vice Chancellor, Academic Affairs*  
*Steve Bruckman, Executive Vice Chancellor*  
*Linda Michalowski, Vice Chancellor, Student Services and Special Programs*

**Issue**

This item proposes revisions to the title 5, division 6, chapter 6, Part 2 changes that were approved by the Board of Governors in May 2008 and that became effective on June 16, 2008. During the implementation of Part 2 changes, it became evident that the title 5 sections on credit course withdrawal and repetition needed further revision. This item includes proposed revisions to those sections. In addition, this item includes a suggested change for chapter 9 to address immediate supervision of students participating in Early Childhood Education courses with TBA hours or “hours to be arranged.”

**Background**

As part of the implementation of the System Strategic Plan, divisions within the Chancellor’s Office undertook a broad review and revision of chapter 6 of title 5 of the *California Code of Regulations*. Chapter 6 covers several important topics including course and program approval, curriculum standards, standards of scholarship, and requirements for the associate degree.

In Fall 2006, staff from the Academic Affairs and Legal Affairs divisions began discussing the review of chapter 6 with the System Advisory Committee on Curriculum (SACC) and with a special SACC subcommittee, which met on several occasions and reviewed numerous drafts of the proposed regulation changes. Distribution of the proposed changes to additional constituencies beyond the Academic Senate and Chief Instructional Officers (CIOs) resulted in identification of a list of sections that required further input and discussion, and that would be addressed in a subsequent Part 2 regulations package.

The first package of proposed changes was approved by the Board of Governors at its July 2007 meeting. The Part 2 changes were presented to the Consultation Council in January 2008 and subsequently released to the general community college stakeholders for comments. Revisions, based on input received, were submitted to the Consultation Council for discussion at its February 21, 2008, meeting, and a Part 2 package was then presented to the Board of Governors and approved at its May 2008 meeting.

In November 2008, the SACC heard a presentation by the Chief Student Services Officers (CSSOs) that identified unintended impacts caused by the interaction of the new title 5 regulations on withdrawal (section 55024) and credit course repetition (sections 55040 and 55042). A work group that included representation from the CIOs, Academic Senate, CSSOs and the Chancellor's Office was formed to draft solutions and recommend changes to correct these implementation issues. The resulting changes are presented in this item.

This item also proposes a regulation change to address an issue regarding immediate supervision of students enrolled in courses with TBA hours or "hours to be arranged" in Early Childhood Education (ECE). In November 2008, a work group was formed to discuss issues related to the minimum qualifications for the TBA hours associated with ECE courses. During TBA hours, ECE students gain experience in childcare centers or other laboratories for student teaching. Language was developed with input from ECE instructors that would permit immediate supervision of students engaged in student teaching activities to be shared by academic personnel of the district and a person at the local child care center who is not an academic district employee but who possesses, at a minimum, a Master Teaching Child Development Permit issued by the California Commission on Teacher Credentialing, or equivalent. This item proposes an amendment to section 58055 of Article 5 of subchapter 1 of chapter 9 of division 5 of title 5 that will permit shared responsibility for supervision of ECE student teachers.

## **Analysis**

The attached proposed revisions include additional changes to title 5 sections that were revised in 2007 and 2008 with regard to withdrawal from and repetition of credit courses. It also includes an amendment to section 58055 that addresses immediate supervision of students participating in student teaching activities as required by Early Childhood Education programs.

### **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, a regulation change was adopted without any limitation on re-enrollment. After further consideration, section 55024 in Part 2 of the title 5 revisions adopted in May 2008 added a new subdivision (a)(9) which generally limits to no

more than four “Ws” as a result of withdrawal from the same credit course. Districts are 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.

Proposed revisions in this section would facilitate the process of withdrawal and re-enrollment and assignment of “Ws.” The first revision would include language in subdivision (a)(4) that requires that appropriate faculty is informed when students withdraw from a credit course after the end of the fourth week of a term (or such time as established by the district), but language was removed that requires that appropriate faculty be notified prior to the withdrawal. Language would also be removed from subdivision (a)(8) in regard to a student withdrawing from a course when he or she reasonably believes that he or she may be subject to discriminatory treatment or retaliation for alleging discriminatory treatment, while retaining regulatory protection for any student determined to have withdrawn for those reasons. Revisions are proposed in subdivision (a)(9) that retain the maximum of four “Ws,” but clarify that after a student has received four “Ws,” district policy may permit the student to petition to re-enroll in the course with approval of a district official; the district, however, may not claim apportionment. A new subdivision (a)(11) would be added to require that district policy include provisions for intervention when a student develops a pattern of repeated withdrawals.

Finally, subdivision (d)(1) would be clarified so that students who withdraw from a course to report for military service will be assigned the “MW” symbol that does not affect GPA and that will not be counted toward the permitted number of withdrawals.

## **2. Section 55040. District Policy for Course Repetition.**

This section was substantially amended in Part 2 to list all of the circumstances in which a district may allow course repetition.

This revision proposes that the definition of “course repetition” in subdivision (b)(1) be changed to mean the occurrence when a student who has previously received an evaluative symbol (A, B, C, D, F, P, or NP) re-enrolls in the course and receives an evaluative symbol. The “W” symbol as defined in section 55023 is a nonevaluative symbol and does not, therefore, interact with credit course repetition.

## **3. Section 55042. Course Repetition to Alleviate Substandard Academic Work.**

This 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 revision to subdivision (b) would allow a district to permit a student to petition to repeat a course when the two attempts for grade alleviation have been exhausted and the student has been assigned three substandard grades, provided that state apportionment is not claimed for

the additional enrollment of that student. This change also proposes that the district may exclude the first two substandard grades when computing the student's GPA if the student repeats the course two or more times.

Finally, this section now permits a student to use up to two repetitions of repeatable courses for grade alleviation purposes, provided that the student does not exceed the limitation specified in 55041(c)(6).

#### **4. Section 58055. Immediate Supervision.**

This section describes exceptions to the requirement in section 58050(a)(6) that state apportionment will only be claimed when students are "under the immediate supervision of an employee of the district." Exceptions in this section are made for health sciences education programs and for programs sponsored by the California Firefighter Joint Apprenticeship Program.

This amendment proposes a shared responsibility for supervision of students in Early Childhood Education programs when the person to whom a student reports is not an academic district employee. Supervision in this situation would be shared by the academic personnel of the district and a person who possesses, at a minimum, a Master Teacher Child Development Permit issued by the California Commission on Teacher Credentialing, or the equivalent.

### **Conclusion**

We believe there is a broad consensus among all affected groups for the proposed changes and that these revisions represent important positive policy changes with regard to withdrawal and repetition. Further, we believe there is a broad consensus among all groups for the change in immediate supervision of students who are engaged in student teaching activities required by Early Childhood Education programs.

### **Recommended Action**

The Board of Governors is asked to review the proposed revisions that focus on withdrawal and repetition and on immediate supervision of students engaged in student teaching activities in childcare settings, at its May 2009 meeting for a final reading, no action.

*Staff: Stephanie Low, Specialist, Academic Affairs Division*

# ATTACHMENT 1

## Proposed Revisions to the Regulations of the Board of Governors of the California Community Colleges

### Revisions to Chapter 6 Regarding Curriculum and Related Provisions Part 3

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:**

#### **Section 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, provided the appropriate faculty is informed. ~~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, where applicable, have a nonevaluative symbol other than a “W” (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, if:; and~~

~~(A) apportionment is not claimed, and~~

~~(ii) (B) the chief instructional officer, chief student services officer or other district official designated in the district policy approves such enrollment 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.

(11) The district policy shall include provisions for intervention in cases of multiple withdrawals.

(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 shall ~~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) “MW” shall not be counted for the permitted number of withdrawals.

~~(3)~~ (4) 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:**

**Section 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. 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.

(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 an evaluative symbol ~~grade~~ as defined in section 55023, in a particular course re-enrolls in that course and receives an evaluative symbol as defined in section 55023.

(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 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 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.

(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.

(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 55042 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:**

**Section 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.

(b) If a student repeats a course which is not designated as a repeatable course ~~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.~~ District policy may permit a student to petition to repeat a course for which three substandard grades have been assigned, provided apportionment is not claimed pursuant to section 58161. 5. The first two substandard grades may be excluded in computing the student's GPA if the student repeats the class two or more times.

(c) If a student repeats a repeatable course and a substandard grade has been recorded, district policy may allow the previous grade and credit to be disregarded provided that no additional repetitions are permitted beyond those limits specified in 55041(c)(6). No more than two substandard grades may be alleviated pursuant to this section.

~~(b)~~(d) Notwithstanding section 55041, pPolicies 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.

~~(e) 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.

**4. Section 58055 of article 5 of subchapter 1 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:**

**Section 58055. Immediate Supervision.**

(a) For the purposes of health sciences education programs in community colleges, “immediate supervision” means student participation in such programs wherein the person to whom the student is required to report for training, counseling, or other prescribed activity shares the responsibility for the supervision of the students in clinical activities with academic personnel of the district. In all such cases the person to whom the pupil is required to report and who is not an academic district employee shall possess a valid certificate or license to practice a healing art in California.

(b) For the purposes of educational programs sponsored by the California Firefighter Joint Apprenticeship Program, the term “immediate supervision” as used in section 58051 means, in the context of classes conducted at the workplace, student participation in classes instructed by a person who is qualified, by means of education or experience, as a journeyman, and shares the responsibility for supervision of the students participating in the classes with academic personnel of the district.

(c) For the purposes of early childhood education programs in community colleges, “immediate supervision” means student participation in such programs wherein the person to whom the student is required to report for training, counseling, or other prescribed activity shares the responsibility for the supervision of the students in student teaching activities with academic personnel of the district. In all such cases the person to whom the student is required to report and who is not an academic district employee shall possess at a minimum a Master Teacher Child Development Permit issued by the California Commission on Teacher Credentialing, or the equivalent.

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

Reference: Section 70901, Education Code.