

Hello,

Over the past few weeks there has been considerable discussion about the withdrawal and repetition sections in the package of Title 5 changes scheduled for BOG for action in May. (The package was presented to the BOG for first reading in March.) In fact, there was sufficient concern raised to justify the unusual step of modifying the regulations between the first and second reading. The modifications have been discussed at length by all the signers of this communication and Ralph Black (As you probably know, Ralph Black has accepted a new job as Director of Legislation for the Department of Rehabilitation).

The major concern is the potential for confusion in how the two sections on repetition and withdrawal interact with one another and especially how various combinations of repetitions and withdrawals affect eligibility for apportionment. Admissions and Registration officials explained that the regulations as currently written would make programming for apportionment very complicated and difficult. This was discussed at some length at the recent CIO/CSSO Conference and in subsequent conversations. In order to reduce the uncertainty, we have added the following language to the Title 5 package.

33. Section 58161.8 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: This section imposes an overall cap on the number of times a district can claim apportionment for enrollment of a student in a given course, regardless of why the enrollments are due to course repetition, withdrawal or any other reason. This provision was added, at the request of the Chief Student Services Officers, to simplify programming associated with automating the determination of whether a student may re-enroll in a course.)

58161.8. Overall Limit on Apportionment for Enrollment in a Course .

Notwithstanding section 58161, section 58161.5 or any other provision of law, when the enrollment of a student in any given credit course results in annotating the student's permanent academic record with any of the grades or nonevaluative symbols listed in section 55023, a community college district may claim apportionment for the attendance of the student in that course for a maximum of seven (7) times, unless:

(a) The course involves legally mandated training as described in subdivision (b) of section 55041; or

(b) a student with a disability is repeating a credit special class as a reasonable accommodation based on an individualized determination pursuant to subdivision (c)(7) of section 55041 and section 56029.

(c) The course involves repetition of Variable Unit Courses as described in Section 55044.

(d) The course involves a Cooperative Workforce Education Experience course as described in Section 55253-55255.

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

The effect of this change is to reduce in a relatively small way the flexibility that colleges will have to allow more than seven enrollments. However, we feel that this relatively minor loss of flexibility is appropriate given the significant clarity the change provides with respect to the overall limit on apportionment.

Generally, we work very hard to avoid making changes to regulations outside of the typical process of taking changes to Consultation first. This is an unusual circumstance and we would appreciate your cooperation in allowing it to proceed. There will be opportunity for discussion at the April 17 Consultation Council, and while we would prefer to avoid any additional changes before the May BOG meeting, we will be able to address minor, technical issues that we may have missed.

Thank you.

Lori Gaskin

Mandy Davies

Carole Bogue-Feinour

Linda Michalowski

Steve Bruckman