



Executive Order: 2020-12

Effective Date: September 23, 2020

Title: Temporary Suspension of Various Specified Grade-Related Regulations Due to the COVID-19 State of Emergency

Executive Order 2020-12 is issued pursuant to title 5, section 52020, of the California Code of Regulations, adopted by the Board of Governors of the California Community Colleges on September 21, 2020, conferring on the Chancellor's authority to take emergency actions, upon a written finding made in consultation with the President and Vice President of the Board of Governors, for the purpose of maintaining the continuity of educational services. This authority allows the temporary suspension of regulations adopted by the Board of Governors and the temporary suspension of local rules and regulations that are a barrier to the continuity of educational services; and the temporary establishment of procedures in order to promote the continuity of educational services.

WHEREAS, the COVID-19 state of emergency declared by the Governor on March 4, 2020 continues; and

WHEREAS, the COVID-19 pandemic and the resulting public health measures, such as required social distancing, have substantially disrupted instruction in the California Community Colleges; and

WHEREAS, to address these public health measures, community college districts throughout the state have converted face-to-face courses to online or alternative formats, which has led to many faculty members and students experiencing these instructional methods for the first time; and

WHEREAS, despite the great efforts of community college faculty to teach and students to learn in new ways, some students may be unable to easily adapt to the new instructional methods in such a short time; and



WHEREAS, students who are adversely impacted by the transition to new instructional methods should not be prejudiced by them since they were implemented for reasons beyond the students' control; and

WHEREAS, current regulations of the Board of Governors that require students to make decisions about whether to take a course for a letter grade or on a pass/no pass (P/NP) basis by a date certain, or that govern the awarding of "incomplete" or "in progress" marks, will create barriers to the continuity of educational services to the extent they limit the ability of students to avoid the adverse impacts of the changes in instructional methods occasioned by the COVID-19 pandemic.

WHEREAS, because of the ongoing nature of the COVID-19 pandemic and the potential for students to continue to withdraw from courses in large numbers remains, community college district finances remain vulnerable to the loss of students to withdrawal; and

WHEREAS, the President and Vice-President of the Board of Governors have authorized the issuance of this executive order.

THEREFORE, as the Chancellor of the California Community Colleges, I declare the following:

1. The above recitals are true and correct.
2. Section 52020, of the California Code of Regulations, authorizes me to take all appropriate actions to maintain the continuity of educational services for community college students during the period of emergency proclaimed by the Governor of the State of California on March 4, 2020, including the temporary suspension of regulations adopted by the Board of Governors and the suspension of local rules and regulations that are a barrier to the continuity of educational services; and the temporary establishment of procedures in order to promote the continuity of educational services.
3. After consultation with affected stakeholders prior to the issuance of Executive Order 2020-01 and 2020-02 under my prior temporary authority, and with the Academic Senate for California Community Colleges and the Student



Senate for California Community Colleges, I find that the transition to new instructional methods due to the COVID-19 pandemic, including, but not limited to, distance learning and asynchronous educational methods, will prejudice students who are unable to quickly adapt to those methods or who lack sufficient resources or technologies to fully benefit from those methods, despite their having been implemented for reasons beyond the students' control.

4. I further find that due to the ongoing nature of the COVID-19 pandemic, and the resultant budget challenges community college district finances remain vulnerable to student withdrawals. And that unless mitigated, these conditions will negatively impact the continuity of educational services.
5. Due to the existing state of emergency, strict adherence to the following sections of title 5 of the California Code of Regulations will create barriers to the continuity of educational services as specified and are hereby temporarily suspended through December 31, 2020:
 - a. Section 55022(a)(2): the requirement that students must elect to be evaluated in a course on a letter grade or on a pass/no pass basis either upon enrollment or no later than the end of the first 30 percent of the term is suspended.
 - b. Section 55022(c): the requirement that units attempted on a pass/no pass basis and for which the symbol "NP" is recorded shall be considered in probation and dismissal procedures is suspended.
 - c. Community college officials are authorized and urged to construe section 55023(c), concerning the award of non-evaluative symbols, in accordance with the guidance memorandum ES 20-10 issued by the Educational Services and Support Division on March 27, 2020.
 - d. Section 55024(e)(3): an excused withdrawal may be counted as an enrollment attempt for apportionment purposes, language in subdivision (e)(3) to the contrary notwithstanding.



6. Any local district board policies or regulations in conflict with the above regulatory suspensions shall also be suspended through December 31, 2020.
7. This executive order shall remain in full force and effect through December 31, 2020.

A handwritten signature in black ink, appearing to read 'EOO'.

Eloy Ortiz Oakley, Chancellor

Dated: September 23, 2020