



**15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED  
AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 5  
REGARDING  
EVALUATION AND TENURE REVIEW REGULATIONS**

**15-Day Notice published May 5, 2022**

The Board of Governors of the California Community Colleges hereby provides notice of changes to the above-referenced proposed regulatory action that was the subject of a public hearing on March 21, 2022. Section 206, subdivision (c), of the Procedures and Standing Orders of the Board of Governors requires the Board to re-notice a proposed regulatory action where the proposed regulations have been previously considered, are being modified, and the modifications are substantial and sufficiently related to the text of the previously-proposed regulations.

**CHANGES TO THE TEXT**

Following the 45-day comment period that ended on April 25, 2022, and following the March 21, 2022 Board meeting, changes were made to this regulatory action in proposed section(s) 52510, 53401, 53403, 53425, 53601, 53602, and 53605. The California Community Colleges Chancellor's Office will present the regulatory action to the Board of Governors at its May 23, 2022 meeting. The changes are submitted for an additional 15-day comment period effective today, May 5, 2022. Comments must be received prior to 4:00 p.m. on May 20, 2022.

The changes to the proposed regulatory action are denoted by double underline for additions to the text and/or double strikeout for deletions from the text as indicated in the attached proposed regulatory text.

**WRITTEN COMMENT PERIOD**

Any interested person may submit written comments relevant to the changes made to the proposed regulatory action subject to this 15-day notice. The Chancellor's Office will respond to comments received that are related to the aforementioned changes to

section(s) 52510, 53401, 53403, 53425, 53601, 53602, and 53605. Comments should be addressed to:

Regulations Coordinator  
California Community Colleges  
Chancellor's Office  
1102 Q Street, Suite 636  
Sacramento, CA 95811-6549  
Email: [regcomments@cccco.edu](mailto:regcomments@cccco.edu)

Comments must be received by the Regulation Coordinator prior to 4:00 p.m. on May 20, 2022. All written comments received by Chancellor's Office staff during the public comment period are subject to disclosure under the Public Records Act.

## **CHANGES OR MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS**

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulations substantially as described in this notice or may modify the proposed regulations if the modifications are sufficiently related to the original text.

## **INFORMATIVE DIGEST**

In response to comments received during the 45-day public comment period and through ongoing discussions with the interested system stakeholder groups, the Chancellor's Office recommends the following revisions to the proposed regulatory action:

**Section 52510:** (1) The definition of "Competencies" in subdivision (f) was amended to "must demonstrate" instead of "shall develop" to indicate that the most important aspect in the development of competencies is their ongoing implementation in a growth process, rather than simply their development; (2) the definition of "Cultural Competency" in subdivision (h) was amended to "developing cultural knowledge" instead of "learning specific bodies of cultural knowledge" to emphasize that cultural knowledge is difficult to specify or quantify and relevant cultural knowledge may differ based on the composition of the student body.

**Section 53401:** The initially-proposed language in section 53401 was amended to further clarify that instructors of the covered classes, while exempt from the other minimum qualifications requirements of the chapter, are not exempt from the DEIA requirements to be adopted in this regulatory action.

**Section 53403:** The initially-proposed clarifying revisions to section 53403 will be withdrawn such that there will be no change to the current language in this section.

**Section 53425:** This section was amended by the addition of “as required by local policies regarding DEIA competencies.” This addition is meant to clarify that those competencies will be developed and aligned at the local level, through consultation and the collective bargaining process, where appropriate.

**Section 53601:** Subdivision (b) of this section was amended to clarify that the DEIA competencies and criteria identified by the Chancellor’s Office are to be used as a reference for locally-developed minimum standards for performance evaluations and tenure reviews.

**Section 53602:** Subdivision (c)(2) was amended from “uniform” to “consistent” to emphasize that there will not be a rigidly defined model for evaluation standards, but rather that these standards may vary at the local level, but should be generally consistent across the system and aligned with the goals of the DEIA competencies and criteria. Subdivision (c)(6) was amended to indicate that rather than requiring a specific method to include an employee self-reflection, which was seen as overly prescriptive, districts are given more flexibility to develop these processes in tune with local needs. Subdivision (c)(7) was added to require districts to align implementation goals regarding DEIA principles to their EEO plans.

**Section 53605:** Subdivision (a) was amended to reference professional practices to broaden its applicability to include non-instructional staff such as counselors and librarians who could have been excluded from coverage under the previous version of the language. Subdivision (b) was amended to remove “significant consideration,” requiring administrators to include consideration of DEIA and anti-racist principles into all aspects of their duties.

## **ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS**

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

Mandate on local agencies or community college districts: *None*.

Cost or savings to state agencies: *None*

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4, of title 2, of the Government Code: *None*

Other non-discretionary cost or savings imposed on community college districts: *None*

Cost or savings in federal funding to state agencies: *None*

## **CONTACT PERSON**

Inquiries concerning the content of these regulations may be directed to:

Fermin Villegas, Deputy Counsel  
California Community Colleges  
Chancellor's Office  
[regcomments@cccco.edu](mailto:regcomments@cccco.edu)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator, at [regcomments@cccco.edu](mailto:regcomments@cccco.edu).

## **TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS**

Copies of the proposed regulatory action subject to this 15-day notice is set forth above. Information upon which the proposal is based may be obtained online at:

[Office of the General Counsel - Pending Regulatory Action](#)

Those who receive the Board of Governors Agenda package for the May 23, 2022, meeting can find a further description of the proposal and the full text of the regulations. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.