

**15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED
AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING
DIRECT ASSESSMENT COMPETENCY-BASED EDUCATION**

15-Day Notice published October 29, 2020

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 September 21, 2020. 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 “sufficiently related” to the text of the previously-proposed regulations.

CHANGES TO THE TEXT

Following the 45-day comment period that ended on October 26, 2020, and following the September 21, 2020 Board meeting, changes were made to this regulatory action in proposed section(s) §55270, §55270.1, §55270.2, §55270.3, §55270.4, §55270.5, §55270.6, §55270.7, §55270.8, §55270.9, §55270.10, §55270.11, §55270.12, §55270.13, §55002.5, §55040, §55062, §58161. The California Community College Chancellor’s Office will present the regulatory action to the Board of Governors at its November 16, 2020 meeting. The changes are submitted for an additional 15-day comment period effective today, October 29, 2020. Comments must be received prior to 4:00 p.m. on November 13, 2020.

The Chancellor’s Office proposes additional changes to the proposed regulatory action. The changes from the original noticed regulations are denoted by double bold underline and/or double bold strikeout, as indicated below.

Title 5, section(s):

Article ~~56~~: Direct Assessment Competency-Based Education

§ 55260-1, § 55270 Scope and Intent.

The purpose of this article is to support the implementation of direct assessment competency-based education programs to better serve the diversity of California community college students, ensure access to educational pathways and opportunities for academic and career success, and to achieve more equitable student outcomes. The intent of this article is to ensure program quality and to provide learning opportunities that are meaningful and authentic, particularly for students from minoritized communities, and those identified by the college as being disproportionately impacted pursuant to California Education Code 78220.

The goal of **this form of** competency-based education is to empower students in their learning journey by providing a personalized, flexible, adaptive, and culturally responsive curriculum with which students can engage. Competency-based education allows students to demonstrate mastery of learning and the achievement of competencies at their own pace, aided by customized instructional and support services.

§ 55260-1, § 55270.1 Definitions.

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

~~a.~~ (a) An “assessment” in direct assessment competency-based education is a means for determining either a student's progress towards mastery or a student's demonstration of mastery of competencies. A "formative assessment" measures student progress; a "summative assessment" measures mastery of a competency. Formative assessments include, but are not limited to, quizzes or drafts of a project or writing assignment such as outlines or rough drafts. Summative assessments include, but are not limited to, final examinations, presentations, portfolios, and reports.

~~b.~~ (b) “Competencies” are the integration of knowledge, skills, and attitudes in complex ways that require multiple elements of learning. Competencies represent the acquisition of knowledge, skills, abilities and intellectual behaviors that reflect the balancing of theory and application present in a demonstration of mastery.

~~c.~~ (c) “Competency-Based Education Program Map” means a description of the direct assessment competency-based education program and shall specify all elements defined in this article.

~~e.~~ **(d)** “Direct assessment competency-based education” in the California community colleges is an intentional outcomes-based and equity-minded approach to earning a college degree in which the expectations of learning are held constant, but time is variable through a flexible, self-paced, high-touch and innovative learning practice.

~~e.~~ **(e)** “Direct assessment program” has the same meaning as in ~~section 668.10 of~~ Title 34 of the Code of Federal Regulations, **and is a program that, in lieu of credit or clock hours as the measure of student learning, utilizes direct assessment of student learning, or recognizes the direct assessment of student learning by others. The assessment must be consistent with the accreditation of the institution or program utilizing the results of the assessment.**

~~f.~~ **(f)** “Direct assessment of student learning” has the same meaning as in ~~section 668.10 of~~ Title 34 of the Code of Federal Regulations, **and means a measure of a student’s knowledge, skills, and abilities designed to provide evidence of the student’s proficiency in the relevant subject area.**

(g) “Disproportionately Impacted” in broad terms is a condition where access to key resources and supports or academic success may be hampered by inequitable practices, policies, and approaches to student support or instructional practices affecting a specific group. For the purpose of targeted outreach and evaluation for direct assessment competency-based education, disproportionate impact is when the percentage of persons from a particular racial, ethnic, gender, age, or disability group has educational attainment and outcomes significantly different from the representation of that group in the student population, and that discrepancy is not justified by empirical evidence.

~~e.~~ **(h)** “Equity” is the condition under which individuals are provided the resources they need to have access to the same opportunities as the general population. Equity accounts for systematic inequalities, meaning the distribution of resources provides more for those who need it most. Conversely, equality indicates uniformity where everything is evenly distributed among people.

~~h.~~ **(i)** “Mastery” means a student has mastered the competency by meeting or exceeding the minimum requirement of 80 percent or higher on the summative assessment.

~~i.~~ **“Minoritized” describes the process of “minoritization” whereby individuals are afforded less power and representation based on their social**

~~identities. These social identities, such as race and ethnicity, are socially constructed concepts that have been created and historically accepted by society.~~

~~j. (j) “Module” means a curriculum framework for the delivery of learning and assessments tied to measurable competencies leading to mastery. Modules are organized, bundled, and sequenced within a program. **A program is “offered in modules” if the program uses a standard term or nonstandard-term academic calendar, is not a subscription-based program, and a course or courses in the program do not span the entire length of the period of enrollment.**~~

~~k. “Underrepresented students” are students who have not been afforded the same educational opportunities and equitable resources as some of their peers or as other students in the academic pipeline. This group of students includes low income, minoritized, non-traditional, disabled, and first-generation students.~~

~~55260.2. § 55270.2 Approval of Direct Assessment Competency-Based Education Programs.~~

~~(a) All direct assessment competency-based education programs must obtain the Chancellor’s approval prior to a district claiming state apportionment, pursuant to this section and the Chancellor’s Office Program and Course Approval Handbook prepared, distributed, and maintained by the Chancellor consistent with subdivision 55000.5(a).~~

~~(b) To obtain approval of a direct assessment competency-based program, the college must submit to the Chancellor a Direct Assessment Competency-Based Education Program Map. The program map shall include the following components:~~

~~(1) The name of the proposed program.~~

~~(2) The catalog description of the proposed program.~~

~~(3) A list of all modules to be included in the program, related competencies, and credit hour equivalencies, **as referenced in section 55270.7, inclusive of documentation verifying use of the Chancellor’s Office approved methodology to determine the number of credit or clock hours to which the program is equivalent, consistent with accrediting agency requirements.**~~

(4) A description of each module within a program that includes the ~~field, subfield,~~ **discipline, subdiscipline,** competency outcome statements, competency description, learning objectives, topics of study, learning activities, method for substantive faculty interaction, and documentation of the method of assessment including any formative assessment assignments and summative assessment rubrics.

(5) A description of faculty and staff roles and responsibilities.

(6) The methodology used to develop competencies.

(7) The educational outcomes and specific objectives of the proposed program.

(8) An explanation of how the program is appropriate to the objectives and conditions of community college education in California and how it is consistent and aligns with system-wide goals.

(9) The need for and availability of the following resources shall be determined in relation to the proposed program:

(A) Adequate or proposed financial support, **including a description of how student's eligible for Title IV HEA program funds has been excluded from consideration when based on prior learning;**

(B) Qualified faculty consistent with the published disciplines list;

(C) Library and media center resources; and

(D) Access to technology and low- to no-cost digital content.

(10) An explanation of how student ~~success~~-support services will be adapted and integrated within competencies and modules to be delivered in-person or online.

(11) An outreach strategy that demonstrates a commitment to enroll historically underserved and minoritized students, particularly those identified in the college or districts' Student Equity Plan as being disproportionately impacted pursuant to Education Code section 78220.

(12) An evaluation plan which includes review, assessment, and evaluation of the outreach strategy required in subparagraph (11), and of student outcomes that focuses on closing historical equity gaps.

(13) A professional development plan for faculty and staff designed to foster effective implementation of competency-based education, in accordance with equity-oriented and culturally responsive principles and practices determined in consultation with equity practitioners; and

(14) All ~~approved~~ documentation submitted to the ~~regional institutional~~ accrediting agency, and to the US Department of Education in accordance with section 668.10 of Title 34 of federal regulations (where applicable).

(c) The Chancellor's approval of a direct assessment competency-based education program is effective until the program or implementation of the program is discontinued or modified in any substantial way in accordance with 34 CFR § 602.22. The Chancellor's Office may evaluate a direct assessment competency-based educational program, after its approval, on the basis of the program map components listed in this section. If, on the basis of such an evaluation, the Chancellor determines that a direct assessment competency-based education program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.

(d) The Chancellor shall provide guidance on the process and timeline for approval of direct assessment competency-based education programs.

~~55260.3~~ § 55270.3 Modality.

The educational modality for the delivery of direct assessment competency-based education programs shall consist of fully or partially online modules. All modules developed for direct assessment competency-based education programs are subject to the general requirements of this chapter as well as the specific requirements of this article.

~~55260.4~~ § 55270.4 General Academic Standards and Module Approval.

Academic standards for modules of direct assessment competency-based education programs shall meet the criteria specified below:

(a) Direct assessment competency-based education modules are a set of degree-applicable credit modules which have been designated as appropriate to the associate degree in accordance with the requirements of section 55062.

(1) Curriculum Committee. The college and/or district curriculum committee recommending a module shall be established by the mutual agreement of the college or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.

(2) Modules are created and adopted as part of a direct assessment competency-based education program and shall meet the following standards:

(A) Grading Policy. The modules shall provide for measurement of student performance in terms of the stated module outcomes and culminate in a formal, permanently-recorded grade based upon uniform standards in accordance with section ~~55260.8~~ **55270.8**. The grade is based on demonstrated mastery in the subject matter through successful completion of a summative assessment.

(B) Units. The modules shall grant units of credit in a manner consistent with the provisions of section ~~55260.12~~ **55270.12**. The competency-based education program map shall record the number of units and credit hour equivalencies for direct assessment competency-based education modules.

(C) Intensity. The modules shall treat subject matter in a way that requires students to regularly engage with the instructional materials.

(D) Difficulty. The modules shall require an attainment of outcomes in the areas of critical thinking, and the understanding and application of concepts determined by the curriculum committee to be ~~appropriate for a~~ college-level ~~course~~.

(E) Level. The modules shall require learning skills and a vocabulary determined by the curriculum committee to be ~~appropriate for a~~ college-level ~~course~~.

(3) Conduct of Module. Each module shall be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the competency-based education program map.

55260.5 § 55270.5 Direct Assessment Competency-Based Education Faculty Selection and Workload.

(a) Instructors of direct assessment competency-based education programs and modules shall be selected by the same procedures used to determine all instructional assignments. Instructors shall possess the minimum qualifications for the discipline into which the module's subject matter most appropriately falls, in accordance with article 2 (commencing with section 53410), of subchapter 4, of chapter 4, and with the list of discipline definitions and requirements found in section 53407, as such list may be amended from time to time.

(b) Instructors of direct assessment competency-based education programs and modules, for which any portion of the module is offered ~~through distance education~~ **fully or partially online**, shall be prepared to teach in a distance education modality pursuant to section 55208 consistent with district policies.

(c) The district governing board shall adopt faculty workload policies for the number of students assigned to a module within a direct assessment competency-based education program. District policies should allow for:

(1) Flexible class sizes as they differ from credit hour programs;

(2) Faculty assignment within the program in lieu of, or in addition to, instruction; and

(3) Flexible faculty scheduling across and within terms.

55260.6 § 55270.6 Instructor Contact.

(a) Instructors in direct assessment competency-based education programs shall be at least as available for student-initiated contact as are instructors in courses conducted by other instructional methods in addition to instructor-initiated contact.

(b) District governing boards shall ensure that all district policies governing direct assessment competency-based education programs provide that any portion of a direct assessment competency-based education module conducted through distance education includes regular and substantive interaction between instructor and students.

(c) Regular and substantive interaction in a direct assessment competency-based education program between instructors and students ~~may occur through, but is~~

not limited to, participation in regularly scheduled learning sessions; the provision of and participation in interactive tutorials and computer-assisted instruction; the provision of opportunities for content-specific dialogue with and between students; substantive faculty feedback on formative and summative assessments; participation in instructor-led study groups; consultation with the instructor to discuss academic course content; participation in instructor-facilitated online discussions about substantive academic matters; and other faculty-facilitated educational activities entails providing the opportunity for substantive interactions with the student on a predictable and regular basis commensurate with the length of time and the amount of content in the course or competency; and monitoring the student's academic engagement and success and ensuring that an instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed on the basis of such monitoring, or upon request by the student. Substantive interaction is engaging students in teaching, learning, and assessment, consistent with the content under discussion which should include providing direct instruction; assessing or providing feedback on a student's coursework, formative and summative assessments; providing information or responding to questions about the content of a course or competency; facilitating a group discussion regarding the content of a course or competency; or other instructional activities approved by the institution's accrediting agency.

~~55260.7~~ § 55270.7 Program Development, Instruction, and Student Support.

Direct assessment competency-based education faculty shall be responsible for program design and curriculum development, instruction, and integrating student success support. In performing these functions, faculty shall adopt an equity mindset aimed at reducing bias and stereotypical assumptions in their design, delivery, and implementation of direct assessment competency-based education. Direct assessment competency-based education program faculty shall take on the following functions:

(a) Development of direct assessment competency-based education programs by:

(1) creating and redesigning instructional content that is culturally responsive;

(2) identifying and designing formative and summative assessments consistent with the federal definition of student learning assessments that are designed to measure a student's knowledge, skills, abilities and proficiency in the relevant subject area. The assessment must be consistent with accrediting agency requirements. The Program and Course Approval Handbook, required by section 55000.5, shall include a description of allowable summative and formative assessments.

(3) aligning competencies to the outcomes of the direct assessment competency-based education program;

(4) writing competency outcome statements and objectives;

(5) scaffolding and sequencing competencies for program completion;

(6) utilizing chancellor's office approved methodology to determine the number of credit or clock hours to which the program is equivalent consistent with the accrediting agency requirements;

(7) providing content expertise to determine an appropriate pedagogical approach for the direct assessment competency-based education program;

(8) aligning learning activities, resources, and content to competencies and learning outcomes within a module; and

(9) providing content expertise for individualized adaptive learning.

(b) Provision of culturally responsive instructional content designed by faculty and tracking student progress towards mastery of competencies which can include the following activities:

(1) guiding students through the sequence of competencies;

(2) utilizing technology-based instructional tools to facilitate the varied learning needs of diverse students with differing academic and career goals;

(3) being responsible for helping students achieve mastery of competencies through a student-focused program delivery strategy that integrates competencies and scaffolds learning throughout the program;

(4) providing customized instruction as needed to help the student achieve mastery; and

(5) facilitating student-to-student interaction.

(c) Facilitation of student ~~success and~~ support services embedded within the module design in coordination with student support classified staff.

(d) The duties and functions outlined in this article may be distributed among competency-based education faculty to meet student needs.

55260.8 § 55270.8 Academic Record Symbols and Grade Point Average.

(a) Direct assessment competency-based education modules shall adhere to the following ~~grading system~~ **evaluative symbols**:

<u>Symbol</u>	<u>Definition</u>
<u>M</u>	<u>Mastery - obtaining at minimum 80 percent on the summative assessment</u>
<u>M+</u>	<u>Mastery with Distinction - obtaining at minimum 90 percent on the summative assessment</u>

(b) Community college districts may authorize the use, under the provisions specified below, of only the following non-evaluative symbols, in addition to those outlined in section 55023, subdivision (e):

<u>Symbol</u>	<u>Definition</u>
<u>PW</u>	<u>Progress Withdrawal - demonstration of mastery not met after the maximum number of summative assessments attempted</u>

(c) To determine grade point average, community college districts shall adhere to the following grade equivalency standards:

(1) Mastery shall be denoted as a range of excellence.

(2) An ~~letter grade evaluative symbol~~ of M will be translated into ~~evaluative symbol~~ **a letter grade** of “B” with a grade point of 3.0.

(3) An ~~letter grade evaluative symbol~~ of M+ will be translated into ~~the evaluative symbol~~ **a letter grade** of “A” with a grade point of 4.0.

(d) Community college districts shall adopt the credit hour equivalency methodology outlined in section ~~55260.12~~ **55270.12** of this article for the purpose of calculating grade point average.

(e) Community college districts shall provide students in direct assessment competency-based education programs with dual transcripts, as described below.

(1) The competency-based transcript shall use the evaluative and non-evaluative symbols described in subdivisions (a) and (b).

(2) The credit-hour equivalency transcript shall use the methodology outlined in subdivision (c) to translate competencies into the traditional credit-hour units to calculate grade point average.

~~55260.9~~ § 55270.9 Repetition.

(a) The district policy on module repetition adopted pursuant to section 55040 may permit a student to repeat a direct assessment competency-based education module consistent with **course repetition guidelines established in** section 58161; attendance of a student repeating a direct assessment competency-based education module pursuant to this subdivision may be claimed for state apportionment.

(b) The district policy on summative assessment repetition adopted pursuant to section 55040 may permit a student to attempt a summative assessment a maximum of three times before assigning a student the non-evaluative symbol "PW" pursuant to sections ~~55260.8~~ **55270.8**. The district policy shall establish guidelines for when a student can repeat modules for which the non-evaluative symbol "PW" is assigned.

(1) A student is not considered to have withdrawn if the student successfully completes:

(A) One module that includes 49 percent or more of the number of days in the payment period, excluding scheduled breaks of five or more consecutive days and all days between modules;

(B) A combination of modules that when combined contain 49 percent or more of the number of days in the payment period, excluding scheduled breaks of five or more consecutive days and all days between modules; or

(C) Coursework equal to or greater than the coursework required for the institution's definition of a half-time student under USDOE §668.2 for the payment period;

(2) For a payment period or period of enrollment in which courses in the program are offered in modules:

(A) A student is not considered to have withdrawn if the institution obtains written confirmation from the student at the time that would have been a withdrawal of the date that he or she will attend a module that begins later in the same payment period or period of enrollment; and

(B) For standard and nonstandard-term programs, excluding subscription-based programs, that module begins no later than 45 calendar days after the end of the module the student ceased attending;

(3) For a non-term program, a student is not considered to have withdrawn if the institution obtains written confirmation from the student at the time that would have been a withdrawal of the date that he or she will resume attendance, and that date is no later than 60 calendar days after the student ceased attendance.

(c) District policy shall include guidelines for redirecting students to credit-hour programs when satisfactory academic progress within the direct assessment competency-based education program is not achieved. The district policy should be non-punitive and allow students to transfer credits earned.

55260.10 § 55270.10 District Evaluation Plans.

(a) The district evaluation plan for direct assessment competency-based education programs shall include, at minimum:

(1) An assessment of the effectiveness of direct assessment competency-based education programs and a plan for continuous improvement based on college procedures. To remediate disparities and inequalities in educational experiences and subsequent outcomes for minoritized students, evaluation plans shall be based on an equity framework and shall include a plan to collect and disaggregate data by race and ethnicity for student access and outcomes.

(2) A review, assessment, and evaluation of outreach strategies for historically underserved and minoritized students.

55260.11 § 55270.11 Academic Calendar.

(a) A community college district will determine the academic calendar for direct assessment competency-based education programs which must, at a minimum, provide students with sufficient flexibility to demonstrate mastery of competencies at their own pace. An academic calendar may utilize the following schedule configurations:

(1) Standard term. A standard term is a semester, trimester, or quarter where all classes are scheduled to commence and conclude within a set time frame. Districts who wish to use a standard term for direct assessment competency-based education programs must design modules to be completed within a term.

(2) Nonstandard term. A nonstandard term is not a semester, trimester, or quarter. Nonstandard terms have a fixed start and end date for modules, but the terms may be unequal in length.

(3) Nonterm. A nonterm ~~is a term whose modules overlap terms and do not~~ **schedule configuration does not** commence or conclude within a term **and module start and end periods may overlap.**

(b) The community college district shall consult with the college or district academic senate in accordance with section 53203, and determine the appropriate time span for completing direct assessment competency-based education modules. District polices shall adhere to the following requirements:

(1) A student may progress through the competency-based education module at their own pace;

(2) Modules will remain open until the student demonstrates mastery, until the student has exhausted the number of attempts pursuant to ~~55260.9~~ **55270.9**, or until the end of the designated term as determined by the college, whichever comes first.

~~§55260.12~~ 55270.12 Direct Assessment Competency-Based Education Credit Equivalency.

(a) In ~~accordance~~ **adherence** with **the federal definition for credit hour in Title 34 of** federal regulations, a credit hour is an amount of **student** work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than the standard used for credit instruction.

(b) ~~In adherence with the federal definition for credit hour (2) under section 600.2 of Title 34 of federal regulations, the~~ **The** determination of credit hours awarded for a competency-based education module is a curricular matter that includes consideration and review of the following:

(1) The level of learning;

(2) The types of educational activities;

(3) The formative assessments;

(4) The complexity and rigor of the summative assessment; and

(5) Alignment to existing credit courses.

~~§55260.13~~ § 55270.13 Eligibility for State Apportionment.

In order for attendance in a module of direct assessment competency-based education to be eligible for state apportionment pursuant to the provisions of this article, the module must be reported as required by this article, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

Title 5, Division 6, Chapter 6, Subchapter 1, Article 1, Section 55002.5 is amended as follows:

§ 55002.5. Credit Hour Definition.

(a) One credit hour of community college work (one unit of credit) shall require a minimum of 48 semester hours of total student work or 33 quarter hours of total student work, which may include inside and/or outside-of-class hours.

(b) A course requiring 96 hours or more of total student work at colleges operating on the semester system or 66 hours or more of total student work at colleges operating on the quarter system shall provide at least two units of credit.

(c) Cooperative work experience courses defined in section 55252 shall adhere to the formula for credit hour calculations identified in section 55256.5.

(d) Direct assessment competency-based education modules defined in section ~~55260~~ 55270 shall adhere to the formula for credit hour calculations identified in section ~~55260.12~~ 55270.12.

(e)(d) For programs designated by the governing board as clock hour programs, units of credit shall be awarded in a manner consistent with the provisions of 34 Code of Federal Regulations part 600.2.

(f)(e) Credit hours for all courses may be awarded in increments of one unit or less.

(g)(f) The governing board of each community college district shall establish policy, consistent with the provisions of this section, defining the standards for credit hour calculations. District policy shall specify the credit hour calculation method for all academic activities, expected ratios of in-class to outside-of-class hours for each type of academic activity, standards for incremental award of credit, standard term length, calculation methods for short term and extended term courses, and provisions for monitoring compliance with state and federal regulations related to credit hour calculations.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code; and 34 Code of Federal Regulations part 600.2.

Title 5, Division 6, Chapter 6, Subchapter 1, Article 4, Section 55040 is amended as follows:

§ 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 subchapter 2.5 (commencing with section 59020) of chapter 10 of this division, pertaining to the retention and destruction of student records.

(b) 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) permit a student to repeat a 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 course, other than a physical education, visual arts, or performing arts course, offered for variable units on an open-entry/open-exit basis 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 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 cooperative work experience under the circumstances described in section 55253. When a cooperative 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 to repeat a direct assessment competency-based education module **and be counted as an FTE for state apportionment** under the circumstances described in section ~~55260.9 55270.9~~. ~~Set a limit on the number of times a student can take a summative assessment for direct assessment competency-based education modules as described in section 55260.9.~~

(8) ~~(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.

(9) ~~(8)~~ permit a student to repeat a course determined to be legally mandated as defined in section 55000, regardless of whether substandard academic work has been recorded. Such courses may be repeated for credit any number of times. The governing board of a district may establish policies and procedures requiring students to certify or document that course repetition is legally mandated.

(10) ~~(9)~~ permit a student to petition the district to repeat a course as a result of a significant change in industry or licensure standards such that repetition of the course is necessary for the student's employment or licensure. Such courses may be repeated for credit any number of times. The governing board of the district may establish policies and procedures requiring students to certify or document that there has been a significant change in industry or licensure standards necessitating course repetition.

(c) The policies and procedures adopted by the governing board of each community college district pursuant to subdivision (a) may not permit student enrollment in active participatory courses, as defined in section 55000, in physical education, visual arts or performing arts that are related in content, as defined in section 55000, more than four times for semester courses or six times for quarter courses. This limitation applies even if a student receives a substandard grade or "W" during one or more of the enrollments in such a course or petitions for repetition due to extenuating circumstances as provided in section 55045.

(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, ensuring a true and complete academic history.

(e) Notwithstanding the limits set forth above, apportionment will be limited as set forth in section 58161 **and 55270.13 for courses in direct assessment competency-based education courses.**

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

Title 5, Division 6, Chapter 6, Subchapter 1, Article 6, Section 55062 is amended as follows:

§ 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) ~~or section 55260~~ **55270**, 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 course. Each student may count only one 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~~ **district** 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.

Title 5, Division 6, Chapter 9, Subchapter 2, Article 5, Section 58161 is amended as follows:

§ 58161. Apportionment for Course Enrollment.

(a) A community college district may claim the attendance of students for enrollments in credit courses for state apportionment only if so, authorized by this section and if all other requirements of this division are satisfied. For purposes of this section, the definition of enrollment found in section 55000 shall apply.

(b) A district may claim state apportionment for an enrollment in a credit course for the attendance of a student who receives a satisfactory grade, as defined in section 55000, one time unless an exception applies.

(c) A district may claim state apportionment for the attendance of students for enrollments totaling a maximum of three times per credit course and if all other requirements of this division are satisfied.

(d)(1) Notwithstanding subdivisions (b) and (c) of this section, a district may claim state apportionment for the attendance of students for enrollments in credit courses designated as repeatable, as provided in section 55041, as defined in section 55000, for no more than four times for semester courses or six times for quarter courses. This limitation applies even if a student receives a substandard grade or "W" during one or more of the enrollments in such a course.

(2) Notwithstanding subdivisions (b) and (c) of this section, a district may claim state apportionment for the attendance of students in active participatory credit courses that are related in content, in physical education, visual arts, or performing arts, as provided in section 55040(c), for no more than four times for semester courses or six times for quarter courses. This limitation applies even if a student receives a substandard grade or "W" during one or more of the enrollments in such a course.

(e) Notwithstanding subdivisions (b), (c), (d) and (e) of this section, a district may claim state apportionment for one additional enrollment if all other requirements of this division are met and only in the following circumstances:

(1) The attendance of a student for an enrollment in a credit course resulting in that student's repetition of the credit course because the district determines pursuant to section 55043 that there has been a significant lapse of time of no less than 36 months since the student previously successfully completed the course, unless an exception to the 36 month requirement applies.

(2) The attendance of a student for an enrollment in a credit course which is a repetition of the credit course pursuant to section 55045 due to extenuating circumstances, if such credit course is not designated as repeatable pursuant to section 55041.

(f) Notwithstanding subdivisions (b), (c) and (d) of this section, a district may claim state apportionment for the attendance of students in credit courses for enrollments in the credit courses without limitation if all other requirements of this division are met and in the following circumstances:

(1) The attendance of a student in legally mandated training as provided in section 55040(b)(9).

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

(3) Except for active participatory courses in physical education, visual arts, or performing arts, the attendance of a student for each enrollment in a portion of a variable unit open entry/open exit credit course, that is necessary for the student to complete one time the entire curriculum of the course as described in the course outline of record, may be counted for state apportionment only to the extent that repetition of such courses is permitted pursuant to section 55044.

(4) The attendance of a student for each enrollment in a cooperative work experience course pursuant to section 55253.

(5) The attendance of a student for each enrollment in a direct-assessment competency-based education module pursuant to ~~55260~~ 55270 and 55270.13.

(6) ~~(5)~~ The attendance of a student withdrawing as a result of extraordinary conditions pursuant to section 55024(a)(10).

(7) ~~(6)~~ The attendance of a student receiving a military withdrawal (“MW”) pursuant to section 55024(d)(1).

(8) ~~(7)~~ The attendance of a student withdrawing as a result of discriminatory treatment pursuant to section 55024(a)(8).

(9) ~~(8)~~ The attendance of a student in a course as a result of a change in industry or licensure standards such that repetition of the course is necessary for employment or licensure as set forth in section 55040(b)(10).

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

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

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the changes to the proposed regulatory action subject to this 15-day notice. Comments must be limited to title 5, California Code of Regulations, section(s) §55270, §55270.1, §55270.2, §55270.3, §55270.4, §55270.5, §55270.6, §55270.7, §55270.8, §55270.9, §55270.10, §55270.11, §55270.12, §55270.13, §55002.5, §55040, §55062, §58161. We will accept comments concerning the changes outlined above in this 15-day notice until November 13, 2020. 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

Comments must be received by the Regulation Coordinator prior to 4:00 p.m. on November 13, 2020. All written comments received by CCCCO 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. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption, and will be provided to those persons who have requested or are required to receive notification of regulatory actions, or who have provided written or oral comments relevant to the proposed regulatory action.

AUTHORITY AND REFERENCE

Authority: Sections 66700 and 70901, Education Code.

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

INFORMATIVE DIGEST

To better serve the diversity of the CCC student population and ensure equal access to educational pathways and career opportunities, system-wide implementation of Direct Assessment Competency-Based Education (CBE) is a clear next step in the evolution of teaching and learning. Through self-paced learning, high-touch and high-tech student support, direct assessment CBE offers an outcomes-based, equity-minded approach to earning a college degree. The proposed section to Subchapter 3 Alternative Instructional Methodologies in Title 5 Division 6 Chapter 6 was drafted and approved by the California Community Colleges Curriculum Committee (5C) and has been reviewed and revised by Legal Counsel with appropriate input.

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: *Yes*.

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 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*

The proposed amendments to title 5 would result in no fiscal impact to local or state governments. Nor will it have any fiscal impact on any federal funding.

CONTACT PERSON

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

Aisha Lowe, Vice Chancellor
California Community Colleges
Chancellor's Office
regcomments@cccco.edu

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator, at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

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

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

Those who receive the Board of Governors Agenda package for the November 16, 2020, 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.