



**15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED
AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING
CHANCELLOR'S EMERGENCY AUTHORITY**

15-Day Notice published September 2, 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 July 20, 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 August 17, 2020, and following the July 20, 2020 Board meeting, changes were made to this regulatory action in proposed section 52020. The California Community College Chancellor's Office will present the regulatory action to the Board of Governors at its September 21, 2020 meeting. The changes are submitted for an additional 15-day comment period effective today, September 2, 2020. Comments must be received prior to 4:00 p.m. on September 17, 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 52020, subdivisions (a),(b) and (d):

(a) During a period of emergency proclaimed by the Governor of the State of California, the Chancellor may assume emergency

authority upon a **written** finding, made in consultation with the President **and the Vice President** of the Board of Governors that the emergency will result in substantial disruption to the educational mission of one or more California community colleges or college districts. The Chancellor's emergency authority may be exercised on a local, regional, or statewide basis, according to the circumstances of the declared emergency, and must be directed toward maintaining the continuity of educational services.

(b) The Chancellor's emergency authority includes, but is not limited to, the issuance of executive orders, for any of the following purposes:

- (1) to suspend temporarily regulations adopted by the Board, or local rules and regulations, that are a barrier to the continuity of educational services; and
- (2) to establish temporary procedures governing the California Community Colleges to promote the continuity of educational services.

Emergency actions taken by the Chancellor must be approved by the President **and the Vice-President of the Board in writing, or by the Vice-President if the President is unavailable.** Actions taken by the Chancellor under this authority must explain how the action maintains the continuity of educational services.

(d) The Chancellor shall **promptly** report to the Board all actions taken under this section. Any emergency action taken by the Chancellor **shall be placed on a Board agenda within 120 days for ratification, amendment, or rejection by the Board. It may be amended or terminated by a resolution adopted by majority vote of the Board**

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 52020. We will accept comments concerning the changes outlined above in this 15-day notice until September 17, 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 September 17, 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: Education Code sections 70901 and 70901.5.

Reference: Sections 71090, Education Code.

INFORMATIVE DIGEST

The Chancellor's Office is proposing to adopt a permanent regulation conferring authority on the Chancellor in cases of a state declared emergency.

The COVID-19 pandemic beginning in March 2020 resulted in disruptions to the administration of the California Community Colleges, and in particular to the continuity of education for our students. To respond to these disruptions as quickly as possible and to ensure that quality instruction for students continued, the Board of Governors adopted an emergency regulation that authorized the Chancellor to take all appropriate actions, including by executive order, to allow the continued education of community college students during the period of emergency, including the temporary suspension of

regulations adopted by the Board and the suspension of related local rules and regulations that were a barrier to the continuity of educational services.

This emergency authority allowed the Chancellor's Office to take prompt action to address concerns that have arisen during the pandemic. However, under the Board's procedures, the Chancellor's emergency authority will expire after 180 days unless a permanent regulation is adopted at a regular meeting.

The continuing nature of the COVID-19 pandemic, and the possibility of future crises requiring the exercise of emergency powers, prompts the Chancellor's Office to recommend that the Board adopt the proposed permanent regulation conferring emergency authority on the Chancellor, to ensure the continuity of educational services. Accordingly, this proposed regulation is presented for consideration by the Board.

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 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:

Marc LeForestier, General Counsel
California Community Colleges
Chancellor's Office
regcomments@ccco.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 September 21, 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.