

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS Z-	NOTICE FILE NUMBER 2020-0311-02P	REGULATORY ACTION NUMBER 2020-0311-02P	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
2020 MAR 11 P 3:21 OFFICE OF ADMINISTRATIVE LAW			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Board of Governors of the California Community Colleges			AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE N/A	TITLE(S) N/A	FIRST SECTION AFFECTED N/A	2. REQUESTED PUBLICATION DATE N/A
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action	4. AGENCY CONTACT PERSON N/A	TELEPHONE NUMBER N/A	FAX NUMBER (Optional) N/A
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

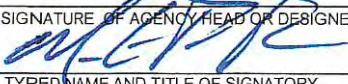
1a. SUBJECT OF REGULATION(S) Noncredit Courses	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)		
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT AMEND 55150, 55151, 55154, 55155, 58160		
TITLE(S) 5	REPEAL		
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input checked="" type="checkbox"/> Other (Specify) <u>Authority - Ed. Code section 70901.5</u>	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs. title 1, §100) <input checked="" type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs. title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) <u>30 days after filed w/Secretary of State</u>

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____

7. CONTACT PERSON Tanya Bosch - Regulations Coordinator	TELEPHONE NUMBER (916) 445-4826	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.	For use by Office of Administrative Law (OAL) only
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SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE <u>5.18.2020</u>
TYPED NAME AND TITLE OF SIGNATORY Marc A. LeForestier, General Counsel	

ATTACHMENT 1

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES
FINAL REVISIONS TO TITLE 5 REGULATIONS OF CURRICULUM AND INSTRUCTION

1. **Section 55150 of article 2 of subchapter 2 of Chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:**

§ 55150. Approval of Noncredit Courses and Programs.

(a) All noncredit courses shall be approved by the Chancellor in accordance with this article on forms provided by the Chancellor. Failure to comply with the provisions of this article may result in termination of approval. The governing board of each community college district shall establish policies for, and may approve noncredit courses pursuant to section 55002 and the Chancellor's Office Program and Course Approval Handbook prepared, distributed, and maintained by the Chancellor consistent with section 55000.5(a).

(b) The chief executive officer, chief instructional officer, college academic senate president, and college curriculum committee chair of each college and/or district shall annually certify to the Chancellor, before the conclusion of each academic year, compliance with the following requirements related to the approval of noncredit courses:

- (1) the curriculum committee and district governing board have approved each noncredit course pursuant to section 55002 and the Chancellor's Office Program and Course Approval Handbook prepared, distributed, and maintained by the Chancellor consistent with section 55000.5(a);
- (2) the college and/or district promptly reported all noncredit courses approved by the district governing board pursuant to this section to the Chancellor's Office Curriculum Inventory and Management Information Systems;
- (3) college and/or district personnel involved in the noncredit course approval process, including members of the curriculum committee, were provided with training regarding the rules, regulations, and local policies applicable to the approval of noncredit courses, including, but not limited to, the provisions of section 55002 and the Chancellor's Office Program and Course Approval Handbook prepared, distributed, and maintained by the Chancellor consistent with section 55000.5(a);
- (4) the district governing board has established local policy or procedures specifying attendance accounting consistent with Article 2, Chapter 1, Part 50 of the Education Code (sections 84030, et seq.).

(b) Course outlines of record for all noncredit courses prepared in accordance with subdivision (c) of section 55002 shall be on file in the community college offering the course.

(c) Authorities of each community college maintaining noncredit courses shall keep such current records and reports as may be required by the Chancellor.

(d) The following noncredit educational programs shall be approved by the Chancellor district governing board:

- (1) Noncredit educational programs that qualify for enhanced funding;
- (2) Adult high school diploma programs as specified in section 55154; and
- (3) Those noncredit educational programs that are not otherwise required by law to be approved by the Chancellor.

(e) Noncredit educational programs requiring approval of the Chancellor shall be approved submitted to and chaptered in by the Chancellor chancellor's office curriculum inventory system, in accordance with this article and on forms provided by the Chancellor.

Approval of a noncredit educational program is effective until either:

- (1) The noncredit educational program or implementation of the noncredit educational program is discontinued or modified in any substantial way; or
- (2) The Chancellor district governing board evaluates the noncredit educational program after its approval on the basis of factors listed in sections 55151 or 55154, as applicable. If the Chancellor district governing board determines that the noncredit educational program should no longer be offered based on the evaluation, the Chancellor district governing board may terminate the approval and determine the effective date of termination.

(f) The Chancellor may conduct reviews to ensure that colleges and/or districts are in compliance with the certification requirements identified in this section.

(g) The Chancellor may, at any time, limit or terminate the ability of a district to approve or offer noncredit courses if it is determined that a college and/or district has failed to comply with any of the conditions set forth in this section until such time a college and/or district demonstrates compliance with the certification requirements in this section.

Note: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code.
Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

2. Section 55151 of article 2 of subchapter 2 of Chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55151. Career Development and College Preparation.

A noncredit course involving career development or college preparation will be eligible for enhanced funding pursuant to Education Code sections 84750.5 and 84760.5 if it satisfies the requirements set forth in subdivisions (a), (b) and (c) below.

(a) The course is approved by the college curriculum committee and the district governing board pursuant to subdivision (c) of section 55002 and by the Chancellor's Office pursuant to section 55150 and is part of either:

(1) A short-term vocational program which the Chancellor district governing board, in consultation with the Employment Development Department, has determined to have high employment potential. In making this determination, the Chancellor district governing board shall utilize job demand data to support the program proposal, provided by the Employment Development Department. If current job demand data in the relevant field is not available from the Employment Development Department, the Chancellor and the Employment Development Department may rely upon other data submitted by the college.

(2) A noncredit educational program involving:

(A) Courses in elementary and secondary basic skills;

(B) Workforce preparation courses in the basic skills of speaking, listening, reading, writing, mathematics, decision-making, and problem solving skills that are necessary to participate in job-specific technical training; or

(C) Courses in English as a second language and vocational English as a second language.

(b) The noncredit educational program is designed to result in either:

(1) A noncredit certificate of completion leading to improved employability or job opportunities; or

(2) A noncredit certificate of competency in a recognized career field that prepares students to take nondegree-applicable credit course work, including basic skills and English as a second language; or to take degree-applicable credit coursework leading to one or more of the following:

(A) completion of a credit certificate;

(B) an associate in arts degree; or

(C) transfer to a baccalaureate institution.

(c) The noncredit educational program in which enhanced funding is sought must be submitted to and approved chaptered by in the Chancellor's office curriculum inventory system. Applications for approval Submissions shall include an explanation of how the educational program is designed to lead students to one of the outcomes described in subdivision (b) and all of the following:

- (1) a list of required courses to be included in the educational program;
- (2) the minimum number of hours required for completion of the educational program;
- (3) course outlines of record for all courses in the educational program;
- (4) the catalog description of the educational program; and
- (5) for short-term vocational programs, an analysis of labor market need or job availability.

(d) ~~The Chancellor shall develop forms and procedures for submission of applications for approval.~~

(e) ~~If the Chancellor approves a short-term vocational program pursuant to this section, the program may not be subsequently modified by the inclusion of additional courses unless the course or courses to be added are of one of the types listed in subdivision (a) and have themselves been individually approved by the Chancellor pursuant to section 55150.~~

(d)(f) Under no circumstances may a district separate an existing noncredit course which provides less than one hundred and ten (110) hours of instruction into two or more courses for the purpose of forming a noncredit educational program to satisfy the requirements of this section.

(e)(g) Nothing in this section shall be construed to prevent a particular student from taking additional degree-applicable coursework, pursuing an associate degree, or pursuing transfer to a baccalaureate institution in addition to or instead of seeking immediate employment.

(f)(h) For purposes of this article, the term "certificate of completion" means a document confirming that a student has completed a noncredit educational program of noncredit courses that prepares him or her to progress in a career path or to undertake degree-applicable or nondegree-applicable credit courses. The document must include the name of the certificate and the date awarded, be identified by a Taxonomy of Programs

(T.O.P.) Code number and program discipline, identify the goal of the program, and list the courses completed by the student.

(g)(i) For purposes of this article, the term "certificate of competency" means a document confirming that a student enrolled in a noncredit educational program of noncredit courses has demonstrated achievement of a set of competencies that prepares him or her to progress in a career path or to undertake degree-applicable or nondegree-applicable credit courses. The document must include the name of the certificate and the date awarded, be identified by a T.O.P. Code number and program discipline, and list the relevant competencies achieved by the student.

(h)(j) Content and assessment standards for certificates shall be defined by the local curriculum committee. The curriculum committee shall review noncredit educational programs leading to a certificate using the same standards as applied to credit educational programs leading to a certificate as set forth in section 55070, with respect to academic integrity, consistency with college mission, meeting a demonstrated need and program feasibility.

(i)(k) Each noncredit educational program shall be approved by the governing board of the district.

(j)(l) Certificates for noncredit educational programs may be awarded on behalf of the governing board of the district by any appropriate district official or by a particular department or division pursuant to a delegation of authority from the governing board to students who have earned them.

Note: Authority cited: Sections 66700, 70901, 78401, 84750.5 and 84760.5, Education Code. Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

3. Section 55154 of article 2 of subchapter 2 of Chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55154. Adult High School Diploma Programs.

(a) Before offering any noncredit course as part of a high school diploma program on or after June 30, 2009, the governing board of a community college district shall obtain approval of must approve its high school diploma program and have it chaptered in the chancellor's office curriculum inventory system, as provided in section 55150.

(b) For purposes of this section, the term "high school diploma program" means an organized sequence of noncredit courses designed to meet the needs of adult learners which leads to a high school diploma which is awarded by the community college district or jointly by the district and a high school.

(c) The application for approval submission for chaptering shall include all of the following:

- (1) A statement that both the local curriculum committee(s) and the district governing board have reviewed and approved the high school diploma program.
- (2) Information demonstrating that there exists demand for the college to offer a high school diploma program for adult learners in the area.
- (3) Coursework requirements and content standards that meet or exceed those described in subdivision (e).
- (4) Comprehensive descriptions of program organization, instructional support services, student services, facilities and ongoing staffing efforts to demonstrate that the district has the resources to maintain the high school diploma program.
- (5) A copy of the proposed catalog description.
- (6) Requirements or conditions by which a student can obtain high school credit by examination or by successfully completing college degree-applicable or nondegree-applicable credit course work and any alternative means for students to complete the prescribed course of study.
- (7) A description of the student assessment procedures for academic placement in the program and a description of how the district will evaluate student progress.

(d)(1) The governing board of a community college district shall confer a high school diploma upon a student who has satisfactorily completed at least 160 credits of high school level coursework and who has demonstrated competence in reading, writing, and mathematics at a level generally accepted as appropriate for award of a high school diploma. The required 160 credits of high school level course work must be fulfilled in a core curriculum consisting of courses in the categories described in paragraph (2) and accepted toward the diploma by a college within the district (as shown in its catalog). A college may accept toward satisfaction of this requirement courses that were completed at an accredited high school or college that would reasonably be expected to meet or exceed the standards of this section, provided that at least 20 of the total 160 required high school credits must be completed in residence at the college granting the diploma.

(2) The curriculum must include the indicated minimum number of high school credits in each of the areas listed below. Each course shall be of a duration sufficient to permit a student to master the content of the course as specified in the content standards described in paragraph (3).

(A) Natural Sciences. A minimum of 20 high school credits shall be required in natural sciences, including biological and physical sciences. Courses in the

natural sciences are those which examine the physical universe, its life forms, and its natural phenomena. To satisfy the core curriculum requirement in natural sciences, a course shall be designed to help the student develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities. This category may include introductory or integrative courses in astronomy, biology, chemistry, general physical science, geology, meteorology, oceanography, physical geography, physical anthropology, physics and other scientific disciplines.

(B) Social and Behavioral Sciences. A minimum of 30 high school credits shall be required in social and behavioral sciences. Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the core curriculum requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the method of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. Each student shall be required to complete coursework that addresses United States history and geography; world history, geography, and culture; American government and civics; and economics. This category may also include introductory or integrative survey courses in cultural anthropology, cultural geography, political science, psychology, sociology and related disciplines, as well as additional courses in economics, American government, United States history, and world history.

(C) Humanities. A minimum of 10 high school credits shall be required in humanities. Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the core curriculum requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Each student shall be required to complete one course in visual or performing arts or foreign language. This category may also include introductory or integrative courses in literature, philosophy, and religion, as well as additional courses in the arts, and foreign languages. For the purposes of satisfying the requirement specified in this paragraph, a course in American Sign Language shall be deemed a course in foreign language.

(D) English. A minimum of 30 high school credits shall be required in English. Courses in English are those which develop the principles and applications of language toward logical thought, clear and precise expression and critical evaluation. To satisfy the core curriculum requirement in English, a course shall be designed to develop reading, writing, and verbal expression skills as applicable to the needs and interests of an adult. Such courses may include

introductory or integrative courses in literature and English grammar, writing strategies, and mechanics.

(E) Mathematics. A minimum of 20 high school credits shall be required in mathematics. Courses in mathematics develop the ability to reason with and apply mathematical operations and principles. To satisfy the core curriculum requirement in mathematics, a course shall be designed to help a student gain facility in the operations of mathematics as well as its practical applications. Such courses may include algebra, geometry, applied mathematics, and calculus.

(3) Course content standards for the coursework described in subdivision (2) must meet or exceed the standards for the high school curriculum established by the California State Board of Education.

(e) Notwithstanding the requirements of this section, any student enrolled in a high school diploma program prior to June 30, 2009, may receive a high school diploma based on completion of the curriculum required for the program as set forth in the college catalog in effect at the time the student first enrolled in the program; provided the student remains continuously enrolled without a break of more than one primary term subsequent to the Spring 2009 term.

(f) In order for a high school diploma program to qualify for enhanced noncredit funding pursuant to Education Code sections 84750.5 and 84760.5, the application for approval must satisfy the requirements of section 55151.

(g) For the purposes of this section, a noncredit course awarding 10 high school credits must be designed to require a minimum of 144 hours of lecture, study or laboratory work.

Note: Authority cited: Sections 66700, 70901, 78401, 84750.5 and 84760.5, Education Code. Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

4. Section 55155 of article 2 of subchapter 2 of Chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55155. Noncredit Certificates.

(a) Any noncredit educational program leading to a certificate must be approved by the college curriculum committee and the district governing board.

(b) ~~All noncredit educational programs leading to a noncredit certificate of completion or certificate of competency must be approved by the Chancellor pursuant to section 55151.~~

~~(b)(c) If a district does not seek enhanced funding for a noncredit educational program, or it does not qualify for enhanced funding pursuant to section 55151, a noncredit educational program leading to a certificate may be established by the district without approval by the Chancellor except as required in section 55154. A district may award a certificate to a student completing a noncredit educational program, but may not designate or refer to it as a certificate of completion or a certificate of competency in a recognized career field pursuant to section 55151.~~

~~(c)(d) A certificate awarded to a student completing a noncredit educational program may not be referred to as a certificate of achievement regardless of its length or whether it has been approved by the Chancellor.~~

~~(d)(e) A description of each approved noncredit educational program shall be included in the college catalog.~~

~~(f) Provisions of this section regarding the naming or designation of certificates shall become effective for the Fall 2008 term.~~

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

5. Section 58160 of article 5 of subchapter 2 of Chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 58160. Noncredit Course Funding.

(a) In order to be eligible to be claimed for state apportionment, a noncredit course must be approved pursuant to sections 55002 and 55150 and fall into one of the following statutory categories:

- (1) elementary and secondary basic skills courses and other courses such as remedial academic courses in reading, mathematics, and language arts;
- (2) courses in English as a second language, including vocational English as a second language;
- (3) short-term vocational courses and programs with high employment potential;
- (4) workforce preparation courses in the basic skills of speaking, listening, reading, writing, mathematics, decisionmaking, problem solving skills, and other courses required for preparation to participate in job-specific technical training;
- (5) courses in citizenship for immigrants;
- (6) parenting, including parent cooperative preschools, courses in child growth and development and parent-child relationships;

- (7) courses and programs for persons with substantial disabilities;
- (8) courses and programs for older adults;
- (9) courses and programs in home economics; and
- (10) courses in health and safety education.

(b) The provisions of sections 58050, 58051, 58051.5, 58130 and related provisions of this chapter also apply in determining whether a noncredit course is eligible for funding.

(c) In order to be eligible for enhanced funding pursuant to Education Code sections 84750.5 and 84760.5, a career development or college preparation noncredit course must be part of a program or sequence of courses approved chaptered in by the Chancellor's curriculum inventory system pursuant to section 55151.

(d) Courses of the type described in section 55151 may not be claimed for enhanced funding if they are not part of a program or sequence of courses which is approved chaptered by the Chancellor pursuant to that section, but such courses may continue to be offered and be claimed for basic noncredit funding, provided that each individual course has been approved chaptered by the Chancellor pursuant to section 55150 and falls into one of the categories described in subdivision (a).

Note: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code.
Reference: Sections 70901, 84500, 84750.5, 84757 and 84760.5, Education Code.