

# PRINT

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2020-0930-01P	

For use by Office of Administrative Law (OAL) only

2020 SEP 30 P 2:40  
OFFICE OF  
ADMINISTRATIVE LAW

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

SEP 30 2020

2:02 pm

NOTICE	REGULATIONS
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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 Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON N/A	TELEPHONE NUMBER N/A	FAX NUMBER (Optional) N/A
<b>OAL USE ONLY</b>	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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE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) Chancellor's Emergency Authority	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 52020
	AMEND
	REPEAL
TITLE(S) 5	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<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"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input checked="" type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) Authority - Ed. Code section 70901.5	

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) Effective Upon filing with the SOS.
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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

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>M. LeForestier</i>	DATE 9-29-2020
TYPED NAME AND TITLE OF SIGNATORY Marc A. LeForestier, General Counsel	

## **Proposed Regulatory Action Adding Chapter 3.5 of Division 6, of Title 5: Chancellor's Emergency Authority**

**CHAPTER 3.5, OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS ADDED TO READ:**

### **Chapter 3.5 Chancellor's Emergency Authority**

§ 52020. Chancellor's Emergency Authority.

(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. Actions taken by the Chancellor under this authority must explain how the action maintains the continuity of educational services.

(c) Actions taken by the Chancellor pursuant to this section shall remain in force and effect for the duration of the declared emergency, unless otherwise specified. The Chancellor may specify that an emergency action will remain in force and effect beyond the end of a declared emergency to avoid undue administrative burden or to prevent the disruption of educational services.

(d) Emergency actions taken by the Chancellor pursuant to this section are exempt from Article 3, of Chapter 3, of the Procedures and Standing Orders of the Board of Governors. However, prior to implementing an emergency action, the Chancellor shall consult with community college stakeholders most likely to be affected by the action, including the Academic Senate for California Community Colleges on academic and professional matters and the Student Senate for California Community Colleges on matters directly affecting students, provided such consultation would not result in delay of the emergency action.

(e) 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, and made subject to the consultation process in advance of the meeting, notwithstanding subsection (d).

Note: Authority: Sections 70901 and 70901.5, Education Code. Reference: Section 71090, Education Code.