

**CALIFORNIA COMMUNITY COLLEGES  
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Date: March 28, 2011

To: Steve Bruckman  
Executive Vice Chancellor of Operations and General Counsel

From: Jonathan Lee  
Staff Counsel

Re: Involuntary Drop after Census Date  
**Legal Opinion 11-04**

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**Question**

Does faculty have the authority to involuntarily drop a student that stops attending a course after the census date?

**Conclusion**

Faculty may drop a student that stops attending a course. The census date does not restrict the faculty's ability to involuntarily remove a student from a course when that student no longer attends that course.

**Background**

The distribution of apportionment to the California Community College system is based on a calculation of the units of full-time equivalent student (FTES) generated at each individual college. The various factors for calculating FTES are described in California Code of Regulations, title 5, section 58003.1. One of the key factors used in computing FTES is the use of the census date. The census date establishes a minimum cutoff date for students to be actively enrolled in a course and still be counted for FTES calculations. Students who are not enrolled in a course as of the census date do not generate FTES for that enrollment.

Title 5, section 58004(c) requires that each district, by the end of the business of the day immediately preceding the census date, drop all students who are inactive enrolled in the course. Section 58004(c)(1)-(3) states that inactive enrollment occurs when a student has been identified as a "no show," officially withdraws from the course, or has been dropped for no longer participating in the course.

While faculty are authorized to drop students who are inactively enrolled on the day prior to census date, do faculty have that same authority to drop students who stop attending a course after the census date or does section 58004 preclude them from doing so?

### **Analysis**

Dropping a student from a course for excessive absences is a form of involuntary removal from the course. In this situation, the student has stopped attending the course, but has not formally submitted any request to withdraw their name from the course enrollment roster. Title 5, section 55003(*l*) states that there are only two situations that a student may be involuntarily withdrawn from a course. Section 55003(*l*) states that “the student may only be involuntarily removed from a course due to excessive absences or as a result of disciplinary action taken pursuant to law or to the student code of conduct.”

There are no date restrictions to either of these forms of involuntary removal. Thus a faculty member may drop a student that stops attending the course, regardless of whether it is before or after the census date. The census date only provides a basis for FTES calculations and has no effect on faculty members’ ability to involuntarily remove a student from the class when there is proper cause.

cc: Elias Regalado, Specialist, College Finance and Facilities Planning

JL/fr/ce