



**15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED
AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING
FISCAL SUPPORT**

15-Day Notice published August 14, 2019

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 May 20, 2019, and July 15, 2019. Section 206, subdivision (c), of the Procedures and Standing Orders of the Board of Governors requires the Board to renote 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 June 24, 2019, and following the July 15, 2019 Board meeting, changes were made to this regulatory action in proposed 58146, subdivision (b). The California Community College Chancellor's Office will present the regulatory action to the Board of Governors at its September 16, 2019 meeting. The changes are submitted for an additional 15-day comment period effective today, August 14, 2019. Comments must be received prior to 4:00 p.m. on August 29, 2019.

The Chancellor's Office proposes the following changes:

58146(b) added the word “or” to replace the word “and” so that an emergency or extraordinary condition would be defined as one that either caused the district to be prevented from maintaining its schools for at least 175 days or caused the general purpose apportionments to be materially decreased in that year or subsequent years. The version presented at the Board meeting in May defined an emergency as one that met both of these criteria. It is fairly uncommon for a district to fall below 175 days in a

year even if they are closed for a significant period of time due to an emergency. This change would allow for accommodations to a broader set of districts.

58146(b)(3) moved “earthquake” from subdivision (b)(9) to (b)(3).

58146(b)(11) added “another emergency declared by the state government or the federal government.”

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 58146(b). We will accept comments concerning the changes outlined above in this 15-day notice until August 29, 2019. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549

Comments may also be submitted by email at regcomments@cccco.edu.

Comments must be received by the Regulation Coordinator prior to 4:00 p.m. on August 29, 2019. 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 66700, 70901, 84750.4, 84750.5.

Reference: Education Code sections 70901.

INFORMATIVE DIGEST

This item is a second reading and public hearing of proposed amendments to regulations related to general apportionment allowances (e.g., the Student Centered Funding Formula, or SCFF) for districts that have experienced emergencies that affect the apportionment. These regulations specify the authority of the Chancellor, particularly in the context of the new Student Centered Funding Formula (SCFF). They also seek to clarify current ambiguities in the process of granting emergency conditions allowances.

Existing law authorizes the Board of Governors to provide leadership and direction and exercise general supervision over the California Community Colleges. Existing regulations provide the Chancellor the authority to grant an allowance related to apportionments for districts that have experienced an emergency, such as a fire or flood, that would cause the general apportionment to decrease. These provisions allow the Chancellor to apportion to a district the amount of funds the district would have received had the emergency not occurred.

Existing regulations contemplate that the Chancellor would make determinations related to the number of full-time equivalent students (FTES) a district would have generated had an emergency not occurred. With the enactment of the Student Centered Funding Formula (SCFF), which consists of a base allocation, a supplemental allocation, and a student success allocation, other factors that affect a district's funding may be affected as a result of an emergency.

These amendments were discussed with Consultation Council on April 18, 2019. Changes were made to the regulations based on those discussions.

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:

Christian Osmena, Vice Chancellor
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549

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 also be obtained online at:

[Board of Governors Meeting Agenda](#)

[General Counsel - Pending Regulatory Action](#)

Those who receive the Board of Governors Agenda package for the September 16, 2019 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.