



PROCEDURES AND STANDING ORDERS OF THE BOARD OF GOVERNORS

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TABLE OF CONTENTS

Part One

Procedures and Standing Orders of the Board of Governors.....	1
July 2022 Edition	1
Table of Contents.....	2
PREFACE TO THE PROCEDURES AND STANDING ORDERS.....	10
PART ONE.....	11
CHAPTER 1. OPERATING PROCEDURES	
Article 1. Organization.....	11
1. Role, Rights, and Responsibilities.....	11
2. Robert’s Rules of Order.....	11
3. Compensation of Members.....	11
6. Member Conduct.....	13
7. Contracts with Districts for Reimbursement for Service by Employees.....	15
8. California Postsecondary Education Commission Representatives.....	15
Article 2. Meetings	16
9. Meeting Laws.....	16
10. Regular Meetings.....	16
11. Reserved.....	16
12. Reserved.....	16
13. Reserved.....	16
Article 3. Full Board Business.....	16

20.	Presiding Officer.	16
21.	Quorum.	16
22.	Agenda.	17
24.	Recommendations of Action and Resolutions.	17
36.	Official Actions.	17
38.	Consent Calendar.	17
40.	Public Hearings.	18
41.	Public Presentations to the Board.	18
42.	Minutes and Records of Proceedings.....	19
Article 6. Committees.....		19
50.	Standing Committees.....	19
52.	Authority to Act.	20
54.	Reserved.....	20
55.	Minutes.....	20
Article 7. Officers		20
60.	Officers.	20
62.	Nominations and Election.....	21
Article 8. Chancellor and Staff		21
72.	Evaluation of the Chancellor.....	21
73.	Board and Staff Communications.....	21
74.	Travel by the Chancellor.....	21

CHAPTER 2. PROCEDURES FOR ADOPTING REGULATIONS OF THE BOARD OF GOVERNORS

200.	Scope of Authority.....	22
202.	Definitions.....	22
204.	Standards of Regulations.....	23
206.	Notice and Comment.....	24
208.	Effective Date.....	27
210.	Regulation File.....	28
212.	Challenge to Existing Regulations.....	28

CHAPTER 2.5. PROCEDURES FOR RECOGNITION AND OVERSIGHT OF SYSTEMWIDE AUXILIARY ORGANIZATIONS

250.	Purpose.....	28
251.	Recognition and Establishment of an Auxiliary by the Board of Governors.....	29
252.	Recognized Services, Programs and Functions.....	29
253.	Board of Directors of the Auxiliary Organization.....	30
254.	Officers of the Auxiliary.....	30
255.	Meetings.....	30
256.	Salaries, Working Conditions and Benefits of Full-Time Employees.....	30
257.	Expenditures and Fund Appropriation.....	31
258.	Accounting and Reporting.....	31
259.	Funds.....	32
260.	Authority and Responsibility of the Auxiliary.....	33
261.	Record Keeping.....	34
262.	Incorporation into Master Agreement.....	35

263. Use of Name.....	35
264. Indemnification.	35
PART TWO.....	36
CHAPTER 3. STANDING ORDERS OF THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES	
Article 1. Function of Standing Orders and Procedures for Adoption	36
300. Function of Standing Orders.....	36
302. Adoption, Amendment, and Repeal of Standing Orders.	36
Article 2. Operation of the Chancellor’s Office.....	36
310. Chief Executive Officer.....	36
312. Communications With and About the Board of Governors.	37
314. Reporting Requirements.	37
316. Employees (Chancellor’s Office Operations).....	37
317. Positions on State Legislation.....	38
317.5 Participation in Third Party Litigation and Regulatory Proceedings.	39
318. Chancellor’s Contracting Authority.	39
320. Claims.....	40
321. Procurement of Electronic Data Processing and Telecommunications Goods and Services.	40
322. Use of Name.....	41
324. Gifts and Bequests.....	41
326. Annuity Contracts.	41

328.	Travel Expenses.	41
Article 3. Consultation.....		41
330.	General.....	41
331.	District Boards of Trustees and Chief Executive Officers.....	42
332.	The Academic Senate.	42
333.	Student Senate.	42
334.	Consultation Council.....	43
335.	Special Committees.....	44
336.	Board of Governors.....	45
338.	Rights of Participants to Address the Board.....	45
342.	Implementation.....	45
Article 4. District Employment Matters		46
370.	General.....	46
372.	Equal Employment Opportunity Programs.....	46
374.	Employment Opportunity Fund.....	47
376.	Sick Leave Transfer Between Employers.....	47
378.	Full-time and Part-time Faculty.	47
380.	Unemployment Insurance.....	47
382.	Employee Qualifications.	48
384.	Nondiscrimination in Programs Receiving State Financial Assistance.....	48
386.	Criminal Reports.....	48
388.	Minimum Qualifications.	48

Article 5. Students	48
390. General.....	48
392. Residency.....	48
394. Maintenance Allowances.....	49
396. Interstate Attendance.....	49
Article 6. Educational Programs	49
400. General.....	49
402. Review and Approval of Academic Programs.....	49
403. Chancellor’s Responsibilities.	50
404. Vocational Education Programs.	50
406. Cooperative Work Experience Education.	50
409. Distance Education and Related Technology.....	50
410. Matriculation Services.	51
411. Mathematics, Engineering, and Science Achievement (MESA) Programs.	51
412. Cooperative Improvement Programs.	51
414. Continuing Education Programs.....	52
415. California Department of Education.....	52
416. Transfer Core Curriculum.	52
417. Requirements for Transfer Agreements.	52
Article 7. Special Programs	54
420. General.....	54
422. Extended Opportunity Programs and Services (EOPS).....	54

423.	EOPS Statutory Advisory Committee.....	54
424.	Fund for Instructional Improvement.	57
425.	Reserved.....	57
426.	Cooperative Agencies Resources for Education (CARE) Program.	57
428.	Services for Welfare Recipients.....	57
429.	Baccalaureate Degree Program.	58
Article 8. District Organization, Planning, and Facilities		58
430.	District Formation and Reorganization.	58
432.	Site Approval, Acquisition, and Construction.	59
433.	Waiver of Requirements for Sale, Lease, Use, Gift, and Exchange of Property.....	60
434.	Airport Sites.	60
436.	Energy and Resource Conservation.....	60
438.	Environmental Quality.	60
Article 9. Fiscal Support		61
440.	General.....	61
441.	Fiscal Monitoring Program.	61
442.	Budget Authority.....	61
443.	Apportionment Duties.....	61
444.	Flexible Calendar.	62
445.	Audit Exceptions.	62
446.	ADA Computation.	62
447.	Fund for Instructional Development.	62

448.	Lost ADA Reports.	63
450.	Federal Funds.	63
452.	Scheduled Maintenance.	63
454.	Federal Forest Reserves.....	63
456.	Equipment Replacement Program.	63
Article 10. Community College Administration.....		64
460.	General.	64
462.	Auxiliary Organizations.....	64
464.	Education Code Section 84362.	64
466.	District Contracts.	65
Article 11. Minimum Conditions		66
470.	Minimum Conditions for Receipt of State Aid.	66
Article 12. Systemwide Auxiliary Organizations.....		66
480.	Systemwide Auxiliary Organization.	66
481.	Auxiliary Organization in Good Standing.....	66
482.	Ongoing Responsibilities.....	67

PREFACE TO THE PROCEDURES AND STANDING ORDERS

This document contains two parts. Part I establishes procedures for the Board of Governor's (Board's) internal operations, rules for promulgating its regulations, and procedures for system-wide auxiliary organizations. Part II establishes Standing Orders delegating Board authority to the Chancellor, community college districts, and other entities.

PART ONE

Procedures of the Board of Governors

Chapter 1. Operating Procedures

Article 1. Organization

1. Role, Rights, and Responsibilities.

The role and responsibility of members of the Board is to bring their own best thinking, views, and perspectives to the Board's discussions, and to determine their own positions on issues. Members are not bound to represent or advocate the positions of particular organizations or constituencies.

All members enjoy the same rights, duties, privileges, and emoluments of membership in the Board, including full voting rights. All members shall attend Board meetings and may represent the Board at community colleges and community college-related organizations.

All members shall comply with the procedures and rules specified in this document, and with all statutes and other Board policies that prescribe the conduct of members. Matters discussed in closed session will be treated with the strictest confidence and will not be disclosed to any person unless required by law.

2. Robert's Rules of Order.

Except as otherwise provided in these Operating Procedures, the Board will follow the version of Robert's Rules of Order that is current at the time it conducts its business.

3. Compensation of Members.

Members of the Board of Governors are encouraged to interact with the community college system in ways that are appropriate to their governance role.

- (a) Except as noted in paragraph (c) below, Board members shall receive a \$100 daily per diem payment, and their actual and necessary traveling expenses in accordance with applicable rules and regulations of the California Department of Human Resources (CalHR), to reimburse the costs of participating in the following official business of the Board of Governors:

- (1) Attendance at any regular, special, or committee meeting of the Board of Governors;

- (2) Participation in group meetings or events sponsored by the Chancellor's Office or the Foundation for the California Community Colleges; and
 - (3) Attendance for no more than five days in total annually at major conferences or meetings of official statewide California community colleges affinity groups, including but not limited to the Community College League of California annual convention, Academic Senate Plenary Sessions, and Student Senate General Assemblies.
- (b) Board members shall receive their actual and necessary traveling expenses for the following official business of the Board of Governors:
- (1) Representation of the Board before government entities including district boards of trustees, state and federal legislators, and other local governing bodies; and
 - (2) Visits to community college campuses to represent the Board at a college-sponsored event or to meet with college administrators, faculty, staff and students to learn more about the college.
- (c) Expense reimbursement and per diem payments shall not be provided to members of the Board who are community college faculty or employees and whose participation in the event or meeting is part of their normal job responsibilities. All other activities for which a BOG member seeks a per diem or expense reimbursement require prior notification and approval of the President of the Board. Reimbursement for out-of-state travel expenses also requires prior notification and approval of the Governor's Office. Approval of discretionary expenses and per diems under this paragraph 3(d) are dependent upon availability of funds in the Board budget, the role of the Member in the event, the time commitment required, and the importance of the activity to the Vision for Success.
- (d) Consistent with the regulations of CalHR, Board members traveling on official business may claim reimbursement for actual costs, in excess of normal state reimbursement rates, if the Chancellor or President determines that any of the following circumstances exist:
- (1) there is an emergency, or travel is required on short notice;
 - (2) lodging is not available at the state rate;
 - (3) paying the higher rate would be cost-effective;

- (4) the member is attending a non-state sponsored conference or convention and the lodging rate is contracted for in connection with that event; or
 - (5) the member requires a "reasonable accommodation."
- (e) Members shall provide documentation of any time spent conducting official business on a form provided by the Chancellor's Office. Reimbursement for actual travel costs must be submitted to the Chancellor's Office within 60 days of the travel date. Expenses not submitted within the designated time frame will not be reimbursable. Reimbursement for out-of-state travel expenses also requires prior notification and approval of the President and the Governor's Office.

6. Member Conduct.

- (a) Members must comply with the Political Reform Act of 1974, and other provisions of state law which establish the ethics rules for state government officials. Members shall also adhere to the following standards of conduct:
- (1) Members shall be familiar with and committed to the major responsibilities of the Board. Members shall devote time, thought, and study to gain an understanding of the California Community Colleges system, and the Board's governance responsibilities.
 - (2) Members shall prepare for, regularly attend, and actively participate in Board meetings and committee assignments.
 - (3) Members shall base their votes upon all available information and shall exercise their best judgment to make decisions in the best interests of the California Community Colleges system and its students. Members shall vote according to their individual convictions.
 - (4) Members may challenge the views of other members in the course of Board deliberations, but must do so in a respectful manner that promotes a culture of collaboration and cooperation. Active discussion among members, and careful consideration of public comments, are integral parts of the Board's deliberations that support sound decision-making. Members are expected to give due deference to the majority decisions of the Board as reflecting the collective wisdom of its members, and to avoid taking actions that undermine Board decisions.
 - (5) Members shall maintain the confidentiality of deliberations in closed session, including any confidential written and verbal communications made during closed session.

- (6) The Board acts as a body. Members may not commit the Board to a course of action and shall avoid acting as a spokesperson for the Board unless specifically authorized to do so.
 - (7) The Board is a policy-making body. Members must avoid participating in the administration of Board policy unless specifically authorized to do so by the Board. Members commit to respectful and substantive consideration of the views of the Chancellor, the Deputy Chancellor, the Vice-Chancellors, and staff who are charged with administration for the Board and the Chancellor's Office.
 - (8) Members shall refrain from accepting duties, incurring obligations, accepting gifts or favors, or engaging in private business or professional activities when there is, or would appear to be, a conflict of interest or incompatibility between the member's private interests and the interests of the California Community Colleges. Members who become aware of a conflict or appearance of a conflict shall disclose the conflict and recuse themselves as necessary.
 - (9) Members shall refrain from using the prestige or influence of their office for private gain or advantage, or the private gain or advantage of another.
 - (10) Members shall refrain from actions and involvements that might compromise the reputation or public standing of the Board or the California Community Colleges.
 - (11) Members shall adhere to the highest standards of conduct in their interactions with students, faculty, staff, administrators, and other stakeholders in the California Community Colleges.
- (b) In the event of an alleged breach of the standards of conduct described in subdivision (a), the Board will adhere to the following procedure:
- (1) Any member who receives evidence or allegations of a breach of the standards of conduct by any other member shall inform the President of the Board. The President shall discuss any evidence or allegation of a breach with the Vice-President and may request advice from the General Counsel. The President and Vice-President may seek additional information as necessary. If a breach of the standards of conduct is found to have occurred, based on a preponderance of the evidence, the President and Vice-President shall discuss the breach with the member to reach an appropriate resolution.
 - (2) If the standards of conduct continue to be violated by the member, the President and Vice-President may, after appropriate consultation, place the matter on the

Board agenda for appropriate action. The item shall be discussed in open session, and the member shall have an opportunity to explain the conduct. The Board may censure the member by majority vote.

(3) Formal notification of censure shall be communicated to the Governor's Office, as the appointing authority.

(c) If the President or the Vice-President is unable to perform the functions required by subdivision (b), they will be performed by the third member of the Executive Committee.

(d) Members may consult with the Office of General Counsel for guidance in interpreting the standards of conduct listed in subdivision (a).

7. Contracts with Districts for Reimbursement for Service by Employees.

Upon the request of the governing board of a district whose employee has been appointed as a member of the Board of Governors, the Chancellor shall enter into a contract with the district so as to at least partially reimburse the district for the costs of replacing the employee. The contract amount shall not exceed that amount which is necessary to reimburse the district for its actual expenses (such as the expense of hiring different instructors) of granting up to 20 percent reassigned time for the employee who serves on the Board of Governors.

8. California Postsecondary Education Commission Representatives.

There shall be one member of the Board of Governors and one alternate on the California Postsecondary Education Commission.

One representative and one alternate of the Board of Governors shall be elected annually at the last regular meeting of the Board in each calendar year.

No person who is employed by any institution of public or private postsecondary education shall be appointed to or serve on the Commission, except that a person who is not a permanent, full-time employee and who has part-time teaching duties that do not exceed six hours per week may be appointed by the Board of Governors to and serve on the Commission.

The representative and the alternate shall serve one-year terms and may be reelected.

The representative and the alternate shall carry out the duties and responsibilities as members of the Commission and shall report at each meeting of the Board of Governors matters considered by the Commission.

Article 2. Meetings

9. Meeting Laws.

All meetings of the Board and its committees shall be conducted in conformity with the Bagley-Keene Open Meeting Act (Gov. Code §§ 11120 – 11132.)

10. Regular Meetings.

The schedule and location of regular meetings for each calendar year shall be recommended by the Chancellor and shall be adopted by the Board of Governors no later than the last regular meeting of the preceding calendar year.

11. Reserved.

12. Reserved.

13. Reserved.

Article 3. Full Board Business

20. Presiding Officer.

The President shall preside at all meetings of the Board of Governors. In the event the President is absent or unable to preside, the Vice President shall preside. In the absence or inability to preside of both the President and Vice President, the members of the Board present shall select for that meeting a Chairperson Pro Tempore who may be authorized to act in the place of the President and Vice President.

21. Quorum.

A majority of those members appointed by the Governor and authorized to serve shall constitute a quorum to transact business.

In the event of the lack of a quorum at the beginning of a regular or any scheduled meeting, the President, Vice President, any member of the Board, or the Chancellor, in that order, shall adjourn the meeting to another date. The Chancellor shall employ reasonable means to notify the absent members.

In the event a quorum is initially present but later is lost, the Board President or other presiding officer shall have the authority to continue the meeting; however, the Board shall not take any action as long as there is a lack of a quorum.

22. Agenda.

The President shall develop the agenda of business in consultation with the Chancellor for all regular and special meetings. Any Board member may request that an item be placed on the agenda. The request shall be made to the President, who will determine whether and when the item will be placed on a future Board agenda.

24. Recommendations of Action and Resolutions.

Recommendations for Board action which are developed through Consultation shall be prepared and recommended by the Chancellor to the Board and its committees.

Committees of the Board may develop recommendations or resolutions that can be presented to the Board for consideration and disposition.

Any member of the Board may propose to the President that a resolution be placed on the agenda for the consideration and disposition of the Board. Upon approval of the President, a Board member proposing such a resolution shall work with the Chancellor or the Chancellor's designee in preparing the text of the resolution for inclusion in the agenda.

36. Official Actions.

All official actions of the Board of Governors shall require the affirmative vote of a majority of the members of the full Board in attendance and voting who are not otherwise disqualified from voting on a particular action because of a conflict of interest. All votes of every member shall be recorded.

A member shall be disqualified from voting with respect to any action of the Board of Governors which:

- (a) would foreseeably affect, either directly or indirectly, any financial interest of the member in a manner prohibited by state conflict of interest laws; or
- (b) would have the sole or exclusive effect of benefiting or harming the community college district of which the member is either an employee, a trustee, or a student, or would directly affect the salary of such a member.

38. Consent Calendar.

The Chancellor may develop a "consent calendar" for selected Board actions. Items placed on the consent calendar will be voted on by a single Board action, and do not require staff presentations or Board discussion.

Any Board member may remove an item from consent by informing the President of this intent. A member of the public may request that an item be removed from consent by filling out a request to testify in accordance with section 41 of these Procedures, or by asking a Board member to remove an item from consent. The item shall then be removed from consent if any Board member exercises his or her authority to remove an item from consent.

40. Public Hearings.

When a public hearing item is reached on the agenda, the President shall declare a public hearing. Public hearings conducted by the Board shall conform to all applicable provisions of law pertaining to notice, conduct and reporting of such hearings. A public hearing before the Board, which for any reason cannot be completed at the time and place originally advertised and noticed, may be adjourned to a later date and the announcement of such adjournment meeting shall constitute a sufficient notice to all parties concerned.

41. Public Presentations to the Board.

A member of the public has the right to attend a meeting without having to register or give other information as a condition of his or her attendance. Members of the public must have an opportunity to address the Board directly on each agenda item either before or during the Board's discussion or consideration of the item.

Persons wishing to make an oral presentation to the Board or one of its committees shall be requested to complete a written request to address the Board or one of its committees on a form provided by the Chancellor, although speakers may not be required to identify themselves. The Chancellor shall present the request to the Board or the committee at the meeting to be addressed.

Speakers may present only when recognized by the President or by the committee chairperson and shall limit their presentation to three minutes, unless allowed additional time by the President or by the committee chairperson. Additional time will be provided to speakers who require an English language translator. After the public comment period is closed, or after a motion is made by the Board, no person may address the Board without first securing the permission of the Board.

In the event that a meeting is willfully interrupted, rendering the orderly conduct of the meeting unfeasible, the President of the Board may restore order by causing the removal of those persons responsible for the disruption, or by ordering the meeting room cleared. The meeting may then continue in session.

Any person attending a public meeting of the Board shall have the right to record or broadcast the proceedings in the absence of a finding by the Board that such recording would result in noise, illumination, or obstruction of view which constitutes, or would constitute, a persistent disruption of the proceedings.

42. Minutes and Records of Proceedings.

Minutes of the Board shall be prepared and maintained by the Chancellor.

With respect to matters requiring public hearings, the Board secretary shall make a permanent written record of the hearing, which shall include the motions made by the members, the vote thereon and a digest of the testimony and comments given at the hearing, and all such records shall be kept in the office of the Chancellor.

The President and the Chancellor shall certify resolutions adopted by the Board of Governors.

The President and the Chancellor shall certify and sign the official minutes of the Board.

All meetings of the Board shall, to the extent possible, be tape recorded. Any person may request to hear any portion thereof at a time and place determined by the Chancellor.

Article 6. Committees

50. Standing Committees.

The following are standing committees of the Board:

Executive Committee

Technology Committee

The members of the Executive Committee shall be the President, the Vice President, and the Immediate Past President or another member selected by the President (if the Immediate Past President is not a member of the Board of Governors). The Executive Committee is authorized to deliberate and take action on matters within the Board's jurisdiction for which a special meeting could be conducted under the Bagley-Keene Open Meeting Act (Govt. Code, § 11125.4). The Chancellor shall report to the full Board any action taken by the Executive Committee.

Each standing committee shall be subject to and shall conduct its business in accordance with the provisions of this chapter.

52. Authority to Act.

Any Board member may request an item be assigned to a Board committee for its review and recommendation to the full Board of Governors. The request shall be made to the President of the Board, who in turn shall assign it to the appropriate Board committee.

The Chancellor may request that an item be assigned to a Board committee for its review and recommendation. The request shall be made to the President, who in turn shall assign it to the appropriate Board committee. A member of the Chancellor's staff who is assigned as the lead staff person to support a committee can recommend to the committee chairperson that an item be assigned to that particular committee. The committee chairperson shall inform the President, who shall assign a time for reporting the item to the Board of Governors. All other staff recommendations regarding matters to be assigned to Board committees shall be made to the Chancellor.

Unless otherwise specifically delegated, the authority and duty of each committee shall be only to consider and to make recommendations to the Board on matters assigned to the committee.

A majority of the whole committee shall constitute a quorum. The act of the majority of the members present at the meeting at which a quorum is present shall be the act of the committee. If no quorum exists, those present may make recommendations to the Board, noting the number of people in attendance.

54. Reserved.

55. Minutes.

Minutes of committee meetings shall be taken and provided to all members of the Board.

Article 7. Officers

60. Officers.

Officers of the Board of Governors shall be the President, the Vice President, the immediate Past President (if still a member of the Board of Governors), and the representative and alternate to the California Postsecondary Education Commission.

Officers shall be elected as prescribed in section 62 and take office as the last order of business of the last regular meeting of the calendar year. They shall serve one-year terms.

The President and Vice President may be elected for no more than two consecutive terms. The Chancellor shall serve as the Chief Executive Officer of the Board of Governors.

62. Nominations and Election.

At the next to the last regular meeting of the calendar year the President shall solicit from other Board members nominations for President, Vice President, and the representative and alternate of the California Postsecondary Education Commission. A Board member may be nominated for more than one office. Additional nominations may be made in writing to the Chancellor, or from the floor, provided that any such nomination must be made prior to the conduct of the election for the particular office occurring at the last regular meeting of the year.

Election for Board officers shall be conducted at the last regular meeting of the year.

If the member elected President leaves the Board for any reason, the Vice President shall assume the office of President until the next regular election. In the event a vacancy occurs in any other office, the President shall make an interim appointment from the remaining Board of Governors' members. A member appointed to fill a vacancy shall hold office only for the balance of the unexpired term.

Article 8. Chancellor and Staff

72. Evaluation of the Chancellor.

The Board shall evaluate the performance of the Chancellor at least once annually. The Chancellor shall provide the Board a written self-evaluation in sufficient time for the Board to provide a written evaluation to the Chancellor for discussion in closed session at the July Board meeting.

73. Board and Staff Communications.

Except as provided herein, a member of the Board of Governors may discuss community college business with any member or members of the Chancellor's staff deemed appropriate by the Board member; and a member of the Chancellor's staff may discuss community college business with any Board member or members. A Board member shall not request staff work beyond a nominal nature without the concurrence of the President or Chancellor. Also, unless formally adopted by the Board of Governors, neither Board members nor staff shall represent positions discussed with staff or Board members as positions of the Board of Governors.

74. Travel by the Chancellor.

Consistent with the regulations of the Department of Personnel Administration, the Chancellor may claim reimbursement for actual travel costs, in excess of normal state

reimbursement rates, if the President determines that any of the following circumstances exist:

- (1) there is an emergency;
- (2) lodging is not available at the state rate;
- (3) paying the higher rate would be cost-effective; or
- (4) the Chancellor is attending a non-state sponsored conference or convention and the lodging rate is contracted for in connection with that event.

Chapter 2. Procedures for Adopting Regulations of the Board of Governors

200. Scope of Authority.

The Board may, by resolution, adopt regulations that are binding on California community college districts when required by the Legislature or to make specific the laws enforced or administered by the Board. Neither the Board nor the Chancellor may administer or enforce any regulation, as defined by section 202, paragraph (d), unless that regulation is adopted in accordance with the provisions of this Chapter.

The Board's regulatory process is governed by this chapter and by Education Code section 70901.5, but is exempt from the Administrative Procedures Act (Gov. Code, §§ 11340, et seq.).

202. Definitions.

For the purposes of this Chapter, the following definitions shall apply:

- (a) "Changes without regulatory effect" includes:
 - (1) changes such as renumbering, reordering, or relocating an existing regulation, provided that the changes do not alter the requirements, rights, responsibilities, conditions, or prescriptions contained in existing regulations; or removal from the regulations of any existing sections for which the statutory or constitutional authority has been repealed; or
 - (2) changes in structure, syntax, reference, grammar or other changes which do not alter the requirements, rights, responsibilities, conditions or prescriptions contained in existing regulations; or
 - (3) changes in the "authority" or "reference" citations.

- (b) “Emergency” means any disruption of the public peace, health and safety or general welfare which requires immediate regulatory action.
- (c) An “interested party or individual” means every entity or person who has filed a written request for notice of regulatory actions with the Board of Governors.
- (d) "Regulation" means any rule of performance or a prescriptive standard of general application adopted by the Board pursuant to this chapter to implement or make specific the laws enforced or administered by the Board. “Regulation” does not include procedures or standards relating only to the internal management of the Office of the Chancellor, legal opinions of counsel, forms prescribed by the Board, or explanatory advisories, guidelines, or statements issued by the Board or the Chancellor to the districts. “Regulation” does not include changes without regulatory effect.
- (e) “Regulatory action” includes the adoption, amendment, or repeal of a regulation.

204. Standards of Regulations.

All regulations shall adhere to standards of necessity, authority, clarity, consistency, reference and nonduplication as follows:

- (a) The “necessity” standard is met in either of the following circumstances:
 - (1) The specific provision or the substance of the provision is mandated by a California statute or other applicable law; or
 - (2) The regulation clarifies a system issue or administrative requirement.
- (b) “Authority” means the provision of law which permits or obligates the Board of Governors to adopt, amend, or repeal a regulation.
- (c) “Clarity” means that a regulation is written so that the meaning will be easily understood by those persons directly affected by it.
- (d) “Consistency” means being in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or other provisions of law.
- (e) “Reference” means the statute, court decision, or other provision of law which the Board of Governors implements, interprets, or makes specific by adopting, amending, or repealing a regulation.

- (f) “Nonduplication” means that a regulation does not serve the same purpose as a state or federal statute or another regulation. This standard shall not prohibit the Board of Governors from including portions of relevant statutes or regulations for clarity.

206. Notice and Comment.

All regulatory actions, except emergency actions and changes without regulatory effect, shall be adopted following notice and an opportunity for comment.

(a) Notice.

- (1) Written notice of a proposed regulatory action shall be provided to each community college district and to all other interested parties and individuals, including the educational policy and fiscal committees of the Legislature and the Department of Finance, at least 45 days in advance of adoption.
- (2) Notice will be deemed provided when a copy of the proposed action is posted on the Board’s Internet site and is emailed to the parties specified in subparagraph (1) above or, at their request, is mailed to them at a physical address provided to the Chancellor’s Office of General Counsel. Failure to email or mail notice to any interested party or individual shall not invalidate any action taken by the Board.
- (3) The notice shall include the following:
 - (A) The text of the proposed regulatory action, or instructions for obtaining a copy of the text;
 - (B) Reference to the legal authority for the proposed regulatory action, and a brief statement explaining its purpose;
 - (C) A determination as to whether the proposed regulatory action would impose a mandate on community college districts;
 - (D) An estimate of any fiscal effects of the proposed regulatory action to any state agency, local program governed by part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, or local agency, and of any effects upon federal funding provided to state agencies. The estimate shall be prepared in accordance with instructions adopted by the Department of Finance;
 - (E) A statement of the time and place of the Board hearing on the proposed regulatory action, and an estimated date of adoption;

- (F) The name, telephone number, and email address, of the person to whom inquiries concerning the proposed regulatory action may be directed; and
- (G) The date by which written comments must be received for the comments to be considered before the adoption of the regulatory action.

(b) Comment.

- (1) The 45-day period commencing with the Internet posting and emailing or mailing of the notice of the proposed regulatory action shall be the comment period. During the comment period, the Board will receive written comments concerning the proposed action. Comments may be submitted to the California Community Colleges Board of Governors by U.S. Mail, or to the email address regcomments@cccoco.edu.
- (2) During the comment period, the Board shall hold at least one public hearing to receive written and oral comments concerning the proposed regulatory action.
- (3) Prior to adoption of the proposed regulatory action, the Board shall consider and respond to all written and oral comments received during the comment period.

(c) Renotice.

- (1) Renotice is required after public hearing on a proposed regulatory action if the Chancellor determines that a sufficiently related, substantial change is required prior to adoption.
 - (A) A “substantial change” is one that would alter the meaning of the proposed regulatory action.
 - (B) A change is “sufficiently related” if a college official or member of the public familiar with the community college system could reasonably anticipate that the proposed change might be considered.
- (2) Written notice of a proposed regulatory action shall be provided to each community college district and to all other interested parties and individuals, including the educational policy and fiscal committees of the Legislature, the Department of Finance, and to anyone submitting written or oral comments on the proposed regulatory action, at least 15 days in advance of adoption.
- (3) Notice will be deemed provided when a copy of the proposed regulatory action is posted on the Board’s Internet site and is emailed or mailed to the parties

- specified in subparagraph (2) above. Failure to email or mail notice to any interested party or individual shall not invalidate any action taken by the Board.
- (4) The notice shall include the text of the regulatory action proposed to be adopted, or instructions for obtaining the text. The notice shall also include the other items specified in subdivision (a)(3), except that information regarding whether the proposed regulatory action would impose a mandate or have fiscal effects must be provided only if the changes to the proposed regulatory action would alter the determinations made pursuant to paragraph (a).
 - (5) The 15-day period commencing with the mailing of the notice of the change to the proposed regulatory action shall be the comment period for the change to the original proposal. During the comment period, the Board will receive written comments concerning the proposed action. Comments may be submitted to the California Community Colleges Board of Governors by U.S. Mail, or to the email address regcomments@cccoco.edu.
 - (6) Prior to the adoption of the proposed regulatory action, the Board shall consider and respond to all written and oral comments received during the additional comment period, which relate to the changes made to the proposed regulatory action following the 45-day comment period.
- (d) Emergency Regulations. The Board may adopt a regulatory action without notice and comment upon an affirmative finding that the regulatory action is necessary for the immediate preservation of the public peace, health and safety, or for the general welfare.
- (1) The finding must include a description of specific facts showing the need for immediate action.
 - (2) The emergency regulatory action shall remain in effect for a period designated by the Board, but in no event for longer than 180 days. The emergency regulatory action may become permanent upon ratification by the Board after compliance with the notice and comment requirements of this section.
- (e) A regulatory action adopted by the Board must receive Department of Finance certification that a source of funds is available to reimburse any costs or mandates associated with the regulatory action, before the regulatory action takes effect.

208. Effective Date.

Regulatory actions shall take effect as follows:

- (a) Regulatory actions taken by the Board shall become effective 30 days after filing with the Secretary of State, or at a later date if expressly required by resolution of the Board or the regulatory action itself, except as provided below:
 - (1) Emergency regulations shall take effect immediately upon adoption.
 - (2) The effective date of a regulatory action shall be suspended if, within 21 calendar days of Board adoption of a regulatory action, at least two-thirds of the community college district governing boards vote in open session to disapprove the action and provide written verification of governing board disapproval. The verification must state the basis for the disapproval and include the text of any governing board resolution related to the disapproval. The verification must be sent to the California Community Colleges Board of Governors by U.S. Mail, and via email at regcomments@cccco.edu.
 - (A) When any regulatory action is suspended under this paragraph, the Board shall provide 45 additional days for review and comment, and, during that time, shall hold at least one hearing on the regulation.
 - (B) After the additional comment period and hearing, the Board may do any of the following:
 - (i) Reject or withdraw the regulation.
 - (ii) Substantially amend the regulatory action to address the concerns raised during the additional review period and adopt the amended regulatory action. The adopted regulatory action shall take effect as if adopted pursuant to section 206.
 - (iii) Readopt the regulatory action as originally adopted, or with additional changes without regulatory effect, if necessary. If the Board determines to readopt a regulatory action, it shall also adopt a written determination describing the specific state interests the regulatory action protects and why it is necessary. A readopted regulatory action shall not be subject to further administrative process before the Board and may be challenged in a court of competent jurisdiction.

- (b) Once effective, regulatory actions are subject to administration and enforcement by the Board of Governors.

210. Regulation File.

The Board of Governors shall maintain a file on each proposed regulatory action to serve as a record of the process. The file shall include:

- (a) A copy of the written notice of proposed regulatory action.
- (b) A copy of any written comments received within the comment period or periods, and all written responses prepared by the Chancellor.
- (c) A transcript, recording or minutes of any public hearing held to consider the adoption, amendment, or repeal of a regulation.
- (d) Any additional information which the Board or Chancellor deems appropriate to memorialize the process of the regulatory action taken.

The regulation file is a public document subject to disclosure under the Public Records Act. (Gov. Code, §§ 6250-6276.48)

212. Challenge to Existing Regulations.

Any district governing board or other interested party may, in writing, challenge any existing regulation or propose a new regulation to the Board. Any challenge to a regulatory standard must identify the standard being questioned and specify the perceived defect.

The Chancellor shall respond in writing to any challenge or proposal within 45 days. At the time of the response, a copy shall be provided to the Board. The Chancellor's response shall become final 45 days after transmittal.

Chapter 2.5. Procedures for Recognition and Oversight of Systemwide Auxiliary Organizations

250. Purpose.

The following procedures are set forth to implement the provisions of Education Code section 72670.5.

251. Recognition and Establishment of an Auxiliary by the Board of Governors.

Recognition and establishment by the Board of an auxiliary organization for the purpose of providing supportive services and benefits to the California Community Colleges and to the Board shall require:

- (a) That a recommendation for recognition shall be submitted to the Board by the Chancellor.
- (b) Prior to the recognition of an auxiliary organization, a public hearing on the recommendation will be held at a time, place and in a manner determined by the Board of Governors.
- (c) Approval by the Board shall include a designation of the recognized services, programs and functions and an identification of the number of Directors to serve on the Board of Directors of the auxiliary organization.
- (d) The Board shall approve a written agreement between the Board and the auxiliary.
- (e) Prior to recognition of a nonprofit public benefit corporation as an auxiliary organization, the corporation shall submit a copy of its Articles of Incorporation and Bylaws to the Chancellor. (Ed. Code § 72674; Cal. Code Regs., tit.5, § 59257,subd. (a).)

252. Recognized Services, Programs and Functions.

The purpose of an auxiliary organization shall be limited to those purposes described in Education Code section 72670.5. The services, programs, and functions which may be undertaken by a systemwide auxiliary and which have been determined by the Board of Governors to be appropriate include:

- (a) Facilities and equipment;
- (b) Workshops, conferences, events, institutes and federal projects; gifts, bequests, devises, endowments and trusts;
- (c) Public relations programs;
- (d) Contracts for the employment of students by state agencies pursuant to Government Code section 19133; and,
- (e) Negotiating and managing voluntary cooperative purchase agreements for the benefit of the Chancellor's Office and community college districts.

In accordance with Education Code section 72671, the services, programs and functions may be performed by the auxiliary organization as part of a joint powers' agreement. (Ed. Code, §

72671; Gov. Code, § 19133; Pub. Contract Code § 20661; Cal. Code Regs., tit. 5, §§ 59257, subd.(b), 59259.)

253. Board of Directors of the Auxiliary Organization.

- (a) The authorized number of Directors shall range in number between five (5) and fifteen (15).
- (b) Directors shall be selected by the Board of Governors.
- (c) The Board of Governors may remove at any time without cause any director of the auxiliary by a majority vote.
- (d) The Board of Directors shall elect all officers of the Board of Directors for terms of two years, or until their successors are selected and qualified. All officers shall be drawn from Board of Directors membership.
- (e) The officers of the Board of Directors shall be a chair, vice-chair, secretary-treasurer and such other officers as the Board of Directors may appoint.

254. Officers of the Auxiliary.

The officers of the auxiliary shall be a president/chief executive officer (CEO), chief financial officer (CFO), and secretary. The officers of the auxiliary shall be elected by the Board of Directors, and each shall serve until their successors are elected.

255. Meetings.

The Directors of the Auxiliary shall conduct its business in public meetings in accordance with the provisions of chapter 9 (commencing with section 54950) of part 1 of the Government Code (“Brown Act”), and shall, during each fiscal year, hold at least one business meeting each quarter. (Ed. Code, § 72674.)

256. Salaries, Working Conditions and Benefits of Full-Time Employees.

- (a) The Board of Governors may authorize personnel of the Chancellor’s Office, as identified in any Master Agreement, to provide services for or on behalf of the auxiliary. In such cases, the master agreement shall provide for full reimbursement by the auxiliary organization to the Chancellor’s office for the cost of such services.
- (b) For all employees of the auxiliary organization, the Board of Directors of the auxiliary shall, pursuant to Education Code section 72672, provide salaries, working conditions and benefits for these employees that are comparable to those provided Chancellor’s Office employees performing substantially similar services. For those employees who perform services that are not substantially similar to the services performed by

Chancellor's Office employees, the salaries established shall be at least equal to the salaries prevailing in other educational institutions in the area or commercial operations of like nature in the area. The term "employees of the auxiliary organization" does not include employees of the Chancellor's Office providing services to the auxiliary organization pursuant to subdivision (a).

- (c) The Board of Directors of the auxiliary may provide retirement benefits for employees described in subdivision (b), different from those provided comparable Chancellor's Office employees and may withhold retirement benefits or permanent status benefits and/or both from temporary employees. For the purpose of this provision, a temporary employee is:
 - (1) An employee employed for a specific research project, workshop, institute, or other special project funded by any grant, contract, or gift; or
 - (2) An employee whose contract of employment is for a fixed term not exceeding three years.
- (d) The Board of Directors of the auxiliary may withhold retirement benefits and/or permanent status benefits from executive employees. For the purposes of this provision, an executive employee is any management employee with responsibility for the development and execution of the systemwide auxiliary's policies and includes, but is not limited to, the president/CEO, and the CFO of the systemwide auxiliary.
- (e) Should retirement benefits be provided, they may, but need not, be provided by the Public Employee's Retirement System. Auxiliary organizations are exempted from the requirement of providing retirement benefits for a period not to exceed three years from the date on which the Board of Governors recognizes the establishment of the auxiliary. (Ed. Code, § 72672; Cal. Code Regs., tit.5, § 59257,subd.(e).)

257. Expenditures and Fund Appropriation.

The Board of Directors of the auxiliary shall approve all expenditures and fund appropriations. Appropriations of funds for use outside of the normal business operations of the auxiliary shall be approved by the Chancellor or Vice Chancellor of Administration and Fiscal Policy in accordance with Board of Governors policy. (Ed. Code, § 72675.)

258. Accounting and Reporting.

The Board of Directors of the auxiliary shall:

- (a) Utilize a standard accounting and reporting system established by the Chancellor and contained in the document, California Community Colleges Auxiliary Organization Accounting and Reporting System.
- (b) Implement financial standards which will assure the fiscal viability of the auxiliary. Such standards shall include proper provision for the professional management, adequate working capital, adequate reserve funds for current operations, capital replacements, contingencies and adequate provisions for new business requirements. Should a program or appropriation which has received approval, upon review be determined to be operating outside the provisions of the Education Code, the procedures of the Board of Governors, any Master Agreement, or the policy of the Board of Directors, then the program or appropriation shall be discontinued by direction of the Chancellor until further review is accomplished and an appropriate adjustment is made. (Ed. Code § 72675, subd.(a).)

259. Funds.

- (a) All money collected by or on the behalf of the auxiliary shall be deposited in banks, trusts companies, or other insured depositories designated by the Board of Directors of the auxiliary. All such money shall be accounted for properly.
- (b) The chief financial officer of the auxiliary shall attend to the following:
 - (1) Books of account. The chief financial officer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and records of accounts of the properties and business transactions of the auxiliary, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, capital, retained earnings, and other matters customarily included in financial statements. The books of account shall be open to inspection by any Director at all reasonable times.
 - (2) Deposit and disbursement of money and valuables. The chief financial officer shall deposit all money and other valuables in the name and to the credit of the auxiliary with such depositories as may be designated by the Board of Directors; shall disburse the funds of the auxiliary as may be ordered by the Board of Directors, whenever they request it; and keep an account of all of his/her transactions as chief financial officer and the financial condition of the auxiliary; and shall have other powers and perform such other duties as may be prescribed by the Board of Directors or by the Bylaws.

- (3) Bond. If required by the Board of Directors, the chief financial officer shall give the auxiliary a bond in the amount, and with the surety or sureties specified by the Board of Directors for faithful performance of the duties of his office, and for restoration to the auxiliary of its books, papers, vouchers, money, and other property of every kind in his/her possession or under his/her control on his/her death, resignation, retirement, or removal from office.
- (c) Trust funds shall be used specifically for the purpose designated in the instrument creating the trust.
- (d) Funds of the auxiliary shall be used for purposes consistent with Chancellor's Office policy where applicable and shall not be used to make personal loans for non-educationally related purposes, except that such loans may be made when specifically authorized by a trust instrument under which the funds were received.
- (e) Grants, bequests, trusts, donations and gifts accepted by the auxiliary shall be maintained in accordance with policies and regulations of the Board of Governors and the Chancellor's Office. With respect to proposed gifts to the Board of Governors, the Chancellor shall decide, after consulting with the donor, whether a donor's proposed gift should be accepted by the Board of Governors or referred to the auxiliary. Gifts to the Board of Governors may be accepted under the provisions of Education Code section 71046.
- (f) Funds derived by the auxiliary from indirect cost payments, and which are not needed to provide adequate working capital, reserve funds for current operations or capital replacements shall be appropriated in a manner consistent with policies established by the Board of Governors; uses of such funds shall be regularly reported to the Board of Governors through the Chancellor.
- (g) No Board of Governors or Chancellor's Office funds or resources, other than those funds or resources derived from gifts or bequests to the Board of Governors, shall be transferred to the auxiliary for the purpose of either avoiding laws or regulations which constrain the Board of Governors or Chancellor's Office. (Ed. Code § 72675, subd. (b),(c).)

260. Authority and Responsibility of the Auxiliary.

- (a) The auxiliary shall not provide or offer instruction (courses or programs) whether or not state funding is received.

- (b) All services, programs and activities that may be undertaken by the auxiliary shall be maintained for the general benefit of the mission of the California Community Colleges. Upon Board of Governors approval, the auxiliary may assume any of the services, programs and activities listed in section 252 of these Procedures in order to provide the fiscal means and the management procedures that allow the Board of Governors to carry on activities supportive of the mission of the California Community Colleges, as identified by the Board of Governors, not normally funded by the State.
- (c) The auxiliary will not enter into any contract or other business arrangement involving real property, either by lease or by purchase, without the prior approval of the Chancellor. (Ed. Code § 72670.5; Cal. Code Regs., tit. 5, § 59257, subd.(j)(3).)

261. Record Keeping.

- (a) Records. The accounting books, records, and minutes of proceedings of the Board of Directors shall be kept at such place or places designated by the Board of Directors, or in the absence of such designation, at the principal executive office of the auxiliary. The minutes shall be kept in written or typed form, and accounting books and records shall be kept either in written, typed, or printed form or in any other form capable of being converted into written, typed, or printed form. The minutes and accounting books and records shall be open to inspection at any reasonable time during usual business hours. These rights of inspection shall extend to the records of each subsidiary corporation, if any.
- (b) Annual Report. Nothing in these Procedures shall be interpreted as prohibiting the Board of Directors from issuing annual or other periodic reports of the auxiliary as they consider appropriate. However, the auxiliary shall provide to the Directors, within 120 days of the close of its fiscal year, a report containing the following information in reasonable detail:
 - (1) The assets and liabilities, including the trust funds of the auxiliary as of the end of the fiscal year.
 - (2) The principal changes in assets and liabilities, including trust funds, during the fiscal year.
 - (3) The revenue or receipts of the auxiliary, both unrestricted and restricted to particular purposes, for the fiscal year.
 - (4) The expenses or disbursements of the auxiliary, for both general and restricted purposes, during the fiscal year.

- (5) Any information required by California Corporations Code section 6322.
- (c) Good Standing. The auxiliary shall be included on the Board of Governor's list of auxiliary organizations in good standing, or removed from such list, in accordance with Board of Governors Standing Orders.
- (d) Audit. The auxiliary organization shall have an annual fiscal audit of any and all funds in accordance with Education Code section 72672. The audit shall be performed by a certified public accountant in accordance with procedures prescribed by the Board of Governors, as contained in the California Community College Auxiliary Organization Accounting and Reporting System. Copies of the annual audit report shall be submitted to the Board of Governors and to the Chancellor. The audit shall be a public record, except as otherwise provided by law.

The Chancellor and Chairperson of the Board of Directors of the auxiliary shall cause to have the financial records of the auxiliary audited at least annually. The results of the audit shall be reviewed by the Board of Directors at a regular or special meeting and copies shall be submitted to the Board of Governors and the Chancellor. Copies of the auxiliary's published audited statement of its financial condition shall be distributed at a regularly scheduled meeting of the Board of Governors. (Ed. Code §§ 72672, 72675; Cal. Code Regs., tit. 5, § 59257, subd.(d),(f),(g).)

262. Incorporation into Master Agreement.

These Procedures shall be incorporated into and made a part of any Master Agreement between the Board of Governors and the auxiliary which is required for the performance by such auxiliary of any services, programs and functions identified in the Master Agreement.

263. Use of Name.

The auxiliary may not use the name of the "Board of Governors" or "California Community Colleges" or otherwise represent a relationship with the Board of Governors except pursuant to a written agreement with the Board of Governors entered into once the auxiliary has been recognized and established as an auxiliary organization by the Board of Governors and is in good standing. (Ed. Code §§ 71000, 71025.)

264. Indemnification.

The Master Agreement shall contain a provision requiring the auxiliary to indemnify, defend, and hold harmless the Board of Governors, its officers, agents, and employees from any and all claims, losses, damages, or liabilities that may be suffered or incurred by the Board of

Governors, its officers, agents and employees, caused by or arising out of, or in any way connected with the operation of the auxiliary organization.

PART TWO

Standing Orders of the Board of Governors

Chapter 3. Standing Orders of the Board of Governors of the California Community Colleges

Article 1. Function of Standing Orders and Procedures for Adoption

300. Function of Standing Orders.

Standing Orders are adopted to delegate to the Chancellor or others appropriate functions and activities to be taken of behalf of the Board of Governors (Board). Nothing in the Standing Orders shall be construed or operate as an abridgment or limitation of any rights, powers, or privileges of the Board.

302. Adoption, Amendment, and Repeal of Standing Orders.

- (a) Notice of a proposal to adopt, amend, or repeal a Standing Order, along with a copy of the proposal, may be given at any regular meeting of the Board. Thereafter, the Standing Order may be adopted, amended, or repealed as proposed at any subsequent meeting of the Board by an affirmative vote of a majority of the members in accordance with Board Operating Procedures. Nonsubstantial changes to the proposed language may be made without notice.
- (b) Each Standing Order shall continue in force and effect from the date of its adoption until its amendment or repeal.

Article 2. Operation of the Chancellor's Office

310. Chief Executive Officer.

The Chancellor shall be the chief executive officer of the Board of Governors of the California Community Colleges and shall have full administrative authority and responsibility under the policy direction of the Board to carry out its policy directives. (Ed. Code §§ 66700, 70901.) Any of the duties of the Chancellor may be delegated by him or her to any officer or employee of the Chancellor's Office of the California Community Colleges. (Ed. Code § 71090.)

312. Communications With and About the Board of Governors.

- (a) The Chancellor shall, at all required or appropriate times, report to the Board all matters necessary to enable the Board to provide guidance and direction to the California Community College system.
- (b) The Chancellor shall prepare those items requiring Board notice and action.
- (c) The Chancellor shall prepare for Board consideration all proposed regulations related to the California Community Colleges, assure that such regulations meet the standards of Government Code section 11349, and are properly noticed and processed in accordance with section 200 of chapter 2 of the Procedures of the Board of Governors. (Ed. Code, § 70901.5.)
- (d) The Chancellor shall communicate Board policy and positions in carrying out the function of consultation and in otherwise performing the role of Chancellor.

314. Reporting Requirements.

- (a) The Chancellor shall provide copies to the Board of any reports the Chancellor is required by law to publish.
- (b) The Chancellor shall require districts to provide such records and reports related to their activities as are necessary to determine compliance with the requirements of law. (Cal. Code Regs., tit. 5, § 55006.)
- (c) The Chancellor shall prescribe and develop reporting forms for use by the districts or others whenever a statute or regulation requires reports to be submitted to the Chancellor or to the Board. (Ed. Code, § 84207; Cal. Code Regs., tit. 5, §§ 55841, 59406.5.)

316. Employees (Chancellor's Office Operations).

- (a) The Chancellor shall employ and fix the compensation of such assistants, clerical and other employees as may be necessary to enable them to perform effectively the duties and to exercise the powers and responsibilities of the office. The Chancellor shall obtain Board confirmation of the Deputy Chancellor's appointment and salary level before the appointment becomes final. (Ed. Code, § 71092.)
- (b) The Chancellor shall direct the activities and evaluate the performance of employees of the Chancellor's Office.
- (c) Consistent with the regulations of the California Department of Human Resources, excluded employees traveling on official business may claim reimbursement for actual

costs, in excess of normal state reimbursement rates, if the Chancellor determines that any of the following circumstances exist:

- (1) there is an emergency;
- (2) lodging is not available at the state rate;
- (3) paying the higher rate would be cost-effective;
- (4) the employee is attending a non-state sponsored conference or convention and the lodging rate is contracted for in connection with that event; or
- (5) the employee requires a reasonable accommodation. (Ed. Code, § 71092.)

317. Positions on State Legislation.

The Chancellor is authorized to take positions on pending legislation on behalf of the Board as set forth in this section.

- (a) The California Community Colleges Vision for Success shall guide the Chancellor's activities in the Legislature and before Congress.
- (b) Before exercising the delegated authority granted by this section, the Chancellor shall obtain the approval of the President.
- (c) The Chancellor shall prepare an analysis, seek the advice of the Consultation Council, and recommend a position to the Board before taking a public position on legislation, unless:
 - (1) the legislation affects agency operations but is not otherwise relevant to system policy;
 - (2) the legislation is substantially similar to a prior measure on which a position has been taken within the preceding four years;
 - (3) time constraints make consultation and approval infeasible;
 - (4) the legislation is consistent with existing Board policies. The Chancellor shall provide the Consultation Council a statement explaining why the position is consistent and schedule the item for the next Consultation Council meeting.
- (d) The Chancellor shall promptly inform the Board and the Consultation Council of any positions taken. Any positions taken will be reported as an Agenda item at the next Board meeting.
- (e) The Chancellor shall provide for regular review and evaluation of this section. The review and evaluation shall be conducted through the Consultation process and may

be incorporated into the periodic evaluation of the Consultation process pursuant to section 342. The results and any recommendations from the evaluation shall be reported to the Board.

317.5 Participation in Third Party Litigation and Regulatory Proceedings.

The Chancellor shall seek authority from the Board of Governors to participate in third party litigation and regulatory proceedings on behalf of the Board of Governors at a regularly-noticed meeting. When prior approval at a regularly noticed meeting is not practicable, the Chancellor may participate in such legal matters on behalf of the Board of Governors provided the following criteria are met:

- (a) The Chancellor shall obtain the approval of the President of the Board of Governors before exercising the delegated authority granted by this Standing Order;
- (b) The Chancellor shall ensure that the proceeding involves a matter of system-wide concern;
- (c) The Chancellor shall ensure that any position taken is consistent with existing Board policies and positions; and
- (d) The Chancellor's participation may involve the filing of amicus briefs or declarations of appropriate Chancellor's Office staff, or similar filings, to support community college interests. Any participation in such a proceeding must be brought before the Board of Governors and reported to the Consultation Council at a subsequent meeting.

318. Chancellor's Contracting Authority.

- (a) Agreements entered by or on behalf of the Chancellor shall articulate measurable goals, objectives, and expected outcomes. Agreements intended to support educational programs must be designed to advance the Board of Governors' Vision for Success.
- (b) The Chancellor is authorized to enter into binding agreements to exercise the duties and responsibilities vested in the Chancellor by law or delegated to the Chancellor by these Standing Orders, to effectuate policies previously adopted by the Board, and to facilitate coordinated activities with other public agencies, including community college districts.
- (c) The Chancellor shall secure Board approval before entering into an agreement:
 - (1) Involving an expenditure of funds in excess of \$100,000; or
 - (2) Involving an expenditure for funds in excess of \$50,000 for consulting service; or

- (3) With a term in excess of three (3) years.
- (d) The Chancellor may enter into agreements in excess of the limitations outlined in subdivision (c) (1) and (c) (2) without Board approval in urgent or unforeseeable circumstances when seeking Board approval at a regular meeting would adversely affect the Chancellor's Office or one or more California community colleges, after consultation with the General Counsel and the Board President.
- (e) The Chancellor shall report to the Board on all agreements entered by or on behalf of the Chancellor, including agreements for the expenditure of funds administered by a fiscal agent community college district. Such reports shall describe the costs, goals, objectives and outcomes of the agreements in plain language, and include periodic updates on the outcomes achieved under the agreements.
- (f) The Board is exempt from the majority of competitive bidding requirements found in the Public Contracts Code and other statutory schemes. Contracts and grants awarded by the Chancellor, or by a community college district fiscal agent shall be awarded through competitive processes when required by law. Whenever a contract or grant is awarded, the Chancellor must ensure that funds are expended in a cost-effective manner, utilize sound fiscal practices, protect against the misuse of public funds, and prevent favoritism, fraud, and corruption in the award.
- (g) Any published materials produced under an agreement or sub-agreement using public funds must be subject to a Creative Commons Attribution License (CC BY), denoted by the following symbol:



320. Claims.

The Chancellor shall execute and approve or deny all proper claims against the Board and the Office of the Chancellor.

321. Procurement of Electronic Data Processing and Telecommunications Goods and Services.

The Chancellor shall establish, and maintain in the Chancellor's Office Administrative Manual, policies and procedures for procuring electronic data processing and telecommunications goods and services for the Chancellor's Office. Such policies and procedures shall be consistent with the legislative policies set forth in chapter 3 (commencing with section 12100)

and chapter 3.5 (commencing with section 12120) of part 2, division 2, of the Public Contract Code, but without the involvement of the Department of General Services or the Department of Finance. (Ed. Code, §§ 70901, subd.(b)(15) and 70901, subd.(d); Pub. Contract Code, §§ 12100 et seq.; Gov. Code, §§ 11700 et seq.)

322. Use of Name.

The Chancellor may authorize or deny, on behalf of the Board, the use of the name “California Community Colleges” in accordance with law. (Ed. Code, § 71025.)

324. Gifts and Bequests.

The Chancellor may accept, on behalf of the Board and in the name of the State, gifts, donations, bequests, and devises in accordance with Education Code section 71046. All gifts so accepted shall be reported to the Board. The Chancellor shall establish reasonable conditions or restrictions governing the acceptance of such gifts, donations, bequests, and devises. With respect to gifts, donations, bequests, and devises which are controversial or unusual in nature, the Chancellor may accept such items, but shall first consult with the President of the Board and such acceptance shall be submitted to the Board for ratification. (Ed. Code, § 71046.)

326. Annuity Contracts.

Subject to Board conditions, the Chancellor may purchase annuity contracts for permanent employees of the Board in accordance with Education Code section 71093. (Ed. Code, § 71093.)

328. Travel Expenses.

The Chancellor may authorize the payment of actual and necessary travel expenses in accordance with Education Code section 71040. (Ed. Code, § 71040.)

Article 3. Consultation

330. General.

The Chancellor shall represent the Board in the system consultation process established pursuant to Education Code section 70901. (Ed. Code, § 70901.) In carrying out this responsibility, the Chancellor shall routinely inform the Board of the status of items in Consultation, and there will be a place on the regular agenda for the full Board to provide input to the Chancellor and the Consultation Process.

331. District Boards of Trustees and Chief Executive Officers.

Local boards of trustees and their chief executive officers, to the extent possible, should conduct deliberations and take positions on recommendations that are being developed in Consultation, or that are before the Board. Local boards and their chief executive officers should involve their faculty, staff, and students in these deliberations, and should clearly communicate their positions not only to those who represent them, but also to the Chancellor and the Board. The Board or its designee(s), shall meet regularly with the system-wide trustee board (CCCT) to discuss the community college system's goals, budget, legislative priorities, and governance process.

332. The Academic Senate.

- (a) Consistent with the intent of 53206 of title 5 of the California Code of Regulations, the Board of Governors recognizes The Academic Senate of the California Community Colleges as the representative of community college faculty on academic and professional matters.
- (b) The appointment of faculty to councils, committees, and task forces established in conjunction with Consultation to deal with academic and professional matters on the systemwide level shall be made by the Academic Senate; provided, however, that where such councils, committees, or task forces established in conjunction with Consultation have organizational representatives, these representatives shall be appointed by the respective organizations.
- (c) The Academic Senate, in conjunction with the Chancellor and designated staff, will initiate and/or respond to requests to develop policy on academic and professional matters. The identification of such matters will be made by the Chancellor, in consultation with the Consultation Council. Throughout the Consultation Process, the advice and judgment of the Academic Senate will be primarily relied upon whenever the policy involves an academic and professional matter. In providing this advice and judgment, the Academic Senate is committed to engage and consider the views of participants in Consultation, the affected community college constituencies, the general public, and other comments and concerns the Chancellor is legally required to consider.

333. Student Senate.

- (a) The Board has recognized the Student Senate for California Community Colleges (SSCCC) as the statewide community college student organization to represent community college students within the community college system, and before the

Board and the Chancellor's Office, and to support student participation and engagement in statewide higher education policy and advocacy activities. The SSSCC may perform additional functions as the Chancellor may deem appropriate.

- (b) The Chancellor shall assume the fiscal responsibilities required of the Board by Education Code section 76060.5, subdivision (c), and shall enter into a memorandum of understanding to govern the Chancellor's Office relationship with the SSSCC.

334. Consultation Council.

- (a) The Chancellor shall convene and regularly meet with a Consultation Council composed of representatives of selected community college institutional and organizational groups.
- (b) As a condition for participation on the Consultation Council, each group participating as either an institutional or organizational member will make the following commitments:
 - (1) Each group, insofar as it participates in Consultation, will commit to promote the development of policy, which is in the best interests of students, the system, and the State;
 - (2) Each group will commit to first attempt to use the Consultation Process for pursuing recommended policy changes or recommended policy that can be dealt with in the Consultation Process;
 - (3) Each group will commit to strive to accept and accommodate the consensus reached in Consultation, although each group will retain the ultimate right to excuse itself from Consultation on a particular issue or the ultimate right to take an issue to a different arena; and
 - (4) Each group will agree to attend Consultation meetings, complete any work it agrees to undertake, and communicate with and involve the constituency it represents.
- (c) On an issue-by-issue basis, when the Chancellor, in consultation with the Consultation Council, determines that the participation of certain other community college organizations is necessary to informed discussions of the Consultation Council, the Chancellor shall provide for the participation of such organizations in the discussions of the Consultation Council. In addition, meetings of the Consultation Council shall be open and public; and agenda materials, minutes, and other documents discussed by the Council will be made available, at the cost of production, to interested parties.

- (d) The Chancellor shall consult with the Consultation Council regarding all matters to be developed, implemented or evaluated through the Consultation Process, including the coordination of policy development. Matters subject to Consultation include the following:
- (1) Policies adopted by the Board, including regulations, general policies, The Basic Agenda, the Statement of Legislative Principles, standing orders, and procedures for the adoption of regulations;
 - (2) Recommendations of the Board of Governors to the Governor and/or the Legislature, including the annual systemwide legislative program, the annual proposed budget for the California Community Colleges, and positions of the Board of Governors on legislation affecting community colleges as provided in section 317;
 - (3) Executive orders of the Chancellor;
 - (4) Recommendations of the Chancellor, a member of the Consultation Council, or other organization to change Board policy;
 - (5) The process to be used for developing a policy to be recommended to the Board of Governors;
 - (6) The alleged failure of the Board of Governors, the Chancellor's Office, or districts to perform legal responsibilities—in order to provide advice regarding appropriate steps that should be taken from within the system.

335. Special Committees.

- (a) The Chancellor, in consultation with the Consultation Council, is authorized to establish special consultation committees of limited duration and specific function. Such committees shall report any recommendations to the Chancellor and the Consultation Council.
- (b) The Chancellor or Chancellor's Office may establish committees, task forces, or work groups where the principal and primary reason for the formation of the group is to provide technical assistance to college program staff, to provide in-service training for college program staff, or to provide a vehicle for communication about adopted policy and policy implementation. To the extent that such committees, task forces, or work groups develop opinions that policy changes are needed, they will express their views in the form of a Consultation Digest, and the matter will be referred to Consultation.

336. Board of Governors.

While giving due deference to recommendations of the Chancellor which have been developed through Consultation, the Board of Governors reserves the right to reject such recommendations or adopt different recommendations. When time allows, and further input from Consultation can help to address the Board's concerns or enable the Board to more fully understand the issues before it acts, the practice of the Board will be to provide direction to the Chancellor and to allow additional time for Consultation. While the Board will make every attempt to accept recommendations of the Chancellor developed through Consultation, when rejecting or adopting a different recommendation, the Board of Governors will provide a clear and substantive rationale which the Chancellor shall report back to the Consultation Council.

338. Rights of Participants to Address the Board.

Once having participated in the Consultation Process, any interested party retains the right to provide advice and comment directly to the Board of Governors as it deliberates on the proposed policy.

342. Implementation.

The Chancellor shall adopt such Executive Orders as are necessary to implement these standing orders as well as the Board policy on consultation. Such Executive Orders shall be developed through Consultation and shall address, among other matters:

- (a) The membership of the Consultation Council;
- (b) The role of the Chancellor and Chancellor's staff;
- (c) The manner in which organizations and interested parties not otherwise a member of the Consultation Council can participate in the consultation process;
- (d) Meetings, notices, agendas, other procedural matters for the Consultation Council;
and
- (e) Training for participants in Consultation.

The Chancellor, at least once every three years, shall provide for a review and evaluation of the Consultation Process.

Article 4. District Employment Matters

370. General.

The Chancellor shall coordinate and monitor those areas of district operations involving district employment activities which are of statewide concern.

372. Equal Employment Opportunity Programs.

The Chancellor shall represent the Board in establishing and maintaining throughout the California Community Colleges the policy of equal opportunity in employment for all persons and in promoting the total realization of equal employment opportunity through a continuing equal employment opportunity program. (Ed. Code, § 87100.)

- (a) Review of Plans. The Chancellor shall review and approve the written equal employment opportunity plans submitted by the districts to implement their equal employment opportunity policies. (Cal. Code of Regs., tit.5, § 53003.)
- (b) Guidelines. The Chancellor shall provide guidelines for the development of policies, programs and procedures for equal employment opportunity programs. The Chancellor shall cooperate with and render assistance to community colleges in developing and implementing equal employment opportunity programs and in carrying out the equal employment opportunity provisions of title 5. (Ed. Code, § 87103.)
- (c) Technical Assistance Team. The Chancellor shall establish a technical assistance team to review the conditions necessary to meet the legal requirements of equal employment opportunity. (Ed. Code, § 87108; Cal. Code of Regs., tit. 5, § 53030.)
- (d) Compliance. The Chancellor shall assist districts by identifying applicable state or federal laws that may affect district equal employment opportunity or nondiscrimination policies, and periodically evaluate community college districts and determine their compliance with the requirements of equal employment opportunity provisions of title 5. If the Chancellor finds that a district has failed substantially to comply with the requirements of its plan, the Chancellor shall offer assistance and take whatever action he or she deems necessary to effect compliance. (Cal. Code of Regs., tit. 5, §§ 53000, 53030.)
- (e) Information System. In monitoring compliance with title 5 provisions regarding equal employment opportunity, the Chancellor shall maintain the Chancellor's Office Information System, Staff Data File, and shall require districts to supply necessary information for such system. (Cal. Code of Regs., tit. 5, §§ 53003, 53004, 53026, 53034.)

374. Employment Opportunity Fund.

The Chancellor shall represent the Board in monitoring the use of the Employment Opportunity Fund for the purpose of promoting equal employment opportunities in hiring and promotion at community college districts. (Ed. Code, § 87107.)

- (a) Allocation. Prior to the end of the fiscal year preceding the year of allocation, the Chancellor shall recommend the allocation in accordance with Board priorities as specified in Board regulations. (Ed. Code, § 87107; Cal. Code of Regs., tit. 5, § 53030.)
- (b) Data Collection. The Chancellor shall provide availability rates for monitored groups. (Cal. Code of Regs., tit. 5, § 53003.) Until such time as a data element to calculate the staffing rate of persons with disabilities has been integrated into the reporting system, the Chancellor shall direct a separate survey for the reporting of such data. (Cal. Code of Regs., tit. 5, § 53034.)

376. Sick Leave Transfer Between Employers.

The Chancellor shall prescribe a form for effecting the transfer of sick leave of employees pursuant to Education Code section 87782. (Ed. Code, § 87782; Cal. Code of Regs., tit. 5, § 53125.)

378. Full-time and Part-time Faculty.

The Chancellor shall represent the Board in monitoring use of full-time faculty in the credit programs of the districts.

- (a) The Chancellor shall compute and report to each district the number of full-time faculty to be secured with the use of program improvement, growth, or other revenue. (Cal. Code of Regs., tit. 5, §§ 51026, 53312, 53314.)
- (b) The Chancellor shall annually reduce the allocation of those districts which have failed to maintain the proper number of full-time faculty in accordance with Board regulations. (Cal. Code of Regs., tit. 5, § 53320.)

380. Unemployment Insurance.

The Chancellor shall act on behalf of the Board in all matters related to representing district employees in Unemployment Insurance Appeals matters pursuant to Education Code section 1330. (Ed. Code, § 1330.)

382. Employee Qualifications.

The Chancellor shall determine whether service provided by an employee of a district who did not possess the qualifications legally required for such service shall be approved and made fully legal for all purposes. (Ed. Code, § 87810.)

384. Nondiscrimination in Programs Receiving State Financial Assistance.

The Chancellor shall implement and enforce the requirements of Government Code sections 11135-11137, consistent with Board regulations. (Gov. Code, §§ 11135-11137; Cal. Code of Regs., tit.5, § 59303.)

386. Criminal Reports.

The Chancellor shall receive from the State Bureau of Criminal Identification and Investigation information pertaining to any credential holder of whom there is a record. The Chancellor shall periodically report to districts information he or she receives from the Bureau regarding any sex offense as defined in Education Code section 87010, any controlled substance offense as defined in Education Code section 87011, or offenses defined in article 1 of chapter 1 of part 1.5 of division 6 of the Welfare and Institutions Code. (Ed. Code, § 87012.)

388. Minimum Qualifications.

The Chancellor shall periodically designate a team of community college faculty, administrators, and trustees to review each district's application of minimum qualifications to faculty and administrators. (Ed. Code, § 87358.)

Article 5. Students

390. General.

The Chancellor shall represent the Board in those areas related to students or student activities which require uniform treatment throughout the California Community Colleges.

392. Residency.

- (a) Residence Determinations. The Chancellor shall oversee the districts in the determination of proper classification of students as state or district residents as provided by regulation.
- (b) Residence Questionnaires and Classification. The Chancellor shall provide a sample residence questionnaire which districts may use for determining residence classifications (Cal. Code of Regs., tit.5, § 54012) and shall, upon request, advise districts on issues of residence classification. (Cal. Code of Regs., tit. 5, § 54060.)

- (c) Residency Litigation. The Chancellor shall inform the Regents of the University of California, the Trustees of the California State University, and the Board of Governors of the California Maritime Academy regarding litigation brought against a governing board relating to the application of student residency requirements. (Ed. Code, § 68133.)

394. Maintenance Allowances.

The Chancellor shall prescribe procedures for the submission of claims by districts for maintenance allowances for students who reside more than 60 miles from the nearest district as provided in section 54200 of title 5 of the California Code of Regulations. (Cal. Code of Regs., tit. 5, § 54200.)

396. Interstate Attendance.

The Chancellor may enter into interstate attendance agreements in accordance with Education Code sections 66800 et seq., for the exchange of residents on a one-for-one basis, for the purposes of instruction. The Chancellor shall accept for filing adopted district resolutions authorizing participation in interstate attendance agreements. (Ed. Code, §§ 66800, 66801, 66802, 66803, 66804.)

Article 6. Educational Programs

400. General.

The Chancellor shall serve as the principal conduit of information regarding educational programs between the Board and the community college districts.

402. Review and Approval of Academic Programs.

- (a) Review and Approval. The Chancellor shall review and approve district academic programs as necessary and shall monitor courses and programs approved under Education Code section 70901 for compliance with applicable statutes and regulations. The Chancellor may approve the establishment of new educational programs and courses for individual districts when such programs and courses conform to the proper scope of instruction to be offered by the community colleges.
- (b) Approval Handbook. The Chancellor shall prepare, distribute, and maintain a detailed handbook for district use to contain course approval criteria, implementation plans for administrative regulations, and procedures for securing course and program approvals. The Chancellor shall develop and provide forms for district use in seeking course approval.

- (c) Report of Approvals. The Chancellor shall report to the Board at least once during any twenty-four-month period on programs and courses approved.
- (d) The Chancellor shall review such additional programs as identified by the Legislature pursuant to part 34 of title 2 of the Education Code (commencing with section 62000). (Ed. Code, §§ 62001, 66010.4, 70901, subd.(b)(10), 78401; Cal. Code of Regs., tit.5, §§ 55000.5, 55100, 55130, 55182.)

403. Chancellor’s Responsibilities.

The Chancellor shall develop a model for district implementation of the provisions of article 2.5 (commencing with section 55200) of division 6 of title 5, pertaining to prerequisites, corequisites, and advisories on recommended preparation. The Chancellor shall also review district policies and procedures for the establishment, review, and challenge of prerequisites, corequisites, and advisories on recommended preparation for conformity with the model and all applicable regulatory requirements. Such policies shall be approved as part of revisions to the district matriculation plan. The Chancellor shall investigate complaints alleging violation of the requirements of Article 2.5 (commencing with section 55200) of subchapter 1 of chapter 6 of title 5 of the California Code of Regulations.

404. Vocational Education Programs.

The Chancellor shall approve all vocational education contracts issued pursuant to Board regulations and provide forms to the districts for necessary statistical and evaluative reports. (Ed. Code, §§ 8090, 52342; Cal. Code of Regs., tit.5, § 55605.)

406. Cooperative Work Experience Education.

The Chancellor shall review all plans submitted by the districts for cooperative work experience education. (Cal. Code of Regs., tit.5, § 55250.)

409. Distance Education and Related Technology.

- (a) The Chancellor shall develop recommendations to the Board for the governance and development of distance education within the California Community Colleges to support equitable student access and success in a virtual environment and in other distance education contexts. The Chancellor shall maintain processes for regular engagement with community college stakeholders and with leading experts in the field of distance education to inform recommendations related to, among other things, statutory, regulatory, and policy changes, critical system-wide technology investments, and strategic technical assistance frameworks.

- (b) The Chancellor shall provide a report to the Board of Governors every two years that evaluates the effectiveness of distance education and education technology systemwide and provides analysis of data demographically (by age, disability, ethnicity, and gender) student accessibility to instruction, and enrollment and completion rates.

410. Matriculation Services.

- (a) Review of Plans. The Chancellor shall review matriculation plans to determine if they meet the requirements of Board regulations and shall require from the districts periodic updates of such plans.
- (b) Review of Assessment Instruments. The Chancellor shall review matriculation assessment instruments for conformance with statutory requirements and shall establish and update, at least annually, a list of approved assessment instruments and guidelines for their use in accordance with section 55524 of title 5 of the California Code of Regulations.
- (c) Use of Funds. The Chancellor shall ensure that funds allocated to districts for matriculation are used in accordance with district matriculation plans.
- (d) System Evaluation. The Chancellor shall establish a system for evaluation of the matriculation program on a statewide basis, including procedures for monitoring compliance with district plans and Board regulations.
- (e) Funding Formula. The Chancellor shall annually recommend a funding formula for allocating matriculation funds to districts that properly comply with Board regulations. (Ed. Code, §§ 78211.5, 78213; Cal. Code of Regs., tit.5, §§ 55500, 55510, 55512, 55518, 55521, 55523.)

411. Mathematics, Engineering, and Science Achievement (MESA) Programs.

The Chancellor shall participate in a cooperative effort to administer the MESA programs, along with the Superintendent of Public Instruction, Regents of the University of California, Trustees of the California State University, private industry, engineering societies, and professional organizations. (Ed. Code, § 8604.)

412. Cooperative Improvement Programs.

The Chancellor shall grant, in whole or in part, or deny, requests for waivers relating to educational programs or administrative functions in cooperative improvement programs involving local arrangements for the improvement of the local education program. (Ed. Code, § 10407.)

414. Continuing Education Programs.

The Chancellor shall resolve as necessary points of disagreement which cannot be resolved by governing boards required to reach agreement for the offering of adult basic education, high school diploma programs, vocational and occupational training and retraining programs for adults, and for adult continuing education programs. (Ed. Code, §§ 8530, 8531, 8532, 8533, 8537.)

415. California Department of Education.

The Chancellor shall collect and maintain information related to vocational education and technical training within California for inclusion in the integrated statewide information system maintained by the California Department of Education. The Chancellor shall, on behalf of the Board, consult with the representative of the California Department of Education regarding career development programs through the California Regional Career Guidance centers.

416. Transfer Core Curriculum.

The Chancellor shall, on behalf of the Board, coordinate with the Regents of the University of California and the Trustees of the California State University to cause the transfer core curriculum and any joint revisions thereto to be published and distributed to each public school which provides instruction in any of the grades 7 to 12, inclusive and to each community college, with an emphasis on the communication of that information to each school or college having a high proportion of students who are members of one or more ethnic minorities in accordance with Education Code section 66721. The Chancellor shall also distribute the transfer core curriculum to the State Board of Education. (Ed. Code, § 66721.)

417. Requirements for Transfer Agreements.

The Chancellor may enter into agreements with institutions of higher education to promote the transfer of California community college students to other institutions of higher learning.

- (a) Prior to entering a transfer agreement, the Chancellor shall consider data elements related to the transfer institution's student success, outcomes and other metrics including: student enrollment, cost, student aid and loan defaults, student-faculty ratio, tax status, accreditation, program offerings, student demographics, academic and other supports, transfer, graduation, and student outcomes comparisons, and any history of complaints, regulatory actions, sanctions, penalties, or fines. The Chancellor may consider additional data and information as the Chancellor deems

appropriate and should prioritize nonprofit transfer institutions whose missions are aligned with California Community Colleges and support progress towards the Vision for Success transfer and equity goals.

- (b) The Chancellor may not enter into, or maintain, a transfer agreement with a private for-profit postsecondary institution unless the institution is approved by the Bureau for Private Postsecondary Education, or is an exempt institution, pursuant to the California Private Postsecondary Act of 2009, or any successor enactment.
- (c) Transfer agreements shall contain provisions described in this subdivision:
 - (1) To ensure that California community colleges meet their affirmative obligation to combat racism, sexism, and other forms of bias, and to provide equal educational opportunities to all students, a provision in substantially the following form:

“[Institution)] acknowledges that all students have a right to participate fully in community college educational processes, free from discrimination and harassment, and that community colleges have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunities. Accordingly, [Institution] shall afford all persons, regardless of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other basis that is contained in the prohibition of hate crimes set forth in Penal Code, section 422, subdivision (a), equal rights and opportunities.”
 - (2) To allow students and other community college stakeholders to evaluate the benefits of a transfer agreement, a provision that requires the transfer institution to share data regarding California community college student outcomes at the transfer institution.
 - (3) A provision limiting the term of a transfer agreement with a for-profit transfer institution to no more than three years and prohibiting the use of California Community Colleges logos and branding for marketing purposes without the explicit consent of the Board.
 - (4) A provision allowing termination upon 30-day’s notice, without cause.
- (d) Prior to entering a transfer agreement with a for-profit transfer institution, the Chancellor shall obtain approval by a vote of the Board.

- (e) The Chancellor shall report to the Board of California community college student success and outcomes at transfer institutions, and any other matters deemed relevant by the Chancellor.

Article 7. Special Programs

420. General.

The Chancellor shall represent the Board as necessary to ensure proper system participation in special programs, including those programs described in this article.

422. Extended Opportunity Programs and Services (EOPS).

- (a) Under the policy direction of the Board, and subject to all provisions of applicable law, the Chancellor is authorized to approve Extended Opportunity Programs and Services (EOPS) applications from districts and certify apportionment to the Controller regarding such programs.
- (b) The Chancellor shall annually report to the Legislature the number of students served by EOPS and the number who achieve their educational objectives.
- (c) EOPS Funding. The Chancellor may use up to 1% of the funds appropriated to the EOPS program to monitor and evaluate EOPS programs, and to that end, shall determine the elements of a statewide data base for EOPS information and shall cooperate with other segments of higher education as provided by statute.
- (d) The Chancellor may waive minimum standards for EOPS programs if the Chancellor determines unusual circumstances merit a waiver. (Ed. Code, §§ 69648, 69648.5, 69649, 69652, 69653, 69655.)

423. EOPS Statutory Advisory Committee.

- (a) The Board recognizes that the purpose of the Statutory Advisory Committee to the Extended Opportunity Programs and Services (EOPS), as set forth in section 69643 of the Education Code, is to serve as an advisory body to the Board; to formulate and present such policy recommendations as the Committee determines will have an impact on statewide establishment and conduct of community college EOPS program; to review and, in consultation with the Chancellor, report annually to the Board on the progress made by the California Community Colleges in extending educational opportunities to all students who may profit from instruction; and to make other recommendations to implement the provisions of statutes governing EOPS. To accomplish this broad purpose, the Board charges the Committee, in consultation with the Chancellor, to:

- (1) develop an annual statement of goals and objectives and discuss a plan for its implementation.
 - (2) request and review data to determine the extent to which EOPS programs are meeting their mandate to efficiently and effectively serve the needs of the eligible population. This data will be gathered on an ongoing basis and used to develop and help set the annual policy objectives within the plan and to assist in the review of problems and issues.
 - (3) analyze data on program performance and success and, through the Chancellor, recommend policies to the Board for improved program performance and services.
 - (4) be an advocate for EOPS to assist in increasing the number of eligible students in the program.
 - (5) review annually the financial aid available to EOPS students and to other community college students statewide.
 - (6) submit to the Board, through the Chancellor, an annual report detailing policy recommendations for support, advocacy, and further expansion of EOPS programs. This annual report will be submitted to the Board at the last meeting of the fiscal year.
 - (7) review priorities for special projects by community colleges to address issues, demonstrate innovations, and replicate models.
 - (8) review Education Code and title 5 provisions for problems and proposed changes.
 - (9) hear reports from the field regarding the EOPS program.
 - (10) attend Board meetings, conferences, workshops, and make presentations for the purpose of providing and gathering information that will further the cause of the EOPS program.
- (b) Issues and recommendations presented to the Board that directly affect EOPS shall be provided to the EOPS Statutory Advisory Committee prior to Board action. The Chair of the Committee may consult with the Chancellor on matters affecting EOPS and of concern to the Committee. This section may be carried out by notification to the Chair by the Chancellor or his or her designee or by provision of the Board agenda. With prior notification to the Chancellor, the Committee may address the Board on any agenda item.

- (c) Committee members appointed by the Board shall serve no more than two consecutive terms (appointments). Members appointed to fill an unexpired term will be considered to have held office for the full term. A member must apply to the Board for reappointment to a second term during the year in which his or her term expires.
- (d) In the event of a vacancy on the Committee, the Chancellor shall publicly announce the vacancy and invite any interested party to submit a candidacy interest form and resume to the Chancellor's Office for consideration by the Board.
- (e) The committee will initially review and comment upon the qualifications of those who apply for the vacancy. The Chancellor will then review the candidates' interest forms and resumes, as well as the Committee's comments. The names of the candidates will be submitted to the Board, with any comments or recommendations the Chancellor may wish to make, for final selection. Once the Board makes its selection of the person to fill the vacancy, the Chancellor will develop an agenda item to appoint the new members at the next possible Board meeting.
- (f) The Chair shall compile an annual record of members' attendance at regular and special meetings and meetings of its subcommittees. The record of attendance shall be transmitted to the Chancellor each year, who may petition the Board to declare a Committee seat vacant should a member fail to attend more than one-half of the meetings scheduled for any given year. The Chancellor may, at his or her discretion, also advise the Speaker of the Assembly or the Senate Committee on Rules of excessive absence on the part of Committee members appointed by those authorities.
- (g) The Chairperson and Vice Chairperson of the Committee shall be designated by the Committee from among the members appointed by the Board.
- (h) Each year, the Committee shall recommend to the Chancellor priorities for special projects. Upon approval, the Chancellor's Office will disseminate these special project priorities to the colleges through a Request for Proposals (RFP) process. The Committee will review and evaluate the proposals submitted in accordance with the established guidelines and recommend proposals for approval. The Committee will, in accordance with section 56297(a) and (b) of title 5, recommend to the Chancellor for funding special projects that benefit the statewide, regional, or local conduct of EOPS programs and further the goals adopted by the Board.
- (i) The Committee shall submit a budget request annually to the Chancellor for funding this Committee and its necessary operating expenses as designated by section 69643

of the Education Code. The Chancellor, or his or her designee, shall have authority for approval of all expense requests.

The Chancellor, or his or her designee, shall attend all meetings of the Committee. The Chancellor will review all Committee recommendations or presentations prior to Board meetings. After review, the Chancellor shall authorize the Chair, or the Chair's designee, to address the Board on issues related to the Committee's responsibilities.

The Chancellor shall provide a copy of the statute governing EOPS programs and the EOPS Statutory Advisory Committee, a copy of the Board of Governors Standing Orders for EOPS, and a copy of the Committee Policies and Procedures to each new member upon his or her appointment to membership.

The Chancellor, or his or her designated staff, shall provide general support and assistance to the Committee in noticing meetings, preparing agendas, assisting with travel arrangements, paying claims, etc.

424. Fund for Instructional Improvement.

- (a) The Chancellor shall, in accordance with priorities established by the Board, review proposals submitted for funding and recommend proposals to be funded.
- (b) The Chancellor shall establish, and may from time to time, revise guidelines on matters related to project proposals, including guidelines on the following:
 - (1) Criteria which applicants must meet in order to receive funding, and
 - (2) Criteria and procedures to be used in evaluation of funded projects.
- (c) The Chancellor shall evaluate the effectiveness of the Fund for Instructional Improvement and shall require such reports as necessary from those districts receiving awards. (Ed. Code, §§ 84382, 84383.)

425. Reserved.

426. Cooperative Agencies Resources for Education (CARE) Program.

The Chancellor shall adopt guidelines for the Cooperative Agencies Resources for Education (CARE) program and administer the funds for such programs. (Ed. Code, § 79154.)

428. Services for Welfare Recipients.

The Chancellor shall survey districts, develop plans, and monitor districts for types of services needed and available for welfare recipients pursuant to Education Code section 71050.

429. Baccalaureate Degree Program.

The Board hereby delegates to the President of the Board its authority under Article 3 (commencing with Section 78040) of Chapter 1, of Part 48, of Division 7, of Title 3 of the Education Code to approve community college district baccalaureate degree programs on the recommendation of the Chancellor. In making a recommendation to the President, the Chancellor shall consider all documentation provided by a district seeking approval of a baccalaureate degree program, and any formal comments received from the University of California and the California State University in relation to a district's application.

The President shall approve proposed baccalaureate degree programs that will provide Californians with a high-quality undergraduate education at an affordable price, and will contribute to California's economic growth and global competitiveness through work force improvement, based on statewide and regional workforce data, the program's financial viability, potential duplication of programs offered by the University of California or the California State University, and other relevant factors.

In considering whether a proposed baccalaureate degree program duplicates an existing program, the Chancellor may consider the relative geographical locations of programs, the content and teaching methodology of the programs, and any other factors that would provide a meaningful distinction between programs upon which students might choose between otherwise similar programs.

Article 8. District Organization, Planning, and Facilities

430. District Formation and Reorganization.

- (a) General. The Chancellor shall exercise general supervision over the formation and reorganization of districts and provide advisory service in connection with such formation and reorganization.
- (b) Formation of Districts. The Chancellor shall receive petitions to form new districts and all notices and reports related to such petitions on behalf of the Board. The Chancellor shall make all necessary reviews and hold hearings as provided by law and recommend approval or disapproval of petitions to the Board. (Ed. Code, §§ 74153, 74154, 74155, 74158, 74159.)
- (c) Reorganization of Districts. The Chancellor shall receive petitions for reorganization of districts and all notices and reports related to such petitions on behalf of the Board. The Chancellor shall make all necessary reviews, hold hearings as required by law, and

recommend approval or disapproval of petitions to the Board. (Ed. Code, §§ 74104, 74105, 74106, 74109, 74110, 74134, 74135, 74136, 74139, 74140, 74202, 74203, 74204.)

- (d) Transfer of Territory. The Chancellor shall receive petitions for transfer of territory and review appeals filed regarding findings of county committees concerning the transfer of territory and shall reject the findings or deny the appeal. (Ed. Code, § 74201.)

432. Site Approval, Acquisition, and Construction.

The Chancellor shall exercise general oversight of district facilities which will involve the expenditure of state funds.

- (a) Capital Construction. The Chancellor shall review, evaluate and revise district five-year plans with reference to the elements contained in Education Code section 81821. (Ed. Code, §§ 81821, 81822; Cal. Code of Regs., tit. 5, § 57015.) The Chancellor shall accept district plans for capital construction and shall review and approve general construction plans. (Ed. Code, §§ 81820, 81836, 81837.) The Chancellor shall consult with the Department of Finance in determining that extraordinary conditions exist to depart from the capacity and utilization standards of subchapter 1 of chapter 8 of division 6 of title 5 of the California Code of Regulations (commencing with section 57000), review district requests for reduced district matching shares pursuant to section 57033 and recommend Board action. (Cal. Code of Regs., tit.5, §§ 57034, 57020.)
- (b) Site and Construction Standards. The Chancellor shall advise districts on the acquisition of sites, establish standards for facilities, review plans and specifications for construction as required, establish and charge a reasonable fee for such review. The Chancellor shall maintain an inventory of district off-campus programs and facilities, review proposed new colleges and education centers and recommend approval or disapproval of proposed colleges or centers to the Board. (Cal. Code of Regs., tit.5, § 55288.)
- (c) Community College Construction Act. The Chancellor shall administer the provisions of the Community College Construction Act of 1980 (commencing with Education Code section 81800) including assembling statewide data of facility and construction costs and ordering the allocation and disbursement of funds. (Ed. Code, §§ 81805, 81807.) The Chancellor shall apply capital outlay criteria established by the Board in reviewing and ranking proposed projects for submission to the Board. (Cal. Code of Regs., tit.5, § 57014.)

(d) Deferred Maintenance. The Chancellor shall review the financial conditions of districts being considered for a complete or partial waiver of the Board requirements for allocation of funds under the Community College Facility Deferred Maintenance and Special Repair Program and shall grant appropriate waivers on behalf of the Board. The Chancellor may increase the percent of current operating budget required for ongoing maintenance as a condition to district receipt of funds under the program. (Ed. Code, § 84660.)

433. Waiver of Requirements for Sale, Lease, Use, Gift, and Exchange of Property.

The Chancellor shall consult with the President of the Board regarding a request by a local governing board to waive any or all requirements related to the sale, lease, use, gift, or exchange of property, including the requirement that the governing board accept the highest responsible bid for the sale or lease of real property, submitted pursuant to any section of the California Education Code, Division 7, Part 49, Chapter 2 as authorized in Education Code section 81250 and 81252. Unless the President of the Board and the Chancellor determine that the request should be brought to the full Board, the Chancellor shall either approve or deny a local governing board's request after consultation with the President. (Ed. Code, § 81250 - § 81563.)

434. Airport Sites.

The Chancellor shall receive notice from districts regarding the proposed acquisition of a site near an airport, notify the Division of Aeronautics regarding such approval, investigate the site, and make appropriate recommendations to the district governing board. The Chancellor shall review and approve or disapprove recommendations of the Division of Aeronautics along with the State Allocation Board. (Ed. Code, §§ 81033, 81038.)

436. Energy and Resource Conservation.

The Chancellor shall develop criteria for ranking district projects submitted as energy conservation projects and shall evaluate and rank such projects. (Cal. Code of Regs., tit. 5, §§ 57054, 57055.) Additionally, the Chancellor shall approve or disapprove preliminary plans for energy conservation projects submitted in accordance with section 57055(b) of title 5. (Cal. Code of Regs., tit. 5, § 57055.)

438. Environmental Quality.

The Chancellor shall perform the necessary reviews described in subchapter 2 of chapter 8 of division 6 of title 5 of the California Code of Regulations (commencing with section 57100), related to community college construction projects. The Chancellor shall withhold authorization for State funds where California Environmental Quality Act requirements have not been met. The Chancellor shall adopt any other necessary procedures to carry out the provisions of Subchapter 2. (Cal. Code of Regs., tit. 5, § 57121.)

Article 9. Fiscal Support

440. General.

The Chancellor shall represent the system in securing sufficient funding for the programs and services offered by the California Community Colleges and shall oversee the system finance mechanism.

441. Fiscal Monitoring Program.

The Chancellor shall be responsible for administration of Education Code section 84040 in accordance with sections 58310 et seq., of title 5 of the California Code of Regulations. (Ed. Code, § 84040; Cal. Code of Regs., tit.5, § 58310.)

442. Budget Authority.

The Chancellor shall revise and update budget manuals, forms, and guidelines; cooperate with Federal and State agencies in prescribing rules, regulations, and instructions by such agencies; assess the needs and methods of collecting and disseminating financial information; conduct workshops and conferences for the purpose of training community college district personnel; and provide consultant services to colleges and universities on courses of instruction relative to community college district budgets and accounting practices. (Ed. Code, § 70901, subd.(b)(12).)

443. Apportionment Duties.

- (a) Apportionment Estimate and Certification. The Chancellor shall prepare an annual estimate of the amount of state school money to be apportioned to each community college district, shall certify to the Controller each apportionment made by the Board and provide abstracts of such apportionments as specified in Education Code section 84328. (Ed. Code, § 84328; Cal. Code of Regs., tit. 5, § 58130.5.) The Chancellor shall authorize adjustive apportionment as provided by Board regulation. (Cal. Code of Regs., tit.5, §§ 58134, 58136, 58138.)
- (b) Minimum School Year. The Chancellor shall withhold apportionment from districts which fail to maintain their colleges for the required minimum number of days. (Cal. Code of Regs., tit.5, § 58142.) The Chancellor shall provide forms for districts requesting approval to add, delete, shorten or lengthen any term and shall act on such requests, including review of district justification for maintaining schools less than 175 days. If reasons as stated in section 58146 of title 5 of the California Code of Regulations are present to justify maintaining schools for less than 175 days, the

Chancellor shall permit normal apportionment. (Cal. Code of Regs., tit.5, §§ 55702, 58146.)

444. Flexible Calendar.

- (a) Approval. The Chancellor shall provide forms for districts to apply to offer instruction under a flexible calendar and shall review all such applications. (Cal. Code of Regs., § 55724.)
- (b) Ongoing Review. The Chancellor shall adjust state aid for districts with approved flexible calendar operations in accordance with law. The Chancellor shall periodically review documentation from districts to determine compliance of flexible calendar operations for consistency with approved requests.
- (c) Compliance. The Chancellor shall notify districts when they are found to be out of compliance with their approved flexible calendar operations and shall provide an opportunity for district responses. If the district is found, without good cause as determined by the Chancellor, to be out of compliance, the Chancellor shall terminate approval of the flexible calendar operation and withhold the appropriate amount of State funds in accordance with Board regulations. (Cal. Code of Regs., tit.5, § 55732.)

445. Audit Exceptions.

The Chancellor shall receive and review district audit reports, make necessary adjustments to future apportionments, correct any audit exceptions, and report audit exceptions to the Joint Legislative Audit Committee in accordance with statute. The Chancellor shall resolve minor or inadvertent errors in district student attendance records and determine the means by which the basis for audit findings or declarations of discrepancy may be corrected. (Ed. Code, §§ 84040, 84040.6; Cal. Code of Regs., tit. 5, § 59116.)

446. ADA Computation.

The Chancellor shall approve sessions other than full terms of a quarter or a semester as specified in section 58003.2 of title 5 of the California Code of Regulations. (Cal. Code of Regs., tit.5, § 58003.2.) The Chancellor shall undertake all actions necessary to properly compute ADA, FTES or other measures by which allocations to districts are determined.

447. Fund for Instructional Development.

The Chancellor shall authorize the transfer of funds for instructional development loans, review the need for additional funds necessary for that purpose and estimate such need in the budget. The Chancellor shall reduce the apportionment to each district on a

proportionate level related to use of the fund. The Chancellor shall certify loans to be drawn by the State Controller in favor of district applicants (Cal. Code of Regs., tit.5, § 56684.)

448. Lost ADA Reports.

The Chancellor shall estimate the ADA (or other measure of attendance) of districts whose attendance reports have been lost or destroyed or which would have experienced a higher ADA but for material decreases caused by fire, flood, epidemic, and such other causes as specified in section 58146 of title 5 of the California Code of Regulations. (Cal. Code of Regs., tit. 5, §§ 58146, 58148.)

450. Federal Funds.

To the extent permitted by federal law, the Chancellor shall administer federal funds allocated to the California Community Colleges, administer federal law, submit claims to the State Treasurer or other state or federal entity and perform all acts necessary to receive the benefits and expend the funds. (Ed. Code, §§ 12220, 12302, 67000, 67003.)

452. Scheduled Maintenance.

The Chancellor shall allocate funds for scheduled maintenance and special repair of community college facilities and grant appropriate waivers of the requirement that districts match State funds allocated for this purpose. The Chancellor may increase, as appropriate, the required level of district expenditure for ongoing maintenance in its current operating budget above the level prescribed in Education Code section 84660. (Ed. Code, § 84660.)

454. Federal Forest Reserves.

The Chancellor shall, upon notification of nonconcurrence of apportionments of money received from federal forest reserves, make the necessary apportionments. (Ed. Code, § 2300.)

456. Equipment Replacement Program.

The Chancellor shall allocate funds under the Equipment Replacement Program, including withholding up to 20% of the funds appropriated for this purpose to critically needed instructional equipment expenditures as a required match for private business or industry contributions and may allocate up to 5% of the funds withheld for purposes of review and administrative costs incurred by the Chancellor. (Ed. Code, §§ 84671, 84672, 84673.)

Article 10. Community College Administration

460. General.

The Chancellor shall represent the Board in the oversight of additional district activities of systemwide concern as provided herein.

462. Auxiliary Organizations.

The Chancellor shall periodically report to the Board on the extent to which auxiliary organizations are performing each of the functions recognized as appropriate in section 59259 of title 5 of the California Code of Regulations. In retaining documentation regarding auxiliary organizations, the Chancellor shall:

- (a) Maintain a copy of the approved implementing regulations and any approved amendments thereto submitted by districts;
- (b) Maintain a copy of the articles of incorporation and bylaws and any amendments thereto submitted by districts;
- (c) Maintain a copy of each written agreement between an auxiliary organization and a college district;
- (d) Maintain a copy of the annual audit of each auxiliary organization;
- (e) Maintain a copy of each district's list of organizations in good standing, and compile a statewide list of organizations in good standing;
- (f) Make the above information accessible to interested parties and charge a reasonable fee to cover the actual cost of providing requested copies.
- (g) Submit an annual report to the legislature which shall describe the development and activities of the auxiliary organizations authorized by the Education Code. The report shall also account for the cost to the Chancellor's Office of administering the review of auxiliary organizations. (Cal. Code of Regs., tit.5, §§ 59259.)

464. Education Code Section 84362.

The Chancellor shall be responsible for the administration of the provisions of Education Code section 84362 in accordance with Board regulations. (Ed. Code, § 84362; Cal. Code of Regs., tit.5, § 59202.)

- (a) The Chancellor shall determine the form and manner of district applications for exemption from the requirements of Education Code section 84362. (Cal. Code of Regs., tit.5, § 59208.)

- (b) The Chancellor shall assess the impact of program improvement money on district compliance with Education Code section 84362 in determining whether an exemption from the requirements of section 84362 shall be granted in accordance with Board regulations. (Cal. Code of Regs., tit. 5, § 59204.)
- (c) The Chancellor shall annually determine the percentage of current expense of education expended for salaries of classroom instructors, shall analyze each application for exemption, statements of opposition and audit reports related to such application. The Chancellor shall, in accordance with Board regulation, hold hearings related to such application.
- (d) For each application for exemption which complies with Board regulations, the Chancellor shall recommend one of the following actions to the Board:
 - (1) that the Board deny the application;
 - (2) that the Board grant the application;
 - (3) that the Board grant the application in part. (Cal. Code of Regs., tit. 5, §§ 59210 et seq.)
- (e) The shall deduct from the apportionments made to districts which fail to comply with the requirements of Education Code section 84362 the amount specified in section 59214 of title 5 of the California Code of Regulations. (Cal. Code of Regs., tit.5, § 59214.)
- (f) The Chancellor shall report to the Legislature on district compliance with requirements to expend the applicable percentage of the expense of education on instructor's salaries. (Ed. Code, § 84364)

466. District Contracts.

The Chancellor shall annually adjust the dollar amount for district contracts that are subject to the provisions of Public Contract Code section 20651(a), to reflect the percentage change in the annual average value of the Implicit Price Deflater for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the prior fiscal year. The Chancellor shall round the annual adjustment to the nearest one hundred dollars (\$100). (Pub. Contract Code, § 20651, subd.(d).)

Article 11. Minimum Conditions

470. Minimum Conditions for Receipt of State Aid.

The Chancellor shall monitor district compliance with all minimum conditions of the receipt of State aid and enforce such conditions as provided by Board regulation. (Cal. Code of Regs., tit.5, §§ 51000 et seq.)

Article 12. Systemwide Auxiliary Organizations

480. Systemwide Auxiliary Organization.

The Chancellor shall be responsible for the administration of Education Code section 72670.5 in the establishment and operation of systemwide auxiliary organizations created to promote, assist, and benefit the Board of Governors or the California Community College system.

- (a) A systemwide auxiliary organization is an entity authorized by section 72670.5 of the Education Code and which is established by the Board of Governors in accordance with chapter 2.5 (commencing with section 250) of the Procedures and Standing Orders of the Board of Governors, and article 6 (commencing with section 72670) of chapter 6, part 45, division 7, title 3 of the Education Code.
- (b) The Chancellor is prohibited from transferring any of its funds or resources, other than funds or resources derived from gifts or bequests, to any auxiliary organizations, when the purpose of such transfer is to avoid laws or regulations which constrain the Chancellor's Office. (Cal. Code of Regs., tit. 5, § 59257, subd.(i).)
- (c) The Chancellor shall periodically review each auxiliary organization created pursuant to section 72670.5 of the Education Code to insure it is complying with sections 72670-72682 of the Education Code, the procedures and policies of the Board of Governors applicable to auxiliary organizations, any written agreement with the Board of Governors, and the auxiliary organization's articles of incorporation and bylaws. (Cal. Code of Regs., tit.5, §§ 59257, subd.(h), 59265, subd.(d).)

481. Auxiliary Organization in Good Standing.

- (a) The Chancellor shall prepare and keep current a list of auxiliary organizations in good standing. All auxiliary organizations which, after periodic review in the manner specified in (c), are found to be in compliance with applicable laws, procedures and policies, shall be included on this list.

(b) When the Chancellor has reason to believe that a particular organization should be removed from the list of auxiliaries in good standing, he or she shall give the board of directors of such organization reasonable notice that a conference will be held to determine whether grounds for removal do in fact exist, and representatives of said board shall be entitled to be present at such conference and to be heard. Based upon such conference, the Chancellor or designee shall recommend to the Board of Governors whether a particular organization should be removed from the list. The Board of Governors may, in its sole discretion, remove such an auxiliary organization from said list, and may make such other provisions consistent with law as may be appropriate with respect to an auxiliary organization not included on said list. (Cal. Code of Regs., tit.5, § 59263.)

482. Ongoing Responsibilities.

- (a) The Chancellor shall insure that an audit on each auxiliary organization is performed annually in the manner prescribed by subdivision (a) of section 72672 of the Education Code, and that a copy of said audit is distributed to the Board of Governors.
- (b) The Chancellor shall report to the Board of Governors, as may be required from time to time, on the operations of systemwide auxiliary organizations. (Cal. Code of Regs., tit.5, § 59265.)