

COURSE REPEATABILITY

July 9-10, 2012

ACTION

Presentation: Barry Russell, Vice Chancellor, Academic Affairs Division

Item 2.3

Issue

Under the current economic and legislative climate, the community colleges have come under increasing scrutiny concerning the ability of students to repeat classes in a manner that is not productive to the California Community Colleges' goal of increasing overall student success and completion. The System Advisory Committee on Curriculum has been studying the issue over the past year and a half and has determined that there are certain sections of title 5 that should be changed. This item presents for a second reading and Board adoption the proposed changes to course repeatability regulations in title 5.

Background

Beginning in the fall of 2009, questions have been coming up concerning whether college-level courses should be repeated and under what circumstances. One of the key areas of discussion was that of physical education. In physical education alone, there were approximately 50,000 FTES reported for classes in which a student repeated after successfully completing the course previously.

The main issue seemed to center around the use of the word "activity." As applied to courses, the term activity became problematic when getting to specific repeatability questions and policy choices. Under current title 5 language the groups of courses included were physical education, intercollegiate athletics, visual or performing arts courses in music, fine arts, theatre, and dance. In addition, a part of the language, "including, but not limited to" provided a somewhat open door for excessive use of repeatability (55041(c) (3)).

With that information, a series of meetings were held with groups across the state. The Academic Senate for California Community Colleges (ASCCC) conducted several focus groups on their own to determine what courses should be repeated and under what circumstances. Their work culminated in a resolution (09.03) at the spring 2011 plenary session and subsequent resolutions (09.07 and 09.08) at the fall 2011 plenary session. These documents were used to guide the discussions and were attached to the Board of Governors item 3.1 of the May 7-8, 2012 agenda.

Following the direction of the Academic Senate for California Community Colleges, the Chancellor's Office worked through the System Advisory Committee on Curriculum to revisit the language of title 5 to determine how best to solve the current issues. At the same time, there was also language going through the system to deal with repetition issues created when students were taking classes too many times with the effect of blocking other students out of classes. In July 2011, the Board of Governors adopted regulations that limited the number of times a student could enroll in a course to three times, except in limited circumstances. Enrollments now include any combination of withdrawals and repetitions. However, those changes did not address the issues surrounding repeatable courses.

The result of the discussions regarding repeatable courses are included in the proposed revisions to a series of sections in title 5, Division 6, Chapter 6, Subchapter 1, Article 1, Section 55000 – 55045 and 58161 – 58162. These sections cover the following topics:

55000 Definitions
55023 Academic Record Symbols and Grade Point Average
55030 Definitions (deleted and moved to 55000)
55040 District Policy for Course Repetition
55041 Repeatable Courses
55043 Course Repetition Due to Significant Lapse of Time

58161 Apportionment for Course Enrollment
58162 Intercollegiate Athletics
58166 Field Trips

Analysis

These regulation changes are being presented to the Board of Governors for a second reading and adoption. The changes were heard as a first reading at the May 7, 2012, Board of Governors meeting and previously at the Consultation Council on April 19, 2012. Attachment 1 is the proposed regulation changes. Attachment 2 provides proposed responses to the comments received during the comment period.

Recommended Action

The Board of Governors is asked to adopt the following resolution:

Be it Resolved

The Board of Governors of the California Community Colleges, acting pursuant to Education Code sections 66700, 70901(c) and 70901.5, hereby:

- accepts the comments and proposed responses;

- directs the chancellor to file the regulations with the Secretary of State and submit the regulations to the Office of Administrative Law for printing upon receipt of an approved Economic and Fiscal Impact Statement from the Department of Finance;
- authorizes the chancellor to take any necessary ministerial action to process these regulations; and
- adopts the regulations effective thirty days after filing with the Secretary of State and submission of the regulations to the Office of Administrative Law.

ATTACHMENT 1

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES PROPOSED REVISIONS TO TITLE 5 REGULATIONS: COURSE REPEATABILITY

1. Section 55000 of article 1 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55000. Definitions.

For the purpose of this chapter, the following definitions shall apply:

(a) "Active participatory courses" are those courses where individual study or group assignments are the basic means by which learning objectives are obtained.

~~(a)~~ (b) "Advisory on recommended preparation" means a condition of enrollment that a student is advised, but not required, to meet before or in conjunction with enrollment in a course or educational program.

(c) "All units attempted" means all units of credit for which the student has enrolled in the current community college district of attendance.

(d) "CR" means "credit" and is a symbol used to denote that a student received credit for at least satisfactory work in a course taken on a "credit-no credit basis" prior to the Fall 2009 term.

~~(b)~~ (e) "Community Services Offering" means a fee-supported community services class authorized pursuant to Education Code section 78300 and approved pursuant to subdivision (d) of section 55002 for which state apportionment is not claimed and credit is not awarded.

~~(c)~~ (f) "Content review" means a rigorous, systematic process developed in accordance with sections 53200 to 53204, approved by the Chancellor as part of the district matriculation plan required under section 55510, and that is conducted by faculty to identify the necessary and appropriate body of knowledge or skills students need to possess prior to enrolling in a course, or which students need to acquire through simultaneous enrollment in a corequisite course.

~~(d)~~ (g) "Contract Course" means a course which a community college district offers under a contract pursuant to Education Code section 78021 with a public or private agency, corporation, association, or other organization.

~~(e)~~(h) “Corequisite” means a condition of enrollment consisting of a course that a student is required to simultaneously take in order to enroll in another course.

~~(f)~~(i) “Course” means an organized pattern of instruction on a specified subject offered by a community college pursuant to subdivisions (a), (b) or (c) of section 55002.

(j) “Course repetition” occurs when a student who has previously received an evaluative symbol in a credit course, as set forth in section 55023, re-enrolls in that course and receives an evaluative symbol.

(k) “Courses that are determined to be legally mandated” are courses that are required by statute or regulation as a condition of paid or volunteer employment.

(l) “Courses that are related in content” are those courses with similar primary educational activities in which skill levels or variations are separated into distinct courses with different student learning outcomes for each level or variation.

~~(g)~~(m) “Educational program” is an organized sequence of courses leading to a defined objective, a degree, a certificate, a diploma, a license, or transfer to another institution of higher education.

(n) “Enrollment” occurs when a student receives an evaluative or nonevaluative symbol pursuant to section 55023 in a credit course.

(o) “Extraordinary conditions” are those conditions meeting the requirements of section 58509(a) allowing a community college to provide a full refund of enrollment fees to a student.

(p) “Intercollegiate academic or vocational competition course” is a course that is designed specifically for participation in non-athletic competitive events between students from different colleges that are sanctioned by a formal collegiate or industry governing body. The participation in the event must be directly related to the course content and objectives pursuant to subdivisions (a) or (b) of section 55002.

(q) “Intercollegiate athletic course” is a course in which a student athlete is enrolled to participate in an organized competitive sport sponsored by the district or a conditioning course which supports the organized competitive sport.

(r) “NC” means “no credit” and is a symbol used to denote that a student did not receive credit for a course taken on a “credit-no credit basis” prior to the Fall 2009 term.

~~(h)~~(s) “Necessary and appropriate” means that a strong rational basis exists for concluding that a prerequisite or corequisite is reasonably needed to achieve the purpose that it purports to serve. This standard does not require absolute necessity.

~~(i)-(t)~~ “Noncredit basic skills courses” are those courses in reading, writing, computation, and English as a Second Language which are designated by the community college district as noncredit courses pursuant to subdivision (c) of section 55002.

~~(j)-(u)~~ “Nondegree-applicable basic skills courses” are those courses in reading, writing, computation, and English as a Second Language which are designated by the community college district as nondegree-applicable credit courses pursuant to subdivision (b) of section 55002.

~~(k)-(v)~~ “Prerequisite” means a condition of enrollment that a student is required to meet in order to demonstrate current readiness for enrollment in a course or educational program.

~~(f)-(w)~~ “Satisfactory grade” means that, for the course in question, the student's academic record has been annotated with the symbol A, B, C or P as those symbols are defined in section 55023.

(x) “Special classes” means those instructional activities designed to address the educational limitations of students with disabilities who would be unable to substantially benefit from regular college classes even with appropriate support services or accommodations as set forth in section 56028.

(y) “Substandard academic work” means course work for which the grading symbols “D,” “F,” “FW,” “NP” or “NC” (as defined in section 55023) have been recorded.

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

2. Section 55023 of article 2 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55023. Academic Record Symbols and Grade Point Average.

- (a) Except as provided in subdivisions (b) and (c), grades from a grading system shall be averaged on the basis of the point equivalencies to determine a student's grade point average using only the following evaluative symbols:

<i>Symbol</i>	<i>Definition</i>	<i>Grade Point</i>
A	Excellent	4
B	Good	3
C	Satisfactory	2
D	Less than satisfactory	1
F	Failing	0
P	Passing (At least satisfactory - units awarded not counted in GPA. Has the same meaning as "CR" as that symbol was defined prior to June 30, 2007.)	
NP	No Pass (Less than satisfactory, or failing - units not counted in GPA. NP has the same meaning as "NC" as that symbol was defined prior to June 30, 2007.)	

(b) The governing board of a community college district may use "plus" and "minus" designations in combination with letter grades, except that the grade of C minus shall not be used. If pluses and minuses are used, the grade point value of a plus shall be computed by adding 0.3 to the value assigned to the letter grade with which it is combined, and the grade point value of a minus shall be computed by subtracting 0.3 from the value assigned to the letter grade with which it is combined, except that no grade point value shall be less than 0 or greater than 4.0.

(c) Regardless of whether the governing board elects to use plus and minus grading, it may provide for the use of the "FW" grade symbol to indicate that a student has both ceased participating in a course sometime after the last day to officially withdraw from the course without having achieved a final passing grade, and that the student has not received district authorization to withdraw from the course under extenuating circumstances. The "FW" symbol may not be used if a student has qualified for and been granted military withdrawal. If "FW" is used, its grade point value shall be zero (0).

(d) The governing board of each community college district shall publish the point equivalencies for the grades used in subdivision (a), or, subdivisions (a) and (b) (if pluses and minuses are used) in the catalog or catalogs of each college in the district as a part of its grading policies. In the event the governing board chooses to use the “FW” described in subdivision (c), it shall be included in the grading system and point equivalencies published in the catalog.

(e) The governing board of each community college district may authorize the use, under controls and conditions specified below, of only the following nonevaluative symbols:

<i>Symbol</i>	<i>Definition</i>
I	<p>Incomplete: Incomplete academic work for unforeseeable, emergency and justifiable reasons at the end of the term may result in an “I” symbol being entered in the student's record. The condition for the removal of the “I” shall be stated by the instructor in a written record. This record shall contain the conditions for the removal of the “I” and the grade assigned in lieu of its removal. This record must be given to the student with a copy on file with the registrar until the “I” is made up or the time limit has passed. A final grade shall be assigned when the work stipulated has been completed and evaluated, or when the time limit for completing the work has passed.</p> <p>The “I” may be made up no later than one year following the end of the term in which it was assigned.</p> <p>The “I” symbol shall not be used in calculating units attempted nor for grade points. The governing board shall provide a process whereby a student may petition for a time extension due to unusual circumstances.</p>
IP	<p>In progress: The “IP” symbol shall be used only in those courses which extend beyond the normal end of an academic term. It indicates that work is “in progress,” but that assignment of an evaluative symbol (grade) must await its completion. The “IP” symbol shall remain on the student's permanent record in order to satisfy enrollment documentation. The appropriate evaluative symbol (grade) and unit credit shall be assigned and appear on the student's permanent record for the term in which the course is completed. The “IP” shall not be used in calculating grade point averages. If a student enrolled in an “open-entry, open-exit” course is assigned an “IP” at the end of a term and does not re-enroll in that course during the subsequent term, the appropriate faculty will assign an evaluative symbol (grade) in accordance with subdivision (a) or (a) and (b)</p>

(if plus and minus grading is used) to be recorded on the student's permanent record for the course.

- RD Report Delayed: The “RD” symbol may be assigned by the registrar only. It is to be used when there is a delay in reporting the grade of a student due to circumstances beyond the control of the student. It is a temporary notation to be replaced by a permanent symbol as soon as possible. “RD” shall not be used in calculating grade point averages.
- W Withdrawal: The “W” symbol may be used to denote withdrawal in accordance with the requirements of section 55024.
- MW Military Withdrawal: The “MW” symbol may be used to denote military withdrawal in accordance with section 55024.

(f) In calculating students' degree-applicable grade point averages, grades earned in nondegree-applicable credit courses shall not be included.

(g) The governing board of each district shall adopt rules and regulations governing the inclusion or exclusion of units in which a student did not receive a grade or “pass-no pass” or from which the student withdrew in accordance with rules adopted by the district.

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

3. Section 55030 of article 3 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is repealed:

~~§ 55030. Definitions.~~

~~For the purposes of this chapter, the following terms shall have the specified meanings:~~

~~(a) “All units attempted” means all units of credit for which the student is enrolled in the current community college of attendance. The governing board of each district shall adopt rules and regulations governing the inclusion or exclusion of units in which a student did not receive a grade or “pass-no pass” or from which the student withdrew in accordance with rules adopted by the district governing board.~~

~~(b) "CR" means "credit" and is a symbol used to denote that a student received credit for at least satisfactory work in a course taken on a "credit no credit basis" prior to the Fall 2009 term.~~

~~(c) "NC" means "no credit" and is a symbol used to denote that a student did not receive credit for a course taken on a "credit no credit basis" prior to the Fall 2009 term.~~

~~Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902, and 76000, Education Code.~~

4. Section 55040 of article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55040. District Policy for Course Repetition.

(a) The governing board of each community college district shall adopt and publish policies and procedures pertaining to the repetition of credit courses. Such policies and procedures shall not conflict with section 55025 or Education Code section 76224, pertaining to the finality of grades assigned by instructors, or with subchapter 2.5 (commencing with section 59020) of chapter 10 of this division, pertaining to the retention and destruction of student records.

~~(b) For purposes of course repetition, academic renewal, and all other related provisions in this division, the following terms shall have the meanings specified below:~~

~~(1) "Course repetition" occurs when a student who has previously received an evaluative symbol as defined in section 55023, in a particular course re-enrolls in that course and receives an evaluative symbol as defined in section 55023.~~

~~(2) "Substandard academic work" means course work for which the grading symbols "D," "F," "FW," "NP" or "NC" (as defined in sections 55023 and 55030) have been recorded.~~

~~(c) (b) The policies and procedures adopted pursuant to subdivision (a) may:~~

(1) designate certain types of courses as "repeatable courses" consistent with the requirements of section 55041.

(2) ~~allow~~ permit a student to repeat a course in an effort to alleviate substandard academic work consistent with the requirements of section 55042.

(3) permit or require a student to repeat a course due to significant lapse of time consistent with the requirements of section 55043.

(4) permit a student to repeat a portion of a variable unit open-entry/open-exit course which the student previously completed only under the circumstances described in section 55044.

(5) permit a student to repeat a course which is not designated as a repeatable course, regardless of whether ~~or not~~ substandard academic work was previously recorded, where the district determines, consistent with section 55045, that there are extenuating circumstances which justify the repetition.

(6) permit a student to repeat a course in occupational work experience under the circumstances described in section 55253. When an occupational work experience course is repeated pursuant to that section, the grade received each time shall be included for purposes of calculating the student's grade point average.

(7) permit a student with a disability to repeat a special class for students with disabilities any number of times based on an individualized determination that such repetition is required as a disability-related accommodation for that particular student for one of the reasons specified in section 56029. The district policy may allow the previous grade and credit to be disregarded in computing the student's GPA each time the course is repeated.

(8) permit a student to repeat a course determined to be legally mandated as defined in section 55000, regardless of whether substandard academic work has been recorded. Such courses may be repeated for credit any number of times. The governing board of a district may establish policies and procedures requiring students to certify or document that course repetition is legally mandated.

(9) permit a student to petition the district to repeat a course as a result of a significant change in industry or licensure standards such that repetition of the course is necessary for employment or licensure. Such courses may be repeated for credit any number of times. The governing board of the district may establish policies and procedures requiring students to certify or document that there has been a significant change in industry or licensure standards necessitating course repetition.

(c) The policies and procedures adopted by the governing board of each community college district pursuant to subdivision (a) may not permit student enrollment in active participatory courses, as defined in section 55000, in physical education, visual arts or performing arts that are related in content, as defined in section 55000, more than four times for semester courses or six times for quarter courses. This limitation applies even if a student receives a substandard grade or "W" during one or more of the enrollments in such a course or petitions for repetition due to extenuating circumstances as provided in section 55045.

(d) When course repetition occurs pursuant to this section, the student's permanent academic record shall clearly indicate any courses repeated using an appropriate symbol and be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

(e) Notwithstanding the limits set forth above, apportionment will be limited as set forth in section 58161.

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

5. Section 55041 of article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is repealed:

~~§ 55041. Repeatable Courses~~

~~(a) The district policy and procedures on course repetition adopted pursuant to section 55040 may designate as repeatable courses only those courses described in this section.~~

~~(b) If a district permits repetition of courses regardless of whether substandard academic work has been recorded, repetition shall be permitted, without petition, in instances when such repetition is necessary for a student to meet a legally mandated training requirement as a condition of continued paid or volunteer employment. Such courses must conform to all attendance accounting, course approval, and other requirements imposed by applicable provisions of law. Such courses may be repeated for credit any number of times. The governing board of a district may establish policies and procedures requiring students to certify or document that course repetition is necessary to complete legally mandated training pursuant to this subdivision.~~

~~(c) The district policy adopted pursuant to section 55040 may also designate courses of the types described in this subdivision as repeatable courses, subject to the following conditions:~~

~~(1) The district must identify the courses which are to be repeatable, and designate such courses in its catalog.~~

~~(2) The district must determine and certify that each identified course is one in which either:~~

~~(A) the course content differs each time it is offered; or~~

~~(B) the course is an activity course where the student meets course objectives by repeating a similar primary educational activity and the student gains an expanded educational experience each time the course is repeated for one of the following reasons:~~

~~(i) Skills or proficiencies are enhanced by supervised repetition and practice within class periods; or~~

~~(ii) Active participatory experience in individual study or group assignments is the basic means by which learning objectives are obtained.~~

~~(3) Activity courses which may qualify as repeatable courses meeting the requirements of paragraph (2)(B) of this subdivision include, but are not limited to the following:~~

~~(A) Physical education courses; or~~

~~(B) Visual or performing arts courses in music, fine arts, theater or dance.~~

~~(4) foreign language courses, ESL courses and nondegree-applicable basic skills courses are not considered "activity courses" for purposes of paragraph (2)(B) of this subdivision.~~

~~(5) The district must develop and implement a mechanism for the proper monitoring of such repetition.~~

~~(6) Students may repeat a course pursuant to this subdivision for not more than three semesters or five quarters. For purposes of this subdivision, semesters or quarters include summer or intersessions.~~

~~(7)(A) Except as provided in subparagraph (B) of this paragraph, where a college establishes several levels of courses which consist of similar educational activities, the repetition limitation in paragraph (6) of this subdivision applies to all levels of courses that involve a similar primary educational activity regardless of whether the repetitions reflect multiple enrollments in a single course or in multiple courses involving the same primary activity.~~

~~(B) Visual or performing arts courses in music, fine arts, theater or dance which are part of a sequence of transfer courses are not subject to subparagraph (A) of this paragraph.~~

~~(d) When a course is repeated pursuant to this section, the grade received each time shall be included for purposes of calculating the student's grade point average.~~

Note: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

6. Section 55041 of article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 55041. Repeatable Courses.

(a) Districts may only designate the following types of courses as repeatable:

(1) Courses for which repetition is necessary to meet the major requirements of CSU or UC for completion of a bachelor's degree. The governing board of a district must retain supporting documentation that verifies that the repetition is necessary to meet the major requirements of CSU or UC for completion of a bachelor's degree. The supporting documentation must be retained by the district as a Class 3 record basic to audit as required by section 59020 et seq.;

(2) Intercollegiate athletics, as defined in section 55000; and

(3) Intercollegiate academic or vocational competition, as defined in section 55000, where enrollment in the course and courses that are related in content, as defined in 55000, is limited to no more than four times for semester courses or six times for quarter courses. This enrollment limitation applies even if the student receives a substandard grade or "W" during one or more of the enrollments in such a course or petitions for repetition due to special circumstances as provided in section 55045.

(b) The district must identify all courses which are repeatable and designate such courses in its catalog.

(c) When a course is repeated pursuant to this section, the grade received each time shall be included for purposes of calculating the student's grade point average.

(d) Notwithstanding the limitations above, apportionment will be limited as set forth in section 58161.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

7. Section 55043 of article 4 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55043. Course Repetition Due to Significant Lapse of Time.

(a) In addition to permitting course repetition in the circumstances described in other provisions of this article, a district may also permit or require repetition of a course where

the student received a satisfactory grade the last time he or she took the course but the district determines that there has been a significant lapse of time of no less than 36 months since that grade was obtained and:

(1) the district has properly established a recency prerequisite for a course or program pursuant to section 55003, ~~or has otherwise defined "significant lapse of time" in its policy on course repetition; or~~

(2) another institution of higher education to which the student seeks to transfer has established a recency requirement which the student will not be able to satisfy without repeating the course in question. Pursuant to petition, a district may allow repetition where less than 36 months have elapsed pursuant to this subdivision if the student documents the repetition is necessary for the student's transfer to the institution of higher education.

(b) If the district determines that a student needs to repeat an active participatory experience course, as defined in section 55000, in physical education or visual or performing arts, or an active participatory experience course that is related in content, as defined in section 55000, an activity course of the type described in subdivision (c)(2)(B) of section 55041 due to significant lapse of time, that repetition shall be counted in applying the limit on repetitions set forth in ~~subdivision (c)(6) of section 55041~~ section 55040(c) except that, if the student has already exhausted the number of repetitions permitted under subdivision (c)(6), an additional repetition due to significant lapse of time may be permitted or required by the district.

(c) When a course is repeated pursuant to this section, the district policy may allow the previous grade and credit to be disregarded in computing the student's GPA.

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

8. Section 58161 of article 5 of subchapter 2 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 58161. Apportionment for Course Enrollment.

(a) A community college district may claim the attendance of students who enroll for enrollments, in credit courses for state apportionment only if so authorized by this section and if all other requirements of this chapter division are satisfied. For purposes of this section, the definition of enrollment found in section 55000 shall apply an enrollment occurs when a student receives an evaluative or nonevaluative symbol pursuant to section 55023.

(b) A district may claim state apportionment for an enrollment in a credit course for the attendance of a student who receives a satisfactory grade, as defined in section 55000, one time unless an exception applies.

~~(a)-(c)~~ A district may claim state apportionment for the attendance of students for enrollments totaling a maximum of three semesters or five quarters times, including summer sessions and intersessions, per credit course and if all other requirements of this chapter division are satisfied. ~~For purposes of this section, enrollments include any combination of withdrawals and repetitions.~~

(d) Notwithstanding subdivisions (b) and (c) of this section, a district may claim state apportionment for the attendance of students for enrollments in credit courses designated as repeatable, as provided in section 55041, and courses that are related in content, as defined in section 55000, for no more than four times for semester courses or six times for quarter courses. This limitation applies even if a student receives a substandard grade or "W" during one or more of the enrollments in such a course.

~~(b)-(e)~~ Notwithstanding subdivisions ~~(a)-(b), (c), (d) and (e)~~ of this section, a district may claim state apportionment for one additional enrollment if all other requirements of this chapter division are met and only in the following circumstances:

(1) The attendance of a student for an enrollment in a credit course resulting in that student's repetition of repeating a the credit course because the district determines pursuant to section 55043 that there has been a significant lapse of time of no less than 36 months since the student previously ~~took~~ successfully completed the course, unless an exception to the 36 month requirement applies.

(2) The attendance of a student for an enrollment in a credit course which is a repetition of repeating a the credit course pursuant to section 55045 due to extenuating circumstances, if such credit course is not designated as repeatable pursuant to section 55041(c).

~~(c)-(f)~~ Notwithstanding subdivisions ~~(a)-(b), (c)~~ and (d) of this section, a district may claim state apportionment for the attendance of students in credit courses for students' enrollments in the credit courses without limitation if all other requirements of this chapter division are met and in the following circumstances:

(1) The attendance of a student in legally mandated training as provided in section ~~55041(b).~~ 55040(b)(8).

(2) The attendance of a student with a disability may be claimed for state apportionment for each time the student repeats enrollment by that student in a credit special class as a

disability-related accommodation which is justified by one of the circumstances described in section 56029.

(3) The attendance of a student repeating for each enrollment in a portion of a variable unit open entry/open exit credit course, that is necessary for the student to complete one time the entire curriculum of the course as described in the course outline of record, may be counted for state apportionment only to the extent that repetition of such courses is permitted pursuant to section 55044.

(4) The attendance of a student repeating for each enrollment in a cooperative work experience course pursuant to section 55253 ~~may be claimed for state apportionment without limitation.~~

(5) The attendance of a student withdrawing as a result of extraordinary conditions pursuant to section 55024(a)(10).

(6) The attendance of a student receiving a military withdrawal ("MW") pursuant to section 55024(d)(1).

(7) The attendance of a student withdrawing as a result of discriminatory treatment pursuant to section 55024(a)(8).

(8) The attendance of a student in a course as a result of a change in industry or licensure standards such that repetition of the course is necessary for employment or licensure as set forth in section 55040(b)(9).

~~(d) Notwithstanding subdivisions (a), (b) and (c) of this section, a district may claim state apportionment for students' enrollments in credit courses designated as repeatable as provided in section 55041(c) for a maximum of four semesters or six quarters. This limitation applies even if a student receives a substandard grade during one or more of the enrollments in such a course or petitions for repetition due to special circumstances as provided in section 55045.~~

~~(e)-(g)~~ To the extent permitted by article 4 of subchapter 1 of chapter 6, a district may permit enrollment in credit courses beyond the limits set forth in this section, but such additional enrollments may not be claimed for state apportionment.

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

9. Section 58162 of article 5 of subchapter 2 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 58162. Intercollegiate Athletics.

(a) State apportionment may be claimed for the attendance of students enrolled in approved courses of intercollegiate athletics, as defined in section 55000, which are otherwise eligible for state assistance.

(b) State apportionment for students in courses of intercollegiate athletics shall not be claimed for more than ~~175~~350 hours of attendance for each enrolled student in each fiscal year for each sport in which the student participates. Of the 350 hours of attendance, no more than 175 hours can be claimed for student enrollment in courses dedicated to the sport, and no more than 175 hours can be claimed for student enrollment in courses that focus on conditioning or skill development for the sport.

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

10. Section 58166 of article 5 of subchapter 2 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 58166. Field Trips.

(a) State apportionment may be claimed for the attendance of students in courses which include a field trip or excursion pursuant to section 55220.

~~(b) State apportionment for the attendance of students in courses which include a field trip or excursion shall not be claimed for more than forty eight hours per unit of credit earned. No more attendance may be claimed for a field trip or excursion than if the class were held on campus.~~

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

ATTACHMENT 2

SUMMARY AND PROPOSED RESPONSES TO COMMENTS RECEIVED DURING THE COMMENT PERIOD OF APRIL 26, 2012, THROUGH JUNE 15, 2012, INCLUSIVE

Official Notice of proposed changes to the California Code of Regulation, title 5, regarding course repeatability was published on April 26, 2012. The original proposed text was made available for public comment for at least 45 days from April 26, 2011 through June 15, 2011. The Notice specified the process to comment on the proposed changes. Ten written comments were received during the comment period. A public hearing was held during the Board of Governors Meeting on May 7, 2011, at the Chancellor's Office. No comments were made during the meeting. Pursuant to Standing Order 206, subdivision (b)(3), the Chancellor's Office has summarized all written comments and proposed responses below for adoption by the BOG.

1. Reiko, Student at Monterey Peninsula College:

Monterey Peninsula College truly has been serving me as my post-cancer therapy. It is outrageous that the Sacramento legislators don't realize how much we contribute not only being benefited; we are the ones who are paying the taxes for the young kids/students who may transfer later on. "Cut off their own salaries and benefits" before messing up with our community colleges.

2. Paula O'Connor, Student:

I am 66 yrs old. I have attended Gentrain and I am a subscriber to the theatre. I am on a fixed income and depend on these two programs and other classes from Monterey Peninsula College with my daily life situation. The enrichment and knowledge that I receive is invaluable to me and please think of us lifelong learners that depend on these classes to live in the present situation.

3. Laura Burian, Associate Professor, Monterey Institute of International Studies:

I am writing to express my strong opposition to any legislation or act or regulation that will take away the right of California residents to repeat registration in any coursework in community colleges. I have gladly paid my tuition for a number of years to participate in a community college orchestra (at Monterey Peninsula College) that has been the only way for me to meet fellow musicians and gain a strong sense of community in my hometown. Anything that denies us the right to register repeatedly for these courses takes the "community" out of community college. Thank you for your consideration of this appeal.

4. Jennifer Crowley, Creative Dance and Movement:

I'll be brief. A community college is there for the betterment of the community. We hear about "lifelong learners" and we promote that to children every day. Now colleges are trimming down to only have classes for people who are aiming to get a degree? That is NOT lifelong learning. Please keep arts, including dance, and physical education opportunities in the public universities and colleges. Those of us who are lifelong learners with established careers are even willing to pay more to the college we attend in order to fund these programs. Please don't be a part of what is making our quality of life in this country go down the toilet.

5. Maria-Elena Cordero, Casting Coordinator, The Western Stage:

If this happens, what do the older learners do? Will they have to stop taking that certain class which provides ongoing refinement of their skills and expansion of their knowledge? Some folks want to continue their education by learning better skills in a certain field, such as theater, where, as most theatre folks know, you never stop learning.

Yes, community colleges are supposed to provide a education for the younger population that leads to employment - among other things. It's also supposed to provide an enrichment of our lives, to provide a venue in which we can create and connect with each other, and teach us how to relate to each other.

Again, taking theatre as an example, consider the education one accumulates when learning to be:

1. responsible (getting to a costume fitting on time, learning lines),
2. cooperative (working with other actors to make a scene better),
3. respectful (telling the story exactly as it was written, word for word, by the playwright),
4. considerate (being quiet when another actor is being directed, giving a stage manager a helping hand when a table is too heavy to move alone)

This just a smattering of valuable life lessons much needed in our society. We don't learn these skills in just one class. It takes time. Please allow people the time to complete their life-long learning.

Response to 1-5: *Given the difficult budget situation, the proposed regulations will provide some direction to districts on the issues of repeatability. Each college will have to make its own decisions concerning the scheduling of essential courses and responding to its own community needs.*

6. Patricia Arack, Editor, City Currents, City College of San Francisco:

Question 1: As I recall, the amount of repeatability for community enrichment classes was now limited to four? Is that correct?

Response: *There is no such term as "community enrichment classes" in title 5 and the term could have many different meanings from campus to campus. The change recommends limiting*

the types of courses that a district may designate as repeatable to three; 1) courses that are required by a CSU or UC major, 2) intercollegiate athletics, and 3) courses that are linked to some kind of sanctioned intercollegiate academic or vocational competition. (Section 55041.) All other types of courses may not be designated as repeatable, though some students meeting specified requirements can repeat certain classes. (Section 55040.)

Question 2: It's confusing, and nowhere do I find a statement of what exactly this will mean for the community person, not a degree-seeking student, who has taken a state subsidized course in textiles, weaving, piano, photography, etc. Will there be no repeatability for these kinds of courses, other than paying the full price of the class, which would be about \$700?

People who look to the community college as the "village square," so to speak and rely on it for cultural and public benefit really want to know about this. I and others understand that the extremely severe cuts to the CCC budget have made it necessary to cut many excellent programs and benefits that the community colleges provide. If they know exactly what is proposed--the facts, I think people will be more accepting of the inevitable cuts that are to come.

Response: *Individual colleges make their own decisions about courses schedules, course programming, and degrees. The emphasis for the state has been identified by the Legislature in several budget statements recently. That is, colleges should limit their cuts so that they do not impact basic skills, CTE, or transfer courses. We are quickly approaching a time when even cuts to those areas may be necessary...but each college should still strive for a strategic planning process that helps them respond to their own students' needs. San Francisco City College has the option of providing much programming for the "village square" participants to whom you refer...just as long as it is not at the expense of those students who are enrolling in basic skills, CTE, or transfer courses.*

Question 3: It was stated in the radio interview with 89.3 FM that cutting these classes does not affect a lot of students; that compared to the regular degree or transfer-seeking student, these 'enrichment' students are minimal in numbers, and won't make much of a dent in the availability of math or chemistry courses. Do you have any figures on what percentage of students from the community are repeating courses for what may seem personal enrichment? It may be a drop in the bucket in the much bigger bleak budget picture for matriculated students, but it will be very disappointing for low-income people who will not be able to continue taking courses because they cannot afford to pay the full price of the class.

Response: *The Chancellor's Office has looked at figures for the whole state and the size is large enough to recommend that the Board of Governor's to make these changes. We have identified that about 50% of students throughout the state repeat courses. We recognize these repeats are for various reasons...but we feel that major reasons are not centered around degree attainment or transfer. City College of San Francisco may want to run their own numbers and come up with their own policy changes based on those numbers.*

Question 4: Is there any way to develop a waiver system for seniors or others who don't make over a certain level of income so they can continue to take Older Adults movement or computer classes, or art, etc., like we have here in San Francisco?

Response: *City College of San Francisco has the flexibility to provide some kind of waiver system for these students, but they will not be able to claim apportionment (state-based funding) for those courses.*

Question 5: It was also stated in the radio interview that these classes were cultural classes, not simply pleasure classes. This is true. Music, poetry, art, dance--these are the experiences people need to continue in dark and demoralizing economic times when they have no money. We can transcend the gloomy economic news continually blasting from the state and federal governments through cultural experiences, and low-income community members, often the most gifted-yet poor artists among us, should not be shut out. It is a luxury to provide state-subsidized enrichment classes for those who can afford to pay the full amount, like myself and other employed middle class people. We (the state of California comm. college system) just can't afford that right now. However, very low-income people should also be given that option in some way with a fee or tuition waiver or reduction based on income and age.

Response: *Once again, many of the choices are local policy choices and San Francisco College will have to develop its own policy based on its own values. If enrichment classes rise above the level of basic skills, CTE and transfer, then the college may offer them...again, with the assistance of the state.*

7. Eric and Peggy Egli, Auburn, CA:

I read in today's Sacramento Bee that you will consider limiting students to taking a class only once for credit. Let me tell you why I think this is a serious threat to music students' education.

Many music majors specialize in music education or music performance. Knowledge of solo, chamber, and large-ensemble repertoire is required for their careers. They must be expert at both solo and ensemble playing. Working with a director, understanding musicality at the group level, blending tone with others: these are all skills that can only be gained by experience. Experience playing in large ensembles is so important that music majors at CSUS and UOP *must participate in at least one large performing ensemble every semester.*

That experience will only be gained if there is a group of appropriate skill and instrumentation to play *with*. If students can only enroll once, what happens to the size of the group? What happens if there are no French horns or oboes or just one trumpet? Sierra College's small Wind Ensemble class already lacks players of essential instruments, so faculty or other expert players have to sit in. Since it's a 2x/week daytime class, some may not regularly attend rehearsals. Sierra's larger Wind Symphony (a night class) also benefits from "fill-in" by experienced players of all ages.

My son took Sierra College Music 54 (Wind Symphony) three times through Academic Enrichment (high school) and again this spring as a college student. He is currently undeclared, wants to major in computer science and maybe minor in music. He was first chair alto sax in Wind Symphony this semester and played some nice solos in yesterday's concert. His contribution is valuable to the group even though he's not a music major. He loves playing in the Wind Symphony. It is unlikely he could find another community ensemble of equal skill to perform with, since they are few, often distant, and openings are limited.

I believe that the current rules for enrollment in music classes should not be changed for community college students, in order to protect their access to what at 4-year colleges is a required component of their education. Perhaps community members who "fill out the ranks" musically could enroll in the same class through community education? Please preserve music education opportunities for our college students.

Response: *Since the Sierra College small Wind Ensemble is a performance class that is the type of course for which repetition is necessary to meet the major requirements of CSU or UC for completion of a bachelor's degree, the district may designate this type of course as repeatable. (Section 55041(a).) As all classes are open to the public, students do not have to be music majors to enroll in the class.*

8. Dr. Jane Stave Viemeister and Professor Greg McLaughlin, Sierra College:

I was greatly dismayed to read in the Sacramento Bee article you're considering eliminating repeatability of music classes as a way of saving money. To compare chemistry to golf or ballroom dance classes is doing a great disservice to those students planning on careers in the arts. The implied message is that the arts are a frivolous aspect of life, a luxury that can be sacrificed any time life gets tough. This is an old, tired concept that is trotted out any time there is an economic downturn. In reality, the arts make it possible to survive the tough times.

What we contribute to human society is directly connected to our critical thinking skills, our ability to integrate many modes of thinking and expression which the arts do provide to students. We are not mechanical cogs in a machine, nor are we programmable drones. For the music student, repeatability of ensemble classes as well as applied classes is necessary for transfer to the four-year institution not only for developmental experience but also for the practical aspect of graduating within a four-year program. Our courses do result in degrees that are just as academic and rigorous as any other field of study.

We are the training ground for great artists of the future just as much as chemistry courses are the training ground for great discoveries. Our discoveries are no less worthy.

Response: *Since music ensembles are performance classes for which repetition is necessary to meet the major requirements of CSU or UC for completion of a bachelor's degree, the district may designate the course as repeatable. (Section 55041(a).)*

9. Unknown Author:

One size fits all is rarely correct. For many courses it may be fine and proper to limit the times a student could take the class, after successful completion. But in the creating or performing arts, the "same" course is NOT the same each time. Ex. music--the musician continues to learn; art--the painter continues to experiment and learn; photography--the photo student continues to perfect the craft ETC.

As a retired teacher of both academic subjects and the fine arts, I would appreciate it if you would keep this difference in mind. It takes both academics (where limiting the classes is OK) and the arts to make a well-rounded person. The arts are struggling enough as it is.

Response: *If these courses are necessary to meet the major requirements of CSU or UC for completion of a bachelor's degree, the district may designate them as repeatable. (Section 50041(a).)*

10. Jonathan H. Penley, OCTranscription.com:

I went to Orange Coast College, Irvine Valley College, and Saddleback College in a two-year span to transfer in an appropriate time, while getting a 4.0 GPA, and transferred to UCLA. From the experience of going to four different public colleges, I have several recommendations.

First and foremost, provide more classes that will lead to higher paying jobs. Because all of the science classes were always full before it was my time to register, I chose a non-science degree. For all intents and purposes, it was good for nothing. There should never be 1 anatomy class for every 15 dance classes. The state/people's tax money should not be funding other people's hobbies as evidenced by our surplus of starving artists. The educational system needs to be self-sufficient by providing people with higher paying jobs that will pay more taxes that will allow others to also get an education.

Second, the two-tiered registration at UCLA was nice. It allowed people to register for 10 units (usually two classes) on their first time around. Most people are able to register for the hard to get into classes before people with higher priority selected their second set of classes.

Third, charging more money for classes that are in high demand and necessary for certificates and transfers, as was proposed at Santa Monica College, does not sound like the mission statement of public education. In my English 100 class, which everyone needs, started with 50 people and 20 others trying to get in. We finished with 14. A roughly 20% attrition rate is very low, and indeed costly for the tax payers. Maybe more education in college orientation and emails every semester reminding students that colleges they plan on transferring to will weigh more heavily dropped classes. In addition, maybe the dates for withdrawal without any penalties can be moved to the end of the first week so that there is either a mark on the transcript and/or no refund. By moving the date of withdrawal to the end of the first week, this will allow petitioning students to get into the class the next week before too much instruction has passed. Obviously when students drop after their second or even thirteenth week, that does not allow petitioning students to get in. In addition, people

who have legitimate hardships in life should be able to petition for no transcript notation or for a refund.

Fourth, if the community college was to charge more money, I would raise the price per unit. People who have the money will be able to afford it and those who cannot will either get more financial aid or loans. If someone cannot afford the ridiculously low price of community college, they will have even more problems affording a four-year university. Fifth, in the same vein of preparing students for higher paying jobs, I would explore the possibility of requiring an internship or other skill-developing option that will make graduates more marketable. Currently, in even the more practical majors, it is possible for many students to graduate without any marketable skills. Thus they will be making less money and paying less taxes, making the public education system not self-sufficient.

Response: *The purpose of the regulation change is to provide districts with clear directions concerning the repeatability of classes, and in some cases, to curtail budget pressures through excessive repetition of classes. The other points of this comment are not related to the repeatability regulations changes, but are taken as general comments.*