

COURSE REPEATABILITY

May 7-8, 2012

FIRST READING (PUBLIC HEARING)

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Item 3.1

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 College's 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.

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.

Following the direction of the ASCCC, 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 for a first reading. This will also coincide with a public hearing and public comment period of 45 days. If approved, it is anticipated that the proposed changes will be presented to the Board of Governors for adoption on July 9-10, 2012. The regulations were presented to the Consultation Council on April 19, 2012, and there were no comments or questions.

Attachment 1 is the proposed regulation changes. Attachment 2 provides some analysis of the changes being proposed. The Repeatability Task Force Membership is included as Attachment 3. Attachment 4 includes all four resolutions from the Academic Senate Plenary Sessions that are related to this issue.

Recommendation

The proposed regulations are presented to the Board of Governors for a first reading. The Board of Governors should hold a public hearing and consider any testimony which is offered. It is anticipated that the regulations will be presented to the Board for final action at its July 2012 meeting.

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 some time 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 special 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 ANALYSIS OF PROPOSED CHANGES TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 COURSE REPEATABILITY

Sections 55000, 55023, 55030, 55040, 55041, 55043, 58161, 58162, 58166

General

Non-substantive, technical changes are proposed throughout for clarity and consistency. Where appropriate, subdivisions have been relettered or renumbered to accommodate proposed additions or deletions.

§ 55000

Generally, definition sections found throughout chapter 6 are proposed to be consolidated into section 55000, Definitions. Subdivisions are proposed to be relettered as appropriate to maintain alphabetical order of the terms defined.

§ 55000(a)

The definition of “active participatory courses” is proposed to clarify the general type of class that may be repeatable. Of most concern to the Academic Senate was the prior use of “activity” as a general term, which was deemed too general and not appropriate.

§ 55000(c)

The definition of “all units attempted” is proposed to be moved from section 55030. College is proposed to be changed to district. The second sentence of the definition, “[t]he 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 of ‘pass-no pass’ or from which the student withdrew in accordance with rules adopted by the district governing board” was moved to section 55023(g), as it is a substantive requirement and not appropriate in a definition section.

§ 55000(d)

The definition of “CR” is proposed to be moved verbatim from section 55030.

§ 55000(j)

The definition of “course repetition” is proposed to be moved from section 55040(b). The word “particular” is proposed to be deleted and substituted with “credit” to make clear this definition only applies to credit courses and not noncredit courses.

§ 55000(k)

The definition of the term, “courses that are determined to be legally mandated” is proposed to be added to make clear that the course must be required by law as a condition of employment.

§ 55000(l)

The term, “courses that are related in content,” is proposed to be added in section 55040(c) to limit the number of times a student could take courses that are related in content. This proposed definition specifies that “courses that are related in content” are those courses that have similar primary goals but are separated into different levels, such as Course 1, Course 2 Course 6, or Beginning, Intermediate and Advanced.

§ 55000(n)

In the last round of changes to the repetition and withdrawal regulations adopted by the Board of Governors in July 2011, the term enrollments was defined in the apportionment regulation, section 58161. However, this term is used in the substantive regulations as well, thus the definition is proposed to be moved to the definition section of chapter 6 for clarity and consistency.

§ 55000(o)

A definition for extraordinary conditions is proposed to be added to this section for clarity. This definition is not new; however, it was difficult to find as it was in another section of the regulations, which the proposed definition now references.

§ 55000(p)

Intercollegiate academic or vocational competition courses is proposed to be added as one of three categories of courses that districts can, by policy, identify as repeatable. (§ 55041.) Thus, it is necessary to define the term “intercollegiate academic or vocational competition courses.” The proposed definition requires that participation in the event must be directly related to course content and objectives. The competition must be sanctioned by a formal collegiate or industry governing body and be against students of another college. The competition cannot be athletic.

§ 55000(q)

A definition of intercollegiate athletic courses is proposed to be added for clarity and consistency. Intercollegiate athletic courses has been defined as those courses that a student takes as part of his or her participation in an organized competitive sport sponsored by the district. These courses include conditioning courses that support the organized competitive sport.

§ 55000(r)

The definition of “NC” or “no credit” is proposed to be moved verbatim from section 55030, which is proposed to be eliminated.

§ 55000(x)

For clarity a definition for special classes is proposed to be added to this section. The proposed definition is the same as found in section 56028 of chapter 7, addressing Disabled Student Programs and Services.

§ 55000(y)

A definition of substandard work is proposed to be moved from section 55040 for clarity. Reference to section 55030 has been eliminated as that section is proposed to be deleted and further, it appears to have been an improper reference as the terms “substandard work” is not defined there.

§ 55023(g)

The requirement for the governing board to adopt rules and regulations governing inclusion or exclusion of units is proposed to be moved verbatim from section 55030(a) as that section is proposed to be deleted.

§ 55030

For clarity and ease of reference the definitions found in section 55030 are proposed to be consolidated with the definition section found at section 55000, which is applicable to chapter 6 (as was § 55030). The second sentence of subdivision (a) has been moved to section 55023(g) as it was not properly part of a definition. (“The governing board...”)

§§ 55040 and 55041

Generally section 55040 (course repetition) and section 55041 (repeatability) are proposed to be reconfigured so that courses that can be repeated only by certain students (i.e., students who meet specified requirements) are addressed in section 55040, course repetition, and courses that can be repeated by all students eligible to take the course are addressed in section 55041, repeatability. Put another way, if some students in the class cannot repeat the course, then that course is not a repeatable course (§ 55041), but is a course capable of repetition (§ 55040).

§ 55040(b)(1) and (2) (existing)

This subdivision is proposed to be eliminated as the definitions have been consolidated with the definition section found at section 55000.

§ 55040(b)(2) (proposed)

The word “allow” is proposed to be changed to “permit” for consistency with the subdivisions that follow.

§ 55040(b)(8)

Consistent with the general proposed changes to sections 55040 and 55041 set forth above, courses that are determined to be legally mandated are proposed to be moved from section 55041 repeatable courses, to section 55040, as section 55040 addresses courses that can be repeated by certain students meeting specified requirements. In the case of courses that are legally mandated, the requirement is the same as in existing regulations, the course has to be required by statute or regulations as a condition of employment (paid or volunteer). The only proposed change from existing law is the student does not have to be currently employed to avail themselves of this opportunity to repeat a course. (See proposed definition of courses determined to be legally mandated, section 55000.)

§ 55040(b)(9)

This proposed subdivision allows a student to petition a district to repeat a course when there has been a significant change in industry or licensure standards since the last time the student took the course. The district may require the student to certify or document the change and that course is necessary for employment or licensure.

§ 55040(c)

Proposed subdivision (c) specifies that districts allowing repetition of courses must limit the repetition of specified active participatory courses (physical education or visual or performing arts) must limit a student’s enrollment in those courses that are related in content to no more than four times for schools on the semester system or six time for schools on the quarter system. Active participatory courses and courses related in content are proposed to be defined in section 55000. These enrollment limitations in the related courses apply even if a student gets a substandard grade or withdraws from one of the related courses. (If the student withdraws, the student can reenroll in that particular course, but both enrollments count toward the total enrollment limitations in the related courses.)

§ 55041

Consistent with the general discussion above, existing section 55041 has been proposed for repeal.

§ 55041

Consistent with the general discussion above, a new section 55041 is proposed to be added.

§ 55041(a)

Proposed section 55041(a) identifies the three limited categories of courses that can be designated as repeatable.

§ 55041(a)(1)

Proposed subdivision (a)(1) allows districts to designate courses as repeatable if UC or CSU requires, as part of a major, repetition of the course for transfer. The district must maintain documentation that supports that designation, e.g., a course catalog.

§ 55041(a)(2)

As with prior section 55041, this subdivision continues to allow districts to designate intercollegiate athletic courses as repeatable. Intercollegiate athletic courses are limited to those courses in which the student is a participant in an organized competitive sport sponsored by the district or those conditioning courses that support the sport. (§ 55000(q).)

§ 55041(a)(3)

In response to concerns that the elimination of activity courses as repeatable would impact non-athletic competition, this subdivision is proposed to be added to allow districts to designate as repeatable courses those that are necessary for intercollegiate academic or vocational competition. The competition must be sanctioned by the district. Where the district has different levels of courses meeting these requirements, the student is limited to no more than four enrollments for semester courses and no more than six enrollments for quarter cases if the courses are “related in content” as defined by section 55000(l).

§ 55041(b)

This subdivision requires the district to identify all courses it designates as repeatable and designate such courses as repeatable in its catalog. This requirement is in existing regulations.

§ 55041(c)

This subdivision requires that the grade the student receives each time be included in calculating the student’s grade point average. This requirement is in existing regulations.

§ 55041(d)

For consistency and clarity, this proposed subdivision specifies that apportionment is limited as set forth in section 58161.

§ 55043(a)

Existing regulations allow students to repeat a course if a significant lapse of time has occurred from when the student previously took and passed the course. However, existing

regulations do not place a time limit on how a district could define as a significant lapse of time. Proposed subdivision (a), proposes a time limit of 36 months. Thus, proposed regulations would not allow a district (except in limited circumstances proposed in section 55043(a)(2)) to define a significant lapse of time as anything less than 36 months.

§ 55043(a)(1)

Existing subdivisions (a)(1) and (2) purport to limit the situations in which a district can allow a student to repeat a course due to a significant lapse of time to; (1) a recency prerequisite established by the district, or (2) another institution of higher education to which the student seeks to transfer has established a recency requirement. However, the phrase “or has otherwise defined ‘significant lapse of time’ in [the district’s] policy on course repetition,” found in existing subdivision (a)(1) effectively allows a district to define “significant lapse of time” in any way and for any purpose. Thus, to limit the circumstances in which a district can allow a student to repeat a course pursuant to the significant lapse of time exception, this phrase is proposed for elimination.

§ 55043(a)(2)

Proposed changes to subdivision (a)(2) add a circumstance in which a student can repeat a course where less than 36 months have elapsed since the student previously took the course. If CSU or UC requires the course to be taken less than 36 months prior for the student to be able to transfer, the district can choose to allow the student to repeat the course even if 36 months have not elapsed. The student must file a petition with the district and document the recency requirement.

§ 55043(b)

Proposed changes clarify that if a student is allowed to repeat a physical education course or a visual or performing arts course, pursuant to the substantial lapse of time exception, the repetition counts toward the limit of four repetitions for active participatory experience courses that are related in content.

§ 58161(a)

The preamble to section 58161 is proposed to become section 58161(a). Grammatical changes are proposed for clarity and consistency. Chapter is proposed to be changed to division to ensure application of chapter 6 (Curriculum and Instruction) requirements as well as chapter 9 (Fiscal Support). The last sentence is proposed to be moved to, and is restated in, subdivision (b).

§ 58161(b)

Subdivision (b) is proposed to be added to clearly state the general rule that if a student takes and passes a course, that student cannot repeat the course, and the district cannot

receive apportionment for any additional enrollments in the course, unless an exception applies. This is not a new rule, but was previously implied.

§ 58161(c)

Proposed changes clarify that (with limited exceptions) a district may claim apportionment for a student's enrollment up to three times if a satisfactory grade is not received as a result of any of those enrollments. The proposed changes refer back to the definition of enrollment in section 55000, thus redundant language is proposed to be deleted. Further references to summer session and intersessions are proposed to be deleted as they are necessarily encompassed by reference to total allowable enrollments, and thus redundant.

§ 58161(d)

This subdivision addresses the authority of a district to claim apportionment for courses that are properly designated as repeatable pursuant to section 55041. While the subdivision letter is the same, this subdivision is proposed to be moved up from the end of the section to right after the subdivision addressing courses that may be repeated pursuant to section 55040 (§ 58161(c)) to help eliminate confusion as to the relationship between the two subdivisions. The limitations on enrollments have not changed from existing regulations, but proposed changes make clear that the enrollment limitation is four times for semesters and six times for quarters.

§ 58161(e)

Proposed changes include revising subdivision letters to comport with proposed reordering and additions, specifying that enrollment is defined in section 55000, and replacing chapter with division to clarify that all division requirements are applicable, not just chapter requirements.

§ 58161(e)(1)

The proposed change is to clarify that the enrollment is as defined in section 55000, and to specify that the district cannot claim apportionment if the lapse of time is less than 36 months, unless an exception applies.

§ 58161(e)(2)

Proposed changes are to make language consistent with other subdivisions for clarity.

§ 58161(f)

Proposed changes include revising subdivision letters to comport with proposed reordering and additions and replacing chapter with division to clarify that all division requirements are applicable, not just chapter requirements. Additionally, proposed changes are to make language regarding attendance consistent with other subdivisions for clarity.

§ 58161(f)(1)

Proposed change is to update citation to correct section as proposed.

§ 58161(f)(2)

Proposed change is to make language consistent with other proposed changes regarding enrollments for clarity.

§ 58161(f)(3)

Proposed changes are to change repeats to enrollments for consistency and clarity, and to clarify that the apportionment for enrollments is unlimited as long as the additional enrollments are necessary for the student to complete one time the entire curriculum of the variable unit course.

§ 58161(f)(4)

Proposed change is to change repeats to enrollments for consistency and clarity, and to eliminate redundant language.

§ 58161(f)(7)

Proposed changes allow districts to claim apportionment if a student withdraws from a course as a result of discriminatory treatment. When the current version of the regulations was adopted, this allowance was inadvertently eliminated.

§ 58161(f)(8)

Proposed subdivision (f)(8) specifies that apportionment can be claimed for repetitions for changes in industry or licensure standards as set forth in section 55040(b)(9). While this subdivision is new, the allowance to collect apportionment for changes in industry or licensure standards was previously allowed depending upon how a district defined significant lapse of time. (§ 55043(a)(1).)

§ 58162

Proposed changes add 175 hours to the allowable number of hours districts can claim for apportionment for students enrolled in intercollegiate athletic courses. This change is being proposed as proposed changes to section 55041 eliminated the authority of districts to receive apportionment for repeat enrollments as conditioning and off season courses can no longer be claimed for apportionment for repeated enrollments.

§ 58166

Proposed changes eliminate a conflict between two regulations. (§§ 55220 and 58166(b).) Section 55220 states that “no more contact hours shall be generated by a field trip or

excursion that if the class were held on campus.” Existing section 58166(b) limits courses that include field trips and excursions to 48 hours, however, many classes are more than 48 hours. By eliminating the 48 hours, we are allowing colleges to claim apportionment for the hours they actually teach, as allowed by section 55220.

ATTACHMENT 3

Faculty Representatives		
Name	College	Area
David Morse	Long Beach City	Chair, ASCCC, Curriculum Committee
Beth Smith	Grossmont	Past Chair, ASCCC Curriculum Committee
Grant Goold	American River	Career/Technical Education
Kim Harrell	Folsom Lake	Kinesiology, Health, and Athletics
Estela Narrie	Santa Monica	Articulation Officer
Michele Rivard	Cabrillo	Music and Performing Arts
Erik Shearer	Napa Valley	Art
Janice Townsend	Los Medanos	Reading
Yvonne Valenzuela	Golden West	Counseling
Chief Instructional Officer Representatives		
Sherrie Guerrero	Chaffey	CIO
Sue Nelson	Napa Valley	CIO
Chief Student Services Officer Representative		
Lynn Neault	San Diego Community College District	CSSO
Chancellor's Office Representatives		
Michelle Goldberg	CCCCO	Legal Affairs
Sally Montemayor Lenz	CCCCO	Academic Affairs
Sonia Ortiz-Mercado	CCCCO	Student Services

ATTACHMENT 4



ACADEMIC SENATE
for CALIFORNIA COMMUNITY COLLEGES

HOME ABOUT US EXECUTIVE COMMITTEE COMMUNITIES EVENTS AWARDS SERVICE

09.03 ELIMINATE REPEATABILITY FOR “ACTIVITY” COURSES

Spring 2011

Presenter: Richard Mahon, Riverside City College, Educational Policies Committee

Topic: Curriculum

Status: Assigned

Whereas, Title 5 §55041 describes the types of courses that may be repeatable, including the often misunderstood “activity” course (§55041(c) (2) (B)), and the concept of repeatable courses is confusing and is often incorrectly applied at many colleges;

Whereas, Students should be encouraged to progress to more challenging levels of course content, and faculty can develop sequences of courses with beginning, intermediate, and advanced levels where students can demonstrate their proficiency at more advanced levels of a body of knowledge; and

Whereas, The data on repeatable courses show that students complete these courses in diminishing numbers over multiple opportunities, demonstrating that while opportunities exist for students to repeat “activity” courses several times, students do not avail themselves of these options;

Resolved, That the Academic Senate for California Community Colleges recommend a change to Title 5 regulations that eliminates the category of “activity” courses in Title 5 §55041(c) (2) (B) and defines repeatability for specific disciplines.

MSC Disposition: Local Senates, Chancellor’s Office, Consultation Council

Assigned To: President



09.04 CHANGE TO TITLE 5 §58162 “175 HOUR RULE” FOR STUDENT-ATHLETES

Fall 2011

Presenter: Kathy O’Connor, Santa Barbara City College

Topic: Curriculum

Status:

Whereas, There have been recommendations to change the repeatability rules for physical education classes that would impact the ability of student-athletes as it would preclude them from repeating out of season conditioning and skill building courses;

Whereas, In order for student athletes to successfully compete at the intercollegiate level and transfer to four year institutions additional hours of out of season conditioning and skill development is imperative;

Whereas, An intercollegiate athletic course consumes the current Title 5 limit of 175 hours per athlete per sport per year and does not include any out of season course hours; and

Whereas, Coding out of season conditioning and skill building courses for student athletes with the athletics top code, 0835.50, would allow appropriate preparation and place limits on the number of student athlete contact hours reported for apportionment but would require a change to Title 5 §58162 (b);

Resolved, That the Academic Senate for California Community Colleges recommend amending Title 5 §58162 (b) to increase the current 175-hour limit to 350 hours of attendance for each enrolled student in each fiscal year for each sport in which the student participates; and

Resolved, That the Academic Senate for California Community Colleges recommend that all intercollegiate sports conditioning and skills development courses be coded using the TOP code of 0835.50.

MSC

Assigned To: SACC



09.07 AMEND AND ENDORSE “RECOMMENDATIONS REGARDING REPEATABILITY”

Fall 2011

Presenter: Kim Harrell, Folsom Lake College, SACC

Topic: Curriculum

Status:

Whereas, The California Community Colleges’ Board of Governors and Chancellor’s Office have expressed a commitment to changing Title 5 §55041 regarding repeatable courses;

Whereas, Repeatable courses are a curricular matter, and both Education Code §70902 (b) (7) and Title 5 §53200 indicate that recommendations regarding curriculum are the purview of local academic senates;

Whereas, The Academic Senate for California Community Colleges has worked throughout 2011 to gather input from discipline faculty and other interested parties regarding possible changes to repeatable courses and led the Repeatability Task Force that developed the document “Recommendations Regarding Repeatability”; and

Whereas, The document “Recommendations Regarding Repeatability” contains unnecessary limitations on both the number of ensemble performance courses and on physical education, as well as omits classification of technical theatre production courses as “ensemble performance courses”;

Resolved, That the Academic Senate for California Community Colleges amend the document “Recommendations Regarding Repeatability” by striking the phrase “and students to a total of 16 units of performance courses” which places a non-curricular based limit on student course-taking;

Resolved, That the Academic Senate for California Community Colleges amend the document “Recommendations Regarding Repeatability” by striking the recommendation to “Limit students to a total of 8 PE courses”;

Resolved, That the Academic Senate for California Community Colleges recommend that technical theatre production courses should be classified as ensemble performance courses and as such, allowed to retain current repeatability (Title 5 §55041) along with all other ensemble performance courses in music, theatre and dance; and

Resolved, That the Academic Senate for California Community Colleges endorse the document “Recommendations Regarding Repeatability” and its recommendations as amended.

MSC

See [Appendix C: Recommendations Regarding Repeatability](#)

Assigned To: SACC



09.08 CLARIFICATION OF IMPLEMENTATION OF RECOMMENDATIONS REGARDING REPEATABILITY

Fall 2011

Presenter: Kim Harrell, Folsom Lake College, Area A

Topic: Curriculum

Status:

Whereas, The document "Recommendations Regarding Repeatability" proposes set limits on the number of units students may take in ensemble classes and on the number of courses in physical education; and

Whereas, Students who have already taken units in ensemble and physical education courses could be adversely affected in pursuing degrees and certificates in music and physical education should the unit or course limits be implemented retroactively;

Resolved, That the Academic Senate for California Community Colleges ensure that any proposals in the "Recommendations Regarding Repeatability" document be implemented as a forward looking policy upon the official change to Title 5 Regulations.

MSC

See [Appendix C: Recommendations Regarding Repeatability](#)

Assigned To: SACC