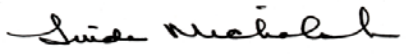





The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS
DATE: July 7-8, 2014

SUBJECT: Enrollment Priorities Regulations (Second Reading and Adoption)		Item Number: 2.5	
		Attachment: Yes	
CATEGORY:	Student Services and Special Programs	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Linda Michalowski, Vice Chancellor	Consent/Routine	
		First Reading	
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	X
		Information	

ISSUE: Changes are proposed to amend California Code of Regulations, title 5, section 58108, to implement statutory changes affecting students eligible for priority enrollment and to conform these regulations to the financial assistance award regulations by permitting foster youth to retain their eligibility for priority enrollment regardless of their academic standing.

BACKGROUND: Consistent with Student Success Task Force recommendation 3.1, the Board of Governors adopted regulations during their September 2012 meeting, requiring districts that implement a priority enrollment system to comply with specified requirements in that system. Those regulations required districts to provide highest level priority in the enrollment system to specified students as required by statute. All students were subject to loss of registration priority if placed on academic or progress probation for a prescribed time or exceeded a unit limit.

RECOMMENDATION: It is recommended that the Board of Governors 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), 70901.5 and 78215, hereby:

- approves the proposed regulation changes;
- directs the Chancellor to file the regulations with the Secretary of State and submit the regulations to the Office of Administrative Law for printing unless the Department of Finance determines the regulations would create a state-mandated local program cost and is unable to certify to the Board of Governors and the Legislature that a source of funds is available to reimburse that cost as set forth in Education Code section 70901.5(a)(6);
- 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.

The proposed regulations are presented to the Board of Governors for approval and adoption. The Board of Governors held a public hearing in May. No public comments were received during the hearing and no public comments were made during the public comment period of May 8 through June 23, 2014.

ANALYSIS: When the Board of Governors adopted the enrollment priority regulations in 2012, state law required districts administering a priority enrollment system to grant priority enrollment in that system to military members and veterans, as well as foster youth and former foster youth. (Education Code, §§ 66025.8 and 66025.9.) In 2013, the Legislature enacted statutes that required that districts administering registration priority systems to also grant priority enrollment in that system to students determined to be eligible for Disabled Student Program and Services, students receiving services through the Extended Opportunity Program and Services and students receiving aid from the California Work Opportunity and Responsibility to Kids Program. (Education Code, §§ 66025.91 and 66025.92.) Those additions are reflected in proposed subdivisions (c) and (d) of section 58108.

In addition, in January of 2014, the Board of Governors adopted regulations requiring students to meet minimum academic and progress standards to be eligible for a fee waiver. (California Code of Regulations, title 5, §§ 58601, 58612, 58620-21.) Foster youth and former foster youth were exempt from these requirements. (California Code of Regulations, title 5, § 58621 (a)(1).) At the time, it was agreed that the Chancellor's Office would propose amendments to the enrollment priority regulations to likewise exempt foster youth and former foster youth from the requirement to meet specified academic requirements to be eligible for priority enrollment. (See, proposed subdivision (h)(3) of section 58108.)

Last, changes are proposed to clarify some of the ambiguities that were revealed as districts began implementing the enrollment priority regulations, including aligning the definition of first time student with the student success regulations. (California Code of Regulations, title 5, § 55530.)

The proposed regulatory changes are included as Attachment 1.

An analysis of the proposed regulatory changes is included as Attachment 2.

ATTACHMENT 1

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES PROPOSED REVISIONS TO TITLE 5 REGULATIONS: REGISTRATION AND ENROLLMENT PROCEDURES

1. Section 58108 of article 1 of subchapter 2 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 58108. Registration and Enrollment Procedures.

(a) Districts shall adopt policies and procedures for registration and standards for enrollment in any course that are consistent with these and other sections of title 5 and uniformly administered by appropriately authorized employees of the district.

(b) It is the intent of the Board of Governors of the California Community Colleges to provide priority registration for students who enroll in a community college for the purpose of degree or certificate attainment, transfer to a four-year college or university, or career advancement.

(c) Districts adopting policies and procedures that include the administration of a registration system that grants priority enrollment to certain students, shall grant registration priority in that system, for each term the registration priority system is administered, to students who: ~~Registration priority, in the order of priority listed below, shall be provided to students:~~

~~(1) who are first time students within the meaning of section 55530(c) and have completed orientation, assessment, and developed student education plans and are eligible as a member of the armed forces or a veteran pursuant to Education Code section 66025.8 or as a foster youth or former foster youth pursuant to Education Code section 66025.9; or~~

~~(2) who have completed orientation, assessment, and developed student education plans and are eligible and receiving services through Disabled Student Programs and Services or Extended Opportunity Programs and Services;~~

~~(2) (3) who are continuing students are not first time students within the meaning of section 55530(c) and have not lost registration priority pursuant to subdivision (h), not on academic or progress probation for two consecutive terms as defined in section 55031 and first time students who have completed orientation, assessment, and developed student education plans.~~

(d) Districts shall provide highest and equal priority to students eligible for registration priority pursuant to subdivision (c) who are:

(1) a member of the armed forces or a veteran pursuant to Education Code section 66025.8,

(2) a foster youth or former foster youth pursuant to Education Code section 66025.9,

(3) determined to be eligible for Disabled Student Program and Services as set forth in Education Code section 66025.91,

(4) receiving services through the Extended Opportunity Programs and Services as set forth in Education Code section 66025.91, or

(5) receiving aid from the California Work Opportunity and Responsibility to Kids Program as set forth in Education Code section 66025.92.

~~(d) Districts are not required to apply the registration priorities identified in subdivisions (c)(2) and (c)(3) of this section for courses offered during summer or intersessions.~~

~~—(e) A district may provide students identified in subdivision (c)(1) or (c)(2) of this section with the same level of registration priority as long as a district ensures students identified in (c)(1) receive registration priority as required by Education Code sections 66025.8 and 66025.9.~~

~~(e) (f)~~ To the extent districts have the capacity and resources to require orientation, assessment, and education plans for continuing students, districts may establish orientation, assessment and education plans or any combination thereof as a condition for registration priority.

(f) Districts are permitted to adopt registration priorities for subcategories of students eligible for registration priority pursuant to subdivisions (c) and (d) provided that highest and equal registration priority is granted to students meeting the requirements of subdivision (d)(1) through (d)(5). Districts may not prioritize students in one statutory group, as set forth in (d)(1) through (d)(5), over another.

~~(g) Within the state registration priorities identified in subdivision (c) of this section, districts may establish the relative order of priority for additional subcategories of students within each of the three levels. Similarly situated students in the groups specified in subdivisions (c)(1) and (c)(2), respectively, shall be granted equal priority.~~

~~(g)(h)~~ Districts may establish additional registration priorities for students with priority lower than student groups covered by subdivision (c) of this section.

~~(h)(i)~~ Registration priority specified in subdivision (c) of this section shall be lost at the first registration opportunity after a student:

(1) is placed on academic or progress probation or any combination thereof as defined in section 55031 for two consecutive terms; or

(2) has earned one hundred (100) or more degree-applicable semester or quarter equivalent units at the district.

(A) For purposes of this section a unit is earned when a student receives a grade of A, B, C, D or P as defined in section 55023.

(B) The 100-unit limit does not include units for non-degree applicable English as a Second Language or basic skills courses as defined in section 55000(j) or special classes as defined in section 55000.

(C) Districts may set the unit limit lower than 100 units and may consider units from other higher education institutions.

(D) Districts may adopt policies to exempt from the 100-unit limit categories of students, including but not limited to, those enrolled in high unit majors or programs.

(E) Districts may exempt from the 100-unit limit units earned through credit by examination, advanced placement, International Baccalaureate, or other similar programs.

(3) This subdivision shall not apply to students granted registration priority pursuant to subdivision (d)(2).

~~(i)(j)~~ Beginning in the spring 2013 term, districts shall notify students who are placed on academic or progress probation, or who have earned 75 percent or more of the unit limit, of the potential for loss of enrollment priority. The district shall notify the student that a

second consecutive term on academic or progress probation will result in the loss of priority registration until the student is no longer on probation or that enrollment priority will be lost when the student reaches the unit limit.

~~(j)(k)~~ Except as otherwise provided by state law, no student shall be required to confer or consult with or be required to receive permission to enroll in any class from any person other than those employed by the college in the district.

~~(k) (f)~~ Students will not be required to participate in any preregistration activity not uniformly required; nor shall the college or district allow anyone to place or enforce nonacademic requisites that are not expressly authorized in this chapter or in state law as barriers to enrollment in or the successful completion of a class.

~~(l)(m)~~ With respect to accessibility to off-campus sites and facilities, no student is to be required to make any special effort not required of all students to register in any class or course section. Once enrolled in the class, all students must have equal access to the site.

~~(m)(n)~~ Each community college district shall establish written procedures by which a student may appeal the loss of priority enrollment status due to extenuating circumstances, or where a student with a disability applied for, but did not receive, reasonable accommodation in a timely manner. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. Districts may allow students who have demonstrated significant academic improvement to appeal the loss of priority enrollment status. Significant academic improvement is defined as achieving no less than the minimum grade point average and progress standard established in section 55031 for the term or terms.

~~(n) (o)~~ Districts shall ensure that the requirements of this section are adopted in local board policies and fully operational for registration for fall 2014 courses. Districts shall ensure that all policies and course catalogs reflect the requirements of this section and that appropriate and timely notice is provided to students.

NOTE: Authority cited: Sections 66700, ~~and 70901, and 78215~~, Education Code. Reference: Sections 66025.8, 66025.9, 66025.91, 66025.92, 66025.95, 70901, 78210 et seq., and 84500, Education Code.

ATTACHMENT 2

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES REGISTRATION AND ENROLLMENT PROCEDURES SECTION BY SECTION ANALYSIS OF PROPOSED CHANGES TO SECTION 58108

58108(c)

Changes are proposed to this subdivision for clarity. The proposed changes more closely mirror the statutory language to make clear that the requirements regarding priority enrollment only apply if the district chooses to implement a priority enrollment system, and only in the terms that that system is implemented. In other words, a district that has a priority enrollment system, but chooses not to use that system during summer, i.e., not allow any priority enrollment during that term, is not required to comply with these requirements for the summer term in which priority enrollment is not permitted. Proposed changes to this subdivision also clarify that in order to be eligible for priority enrollment, all new students, including those entitled to priority enrollment by statute, must have completed orientation, assessment, and developed student education plans. Changes further clarify that in order to be eligible for enrollment priority, returning students, including those students eligible for enrollment priority pursuant to statute, must be in good academic standing and have not exceeded the unit cap, except as set forth in subdivision (h).

58108(c)(1)

Changes to subsection (1) of subdivision (c) are proposed as the requirement to provide first enrollment priority to the students identified by statute has been moved to subdivision (d). In addition, references to “new students” are proposed to be changed to “first time students within the meaning of 55530 (c)” to clarify that this subsection of (c) applies to students who enroll at the college for the first time and excludes those students who transferred from another institution of higher education. This change aligns the definition of “first time student” with the student success program regulations. (California Code Regulations., title 5, § 55530.) Additional changes are proposed to clarify that all first time students must, including those entitled to enrollment priority pursuant to statute (see subdivision (d)), have completed orientation, assessment, and developed a student education plan to be eligible for enrollment priority.

58108(c)(2)

Changes to subsection (2) of subdivision (c) are proposed to reflect statutory changes which provided first enrollment priority to additional groups of students. All of the groups of student entitled to priority enrollment pursuant to statute have been moved to subdivision (d). Additional changes are proposed to clarify that what was previously referred to as “continuing students” are

simply those students that don't meet the definition of "first time student" set forth in subdivision (c)(1), and that those students must not have lost registration priority pursuant to subdivision (h) (formerly subdivision [i]) to be eligible for enrollment priority.

Prior 58108(d)

Prior subdivision (d) is proposed to be eliminated as the statute requires districts that operate a priority enrollment system during any term, including summer and intersession, must provide first enrollment priority in that system to those groups identified in the statute. However, if the district does not operate an enrollment priority system at all, or in any given term, the district does not have to provide first enrollment priority to the groups identified in statute. This requirement is now set forth in subdivision (c). (See discussion above.)

58108(d)

Proposed subdivision (d) sets forth those students that are statutorily entitled to first enrollment priority for those districts administering an enrollment priority system. All students meeting the requirements for highest enrollment priority must be given equal priority.

58108(d)(1)-(5)

Proposed subsections (1)-(5) of subdivision (d) set forth the five groups of students that are statutorily entitled to highest and equal priority.

Prior 58108(e)

Prior subdivision (e) is proposed to be eliminated as it is obsolete in light of the statutory changes.

Prior 58108(f)

Prior subdivision (f) is proposed to be relettered subdivision (e).

58108(f)

Proposed subdivision (f) replaces and modifies prior subdivision (g). The rationale for this subdivision was, and continues to be, twofold: 1) to address the concern that college registration systems do not have the capacity to "open the door" for registration to all students granted highest priority by statute at the exact same time, and 2) to affirm that districts may establish priority enrollment for students based upon their own criterion provided the students are eligible for priority enrollment pursuant to (c)(1) [first time students] or (c)(2) [not first time students] and the students in subdivision (d) [statutory groups] are granted highest priority in that system.

The proposed changes clarify that districts choosing to establish additional criteria for priority enrollment, must ensure: 1) that the students specified in subdivision (d) receive highest priority

over any student not specified in subdivision (d) and, 2) that the criteria apply evenly and equitably to all students in subdivision (d). In other words the criteria cannot have the effect of elevating the priority of one “statutory group” over another.

For example, a district may choose to permit students with fewer than 30 units to have priority over students with 31 or more units. This would be permissible if: 1) all students granted priority enrollment meet the requirements of (c)(1) or (c)(2), AND, 2) all students eligible for priority enrollment pursuant to subdivision (d) receive higher priority in the enrollment system than those not meeting the requirements of (d), AND 3) the criteria apply evenly to students permitted enrollment priority in (d) regardless of the statutory basis (EOPS, DSPS, Veterans, etc.) for that priority.

Prior 58108(h), (i)

Prior 58108(h) and (i) are proposed to be relettered (g) and (h) respectively.

58108(h)(3)

Subsection (3) of subdivision (h) is proposed to be added to permit foster youth and former foster youth as defined in Education Code section 66025.9(b) to maintain their enrollment priority even if they do not meet the academic requirements of (h)(1) or exceed the unit cap of (h)(2).

Prior 58108(j), (k), (l), (m), (n), and (o)

Prior 58108(j), (k), (l), (m), (n), and (o) are proposed to be relettered (i), (j), (k), (l), (m), and (n) respectively.