

**CALIFORNIA CODE OF REGULATIONS
DIVISION 6, TITLE 5**

**Subchapter 5. Nondiscrimination in
Programs Receiving State Financial
Assistance Through the Chancellor or Board
of Governors of the California Community Colleges**

Article 1. General

§ 59300. Purpose.

The purpose of this subchapter is to implement the provisions of California Government Code sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, § 66250 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101), to the end that no person in the State of California shall, in whole or in part, on the basis of ethnic group identification, national origin, religion, age, sex or gender, race, color, ancestry, sexual orientation, or physical or mental disability, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under any program or activity that is administered by, funded directly by, or that receives any financial assistance from, the Chancellor or Board of Governors of the California Community Colleges.

Note: Authority cited: Sections 66271.1, 66700, and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; sections 11135-11139.5, Government Code; sections 422.6 and 422.55, Penal Code; title 20, United States Code section 1681; title 29, United States Code section 794; and title 42, United States Code sections 2000d, 6101 and 12100, et seq.

§ 59302. Academic Requirements.

Nothing in this subchapter shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Section 11135, Government Code.

§ 59304. Intent.

It is the intent of the Board of Governors that the Chancellor assist community college districts in recognizing and eliminating unlawful discrimination that may exist in their programs and activities and in meeting the requirements of this subchapter. Punitive

action authorized by this subchapter will be taken only when remedial action has failed to eliminate unlawful discrimination from the programs and activities of a community college district.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135, 11137 and 11139, Government Code.

§ 59306. Visitor Parking for Persons with Disabilities.

(a) Each community college district shall, consistent with the requirements of Education Code section 67301, provide visitor parking at each of its colleges or centers at no charge to persons with disabilities or to those providing transportation for such persons.

(b) For purposes of this section only, "persons with disabilities" are those who:

(1) qualify as disabled persons pursuant to section 22511.5 of the Vehicle Code; or

(2) if they were students, would be entitled to special parking provided to students with disabilities pursuant to subchapter 1 (commencing with section 56000) of chapter 7 of this division.

(c) Parking at no charge shall be available to persons with disabilities who are visitors, and to those providing transportation to such persons, in those parking facilities which are most accessible to administrative offices, libraries, and other facilities which the district finds are most used by visitors.

(d) Each community college district shall post in conspicuous places notice that parking is available without charge to persons with disabilities who are visitors and to those providing transportation for such persons.

(e) When parking provided pursuant to this section is located in an area where access is controlled by a mechanical gate, the district shall ensure that accommodations are made for persons with disabilities who are unable to operate the gate controls. Accommodations may be provided by an attendant assigned to assist in the operation of the gate or by any other effective means deemed appropriate by the district.

(f) Parking fees collected pursuant to Education Code section 76360 shall be used to offset any costs resulting from compliance with the requirements of this section.

Note: Authority cited: Sections 66271.1, 66700 67301 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq., 67301, 72011, and 76360, Education Code; and Section 22511.5, Vehicle Code.

Article 2. Definitions

§ 59310. Incorporation by Reference.

Except as otherwise provided by this subchapter, those definitions of activities prohibited by, and persons protected by, title 22 of the California Code of Regulations (commencing with section 98100) are incorporated into and made applicable to this subchapter as if fully set forth here.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Section 11135, Government Code.

§ 59311. Definitions.

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

(a) "Appeal" means a request by a complainant made in writing to a community college district governing board pursuant to section 59338 and/or to the Chancellor's Office pursuant to section 59339 to review the administrative determination of a community college district regarding a complaint of discrimination.

(b) "Complaint" means a written and signed statement meeting the requirements of section 59328 that alleges unlawful discrimination in violation of this subchapter.

(c) "Days" means calendar days.

(d) Except for purposes of section 59306, "disability" means any mental or physical disability as defined in Government Code section 12926.

(e) "Discrimination on the basis of sex" means sexual harassment or discrimination on the basis of gender.

(f) "Gender" means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

(g) "Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. "Sex" also includes, but is not limited to, a person's gender, as defined in section 422.56 of the Penal Code. Discrimination on the basis of sex or gender also includes sexual harassment.

(h) "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; sections 11135 and 12926, Government Code; and sections 422.6 and 422.55, Penal Code.

Article 3. District Compliance and Enforcement

§ 59320. District Responsibility.

Each community college district has primary responsibility to insure that its programs and activities are available to all persons without regard to their actual or perceived ethnic group identification, national origin, religion, age, sex or gender, race, color, ancestry, sexual orientation, or physical or mental disability, or to their association with a person or group with one or more of these actual or perceived characteristics. Therefore, each community college district shall investigate complaints of unlawful discrimination in its programs or activities, and seek to resolve those complaints in accordance with the provisions of this subchapter.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education

Code; sections 11135 and 12926, Government Code; and sections 422.6 and 422.55, Penal Code.

§ 59322. District Regulations.

Each community college district shall establish and adopt written policies consistent with this subchapter. When the policies are adopted or amended, they shall be submitted to the Chancellor within 90 days of the effective date of the adoption or amendment(s). If, at any time, the Chancellor finds that a district's policies are inconsistent with the requirements of this subchapter, the Chancellor may require the district to appropriately modify its policies.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and section 11135, Government Code.

§ 59324. Responsible District Officer.

Each community college district shall identify to the Chancellor and to the public a single person as the district officer responsible for receiving complaints filed pursuant to section 59328 and for coordinating their investigation. Informal charges of unlawful discrimination should be brought to the attention of the responsible district officer, who shall oversee the informal resolution process pursuant to section 59327. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the district. Such procedures shall be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and section 11135, Government Code.

§ 59326. Notice to Students and Employees.

Each community college district shall notify students and employees of the provisions of this subchapter.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Section 11135, Government Code.

§ 59327. Informal Resolution.

(a) Whenever any person brings charges of unlawful discrimination to the attention of the responsible district officer designated pursuant to section 59324, that officer shall:

- (1) undertake efforts to informally resolve the charges;
- (2) advise the complainant that he or she need not participate in informal resolution;
- (3) notify the person bringing the charges of his or her right to file a complaint, as defined in section 59311, and of the procedure for filing such a complaint pursuant to section 59328;

(4) advise the complainant that he or she may file his or her nonemployment-based complaint with the Office of Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction; and

(5) advise the complainant that he or she may file his or her employment-based complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where the complaint is within the jurisdiction of those agencies.

(b) Efforts at informal resolution pursuant to subdivision (a)(1) need not include any investigation unless the responsible district officer determines that an investigation is warranted by the seriousness of the charges.

(c) Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an investigation is required to be conducted pursuant to section 59334 and must be completed unless the matter is informally resolved and the complainant dismisses the formal complaint or the complainant files with the DFEH and the Chancellor elects not to require further investigation pursuant to section 59328(f)(2). Any efforts at informal resolution after the filing of a written complaint shall not exceed the ninety (90) day period for rendering the administrative determination pursuant to section 59336.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

§ 59328. Formal Investigation Upon Filing of Written Complaint.

An investigation of alleged unlawful discrimination prohibited by this subchapter will be initiated by filing a complaint that meets the following requirements:

(a) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his or her official capacity as a faculty member or administrator.

(b) The complaint shall be filed with the Chancellor of the California Community Colleges or with the officer designated pursuant to section 59324 by the appropriate community college district.

(c) The complaint shall be in a form prescribed by the Chancellor.

(d) In any complaint not involving employment, the complaint shall be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination.

(e) In any complaint alleging discrimination in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period should be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

(f) In any complaint alleging discrimination in employment, the district shall:

(1) advise the complainant that he or she may file the complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the Department of Fair

Employment and Housing (DFEH) where the complaint is within the jurisdiction of those agencies; and

(2) forward a copy of any filing by the complainant with the DFEH or the EEOC to the Chancellor's Office for a determination of whether the issues presented require an independent investigation of the matter under the provisions of this subchapter.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and sections 11135 and 11136, Government Code.

§ 59329. Complaints Filed with Chancellor.

Upon receiving a complaint filed pursuant to section 59328, the Chancellor will immediately forward a copy of the complaint to the appropriate community college district responsible officer who shall respond pursuant to section 59332 or initiate the investigation required by section 59334.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and sections 11135 and 11136, Government Code.

§ 59330. Notice to Chancellor.

Immediately upon receiving a complaint filed in accordance with section 59328, regardless of whether the complaint is brought by a student or by an employee, the district shall forward a copy of the complaint to the Chancellor.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and sections 11135 and 11136, Government Code.

§ 59332. Defective Complaint.

When a district receives a complaint which it finds does not meet the requirements of section 59328, the district shall immediately notify the complainant and the Chancellor that the complaint does not meet the requirements of section 59328 and shall specify in what requirement the complaint is defective.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and sections 11135 and 11136, Government Code.

§ 59333. Office for Civil Rights.

(a) Whenever a complaint is filed with the Chancellor pursuant to section 59329 and whenever the Chancellor renders a decision pursuant to article 4 (commencing with section 59350) of this subchapter, the Chancellor shall notify the complainant that he or she may file a complaint regarding the same matter with the Office For Civil Rights of the U.S. Department of Education (OCR) where the complaint is within the jurisdiction of that agency.

(b) In such cases, OCR will normally accept compliance with these regulations as satisfying the due process requirements of federal law.

(c) OCR shall have no jurisdiction to rule on any finding regarding violation of state law.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

§ 59334. District Investigation.

Upon receiving a complaint that is properly filed in accordance with section 59328, the district will commence an impartial fact-finding investigation of that complaint and notify the complainant and Chancellor that it is doing so. The results of the investigation shall be set forth in a written report that shall include at least all of the following:

- (a) a description of the circumstances giving rise to the complaint;
- (b) a summary of the testimony provided by each witness, including the complainant and any viable witness identified by the complainant in the complaint;
- (c) an analysis of any relevant data or other evidence collected during the course of the investigation;
- (d) a specific finding as to whether there is probable cause to believe that discrimination occurred with respect to each allegation in the complaint; and
- (e) any other information deemed appropriate by the district.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

§ 59336. Administrative Determination.

(a) In any case not involving employment discrimination, within ninety (90) days of receiving a complaint, the district shall complete its investigation and forward a copy of the investigative report required pursuant to section 59334 to the Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all of the following to both the complainant and the Chancellor:

- (1) the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- (2) a description of actions taken, if any, to prevent similar problems from occurring in the future;
- (3) the proposed resolution of the complaint; and
- (4) the complainant's right to appeal to the district governing board and the Chancellor pursuant to sections 59338 and 59339.

(b) In any case involving employment discrimination, within 90 days of receiving a complaint, the district shall complete its investigation and forward a copy or summary of the report to the complainant, and written notice setting forth all the following to the complainant:

(1) the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;

(2) a description of actions taken, if any, to prevent similar problems from occurring in the future;

(3) the proposed resolution of the complaint; and

(4) the complaint's right to appeal to the district governing board and to file a complaint with the Department of Fair Employment and Housing.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq., and 72011, Education Code; and sections 11135 and 11136, Government Code.

§ 59338. Final District Decision; Appeals to Local Governing Board.

(a) If the complainant is not satisfied with the results of the administrative determination rendered pursuant to section 59336, the complainant may submit a written appeal to the district governing board within fifteen (15) days from the date of the notice pursuant to section 59336 that sets forth the administrative determination and the complainant's appeal rights. The governing board shall review the original complaint, the investigative report, the administrative determination, and the appeal and issue a final district decision in the matter within forty-five (45) days after receiving the appeal.

(b) In any case not involving employment discrimination, the district shall promptly forward to the complainant and to the Chancellor a copy of the final district decision rendered by the governing board that includes complainant's right to appeal the district's decision to the Chancellor pursuant to section 59339.

(c) In any case involving employment discrimination, the district shall promptly forward to the complainant a copy of the final district decision rendered by the governing board that includes the complainant's right to file a complaint with Department of Fair Employment and Housing (DFEH), where the case is within the jurisdiction of that agency.

(d) If the governing board does not act within forty-five (45) days the administrative determination shall be deemed approved and shall become the final district decision in the matter.

(1) The district shall promptly notify the complainant and, in any case not involving employment discrimination, the Chancellor, that the board took no action and the administrative determination is deemed approved pursuant to this section.

(2) In any case not involving employment discrimination, the complainant shall also be notified of his or her right to appeal the district's decision to the Chancellor pursuant to section 59339.

(3) In any case involving employment discrimination, the complainant shall also be notified of his or her right to file a complaint with the Department of Fair Employment and Housing (DFEH), where the case is within jurisdiction of that agency.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and sections 11135 and 11136, Government Code.

§ 59339. Appeal to Chancellor.

(a) In any case not involving employment discrimination, the complainant shall have the right to file a written appeal with the Chancellor within thirty (30) days from the date that the governing board issues the final district decision or permits the administrative determination to become final pursuant to section 59338, or from the date of the notice provided pursuant to section 59338(b) or (d), whichever is later. Such appeals shall be processed pursuant to the provisions of article 4 (commencing with section 59350) of this subchapter. The appeal must be accompanied by a copy of the decision of the governing board or evidence showing the date on which the complainant filed an appeal with the governing board and a statement under penalty of perjury that no response was received from the governing board within forty-five (45) days from that date.

(b) In any case involving employment discrimination, the complainant may, at any time before or after the final district decision is rendered, file a complaint with the Department of Fair Employment and Housing (DFEH) where the complaint is within the jurisdiction of that agency.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and sections 11135 and 11136, Government Code.

§ 59340. Provision of Information to Chancellor.

(a) Within 150 days of receiving a complaint which does not involve employment discrimination, the district will either:

(1) forward the following to the Chancellor:

(A) A copy of the final district decision rendered by the governing board or a statement indicating the date on which the administrative determination became final pursuant to section 59338(a) or (d);

(B) A copy of the notice to the complainant required pursuant to section 59338(a) or (d);

(C) A copy of the complaint's appeal of the district's administrative determination pursuant to section 59338(a); and

(D) Such other information as the Chancellor may require; or

(2) Notify the Chancellor that the complainant has not filed an appeal with the district governing board and that the district has closed its file.

(b) For a period of at least three years after closing a case, including a case involving employment discrimination, the district shall retain and make available to the Chancellor upon request the original complaint, the documents referenced in sections 59336 and 59338, and the documents identified in subdivision (a) of the section.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and sections 11135 and 11136, Government Code.

§ 59342. Extensions; Failure to Comply.

(a) If a district, for reasons beyond its control, is unable to comply with the 90-day or 150-day deadline specified in sections 59336 or 59340, the district may file a written

request that the Chancellor grant an extension of the deadline. Where an extension is deemed necessary by the district, it must be requested from the Chancellor regardless of whether or not the case involves employment discrimination. The request shall be submitted no later than ten (10) days prior to the expiration of the deadline established pursuant to sections 59336 or 59340 and shall set forth the reasons for the request and the date by which the district expects to be able to submit the required materials.

(b) A copy of the request for an extension shall be sent to the complainant, who shall be notified that he or she may file written objections with the Chancellor within five (5) days of receipt.

(c) The Chancellor may grant the request unless delay would be prejudicial to the investigation. If the Chancellor grants an extension of the 90-day deadline, the 150-day deadline is automatically extended by an equal amount.

(d) If a district fails to comply with the requirements of sections 59336 or 59340 by the required deadline, including any extension granted pursuant to this section, the Chancellor may proceed to review the case as provided in article 4 (commencing with section 59350) of this subchapter based on the original complaint and any other relevant information then available.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and sections 11135 and 11136, Government Code.

Article 4. Chancellor's Procedure to Effect Compliance

§ 59350. Review for Reasonable Cause.

(a) The Chancellor shall review the materials submitted by the district pursuant to sections 59336 and 59340, together with the complainant's appeal, and determine whether there is reasonable cause to believe the district has violated the requirements of this subchapter.

(b) Failure by the complainant to file an appeal pursuant to section 59339 shall not preclude the Chancellor from finding reasonable cause to believe the district has violated the requirements of this subchapter.

(c) If the Chancellor finds there is no reasonable cause to believe a violation has occurred, the Chancellor shall immediately notify both the complainant and the district.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

§ 59351. New Issues Raised on Appeal.

If, upon review of the materials submitted by the complainant pursuant to section 59339(a), the Chancellor's Office finds that issues or facts not included in the complaint have been raised for the first time on appeal, the Chancellor's Office will provide the district a reasonable opportunity to respond to the new issues or facts raised by the complainant.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and sections 11135 and 11136, Government Code.

§ 59352. Investigation.

If the Chancellor finds there is reasonable cause to believe a violation has occurred, the Chancellor shall investigate to determine whether there is probable cause to believe a violation has occurred.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

§ 59354. Informal Resolution.

During the course of the investigation, the Chancellor shall seek to informally resolve the alleged violation. Such resolution shall be set forth in a written conciliation agreement. A copy of the written agreement shall be sent to the complainant.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

§ 59356. Formal Resolution.

Within 120 days of initiating the investigation, the Chancellor shall take one of the following actions:

(a) Notify the district and the complainant that there is probable cause to believe the district has violated the provisions of this subchapter. The Chancellor shall allow the district to acquiesce in this finding prior to filing an accusation against the district.

(b) Notify the district and the complainant that there is no probable cause to believe the district has violated the provisions of this subchapter.

Note: Authority cited: Sections 66271.7, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

§ 59358. Hearing.

If the Chancellor finds the district has violated the provisions of this subchapter, and if the district does not acquiesce in that finding, the Chancellor shall initiate the hearing process pursuant to chapter 5 (commencing with section 11500) of part 1, division 3, title 2 of the Government Code, to determine whether the violation did occur.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

§ 59360. Enforcement.

(a) Upon a determination that a district has violated the provisions of this subchapter, the Chancellor shall notify the district of the action he or she will take to effect compliance. The Chancellor may use any means authorized by law to effect compliance, including:

(1) Withhold all or part of the district's state support, including state general apportionment and/or growth funding;

(2) Make eligibility for future state support, including state general apportionment and/or growth funding, and/or eligibility for grants or contracts administered by the Chancellor's Office, conditional on compliance with specified conditions;

(3) Proceed in a court of competent jurisdiction for an appropriate order compelling compliance.

(b) No decision to curtail state funding to a district pursuant to this section shall be made until the Chancellor has determined that compliance cannot be secured by voluntary means.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and sections 11135, 11136 and 11137, Government Code.

§ 59362. Judicial Review.

A decision by the Chancellor pursuant to section 59360 is subject to judicial review by the district, as provided by section 1094.5 of the Code of Civil Procedure.

Note: Authority cited: Sections 66271.7, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and sections 11135 and 11136, Government Code.