



**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

1102 Q STREET, SUITE 4400
SACRAMENTO, CA 95811-6549
(916) 322-4005
<http://www.cccco.edu>

OFFICE OF THE GENERAL COUNSEL

Marc A. LeForestier, General Counsel
Jacob H. Knapp, Deputy Counsel
Peter V. Khang, Deputy Counsel

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING APPORTIONMENT FOR NONCREDIT COURSES - § 58003.3

Notice published March 2, 2018

NOTICE IS HEREBY GIVEN that, pursuant to Standing Order 200, the Board of Governors of the California Community Colleges proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors meeting on March 19-20, 2018, at 1102 Q Street, Sacramento, California. The Board meeting will commence at the hour of 10:00 a.m. on March 19, 2018, or as soon thereafter as the business of the Agency will permit. The room is wheelchair accessible. Other disability-related accommodations such as materials in alternate media, sign language interpreters, or real time transcription will be provided to persons with disabilities upon request. Parking accessible for persons with disabilities is available near the facility. Persons requesting such accommodations should notify Christina Castro, 1102 Q Street, Suite 4500 Sacramento, CA 95811-6549, ccastro@cccco.edu, 916-323-5889, no less than five working days prior to the meeting. The Chancellor's Office will make efforts to meet requests made after such date, if possible.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. The Board of Governors requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their comments. No oral comments will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. To ensure that your comments have the maximum effect in developing the final regulations, we urge you to identify clearly the specific subdivision of the proposed regulation that each of your comments addresses and to arrange your comments in the same order as the proposed regulation. Please send your comments to:

Leslie LeBlanc, Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549

Comments may also be submitted by facsimile at 916-322-9030 or by email at regcomments@cccco.edu.

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on April 16, 2018. All written comments received by CCCCO staff during the public comment period are subject to disclosure under the Public Records Act.

CHANGES OR MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be provided to those persons who provided contact information and submitted written comments relevant to the proposed regulatory action, or who provided oral comments at the public hearing, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Education Code sections 66700, 70901, and 70901.5

Reference: Education Code sections 70901, 70901.5, and 70902.

INFORMATIVE DIGEST

In recent years, the State of California has eliminated barriers for undocumented students who seek educational opportunities in California. This policy recognizes that California benefits from an educated society. In particular, the Legislature passed Senate Bill 68 last year, which allows students, including undocumented students, to use noncredit course work to support an application for exemption from nonresident tuition under Education Code section 68130.5. In addition to expanding this exemption to a broader spectrum of qualifying students, it also expressly authorized apportionment for all students taking credit classes who qualify for the exemption, including undocumented students. (Ed. Code, § 68130.5, subd. (b).)

The Education Code also states that adult noncredit classes are an “essential and important function of the community colleges.” (Ed. Code, § 66010.4, subd. (a)(2)(B).) Noncredit community college courses include

subject areas such as English as a second language, remedial academic skills, citizenship, and parenting, among others. (Ed. Code, § 84757.)

This proposed regulatory change is a logical extension of state policy favoring broad educational access and underscoring the importance of noncredit classes. The regulation would allow California community college districts to claim apportionment for undocumented students taking noncredit courses. This change will encourage college districts to enroll undocumented students in noncredit courses, and will lift a cloud that hovers over any college districts that currently claim apportionment for students without certainty about their documented status.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

Mandate on local agencies or community college districts: None

Cost or savings to state agencies: None

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code: Senate Bill 68 identifies potential costs to community colleges in this category. The proposed regulatory amendments would not increase those costs, if any.

Other non-discretionary cost or savings imposed on community college districts: None

Cost or savings in federal funding to state agencies: None

The effect of the adoption of the proposed regulation will not impose increased costs or new costs to community college districts that are required to be reimbursed under section 17561 of the Government Code. This determination will be made a formal part of the public hearing at the time and place described above. Furthermore, there are no direct costs or indirect costs, or savings to any state agency, no costs or savings in federal funding to the state and no non-discretionary costs or savings to local agencies.

CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to:

Marc LeForestier, General Counsel
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549
Telephone: 916-445-6272
E-mail: mleforestier@CCCCO.edu

Inquiries concerning the regulatory process may be directed to Leslie LeBlanc, Regulations Coordinator, at 916-327-5913 or lleblanc@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, and all of the information upon which the proposal is based, may be obtained online at:

[Board of Governors Meetings](#)

or [Legal Regulations](#)

Those who receive the Board of Governors Agenda package for the March 19-20, 2018, meeting can find a further description of the proposal and the full text of the regulations.

You may also request a copy of the proposal from Leslie LeBlanc, using the contact information provided above.