NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING Enrollment Priorities

Notice published June 28, 2012

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 July 9-10, at 1102 Q Street, Sacramento, California. The Board meeting will commence at the hour of 9:30 a.m., 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 Njeri Griffin, 1102 Q Street, Suite 4554, Sacramento, CA 95811-6549, ngriffin@cccco.edu, 916-445-8508, 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 section or sections of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations. Please send your comments to:
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 Steven Bruckman and will be mailed to those persons who submit written comments relevant to the proposed regulatory action, or who provide 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, 70901.5

Reference: Education Code sections 70901, 84500

INFORMATIVE DIGEST

The proposed regulations provide a framework for system-level enrollment priorities that would provide greater consistency among California’s 112 community colleges, while providing districts with the discretion to shape policies and registration priorities within the framework to meet local needs. The highest levels of priority are maintained for students identified in Education Code (active duty military, veterans, foster youth, and former foster youth) and for EOPS and DSPS students who have had historic priority within the system.

The key elements of the revised regulation include the following:

- Enrollment priorities for existing student groups identified in Education Code (active duty military and veterans and foster youth and former foster youth) and for students participating in EOPS and DSPS programs who have completed orientation, assessment, and developed student education plans are maintained in the proposed regulations (first and second level of priority, respectively). A provision was added to allow districts the discretion to collapse the first and
second levels of priority if sufficient capacity exists to do so without displacing students in the first level.

- New students who have completed orientation, assessment, and developed student education plans and continuing students in good standing (defined as a student who is not on academic or progress probation for two consecutive terms and has not earned 100 degree-applicable units) constitute a large level three priority group. Districts have discretion to establish local priorities among students in this group.

- Districts have discretion to establish local priorities below level three for all other students.

- Continuing students would lose enrollment priority if they earn more than 100 units (not including nondegree applicable basic skills and ESL units) or if they are placed on academic or progress probation (as defined by existing title 5 regulations) for two consecutive terms.

- Districts would have authority to adopt policies exempting categories of students from the 100 unit limit, such as those in high unit majors or programs.

- Districts would be required to adopt an appeals policy and process for students who lose enrollment priority due to extenuating circumstances (verified cases of accidents, illnesses or other circumstances beyond the control of the student) or where a student with a disability applied for, but did not receive reasonable accommodation in a timely manner. Districts could also allow appeals for students who demonstrate satisfactory academic improvement in a subsequent term or terms, but whose term GPA is not high enough to raise the cumulative GPA.

- Significant lead time is provided for implementation. Districts would be required to ensure that all policies and course catalogs reflect the new enrollment priority requirements and that appropriate and timely notice is provided to students for full implementation by fall 2014.

**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: Yes  
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: Possible  
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 regulations potentially will impose increased costs or new costs to community college districts. Such 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:

Sonia Ortiz-Mercado, Dean
Student Services and Special Programs Division
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4554
Sacramento, CA 95811-6549
Telephone: 916-322-6817
E-mail: sortiz@cccco.edu

Inquiries concerning the regulatory process may be directed to Steven Bruckman, Executive Vice Chancellor of Operation and General Counsel at 916-445-4826 or sbruckman@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, and all of the information upon which the proposal is based, may be obtained online at:
http://extranet.cccco.edu/SystemOperations/BoardofGovernors/Meetings.aspx
or http://tinyurl.com/7o6hpn8

Those who receive the Board of Governors Agenda package for the July 9-10, 2012, meeting can find a further description of the proposal and the full text of the regulations in agenda item number 3.2.

You may also request a copy of the proposal from Steven Bruckman, Executive Vice Chancellor of Operations and General Counsel, using the contact information provided above.

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