NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING COURSE REPEATABILITY

Notice published April 26, 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 May 7-8, 2012, 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, 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 Michelle Goldberg 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, and 70901.5.

Reference: Education Code sections 70901, 70902, and 76000.

INFORMATIVE DIGEST

Beginning in the fall of 2009, questions were asked 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 students repeated after successfully completing the course previously.

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 ensuing discussions regarding repeatable courses resulted in the proposed revisions to title 5, division 6, sections 55000 – 55045 and 58161 – 58162. Proposed changes limit the courses that can be designated as
repeatable to three categories, intercollegiate athletics, intercollegiate academic or vocational competition and courses for which repetition is necessary to meet the major requirements of CSU or UC for completion of a bachelor’s degree. Districts will receive apportionment for up to four enrollments in a course designated as repeatable (though in certain cases, additional limitations may apply).

Current regulations place no restrictions on how a district defines significant lapse of time in its policy on course repetition. (§ 55043(a)(1), “or has otherwise defined ‘significant lapse of time’ in its policy on course repetition...”) Proposed changes limit districts to defining significant lapse of time to the following; 1) if the district has properly established a recency prerequisite for a course, and 2) if another institution of higher education to which the student seeks to transfer has established a recency requirement. Except where the transferring institution requires the course to be more recently taken, the time between when the student first took the class and is requesting to take the class again, is proposed to be no less than 36 months. Where required by the transferring institution to be less than 36 months the student may repeat earlier.

Courses that students can repeat if they meet specified conditions are set forth in section 55040, including courses determined to be legally mandated and courses resulting from a significant change in industry or licensure standards. While prior regulations previously permitted districts to allow students to repeat these types of courses (existing section 55041 for legally mandated training and existing section 55043(a)(1) for changes in industry or licensure standards – where so defined by the district as a significant lapse of time) they have been moved to section 55040 for clarity.

Generally, definitions found throughout chapter 6 have been consolidated in section 55000, and additional terms have been defined for clarity.

**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: None
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 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. 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:

Barry Russell, Vice Chancellor
Academic Affairs Division
California Community Colleges
Chancellor's Office
1102 Q Street, 3rd Floor
Sacramento, CA 95811-6549
Telephone: 916-322-6881
E-mail: brussell@cccco.edu

Inquiries concerning the regulatory process may be directed to Michelle Goldberg, Staff Counsel, at 916-324-4711 or mgoldberg@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:

Those who receive the Board of Governors Agenda package for the May 7-8, meeting can find a further description of the proposal and the full text of the regulations in agenda item number 3.1.

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

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