

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

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OFFICE OF ADMINISTRATIVE LAW

John Brown
DEBRA DOWEN
SECRETARY OF STATE

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NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY

Board of Governors of the California Community Colleges

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE N/A	TITLE(S) N/A	FIRST SECTION AFFECTED N/A	2. REQUESTED PUBLICATION DATE N/A
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON N/A	TELEPHONE NUMBER N/A	FAX NUMBER (Optional) N/A
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Student Success and Support Program	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 55511, 55521, 55530, 55531
	AMEND 55500 SB 51024, 55000 , 55502, 55510, 55512, 55516, 55518, 55520, 55522, 55523, 55524, 55525, 55526, 55532, 55534
TITLE(S) 5	REPEAL 55514, 55521, 55530

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input checked="" type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) 30 days after filed w/Secretary of State
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON

Steven Bruckman, General Counsel	TELEPHONE NUMBER 916-445-9328	FAX NUMBER (Optional) 916-322-9030	E-MAIL ADDRESS (Optional) sbruckman@ccco.edu
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Steven Bruckman</i>	DATE
TYPED NAME AND TITLE OF SIGNATORY Steven Bruckman, Executive Vice Chancellor and General Counsel	

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ENDORSED APPROVED

SEP 30 2013

Office of Administrative Law

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES
REVISIONS TO TITLE 5 REGULATIONS:
STUDENT SUCCESS AND SUPPORT PROGRAM

1. Section 51024 of subchapter 1 of chapter 2 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 51024. ~~Matriculation Services~~ Student Success and Support Program.

The governing board of each community college district shall:

- (a) adopt and submit to the Chancellor a Student Success and Support Program matriculation plan as required under ~~§~~section 55510;
- (b) evaluate its Student Success and Support matriculation pProgram and participate in statewide evaluation activities as required under ~~§~~section 55512(c);
- (c) provide Student Success and Support Program-matriculation services to its students in accordance with ~~§~~sections 55520-55525 and 55521;
- (d) establish procedures for waivers and appeals in connection with its Student Success and Support-matriculation pProgram in a manner consistent with ~~§~~section 55534; and
- (e) substantially comply with all other provisions of Subchapter 6 (commencing with ~~§~~Section 55500) of Chapter 6 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210-78218, Education Code.

2. Section 55500 of article 1 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55500. ~~Scope and Implementation~~ Intent.

(a) This chapter implements and should be read in conjunction with the provisions of the Seymour-Campbell ~~Matriculation Student Success Act of 1986, Statutes 1986-2012, chapter 1467,~~ codified as Education Code sections 78210, et seq., which recognizes that student success is the responsibility of the institution and student, supported by well-coordinated and evidence based student and instructional services to foster academic success. The purpose of this subchapter is to ~~further equality of educational opportunity and success for all students in the California Community Colleges.~~ implement the Student Success and Support Program to increase California community college student access and success through the provision of core matriculation services, including orientation, assessment and placement, counseling, advising, and other education planning services, with the goal of providing students with the support services necessary to assist them in achieving their education goal and identified course of study.

(b) The requirements of this subchapter apply only to districts receiving funds pursuant to Education Code section 78216 for the period of time during which such funds are received.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210-78218, Education Code.

3. Section 55502 of article 1 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55502. Definitions.

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

(a) ~~“Assessment for placement” hereinafter referred to as “assessment” means is the process of gathering information about individual students in order to identify their skill level and appropriately direct them to courses for which they are prepared. Information used in the assessment process to facilitate student success. Assessment shall may include, but is not limited to, information regarding the student’s study skills, English language proficiency, computational skills, aptitudes, goals, learning skills, career aspirations, academic performance, and need for special services. Assessment involves the collection of such information for purposes of course placement at any time before or after enrollment except that the process by which an instructor assigns a grade or otherwise evaluates the extent to which a student has achieved the objectives of a course shall not be considered part of the assessment process. Once a grade has been assigned and recorded on a student’s transcript, it can be used in the assessment process.~~

(b) ~~“Assessment instruments, test” is a validated, standardized, or locally-developed test used in addition to other measures in the course placement process. methods, or procedures” means one or more assessment instruments, assessment methods, or assessment procedures, or any combination thereof. These include, but are not limited to, interviews, standardized tests, holistic scoring processes, attitude surveys, vocational or career aptitude and interest inventories, high school or college transcripts, specialized certificates or licenses, educational histories and other measures of performance. The term “assessment instruments, methods, or procedures” also includes assessment procedures such as the identification of test scores which measure particular skill levels, the administrative process by which students are referred for assessment, the manner in which assessment sessions are conducted, the manner in which assessment results are made available, and the length of time required before such results are available. The term “assessment instrument” does not include a test which is used solely to determine whether a student who has formally challenged a prerequisite or corequisite pursuant to subdivision (m)(4) of section 55003 has the knowledge or ability to succeed in a course or program despite not meeting the prerequisite or corequisite.~~

(c) ~~“Career Goal” is the student’s stated occupational interest upon application and is periodically updated during the student’s continued enrollment at the college.~~

(d) ~~“Course of Study” is the student’s chosen educational program; major or area of emphasis; or course sequence for transfer preparation, career preparation or advancement, completion of basic skills, or English as a Second Language proficiency to achieve the student’s education goal.~~

(e) ~~“Disproportionate impact” occurs in broad terms is a condition where access to key resources and supports or academic success may be hampered by inequitable practices, policies, and approaches to student support or instructional practices affecting a specific group. For the purpose of assessment, disproportionate impact is when the percentage of persons from a particular racial, ethnic, gender, age, or disability group, who are directed to a particular service or course placement based on an assessment instrument test, method, or procedure other measure is significantly different from the representation of that group~~

in the population of persons being assessed, and that discrepancy is not justified by empirical evidence demonstrating that the assessment ~~instrument, test, method or procedure~~ other measure is a valid and reliable predictor of performance in the relevant educational setting.

(f) "Education goal" is the student's stated intent to earn a degree or career technical education certificate, prepare for transfer to a four-year college or university, improve math or English basic skills or English language proficiency, or pursue career advancement or occupational training or retraining, or other educational interest. The education goal is initially identified during the application process and updated throughout the student's academic career at the college during subsequent course registration or education planning processes.

~~(ge) "Exemption" means waiving or deferring~~ is a waiver or deferral of a student's participation in orientation, assessment, and/or counseling, or, advisement advising, and other education planning services required pursuant to subdivisions (b), (c), and (f) of section 55520.

~~(f) "Matriculation services" are those services listed in section 55520.~~

~~(g) "Matriculation practices" means one or more instruments, methods, or procedures, or any combination thereof, used in providing any of the matriculation services listed in section 55520.~~

~~(ha) "Matriculation" is means~~ a process that brings a college and a an enrolled student into an agreement for the purpose of realizing the student's educational goal through the college's established programs, policies, and requirements achieving the student's education goals and completing the student's course of study. This agreement is to be implemented by means of the student's individual educational plan developed pursuant to section 55525.

(i) "Multiple measures" are a required component of a district's assessment system and refer to the use of more than one assessment measure in order to assess the student. Other measures that may comprise multiple measures include, but are not limited to, interviews, holistic scoring processes, attitude surveys, vocational or career aptitude and interest inventories, high school or college transcripts, specialized certificates or licenses, education and employment histories, and military training and experience.

(jh) "Orientation" is a process which that acquaints students and potential students with, at a minimum, college programs, student support services, facilities and grounds, academic expectations, and institutional procedures, and other appropriate information pursuant to section 55521.

~~(i) "Student follow up" is the process of monitoring a student's progress toward his or her educational goals and providing the student with appropriate advice based on the results of such monitoring.~~

(k) "Student Success and Support Program Services" are those services listed in section 55520.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78212 and 78213, Education Code.

4. Section 55510 of article 2 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations amended to read:

§ 55510. ~~Matriculation~~ Student Success and Support Program Plans.

(a) Each ~~community college district~~ shall adopt a ~~matriculation~~ Student Success and Support Program plan describing the services to be provided to its students. The plan shall include, but not be limited to:

(1) a description of the methods by which required services identified in section 55520 will be delivered;

(2) a description of the college's process to identify students at risk for academic or progress probation and the college's plan for referral to appropriate interventions or services and coordination with the college's development of its student equity plan.

(3) a description of partnerships among colleges and with high school districts, workforce agencies, or other community partners to deliver required services pursuant to 55520.

~~(4) the district's college's budget for services funded through the Student Success and Support Program matriculation;~~

~~(5) plans for faculty and staff professional development related to implementation of the Student Success and Support Program;~~

~~(6) a description of the technology support computerized information services and institutional research and evaluation necessary to implement this subchapter;~~

~~(7) a description of the college's adopted criteria for exempting students from participation in the required services listed in section 55520 matriculation process consistent with the requirements of section 55532;~~

(8) a description of the college's assessment for placement process, including but not limited to:

(A) a list of any assessment test(s) and other measures used for English, mathematics, and English as a Second Language course placement pursuant to section 55522.

(B) a description of the college's policy on the portability of student assessment scores and placement results for colleges outside the district and for colleges within a multi-college district.

(C) a description of the college's assessment procedures on pre-test practice, re-take, and recency.

~~(9) a description of policies procedures for establishing and periodically reviewing prerequisites pursuant to section 55003 and;~~ (7) procedures for considering student challenges to prerequisites established pursuant to section 55003; and

(10) a description of the college's student appeal policies and procedures related to the Student Success and Support Program; and

~~(11) in districts with more than one college, arrangements for coordination by the district of the matriculation Student Success and Support Program plans of its various colleges.~~

(b) The plan shall be developed through consultation with representatives of the academic senate, students, administrators, and staff with appropriate expertise, pursuant to section 51023 et seq.

(c) Such plans shall conform to the requirements of this subchapter and shall be submitted to the Chancellor for review and approval. The Chancellor may require periodic updates of such plans.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

5. Section 55511 of article 2 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 55511. Program Reporting, Data Collection, and Audits.

(a) Each college shall annually report its expenditure of Student Success and Support Program and matching funds in a manner established by the Chancellor.

(b) Using the Chancellor's Office state management information system, each college shall report data, including, but not limited to, student education goals, courses of study, exemptions, development of student education plans, and services provided that are funded through the Student Success and Support Program or through matching funds. The Chancellor will use data reported by the college to report system and institutional level performance in the Accountability Report for Community Colleges Scorecard and other reports as needed to meet legislative reporting requirements and to monitor compliance with the requirements of this subchapter.

(c) Each district shall also, as part of its annual financial audit, provide for a review of the revenue and expenditures of the Student Success and Support Program.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78214, Education Code.

6. Section 55512 of article 2 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55512. ~~Evaluation and Audits.~~ Program Effectiveness and Improvement.

(a) Each ~~district or community college district~~ shall establish a program of institutional research for ~~the ongoing evaluation of its matriculation process~~ the services funded through the Student Success and Support Program. ~~to ensure compliance with the requirements of this subchapter.~~ Colleges shall use the results of its institutional research as a basis to continuously improve services to students.

~~As part of this evaluation, all assessment instruments, methods or procedures shall be evaluated to ensure that they minimize or eliminate cultural or linguistic bias and are being used in a valid manner. Based on this evaluation, districts shall determine whether any assessment instrument, method or procedure has a disproportionate impact on particular groups of students described in terms of ethnicity, gender, age or disability, as defined by the Chancellor. When there is a disproportionate impact on any such group of students, the district shall, in consultation with the Chancellor, develop and implement a plan setting forth the steps the district will take to correct the disproportionate impact. The evaluation shall include, but not be limited to, an analysis of the degree to which the matriculation program:~~

- ~~(1) impacts on particular courses, programs, and facilities;~~
- ~~(2) helps students to define their educational goals;~~
- ~~(3) promotes student success, as evidenced by outcome and retention data such as student persistence, goal attainment, skill improvement, and grades;~~
- ~~(4) assists the district in the assessment of students' educational needs;~~

~~(5) matches district resources with students' educational needs; and~~

~~(6) provides students with the support services described in section 55520(g).~~

~~(b) Each district shall also, as part of its annual financial audit, provide for a review of the revenue and expenditures of the matriculation program.~~

~~(be) The Chancellor shall establish a system for evaluation of the Student Success and Support matriculation pProgram on a statewide basis, including procedures for monitoring compliance with the requirements of this subchapter.~~

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 78214, Education Code.

7. Section 55514 of article 2 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is repealed:

~~§ 55514. Data Collection.~~

~~Each community college district shall submit an annual report describing the district's efforts to implement its matriculation plan and expenditures made for that purpose. In this report, or through the established management information system or otherwise, the data to be collected for evaluation purposes pursuant to Education Code section 78214 and section 55512 of this subchapter. Such data shall specifically include, but is not limited to, the information necessary to permit the Chancellor to determine the following:~~

~~(a) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who are placed in nondegree applicable credit courses, degree applicable credit courses, or transfer level courses in reading, writing, computation or English as a Second Language.~~

~~(b) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who enter and complete nondegree applicable basic skills courses.~~

~~(c) The proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, completing nondegree applicable basic skills courses who subsequently enter and complete degree applicable credit courses;~~

~~(d) outcome and retention data, as described in section 55512(a), indicating the effectiveness of matriculation;~~

~~(e) the basis on which the use of particular assessment instruments, methods or procedures was validated by a district;~~

~~(f) the numbers of students exempted, pursuant to section 55532, from participation in the district's matriculation program, by category of exemption;~~

~~(g) the number of students filing complaints pursuant to section 55534 and the bases of those complaints;~~

~~(h) the particular matriculation services, as listed in section 55520, which each student received; and~~

~~(i) any other matter the Chancellor, after consultation with community college districts, deems necessary for the effective evaluation of matriculation programs.~~

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 78214, Education Code.

8. Section 55516 of article 2 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55516. ~~Training and Staff Development~~ Professional Development.

Each community college district shall develop and implement a program for providing all ~~faculty and staff with training appropriate to their needs on~~ professional development for the provision of matriculation Student Success and Support Program services, including but not limited to, the proper purpose, design, evaluation, and use of assessment instruments, methods or procedures, as well as their limitations and possible misuse.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

9. Section 55518 of article 2 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55518. Funding.

(a) The Chancellor shall adopt a funding formula, consistent with the requirements of this section, for allocating ~~matriculation~~ Student Success and Support Program funds to community college districts complying with the requirements of this subchapter. Student Success and Support Program funds shall be allocated according to the number of students to receive services at each college and the number of students who received services funded through this subchapter.

(b) Each dollar of state ~~matriculation~~ credit Student Success and Support Program funding shall be matched by three dollars of other district resources devoted to the ~~matriculation program~~ Student Success and Support Program.

(c) Community college districts that receive Student Success and Support Program funding shall agree to implement the Board of Governors' system of common assessment, if using a standardized assessment test for placement, and implement the Board of Governors' Accountability Scorecard, pursuant to Education Code section 84754.5.

NOTE: Authority cited: Sections 66700 ~~and~~, 70901, and 84754.5, Education Code. Reference: Section 78216, Education Code.

10. Section 55520 of article 3 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55520. Required Services.

At a minimum, each community college district shall provide students, except as exempted pursuant to section 55532, with all of the following Student Success and Support Program ~~matriculation~~ services:

- (a) ~~the processing of applications for admission;~~
- (~~a~~b) ~~orientation and pre-orientation services designed to provide nonexempt students and potential students, on a timely basis, information concerning college procedures and course scheduling, academic expectations, financial assistance, and any other matters the college or district finds appropriate; pursuant to section 55521.~~
- (~~b~~e) assessment for all nonexempt students pursuant to section 55522~~24~~;

~~(cd) counseling, or advisement advising, or other education planning services for nonexempt students pursuant to section 55523;~~

~~(de) assistance in developing a student educational plan pursuant to section 55524, which identifies the student's educational objectives goal, course of study, and the courses, services, and programs to be used to achieve them;~~

~~(ef) post-enrollment evaluation, pursuant to section 55526, of each student's progress; follow-up services, pursuant to section 55525, to evaluate the academic progress of, and provide support services to, at risk students; and~~

~~(fg) referral of students to:~~

~~(1) support services which that may be available, including, but not limited to, counseling, financial aid, health and mental health services, campus employment placement services, Extended Opportunity Programs and Services, campus child care services, tutorial services, foster youth support services, veterans support services, and Disabled Students Programs and Services; and~~

~~(2) specialized-curriculum offerings which may be available, including but not limited to, pre-collegiate basic skills courses and programs in, noncredit programs, and programs in English as a Second Language.~~

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78212, Education Code.

11. Section 55521 of article 3 of subchapter of chapter 6 of division 6 of title 5 of the California Code of Regulations is repealed:

~~§ 55521. Prohibited Practices.~~

~~(a) In implementing matriculation services, community college districts shall not, except as provided in subdivision (b), do any of the following:~~

~~(1) use an assessment instrument which has not been approved by the Chancellor pursuant to section 55524, except that the Chancellor may permit limited field testing, under specified conditions, of new or alternative assessment instruments, where such instruments are not used for placement and are evaluated only in order to determine whether they should be added to the list of approved instruments;~~

~~(2) use any assessment instrument in a manner or for a purpose other than that for which it was developed or has been otherwise validated;~~

~~(3) use any single assessment instrument, method or procedure, by itself, for placement, required referral to appropriate services, or subsequent evaluation of any student; provided however that, in the case of assessment instruments, the use of two or more highly correlated instruments does not satisfy the requirement for use of multiple measures;~~

~~(4) use any assessment instrument, method or procedure to exclude any person from admission to a community college, except that a college may determine the admission of special part-time or full-time students under Education Code section 76002 based on an assessment which involves multiple measures and complies with other requirements of this subchapter;~~

~~(5) use any assessment instrument, method or procedure for mandatory placement of a student in or exclusion from any particular course or educational program, except that districts may establish appropriate prerequisites pursuant to sections 55002 and 55003; or~~

~~(6) use any matriculation practice which has the purpose or effect of subjecting any person to unlawful discrimination prohibited by subchapter 5 (commencing with section 59300) of chapter 10.~~

~~(b) Notwithstanding the provisions of subdivisions (a)(1) and (2), assessment instruments approved by the Secretary of the United States Department of Education may be used to determine "ability to benefit" in the process of establishing a student's eligibility for federal financial aid pursuant to subdivision (d) of section 1091 of title 20 of the United States Code.~~

~~(c) Notwithstanding paragraphs (1), (2), (3) or (5) of subdivision (a) or the provisions of sections 55003 or 55524, a community college district may use an assessment test to select students for its nursing program, provided that:~~

~~(1) the district complies with all other provisions of this subchapter;~~

~~(2) the assessment instrument is used in conjunction with other assessment instruments, methods or procedures to select students for enrollment in the nursing program; and~~

~~(3) the Chancellor has determined that the assessment instrument predicts likelihood of success in nursing programs, has approved use of the assessment instrument for that purpose and has established statewide proficiency cut-off scores for that instrument pursuant to Education Code section 78261.~~

~~NOTE: Authority cited: Section 11138, Government Code; and Sections 66700 and 70901, Education Code. Reference: Section 11135, Government Code; and Sections 72011, 76002, 78211, 78213 and 78261, Education Code.~~

12. Section 55521 of article 3 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 55521. Orientation.

Each college shall provide all students with information on a timely basis, as determined by the college, regarding policies, procedures and information, including but not limited to:

(1) Academic expectations and progress and probation standards pursuant to section 55031;

(2) Maintaining registration priority pursuant to section 58108;

(3) Prerequisite or co-requisite challenge process pursuant to section 55003;

(4) Maintaining Board of Governors Fee Waiver eligibility pursuant to section 58612.

(5) Description of available programs, support services, financial aid assistance, and campus facilities, and how they can be accessed;

(6) Academic calendar and important timelines.

(7) Registration and college fees.

(8) Available education planning services.

(9) Other issues, policies, and procedures the college determines as necessary to provide a comprehensive orientation to students.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78212, Education Code.

13. Section 55524 of article 3 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is renumbered and amended to read:

§ 5552224. Assessment.

(a) The Chancellor shall establish and update, at least annually, a list of approved assessment instruments tests for use in placing students in English, mathematics, or English as a Second Language (ESL) courses and guidelines for their use by community college districts. When using an English, mathematics, or ESL assessment test for placement, it must be used with one or more other measures to comprise multiple measures. These guidelines shall identify modifications of an assessment instrument or the procedures for its use which may be made in order to provide special accommodations required by section 55522 without separate approval by the Chancellor. Such guidelines shall also describe the procedure by which districts may seek to have assessment instruments approved and added to the list. The Chancellor shall ensure that all assessment instruments included on the list minimize or eliminate cultural or linguistic bias, are normed on the appropriate populations, yield valid and reliable information, identify the learning needs of students, make efficient use of student and staff time, and are otherwise consistent with the educational and psychological testing standards of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.

(1) Districts and colleges are required to use the Chancellor's guidelines for the validation of all assessment tests used for placement to ensure that they minimize or eliminate cultural or linguistic bias and are being used in a valid manner. Based on this evaluation, the district or college shall determine whether any assessment test, method, or procedure has a disproportionate impact on particular groups of students, as defined by the Chancellor. When there is a disproportionate impact on any such group of students, the district or college shall, in consultation with the Chancellor, develop and implement a plan setting forth the steps the district will take to correct the disproportionate impact.

(2) The Chancellor may identify other measures of a student's college readiness that community college districts may use for student placement into the college's curriculum.

(b) Each community college district shall adopt procedures that are clearly communicated to students, regarding the college's sample test preparation, how the student test results will be used to inform placement decisions, and the district's limits on the student's ability to re-test.

(c) Community college districts shall not, except as provided in subdivision (d), do any of the following:

(1) use an assessment test for placement which has not been approved by the Chancellor pursuant to section 55522, except that the Chancellor may permit limited field-testing, under specified conditions, of new or alternative assessment tests;

(2) use any assessment test in a manner or for a purpose other than that for which it was developed or has been otherwise validated;

(3) use any assessment test process to exclude any person from admission to a college, except that a college may determine the admission of special part-time or full-time students under Education Code section 76002 based on an assessment which involves multiple measures and complies with other requirements of this subchapter; or

(4) use any assessment test, method, or procedure to exclude students from any particular course or educational program, except that districts may establish appropriate prerequisites pursuant to sections 55002 and 55003.

(5) use any Student Success and Support Program practice which has the purpose or effect of subjecting any person to unlawful discrimination prohibited by subchapter 5 (commencing with section 59300) of chapter 10.

(d) Notwithstanding the provisions of subdivision (c)(1) and (2), assessment tests approved by the Secretary of the United States Department of Education may be used to determine "ability to benefit" in the process of establishing a student's eligibility for federal financial aid pursuant to title 20 United States Code section 1091(d).

(e) Notwithstanding paragraphs (1), (2), (3) or (5) of subdivision (c) or the provisions of sections 55003 or 55522, a community college district may use an assessment test to select students for its nursing program, provided that:

(1) the district complies with all other provisions of this subchapter;

(2) the assessment test or other measures are used in conjunction with other assessment test, methods, or procedures to select students for enrollment in the nursing program; and

(3) the Chancellor has determined that the assessment test predicts likelihood of success in nursing programs, has approved use of the assessment test for that purpose and has established statewide proficiency cut-off scores for that test pursuant to Education Code section 78261.

NOTE: Authority cited: Section 11138, Government Code; and Sections 66700, and 70901, Education Code. Reference: Section 11135, Government Code; and Sections 72011, 76002, 78211, 78212, 78213 and 78261, Education Code.

14. Section 55523 of article 3 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55523. Counseling and ~~Advisement~~, Advising, and Other Education Planning Services.

(a) Counseling, advising, and other education planning services shall include, but are not necessarily limited to, the following:

(1) Assistance to students in the exploration of education and career interests and aptitudes and identification of an education and career goal and course of study, including, but not limited to, preparation for transfer, associate degrees, and career technical education certificates and licenses.

(2) The provision of information, guided by sound counseling principles and practices, using a broad array of delivery, including technology-based strategies, to serve a continuum of student needs and abilities to enable students to make informed choices.

(3) Development of an education plan to accomplish a course of study related to a student's education and career goals.

~~(b) If not already required to do so by the minimum standards for counseling services set forth in section 51018, e~~Each community college district shall make reasonable efforts to do all of the following:

~~(1) make reasonable efforts to ensure that all nonexempt students who are on academic or progress probation or facing dismissal participate in counseling as provided in section 5502334;~~

~~(2) make reasonable efforts to ensure that all nonexempt students who have not declared do not have a specific educational goal course of study participate in counseling, advising, or other education planning services to assist them in the process of selecting an specified educational goal and course of study pursuant to section 5553025;~~

~~(3) make reasonable efforts to ensure that all nonexempt students who are enrolled in nondegree-applicable basic skills courses participate in counseling, or advisement, advising, or other education planning services; and~~

~~(4) make available to all students, advisement or counseling on general academic requirements and the selection of specific courses by counselors or appropriately trained instructor/advisors, and/or other appropriately trained staff working in consultation with counselors.~~

(4) ensure all nonexempt students described in (b)(1), (b)(2), and (b)(3) receive counseling services, pursuant to section 51018.

~~(b) Counseling by appropriately trained counselors or advisement by appropriately trained staff may also be made available in any other area the district deems appropriate, including but not limited to, the interpretation of assessment results and the development of a student's educational plan as required by section 55525.~~

(c) Colleges are required to notify students who are at risk of losing Board of Governors Fee Waiver eligibility due to being placed on academic or progress probation for two consecutive terms. Pursuant to section 58108, colleges are required to notify students who are at risk of losing enrollment priority due to being placed on academic or progress probation or due to exceeding a unit limit. Colleges shall ensure that, within a reasonable time of receiving such notice, students shall have the opportunity to receive appropriate counseling, advising, or other education planning services in order to provide students with an opportunity to maintain fee waiver eligibility and enrollment priority.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78212, Education Code.

15. Section 55525 of article 3 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is renumbered and amended to read:

§ 555245. Student Educational Plan.

(a) Each district or community college district shall establish a process that takes into consideration the student services and instructional resources available for assisting students to select an specific educational goal and course of study within a reasonable time after admission as required by §section 55530-(d). This shall include, but not be limited to, the provision of counseling as required by §section 55523(a)(2).

(b) Districts or colleges shall provide students with an opportunity to develop student education plans that are either:

(1) Abbreviated. Abbreviated student education plans are one to two terms in length designed to meet the immediate needs of students for whom a comprehensive plan is not appropriate; or

(2) Comprehensive. Comprehensive student education plans take into account a student's interests, skills, career and education goals, major, potential transfer institutions, and the steps the student needs to take on their educational path to complete their identified course of study. The comprehensive plan helps the student achieve their course of study. The comprehensive plan includes, but is not limited to, addressing the education goal and course of study requirements, such as the requirements for the major, transfer, certificate, program, applicable course prerequisites or co-requisites, the need for basic skills, assessment for placement results, and the need for referral to other support and

instructional services as appropriate. The comprehensive student education plan is tailored to meet the individual needs and interests of the student and may include other elements to satisfy participation requirements for programs such as EOPS, DSPS, CalWORKs, veterans education benefits, athletics, and others.

(cb) Once a continuing nonexempt student has selected an specific educational goal, and course of study, the district shall make a reasonable effort to afford the student the opportunity to develop a comprehensive student educational plan describing the responsibilities of the student, the requirements he or she must meet, and the courses, programs, and services required and available to achieve the stated goal.

(de) The student educational plan developed pursuant to Subsection subdivision (b) shall be accessible, timely, and recorded in written or electronic form. The plan and its implementation shall be reviewed as necessary to ensure that it continues to accurately reflect the needs and goals of the student. Districts or colleges shall make a reasonable effort to not duplicate education planning processes including for students participating in special programs.

(ed) If a student believes the district or college has failed to make good faith efforts to develop a plan, has failed to provide programs and services specified in the student educational plan, or has otherwise violated the requirements of this Section, the student may file a complaint pursuant to Section 55534(a).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78212, Education Code.

16. Section 55526 of article 3 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is renumbered and amended to read:

§ 555265. Student Follow-up.

Each community-college district shall evaluate the academic progress of, and provide support services to, at risk students establish a student follow-up process to assist the student in achieving his/her educational goal. The follow-up system college shall monitor ensure that the academic progress of each student is regularly monitored to detect early signs of academic difficulty and provide students shall be provided with advice or referral to specialized services or curriculum offerings where necessary pursuant to section 55523. Follow-up services shall be targeted to at risk students, specifically students enrolled in basic skills courses, students who have not identified an education goal and course of study, or students who are on academic or progress probation or facing dismissal. These services include, but are not limited to, academic or progress probation interventions, academic early alert systems, and referral to other support services. Districts shall also identify and refer to counseling or advisement, as appropriate pursuant to section 55523(a), any students who have not declared a specific educational goal as required by section 55530, who are enrolled in pre-collegiate basic skills courses, or who have been placed on probation.

NOTE: Authority cited: Sections 66700 and 70901, Educational Code. Reference: Section 78212, Education Code.

17. Section 55522 of article 3 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is renumbered and amended to read:

§ 555262. Special Accommodations.

~~(a) Matriculation Student Success and Support Program~~ services for ethnic and language minority students and students with disabilities, shall be appropriate to their needs, and ~~community colleges districts~~ shall, where necessary, make modifications in the ~~matriculation process to the services provided~~ or use alternative ~~instrument tests~~, methods, or procedures to accommodate the needs of such students. ~~Districts~~ Colleges may require students requesting such accommodations to provide proof of need. ~~Extended Opportunity Programs and Services (EOPS) and Disabled Students Programs and Services (DSPS) is~~ are authorized, consistent with the provisions of subchapter 1 (commencing with section 56000) and ~~subchapter 2.5 (commencing with section 56200) of chapter 7~~, to provide specialized ~~matriculation services~~ and modified or alternative ~~matriculation services~~ as identified in 55520 to their respective student populations. Notwithstanding this authorization, participation in the ~~EOPS and DSPS~~ programs is voluntary and no student may be denied necessary accommodations in the assessment process because he or she chooses not to use specialized ~~matriculation services~~ provided by these programs. ~~Modified or alternative matriculation services for limited or non-English speaking students may be provided in English as a Second Language programs.~~

(b) Student Success and Support Program services for students served by the Extended Opportunity Programs and Services (EOPS) who are disadvantaged by economic, social, and educational status shall be appropriate to their needs, and colleges shall, where necessary, make modification to the services provided or use alternative supports to meet the needs of such students. EOPS is authorized, consistent with the provisions of subchapter 2.5 (commencing with section 56200) of chapter 7 to provide services that are over, above, and in addition to services otherwise provided to all credit-enrolled students. Notwithstanding this authorization, participation in the EOPS program is voluntary and no student may be denied necessary supports because he or she chooses to not use specialized services provided by this program.

(c) Colleges shall ensure that Student Success and Support Program services are accessible for English language learners and are appropriate to their needs. Colleges shall, where necessary, make modifications to the services provided to accommodate the needs of such students. Modified or alternative services for limited or non-English-speaking students may be provided in English as a Second Language programs.

NOTE: Authority cited: Section 11138, Government Code; Sections 66700, 70901 and 78213, Education Code. Reference: Section 11135, Government Code; and Sections 72011, 78211 and 78213, Education Code.

18. Article 4 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

Article 4. Appeals, Waivers, Student Rights and Responsibilities, Exemptions, and Appeals.

19. Section 55530 of article 4 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is repealed:

~~§ 55530. Student Rights and Responsibilities.~~

~~(a) Nothing in this subchapter shall be construed to interfere with the right of a student admitted to a community college in accord with district admission policies adopted pursuant to Education Code sections 76000, et seq. to enroll in any course for which he or she can meet necessary and appropriate prerequisites, if any, which have been established pursuant to the requirements of section 55003.~~

~~(b) Community college districts shall take steps to ensure that information is available in written form to all students during or prior to enrollment (e.g., during orientation) and is included in class schedules, catalogs or other appropriate publications, describing their rights and responsibilities under this subchapter.~~

~~(c) Districts shall also take steps to ensure that the matriculation process is efficient so that students are not discouraged from participating in college programs. Whenever possible, students should be permitted to avoid additional testing by submitting scores on recently taken tests that correlate with those used by the district.~~

~~(d) Students shall be required to express at least a broad educational intent upon admission; declare a specific educational goal within a reasonable period after admission; participate in counseling or advisement pursuant to section 55523(a)(1), (2), and (3); diligently attend class and complete assigned coursework; and complete courses and maintain progress toward an educational goal according to standards established by the district, consistent with the requirements of subchapter 1 (commencing with section 55000) of this chapter. The governing board of each community college district shall adopt clear written policies not inconsistent with law, specifically defining these responsibilities of students and the consequences of failure to fulfill such responsibilities. This policy shall define the period of time within which a student must identify a specific educational goal as required by this subdivision, provided however, that all students shall be required to declare such a goal during the term after which the student completes 15 semester units or 22 quarter units of degree applicable credit course work, unless the district policy establishes a shorter period. Once the student has developed a specific educational goal, the district must provide the student with an opportunity to develop a student educational plan pursuant to section 55525. Student responsibilities shall also be identified in the student's educational plan developed pursuant to section 55525. If a student fails to fulfill the responsibilities listed in this subdivision, fails to cooperate with the district in the development of a student educational plan within 90 days after declaring his or her specific educational goal, or fails to abide by the terms of his or her student educational plan, the district may, subject to the requirements of this subchapter, suspend or terminate the provision of services authorized in section 55520, provided however, that nothing in this section shall be construed to permit a district to suspend or terminate any service to which a student is otherwise entitled under any other provision of law.~~

~~(e) Information obtained from the matriculation process shall be considered student records and shall be subject to the requirements of subchapter 6 (commencing with section 54600) of chapter 5.~~

~~NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 76000, 76001 and 78212, Education Code.~~

20. Section 55530 of article 4 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 55530. Student Rights and Responsibilities.

(a) All students shall be required to:

(1) identify an education and career goal;

(2) diligently engage in course activities and complete assigned coursework; and

(3) complete courses and maintain progress toward an education goal and completing a course of study.

(b) Nonexempt first time students shall, within a reasonable period of time, be required to:

(1) identify a course of study.

(2) be assessed to determine appropriate course placement.

(3) complete an orientation activity provided by the college.

(4) participate in counseling, advising, or another education planning service pursuant to section 55523 to develop, at a minimum, an abbreviated student education plan.

(c) For the purposes of this section, a first time student is a student who enrolls at the college for the first time, excluding students who transferred from another institution of higher education. For purposes of this section, first time enrollment does not include concurrent enrollment during high school. To the extent that a college has the capacity to require and provide the services identified in (b)(1) through (4) to other students, nothing in this section would preclude a college from doing so.

(d) Nonexempt students who have completed the services identified in (b)(1) through (4) shall be required to complete a comprehensive education plan after completing 15 semester units or 22 quarter units of degree applicable credit course work or prior to the end of the 3rd semester or 4th quarter of enrollment, or a shorter period if required by district or program policy.

(e) Failure to fulfill the required services listed in (b) may result in a hold on a student's registration or loss of registration priority pursuant to section 58108 until the services have been completed.

(f) Information obtained from the matriculation process shall be considered student records and shall be subject to the requirements of subchapter 6 (commencing with section 54600) of chapter 5.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 76000, 76001 and 78212, Education Code.

21. Section 55531 of article 4 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is added to read:

§ 55531. Institutional Responsibilities.

(a) The governing board of each community college district shall adopt policies reflecting the provisions of section 55530, Student Rights and Responsibilities. Colleges shall take steps to ensure that information regarding its matriculation policies are accessible and available to all students during or prior to enrollment (e.g., during orientation) and are included in class schedules, catalogs, or other appropriate communications describing student rights and responsibilities under this subchapter.

(b) Once the student has identified a course of study and completed 15 semester units or 22 quarter units of degree applicable course work, the college must provide the student

with an opportunity to develop a comprehensive student education plan pursuant to section 55524 within a reasonable time period. Student responsibilities shall also be identified in the student's education plan developed pursuant to section 55524.

(c) Colleges are required to provide nonexempt students with the services specified in sections 55520, 55521, 55522, 55523, and 55524. Initial implementation of these services is required for first time students identified in section 55530(b) by the fall 2015 term. Beginning with the spring 2015 term, districts shall notify students of the requirements established by this subchapter.

(d) Districts may establish a policy providing that a nonexempt student will have a hold placed on registration or lose registration priority pursuant to section 58108 if a student fails to fulfill the responsibilities set forth in section 55530(b) and (c).

(e) Districts and colleges shall make reasonable efforts to avoid duplication of the orientation, assessment, counseling, advising, or other education planning services, and development of student education plans funded through this subchapter or funded through other programs.

(f) It is the intent of this subchapter that instructional and student services departments at each college shall use multiple sources of data from student education planning efforts and identified courses of study to coordinate course scheduling.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 76000, 76001 and 78212, Education Code.

22. Section 55532 of article 4 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55532. Exemptions.

(a) Community college districts may elect to exempt certain students from participation in orientation, assessment, counseling, advising, or student education plan development ~~or advisement~~, as required by subdivisions (a), (b), (c), or (d) of section 55520. Each ~~such~~ district shall establish policies specifying the grounds for exemption. Such policies shall be identified in the Student Success and Support Program matriculation plan required under section 55510 and the number of students so exempted shall be reported, by category, to the Chancellor pursuant to section 555114.

(b) ~~Districts policies may adopt policies that exempt a student from orientation, assessment, counseling, advising, or student education plan development or advisement any student who has completed an associate degree or higher if the student:~~

- (1) has completed an associate degree or higher;
- (2) has enrolled at the college for a reason other than career development or advancement, transfer, attainment of a degree or certificate of achievement, or completion of a basic skills or English as a Second Language course sequence;
- (3) has completed these services at another community college within a time period identified by the district;
- (4) has enrolled at the college solely to take a course that is legally mandated for employment as defined in section 55000 or necessary in response to a significant change in industry or licensure standards.
- (5) has enrolled at the college as a special admit student pursuant to Education Code section 76001.

(c) Any student exempted pursuant to this section from orientation, assessment, counseling, advising, or student education plan development shall be notified that he or she is covered by an exemption and shall may be given the opportunity to choose whether or not to participate in that part of the matriculation process participate in those services.

(d) District policies ~~may~~ shall not exempt a student solely because a student has not selected an education and career goal or course of study. use any of the following as the sole criterion for exempting any student who does not wish to participate:

- ~~(1) the student has enrolled only in evening classes;~~
- ~~(2) the student has enrolled in fewer than some specified number of units;~~
- ~~(3) the student is enrolled exclusively in noncredit courses;~~
- ~~(4) the student is undecided about his or her educational objectives; or~~
- ~~(5) the student does not intend to earn a degree or certificate.~~

(e) ~~As part of the statewide evaluation provided for under subdivision (c) of section 55511, the Chancellor shall analyze and recommend necessary changes regarding the impact on the matriculation of the exemption policies adopted by community college districts.~~

NOTE: Authority cited: Sections 66700, 70901, and 78215, Education Code. Reference: Section 78215, Education Code.

23. Section 55534 of article 4 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55534. Violations, ~~Waivers,~~ and Appeals.

(a) Each community college district shall establish written procedures by which students may challenge any alleged violation of the provisions of this subchapter. Districts shall investigate and attempt to resolve any such challenges and complaints in a timely manner. ~~Such complaint p~~Procedures may be consolidated with existing student grievance procedures by action of the governing board. Records of all such complaints shall be retained for at least three years after the complaint has been resolved or longer if necessary to meet other requirements and shall be subject to review by the Chancellor as part of the statewide evaluation required under section 55511~~(e)~~.

(b) When a challenge contains an allegation that a community college district has violated the provisions of section ~~55521(a)(6)~~ 55522(c), the district shall, upon completion of the challenge procedure established pursuant to this section, advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to subchapter 5 (commencing with section 59300) of chapter 10. Completion of the challenge procedure shall be deemed to be an effort at informal resolution of the complaint under section 59327.

NOTE: Authority cited: Section 11138, Government Code; Sections 66700 and 70901, Education Code. Reference: Sections 11135-11139.5, Government Code; Sections 78211 and 78213, Education Code.