Recently, Title 5 Regulations on Enrollment Priorities were modified to reflect the Student Success Task Force recommendation 3.1 and SB1456. (Seymour-Campbell Student Success Act of 2012)

The full text of the amended section 58108 of Title 5 (Article 1, subchapter 2 of chapter 9 division 6, California Code of Regulations) can be found at the following link: Final Enrollment Priorities

The key elements of the revised Title 5 section 58108 Regulations are that:

Districts shall adopt policies and procedures for registration and standards for enrollment in any course(s) that are consistent with these and other sections of Title 5 and uniformly administered by appropriately authorized employees of the district.

The intent being to provide priority registration for students who enroll in a community college for the purpose of degree or certificate attainment, transfer to a four-year college or university, or career advancement.

The priority registration shall be provided to students in the following order:

- **Level One** who have completed orientation, assessment, and developed student education plans and are eligible as a member of the armed forces or a veteran pursuant to Education Code section 66025.8 or as a foster youth or former foster youth pursuant to Education Code section 66025.9;

- **Level Two** who have completed orientation, assessment, and developed student education plans and are eligible and receiving services through Disabled Student Programs and Services or Extended Opportunity Programs and Services;

- **Level Three** who are continuing students not on academic or progress probation for two consecutive terms as defined in section 55031 and first time students who have completed orientation, assessment, and developed student education plans.

Districts have flexibility to collapse registration priority levels 1 and 2 as long as the district determines sufficient capacity exists to ensure that level 1 students are not displaced.
To the extent districts have the capacity and resources to require orientation, assessment, and education plans for continuing students, districts may establish orientation, assessment and education plans or any combination thereof as a condition for registration priority.

Districts are not required to apply the registration priorities identified in subdivisions 2 and 3 for courses offered during summer or intersessions.

Districts may establish additional registration priorities for students with priority lower than levels 1, 2 and 3.

Registration priority specified above shall be lost at the first registration opportunity after a student:

- is placed on academic or progress probation or any combination thereof as defined in section 55031 for two consecutive terms;
- or
- has earned one hundred (100) or more degree-applicable semester or quarter equivalent units at the district. For purposes of this section a unit is earned when a student receives a grade of A, B, C, D or P as defined in section 55023.

The 100-unit limit does not include units for non-degree applicable English as a Second Language or basic skills courses as defined in section 55000(j) or special classes as defined in section 55000.

Beginning in the spring 2013 term, districts shall notify students who are placed on academic or progress probation, or who have earned 75 percent or more of the unit limit, of the potential for loss of enrollment priority. The district shall notify the student that a second consecutive term on academic or progress probation will result in the loss of priority registration until the student is no longer on probation or that enrollment priority will be lost when the student reaches the unit limit.

The following registration procedures are permissible: special registration assistance to the handicapped or disadvantaged student as defined by statute, for the purpose of providing equalization of educational opportunity; and enrollment of students in accordance with a priority system established pursuant to legal authority by the local board of trustees.
FREQUENTLY ASKED QUESTIONS ABOUT PRIORITY REGISTRATION
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Each community college district shall establish written procedures by which a student may appeal the loss of priority enrollment status due to extenuating circumstances, where a student with a disability applied for, but did not receive, reasonable accommodations in a timely manner.

Districts shall ensure that the requirements of this section are adopted in local board policies and fully operational for registration for fall 2014 courses. Districts shall ensure that all policies and course catalogs reflect the requirements of this section and that appropriate and timely notice is provided to students.

WHAT DOES ALL THIS MEAN TO MY DSPS PROGRAM?

- CONFIRM YOUR DISTRICT HAS EXPLORED AND WEIGHED THE OPTION OF COLLAPSING LEVELS 1 AND 2
- CONFIRM YOUR DISTRICT HAS DEVELOPED AN APPEAL PROCEDURE

Implementation of these new regulations will go into effect by fall 2014. Therefore, DSPS program staff should start working with their Districts now to ensure they are aware of the importance of ensuring students with disabilities do receive priority registration so that they can receive timely and effective academic accommodations. In addition DSPS staff need to ensure that the written appeal procedures required by this regulation are ready in accessible formats for students to utilize if the need arises.

Many colleges and universities utilize priority registration as a method of providing program accessibility, which is required by Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and California Government Code section 11135 et. seq. Specifically, the Rehabilitation Act of 1973 Section 504, the ADA and California Government Code section 11135 et. seq. are non-discrimination laws for persons with disabilities and apply to public programs and activities or, in the case of Section 504, any entity that receives federal financial assistance. These provisions affect virtually every institution of higher education, including the California Community College system. In order to ensure non-discrimination, these laws require that a postsecondary institution make program accommodations in order to provide students with disabilities an equal opportunity to participate in the institution's courses, programs and activities. The ADA states that students with disabilities may not be
excluded from participation in, or be denied the benefits of, or be subjected to discrimination in an institution’s programs, services, or activities. In order to meet these requirements, priority registration can be an appropriate method to provide a disability related accommodation for students with disabilities, based on their functional limitations in the educational setting.

It is important to note that when provided as part of a disability accommodation, priority registration should not be limited to continuing students, but be available to new students, as well, if they have a disability related limitation in the educational setting where priority registration is used to enable the timely provision of an accommodation. For example, high school students with disabilities who need priority registration to ensure an accommodation based on their functional limitation(s) should be allowed to register in the spring priority registration period for the fall, rather than having to wait until registration opens up to other high school students.

Q. If priority registration is not provided to DSPS students, what are the consequences of not providing this service?

A. Many students with disabilities who are receiving services from DSPS have functional limitations that require some accommodation in scheduling their classes. If a college chooses not to offer priority registration to students with disabilities, it would still be responsible for providing, in a timely manner, the program access that students with disabilities need. Such access would need to be provided, even if it was more difficult or costly. It is important to note that priority registration assists the colleges to provide required accommodations in a timely and more cost effective manner since it provides for additional lead time to locate and secure accommodations and service providers. Without such lead time, services requested on short notice are often more costly and difficult to secure.

Students served by DSPS often need priority registration as an accommodation for one or more of the following reasons specified below:

**Mobility Disability:** Ensuring classes are in accessible locations and not spread too far apart for students to get from one class to another;

**Visually impaired or LD Students** who need alternate text: Allowance of lead time to secure the accommodation of the alternate text in a timely manner. Additionally, students with learning disabilities, depending upon the nature of their disability, may
need to select classes that meet multiple times a week instead of once a week, due to processing deficit issues. Priority registration can also aid in selecting professors who teach in a style that best meets the student’s learning modality strengths (i.e., more hands-on or usage of visual aids).

**Deaf/Hard of Hearing Students:** Priority registration provides the DSPS program the ability to see where students are enrolled to be able to have lead time to secure the accommodations of interpreters or real time captioning and to ensure class materials (such as audio visual materials) are captioned. In addition, colleges utilize priority registration for deaf students to try to voluntarily group students into the same sections for the most cost effective use of interpreters and/or real time captioning services. It is important to note that the college must provide the interpreters for deaf students, even if the cost was significantly higher because students are enrolled in different sections.

**Students with Other/Health Impairments:** Stamina or health issues may prescribe that classes be grouped for part of the day or certain parts of the day when the student feels most alert and productive;

**Students with Psychological Disabilities:** Same as above due to possible effects of medication.

Please note this is not a complete list. There may be other situations based on the individual disability related limitations of the student in the educational setting.