

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

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Memorandum

January 4, 2018

To: Chief Executive Officers
Chief Instructional Officers
Chief Student Services Officers
Chief Business Officers
Chief Information Systems Officers

From: Frances Parmelee, Assistant Vice Chancellor
College Finance and Facilities Planning Division

Subject: Updated Guidance Due to Emergency Conditions

California has seen a rash of disasters during the 2017 calendar year. From the Oroville Dam crisis in February to the more recent and numerous fires in northern and southern California, we have seen too many calamities for one year. As a result of these emergencies around the state, districts may have questions related to accommodating students impacted by these extraordinary conditions and the impact of these emergencies on instruction. Districts may also have questions on the rules related to Full-Time Equivalent Student (FTES) allowances due to emergency conditions for both general and categorical apportionments. This memorandum provides some updated important information concerning these and other related matters.

Accommodation for Students Impacted by Extraordinary Conditions

California Code of Regulations, Title 5, section 58509 provides some relief for students attending colleges in areas impacted by extraordinary conditions. Title 5, section 58509 states a community college district may provide a full refund of enrollment fees to any student who withdrew from one or more classes, where the district finds that such withdrawal was necessary for one of the following reasons:

1. The college attended by the student was closed or the college was unable to provide all or substantially all of the instruction in the course or courses in which the student was enrolled due to fire, flood or other conditions qualifying for adjustment of apportionment pursuant to section 58146; or
2. Although the district does not qualify for an apportionment adjustment pursuant to section 58146, one of the conditions enumerated in that section made it difficult or impossible for the student to attend one or more courses because the student was actively engaged in responding to the fire, flood or other condition or because such condition required the student to evacuate his or her home.

Consistent with Title 5, section 55024, a community college district need not record a “W” on the academic records of a student who withdraws from one or more classes due to any of the circumstances described above.

The Chancellor’s Office is authorized, upon receipt of a written request from a district, to waive any other regulatory barriers that might be identified in order to accommodate students affected by any of the circumstances described above.

Instruction and Credit Hour Requirements

In terms of instruction, a district will need to monitor class meeting cancellations to determine if the related class hours for course sections fall below the minimum to properly award a unit of credit as provided by Title 5, section 55002.5. If that occurs, a district will need to consider methods to make up lost instruction to at least that minimum level. If this circumstance were to occur, a district should contact the Academic Affairs Division.

FTES Allowances Due to Emergency Conditions /Categorical Programs/175-Day Requirement

Title 5, section 58146 provides the criteria for FTES allowances due to emergency conditions. The intent behind this section is that districts should not lose apportionment eligible FTES as a result of emergency conditions, as defined in the section. In most instances, the only affected FTES would be those generated under the "positive attendance" procedure. FTES from census-based courses is only affected in extreme situations (e.g., long-term closures).

Districts that may have material decreases in FTES as a result of an emergency that impact both general and categorical funding, and/or may not meet the 175-Day requirement, may submit the [CCFS-313](#). It is likely districts will not need to apply for a waiver of the 175-Day requirement (Title 5, section 58142). Under the current definition of the days that can count towards the 175-Day requirement (Title 5, section 58120), most districts have more than enough instructional days in the academic year to meet the requirement (most Saturdays and/or Sundays that have instruction can now be counted).

However, districts should work with the College Finance and Facilities Planning Division to confirm it cannot meet the 175-Day requirement and in filing a CCFS-313.

Information Technology Infrastructure and Emergency Preparedness

It is highly advisable a district assess any possible risks to its information technology infrastructure and have appropriate data backups, including the consideration of off-site or online data protection as may be deemed necessary by a district. These backups should secure critical student academic and attendance/enrollment data, as well as a myriad of other important academic, fiscal, and administrative data that a district may be required to retain to comply with applicable record retention rules pursuant to Title 5, section 59020 et seq. or other applicable law or regulation.

For additional information on emergency preparedness, please visit our [Emergency Preparedness webpage](#), which includes information on emergency preparedness to assist districts and campuses in the event of a natural disaster, hazardous conditions, or terrorist activity.

Contacts

For additional information or questions regarding the above areas, please contact the following individuals:

- Accommodations for students impacted by emergency conditions: Michael Quiaoit, Student Services Division, (916) 327-6222 or mquiaoit@cccco.edu.
- Impact of class cancellations on instruction: Eric Nelson, Academic Affairs Division, (916) 327-2987 or enelson@cccco.edu.
- 175-day requirement and/or FTES allowances due to emergency conditions: Chay Yang, College Finance and Facilities Planning Division at (916) 445-8283 or cyang@cccco.edu.
- Emergency preparedness webpage: Hoang Nguyen, College Finance and Facilities Planning Division at (916) 327-5363 or hnguyen@cccco.edu.
- For categorical programs, please contact the appropriate program lead over that area. A list of program leads can be found [here](#).