

Item 12

**Final Staff Analysis
Proposed Statewide Cost Estimate**

\$267,115,424

(Approximate Prospective Cost of \$27,211,419 Annually)

Education Code Sections 66010.2, 66010.7, 66721.5, 66731, 66732, 66736, 66738, 66740,
66742, 70902, 78015, and 78016

Statutes 1988, Chapter 973; Statutes 1991, Chapter 1188; Statutes 1991, Chapter 1198;
Statutes 1998, Chapter 365; and Statutes 2000, Chapter 187

California Code of Regulations, Title 5, Sections 53203, 53207, 55001, 55002, 55005, 55006,
55150, 55201, 55202, 55750, 55751, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5,
55757, 55758, 55759, 55760, 55761, 55764, 55800, 55805, 55805.5, 55806, 58102, 58104, and
58106

Register 91, Number 23; Register 93, Number 25; Register 93, Number 42;
Register 94, Number 38; Register 98, Number 7; Register 2000, Number 50;
Register 2002, Number 8; and Register 2003, Number 18.

Minimum Conditions for State Aid

02-TC-25 and 02-TC-31

Los Rios Community College District, Santa Monica Community College District, and
West Kern Community College District, Claimants

STAFF ANALYSIS

Background and Summary of the Mandate

This program addresses activities associated with the standards for the formation and basic operation of the California Community Colleges which includes: (1) faculty participation in district and college governance; (2) transfer centers in community colleges; (3) vocational education; (4) standards of scholarship; (5) curriculum; (6) degrees and certificates; and (7) open courses.

On May 26, 2011, the Commission on State Mandates (Commission) adopted a statement of decision on the test claim finding that the test claim statutes and regulations impose a partially reimbursable state-mandated program upon community college districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.¹

Parameters and Guidelines were adopted on April 19, 2013 approving the reimbursable activities described below under the *Reimbursable Activities* section.²

¹ Exhibit A.

² Exhibit B.

Eligible claimants were required to file initial reimbursement claims (for costs incurred between July 1, 2001, and June 30, 2012) with the State Controller's Office (SCO) by November 19, 2013. Late initial reimbursement claims may be filed until November 19, 2014. Reimbursement claims for fiscal year 2012-2013 are due by February 18, 2014.

Eligible Claimants and Period of Reimbursement

Any community college district as defined in Government Code section 17519, which incurs increased costs as a result of this mandate, is eligible to claim for reimbursement.

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimants filed the test claim in the 2002-2003 fiscal year, establishing eligibility for reimbursement on or after July 1, 2001. All of the reimbursable activities approved in the *Minimum Conditions for State Aid* test claim were operative at the start of the reimbursement period except for the activities mandated by California Code of Regulations, title 5, section 53207. Title 5, section 53207, (Register 2003, No. 18) was operative April 11, 2003. As a result, all of the activities approved in the *Minimum Conditions for State Aid* test claim are eligible for reimbursement beginning July 1, 2001, except for the activities mandated by title 5, section 53207. The activities mandated by title 5, section 53207 are reimbursable beginning April 11, 2003.

Reimbursable Activities

The parameters and guidelines authorize reimbursement of each eligible claimant for the following activities:

1. Participation in District and College Governance (Ed. Code, §§ 66010.2(b), 70902(b)(7) and (b)(14), and Cal. Code Regs., tit. 5, §§ 53203 and 53207)

a. One-Time Activities

- 1) Establish procedures to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, and to ensure the right of the academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

The procedures established shall be consistent with the minimum standards established by the Board of Governors. The minimum standards are set forth in California Code of Regulations, title 5, sections 53200-53207 (for faculty), 51023.5 (for staff), and 51023.7 (for students).

Except for those ongoing activities listed below in 1(b), reimbursement is not required to implement the procedures. (Ed. Code, § 70902(b)(7), Stats. 1988, ch. 973.)

- 2) Adopt policies for appropriate delegation of authority and responsibility to its college or district academic senate.

Policies must provide, at a minimum, that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. (Cal. Code Regs., tit. 5, § 53203(a), Register 94, No. 38.)
- 3) Adopt procedures for responding to recommendations of the academic senate that incorporate the following:

- a) In instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendation not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate. (Cal. Code Regs., tit. 5, § 53203(d)(1), Register 94, No. 38.)
- b) In instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons. (Cal. Code Regs., tit. 5, § 53203(d)(2), Register 94, No. 38.)

b. Ongoing Activities

- 1) Provide all students the opportunity to address issues, including ethical issues that are central to their full development as responsible citizens, in community college programs. (Ed. Code, § 66010.2(b), Stats. 1991, ch. 1198.)
- 2) Participate in the consultation process established by the Board of Governors for the development and review of policy proposals pursuant to Education Code section 70901(e). (Ed. Code, § 70902(b)(14), Stats. 1988. Ch. 973.)
- 3) Consult collegially with representatives of the academic senate when adopting the policies for appropriate delegation of authority and responsibility to its college or district academic senate pursuant to California Code of Regulations, title 5, section 53202(a). (Cal. Code Regs., tit. 5, § 53203(b), Register 94, No. 38.)
- 4) *Beginning April 11, 2003*, grant faculty members elected to serve as president and vice president of the Academic Senate of the California Community Colleges release or reassigned time from their local responsibilities by the district by which they are employed during their terms of office. (Cal. Code Regs., tit. 5, § 53207 (Register 2003, No. 18).) Reimbursement is eligible for the following activities and costs:
 - a) Identify the part-time replacement cost prior to September of each year for employees elected to serve as president and vice president of the Academic Senate of the California Community Colleges.
 - b) If the release or reassigned time need identified is 100 percent and the position is in a hard to replace discipline area, certify this to the Chancellor by August 1 for reimbursement at the full-time temporary replacement cost of the employee released.

The costs to perform activities a) and b) are subject to any offsetting revenue provided the district from the Academic Senate of the California Community Colleges for the reasonable and documented administrative costs associated with hiring faculty to replace the faculty serving as president and vice president of the Academic Senate.

- c) The replacement cost of the faculty member serving as president or vice-president of the Academic Senate of the California Community Colleges is eligible for reimbursement, offset by any funds appropriated to the Academic Senate of the California Community Colleges (line item 6870-101-0001) and provided to the district at either the part-time replacement rate or the full-time temporary replacement rate pursuant to section 53207(c).

2. Transfer Centers (Ed. Code, §§ 66010.7, 66721.5, 66731, 66732, 66736, 66738, 66740, and 66742)

a. One-Time Activities

- 1) Adopt as policy that the student transfer agreement program shall constitute a significant role in achieving the goal of student diversity within community colleges, and in ensuring that all students, particularly those currently underrepresented in higher education, have access to a university education. (Ed. Code, § 66732 (Stats. 1991, ch. 1188).)
- 2) Formally acknowledge student matriculation from community colleges through the University of California and California State University as a central institutional priority of all segments of higher education. (Ed. Code, § 66731 (Stats. 1991, ch. 1188).)

b. Ongoing Activities

- 1) Provide direction to the appropriate officials at their respective campuses to provide each of their students with a copy of the current transfer core curriculum. (Ed. Code § 66721.5(a)(1), Stats. 2000, ch. 187.)
- 2) Distribute a copy of the current transfer core curriculum to each community college student who is enrolled in a degree or certification program and is physically in attendance at the institution.

Include the text of the current transfer core curriculum in the published class schedule for each academic term, or distribute the transfer core curriculum during the registration process, or by mail, or during the issuance of student identification cards, or during student orientation programs. (Ed. Code § 66721.5(b), (c) and (d), Stats. 2000, ch. 187.)

- 3) Design, adopt, and implement policies intended to facilitate successful movement of students from community colleges through the University of California and the California State University. (Ed. Code, § 66732, Stats. 1991, ch. 1188.)
- 4) Ensure that its college or colleges maintain student transfer counseling centers or other counseling and student services at its college or colleges designed and

implemented to affirmatively seek out, counsel, advise, and monitor the progress of potential and identified community college transfer students.

Reimbursement for this activity may include the adoption of policies and procedures. All policies and procedures adopted for this purpose must give preference and emphasis toward enhancing the transfer of students from economically disadvantaged families and students from traditionally underrepresented minorities, to the fullest extent possible under state and federal statutes and regulations. (Ed. Code, § 66736, Stats. 1991, ch. 1188.) *Reimbursement is not required to develop and adopt a transfer center plan pursuant to California Code of Regulations, title 5, section 51027.*

- 5) Except as provided in the next paragraph, undertake intersegmental collaboration and coordination (with the University of California and California State University) particularly when it can do either of the following: (1) facilitate achievement of the goals of educational equity; (2) facilitate student progress from one segment to another, particularly with regard to preparation of students for higher education as well as the transfer from the California Community Colleges to four-year institutions.

Reimbursement is not required in instances which cooperation can: (1) enhance the achievement of the institutional missions shared by the segments; (2) enable public and private postsecondary education to more effectively meet the educational needs of a geographical region; and (3) provide more effective planning of postsecondary education on a statewide basis. (Ed. Code, § 66010.7(b), Stats. 1991, ch. 1198.)

- 6) Work together with other leaders responsible for public (University of California and California State University) and independent institutions of higher education and the Superintendent of Public Instruction to promote and facilitate the development of intersegmental programs and other cooperative efforts aimed at improving the progress of students through the educational systems and at strengthening the teaching profession at all levels. (Ed. Code, § 66010.7(c), Stats. 1991, ch. 1198.)
- 7) Develop and implement formal, system wide, articulation agreements and transfer agreement programs, including those for general education or a transfer core curriculum, and other appropriate procedures to support and enhance the transfer function.

Reimbursement for this activity may include specifying the curricular requirements that must be met, and the level of achievement that must be attained, by community college students in order for those students to transfer to the campus, undergraduate college, or major of choice in the public four-year segments. (Ed. Code, § 66738(a), Stats. 1991, ch. 1188.)

- 8) Expand existing practices related to concurrent enrollment, in which community college students are provided the opportunity to take courses at University of California and California State University campuses, as space is available, and to expand opportunities for potential transfer students to participate in activities that familiarize

them with the university campus. (Ed. Code, § 66738(c), Stats. 1991, ch. 1188.)

- 9) Act in conjunction with each department, school, major in the University of California and California State University to develop discipline-specific articulation agreements and transfer program agreements for those majors that have lower division prerequisites. In doing so, faculty from community colleges and university campuses are to participate in discipline-specific curriculum development to coordinate course content and expected levels of student competency. (Ed. Code, § 66740, first paragraph, Stats. 1991, ch. 1188.)
- 10) Develop discipline-based agreements in conjunction with the California State University and the University of California with as many campuses of the two university segments as feasible, but no fewer than three University of California campuses and five California State University campuses. No one segment should bear the organizational or financial responsibility for accomplishing these goals. (Ed. Code, § 66740, third paragraph, Stats. 1991, ch. 1188.)
- 11) Present annual statistical reports with the California Community Colleges, California State University, and the University of California on transfer patterns to the Governor and Legislature via the California Postsecondary Education Commission. Include in these reports statistics and information as described in Education Code section 66742. (Education Code section 66742, Stats. 1991, ch. 1188.)

3. Vocational Education (Ed. Code, §§ 78015 and 78016). Reimbursement is authorized for the following ongoing activities:

- a. Conduct a job market study of the labor market area, as defined by Education Code section 52301.5, in which the community college district proposes to establish the program prior to establishing the program.³

The labor market study must use the State-Local Cooperative Labor Market Information Program established by Unemployment Insurance Code section 10533, or if this program is not available for the labor market area, the study must use other sources of labor market information.

The study must include a California Occupational Information System supply analysis of existing vocational and occupational education or training programs for adults maintained by high schools, community colleges, and private postsecondary schools in the area to ensure that the anticipated employment demand for students in the proposed programs justifies the establishment of the proposed courses of instruction. (Ed. Code, § 78015(a)(1), Stats. 1998, ch. 365.)

- b. Make copies of each job market study available to the public. (Ed. Code, § 78015(a)(2), Stats. 1998, ch. 365.)

³ Education Code section 52301.5 defines “Labor Market Area” as “a county or aggregation of counties designated by the Employment Development Department (EDD) that has one or more central core cities and that meets criteria of population, population density, commute patterns, and social and economic integration specified by the EDD.

- c. Determine whether or not the job market study justifies the proposed vocational education program. (Ed. Code, § 78015(b), Stats. 1998, ch. 365.)
- d. Determine by resolution whether the program will be offered through the district's own facilities or through a contract with an approved private postsecondary school pursuant to Education Code section 8092, if the district determines that the job market study justifies the initiation of the proposed program. (Ed. Code, § 78015(c), Stats. 1998, ch. 365.)
- e. Review every vocational or occupational training program offered by the district and commenced subsequent to July 28, 1983, every two years to ensure that each program: (1) meets a documented labor market demand; (2) does not represent unnecessary duplication of other manpower training programs in the area; and (3) is of demonstrated effectiveness as measured by the employment and completion success of its students.

These three requirements are to be demonstrated by the California Occupational Information System, including State-Local Cooperative Labor Market Information Program established in Unemployment Insurance Code section 10533, or if this program is not available in the labor market area, other available sources of labor market information. (Ed. Code, § 78016(a), Stats. 1998, ch. 365.)

- f. Terminate any program that does not meet the requirements of Education Code section 78016(a), and the standards promulgated by the governing board within one year. (Ed. Code, § 78016(b), Stats. 1998, ch. 365.)
- g. Include the review and comments by the local Private Industry Council, established pursuant to Unemployment Insurance Code section 15000 et seq., in the review process of every vocational or occupational training program offered by the district and commenced subsequent to July 28, 1983. The review and comments by the Private Industry Council shall occur prior to any decision by the district governing board. (Ed. Code, § 78016(c), Stats. 1998, ch. 365.)
- h. Make a written summary of the findings of each review available to the public. (Ed. Code, § 78016(e), Stats. 1998, ch. 365.)

4. Standards of Scholarship (Ed. Code, § 70902(b)(3), and Cal. Code Regs., tit. 5, §§ 55750, 55751, 55753, 55753.5, 55753.7, 55754, 55755, 55756.5, 55757, 55758, 55759, 55760, 55761, and 55764)

a. One-time Activities

- 1) Adopt and publish procedures and conditions for probation and appeal of probation and request for removal from probation. (Cal. Code Regs., tit. 5, § 55755(c), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55032(c), Register 2007, No. 35.)
- 2) Adopt and publish procedures and conditions for dismissal and appeal of dismissal and request for reinstatement. (Cal. Code Regs., tit. 5, § 55756(c), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55033(c), Register 2007, No. 35.)

- 3) Adopt rules setting forth the circumstances that warrant exceptions to the standards for dismissal. (Cal. Code Regs., tit. 5, § 55756(d), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55033(d), Register 2007, No. 35.)
- 4) File a copy of the rules setting forth the circumstances that warrant exceptions to the standards for dismissal with the Chancellor. (Cal. Code Regs., tit. 5, § 55756(d), Register 91, No. 23; requirement repealed, operative August 16, 2007, Register 2007, No. 35.)
- 5) Include in the procedures for the correction of grades given in error, procedures for expunging an incorrect grade from the record.

Reimbursement is not required to develop and adopt procedures for the correction of grades. (Cal. Code Regs., tit. 5, § 55760(a), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55025(d), Register 2007, No. 35.)

b. Ongoing Activities

- 1) Adopt regulations consistent with the subchapter regarding standards of scholarship consisting of California Code of Regulations, title 5, section 55750 – 55765. (Ed. Code, § 70902(b)(3), and Cal. Code Regs., tit. 5, § 55750, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55020, Register 2007, No. 35.)
- 2) Publish the regulations consistent with the subchapter regarding standards of scholarship in the college catalog under appropriate headings. Reimbursement is required only for the ongoing pro-rata cost to publish the section of the catalog that contains the mandated regulations (i.e. the cost of printing the additional page(s)). *Reimbursement is not required for the cost of publishing the entire catalog.* (Cal. Code Regs., tit. 5, § 55750, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55020, Register 2007, no. 35.)
- 3) File a copy of the community college district’s regulations regarding standards of scholarship, and any amendments of the regulations, with the Chancellor. (Cal. Code Regs., tit. 5, § 55750, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55020, Register 2007, No. 35.)
- 4) Determine a uniform grading practice for the district based on sound academic principles. (Cal. Code Regs., tit. 5, § 55751, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55021(a), Register 2007, No. 35.)
- 5) Conform the uniform grading practices to the standard that work in all courses acceptable in the fulfillment of the requirements for an associate or baccalaureate degree, a certificate, diploma or license is graded in accordance with a grading scale adopted by the governing board consistent with section 55758, and sections 55752 (Credit-No Credit Options) or 55753 (Credit by Examination). (Cal. Code Regs., tit. 5, § 55751(a) and (b), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55021(c), Register 2007, No. 35.)

- 6) Adopt and publish regulations pertaining to credit by examination in accordance with the provisions of Subchapter 9 “Standards of Scholarship” (Cal. Code Regs., tit. 5, § 55750 et seq.). Reimbursement for publishing the regulations is required only for the ongoing pro-rata cost to publish the section of the catalog that contains the mandated regulations. *Reimbursement is not required for the cost of publishing the entire catalog.* (Cal. Code Regs., tit. 5, § 55753(a), Register 2002, No. 8; for current requirement see Cal. Code Regs., tit. 5, § 55050(a), Register 2007, No. 35.)
- 7) Place a student on academic probation when he/she has attempted at least 12 semester or 18 quarter units as shown by the official academic record and earned a grade point average below 2.0 in all units which were graded on the basis of the grading scale. (Cal. Code Regs., tit. 5, § 55754(a), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55031(a), Register 2007, No. 35.)
- 8) Remove a student from academic probation when the student’s accumulated grade point average is 2.0 or higher. (Cal. Code Regs., tit. 5, § 55755(a), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55032(a), Register 2007, No. 35.)
- 9) Make a student subject to dismissal if the student is on academic probation and has earned a cumulative grade point average of less than 1.75 in all units attempted in each of 3 consecutive semesters or 5 consecutive quarters which were graded on the basis of a grading scale. (Cal. Code Regs., tit. 5, § 55756(a), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55033(a), Register 2007, No. 35.)
- 10) Determine a student’s need for remedial coursework using appropriate assessment instruments, methods, or procedures, including, but 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; other measures of performance; and assessment procedures such as identification of test cores which measure particular skill levels, the administrative process by which students are referred for assessment, the manner in which assessment results are made available, and the length of time required before such results are available. (Cal. Code Regs., tit. 5, § 55756.5(b), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55035(a), Register 2007, No. 35.)
- 11) Dismiss and refer students that have exhausted the remedial coursework unit limitation to appropriate adult noncredit education services, provided by college, adult school, community-based organization, or other appropriate local provider which the district has an established referral agreement. (Cal. Code Regs., tit. 5, § 55756.5(b) and (e), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55035(a) and (e), Register 2007, No. 35.)
- 12) Submit, through the established Management Information System, information necessary to enable the Chancellor to determine the effect of the

California Code of Regulations, title 5, section 55756.5, on students by sex, age, and ethnicity, and the success rates for students enrolled in “remedial coursework.” (Cal. Code Regs., tit. 5, §55756.5(g), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55035(g), Register 2007, No. 35.)

- 13) Adopt rules and regulations governing the inclusion in or exclusion of units, for the purpose of determining whether to place a student on probation or dismissal, in which a student did not receive a grade or “credit-no credit” or from which the student withdrew in accordance with rules adopted by the district governing board. (Cal. Code Regs., tit. 5, § 55757, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55030(a), Register 2007, No. 35.)
- 14) Determine a student’s grade point average using the grades from a grading scale and the corresponding point equivalencies set forth in California Code of Regulations, title 5, section 55758(a). (Cal. Code Regs., tit. 5, § 55758(a), Register 2000, No. 50; for current requirement see Cal. Code Regs., tit. 5, § 55023(a), Register 2007, No. 35.)
- 15) Publish the point equivalencies for the grades used in California Code Regulations, title 5, section 55758(a), in the catalog or catalogs of the community college district as part of its grading practices. “Point equivalencies for the grades” that are to be published excludes the symbols for credit (CR) and no credit (NC). Reimbursement is required only for the ongoing pro-rata cost to publish the section of the catalog that contains the mandated point equivalencies for grades (i.e. the cost of printing the additional page(s)). *Reimbursement is not required for the cost of publishing the entire catalog.* (Cal. Code Regs., tit. 5, § 55758(d), Register 2000, No. 50; for current requirement see Cal. Code Regs., tit. 5, § 55023(d), Register 2007, No. 35.)
- 16) Make reasonable efforts to notify a student subject to academic probation or dismissal at or near the beginning of the semester or quarter which it will take effect, but no later than the start of the fall semester or quarter. (Cal. Code Regs., tit. 5, § 55759, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55034, Register 2007, No. 35.)
- 17) Make reasonable efforts to notify a student of removal from probation or reinstatement after dismissal within timelines established by the district. (Cal. Code Regs., tit. 5, § 55759, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55034, Register 2007, No. 35.)
- 18) Publish the policies and procedures regarding probation and dismissal in the college catalog. Reimbursement is required only for the one-time cost of formatting the policies and procedures for publication, and the ongoing pro-rata cost to publish the section of the catalog that contains the policies and procedures on probation and dismissal (i.e. the cost of printing the additional page(s)). *Reimbursement is not required for the cost of publishing the entire catalog.* (Cal. Code Regs., tit. 5, § 55759 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55034 (Register 2007, No. 35).)

- 19) Make reasonable effort to provide counseling and other support services to a student on probation to help the student overcome any academic difficulties. (Cal. Code Regs., tit. 5, § 55759, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55034, Register 2007, No. 35.)
- 20) Grade changes. The following activities are eligible for reimbursement:
- a) The instructor of the course shall determine the grade to be awarded each student in accordance with the California Code of Regulations, title 5, section 55758 (“Academic Record Symbols and Grade Point Average”), which shall be final in the absence of mistake, fraud, bad faith, or incompetency. (Cal. Code Regs., tit. 5, § 55760(a), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55025(a), Register 2007, No. 35).
 - b) Adopt and publish regulations for repeating courses in which substandard work has been recorded Cal. Code Regs., tit. 5, §§ 55760(b) and 55761, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, §§ 55040(a), and 55042(a), Register 2007, No. 35.) If these regulations are published in the college catalog, reimbursement for publishing is required only for the ongoing pro-rata cost to publish the section of the catalog that contains the regulations for repeating courses (i.e. the cost of printing the additional page(s)). *Reimbursement is not required for the cost of publishing the entire catalog.*
- 21) Adopt and publish regulations for alleviation of previously recorded substandard academic performance that is not reflective of a student’s demonstrated ability. If these regulations are published in the college catalog, reimbursement for publishing is required only for the ongoing pro-rata cost to publish the section of the catalog that contains the regulations for alleviation of previously recorded substandard academic performance that is not reflective of a student’s demonstrated ability (i.e. the cost of printing the additional page(s)). *Reimbursement is not required for the cost of publishing the entire catalog.* (Cal. Code Regs., tit. 5, § 55764 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55046(a) (Register 2007, No. 35).)

5. Curriculum (Ed. Code, § 70902(b)(2)(A), and Cal. Code Regs., tit. 5, §§ 55001, 55002, 55005, 55006, 55150, 55201, and 55202)

a. One-Time Activities

- 1) Adopt policies for the provisions outlined in a) through d) below, in accordance with the Board of Governors regulations addressing faculty participation in district and college governance (i.e. Cal. Code Regs., tit. 5, §§ 53200-53204), when a college is required to establish prerequisites or co-requisites for an associate degree credit course pursuant to California Code of Regulations, title 5, section 55002(a)(2)(D) and (E) (e.g. a student is unlikely to receive a satisfactory grade in a course without the prerequisite or co-requisite, or success in a course is dependent on communication or computation skills):
 - a) The policy for the process for establishing prerequisites or co-requisites shall be based on content review with additional methods of scrutiny being

applied depending on the type of prerequisite or co-requisite established. (Cal. Code Regs., tit. 5, § 55201(b)(1), Register 98, No. 7; for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(1), Register 2007, No. 35.)

- b) The procedures to assure that courses for which prerequisites or co-requisites are established will be taught in accordance with the course outline that are the basis for the requirement to establish the prerequisite or co-requisite. (Cal. Code Regs., tit. 5, § 55201(b)(2), Register 98, No. 7; for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(2), Register 2007, No. 35.)
- c) The process, including levels of scrutiny, for reviewing prerequisites and co-requisites to assure that they remain necessary and appropriate. The process shall provide that at least once each six years all prerequisites and co-requisites established by the district shall be reviewed. (Cal. Code Regs., tit. 5, § 55201(b)(3), Register 98, No. 7; for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(3), Register 2007, No. 35.)
- d) The basis to challenge a prerequisite or co-requisite are:
 - i. The prerequisite or co-requisite was not established in accordance with the district's process for establishing prerequisites and co-requisites;
 - ii. The prerequisite or co-requisite violates California Code of Regulations, title 5, sections 55200-55202, which address the authority, requirements, and limitations on authority, when establishing prerequisites and co-requisites;
 - iii. The prerequisite or co-requisite are either unlawfully discriminatory or are being applied in an unlawfully discriminatory manner;
 - iv. The student has the knowledge or ability to succeed in the course or program despite not meeting the prerequisite or co-requisite; and
 - v. The student will be subject to undue delay in attaining the goal of his or her educational plan because the prerequisite or co-requisite course has not been made reasonably available. (Cal. Code Regs., tit. 5, § 55201(b)(2) and (f)(1)-(5), Register 98, No. 7; for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(2) and (m)(1)-(5), Register 2007, No. 35.)

b. Ongoing Activities

- 1) Establish policies for educational programs. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973.)
- 2) Report the classification of all courses, classes, and activities offered in accordance with California Code of Regulations, title 5, sections 55001 (a) (describing instructional services of community colleges), and 55002 (standards and criteria for associate degree credit course, nondegree credit course, and noncredit course) by transmitting the following information to the Chancellor's Office:

- a) The unique static course identifier and the course title for all credit and noncredit courses. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55001(c)(1), Register 94, No. 38, ending April 14, 2006.)
 - b) The classification of each credit and noncredit course in accordance with its primary objective, consistent with guidelines published by the Chancellor. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55001(c)(2), Register 94, No. 38, ending April 14, 2006.)
 - c) Whether the course is offered as credit or noncredit. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55001(c)(3), Register 94, No. 38 ending April 14, 2006.)
 - d) Whether the course transfers to the California State University or the University of California or both. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55001(c)(4), Register 94, No. 38 ending April 14, 2006.)
- 3) Establish a college or district curriculum committee by mutual agreement of the college or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college or district administration and academic senate. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(1), Register 93, No. 42.)
 - 4) Get a recommendation by the college or district curriculum committee and approval by the district governing board, when seeking to offer a course as an associate degree credit course, nondegree credit course, or noncredit course. Recommendation by the college or district curriculum committee and approval by the district governing board are based on the courses meeting the following standards and criteria listed in a) through d) below:
 - a) Each section of an associate degree course, nondegree course, or noncredit course is to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(4), (b)(4), and (c)(3), Register 93, No. 42.)
 - b) Proposed associate degree credit courses and nondegree credit courses must meet the following requirements found in California Code of Regulations, title 5, section 55002(a)(2) and (b)(2), in order to receive a recommendation by the college or district curriculum committee:
 - i. Grading policy: The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with California Code of Regulations, title 5, section 55758 (Register 2000, No. 50), which details the academic record symbols and associated grade points to be used by community colleges.

The grade is based on demonstrated proficiency in subject matter and the ability to demonstrate that proficiency, at least in part, by means of essays

for associate degree credit courses or written expression for nondegree credit courses, or in courses where the curriculum committee deems them to be appropriate, by problem-solving exercises or skills demonstrations by students. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(2)(A) and (b)(2)(A), Register 93, No. 42.)

- ii. Units: The course grants units of credit based upon a relationship specified by the governing board between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline.

The course also requires a minimum of three hours of work per week, including class time (and/or demonstrated competency for nondegree credit courses) for each unit of credit, prorated for short-term, laboratory and activity courses. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(2)(B) and (b)(2)(B), Register 93, No. 42.)

- iii. Intensity: For associate degree credit course, the course must treat subject matter with a scope and intensity that requires students to study independently outside of class time. For nondegree credit courses, the course must provide instruction in critical thinking and generally treats subject matter with a scope and intensity that prepares students to study independently outside of class time and includes reading and writing assignments and homework. In particular, the assignments will be sufficiently rigorous that students completing each such course successfully will have acquired the skills necessary to successfully complete college-level work upon completion of the required sequence of such courses. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(2)(C) and (b)(2)(C), Register 93, No. 42.)

- c) Proposed associate degree credit courses must also meet the following requirements found in California Code of Regulations, title 5, section 55002(a)(2), in order to receive a recommendation by the college or district curriculum committee:

- i. Prerequisites and Co-requisites: Require prerequisites or co-requisites when: (a) the college and/or district curriculum committee determines, based on a review of the course outline of record, that a student would be highly unlikely to receive a satisfactory grade unless the student has knowledge or skills not taught in the course; or (b) success in the course is dependent upon communication or computation skills, then the course shall require as prerequisites or co-requisites eligibility for enrollment in associate degree credit courses in English and/or mathematics. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(2)(D) and (E), Register 93, No. 42.)
- ii. Difficulty: The course work calls for critical thinking and the understanding and application of concepts determined by the curriculum committee to be at college level. (Ed. Code, § 70902(b)(2)(A), Stats.

1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(2)(F), Register 93, No. 42.)

iii. Level: The course work calls for critical thinking and the understanding and application of concepts determined by the curriculum committee to be at college level. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(2)(G), Register 93, No. 42.)

d) Proposed noncredit courses must treat subject matter and use resource materials, teaching methods, and standards of attendance and achievement that is deemed appropriate for the enrolled students by the college or district curriculum committee in order to receive a recommendation by the college or district curriculum committee. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(c)(1), Register 93, No. 42.)

Reimbursement for the activity identified in b.) is limited to obtaining a recommendation and approval, as specified, when seeking to offer a course. Reimbursement is not required for the process to determine that the instructor is qualified, or for the cost of the courses or instruction offered. (Cal. Code Regs., tit. 5, § 55002(a), (b), and (c), Register 93, No. 42.)

5) Develop and keep a course outline of record for associate degree credit courses, nondegree credit courses, and noncredit courses in the official college files that describe the course and make the outline available to each instructor.

For associate degree credit courses and nondegree credit courses, the course outline shall specify the unit value, scope, objectives, and content of the course in terms of a specific body of knowledge. Also, the course outline shall specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met by students.

For noncredit course, the course outline shall specify the scope, objectives, contents, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(3), (b)(3), and (c)(2), Register 93, No. 42; and Cal. Code Regs., tit. 5, § 55150(b), Register 91, No. 23.)

6) Make available to students through college publications all of the following facts regarding each course offered before they enroll in the course: (1) whether the course is offered as a credit or noncredit course; (2) whether the course is transferable to four-year colleges and universities; and (3) whether the course fulfills a major or general education requirement. (Ed. Code, § 70902(b)(2)(A) Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55005, Register 91, No. 23.)

7) Each community college must keep and submit such current records and reports concerning their total activities as may be required by the Chancellor to fulfill statutory responsibilities. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, §§ 55006 and 55150(c), Register 91, No. 23.)

8) The following activities are eligible for reimbursement *only when the curriculum committee of a college determines that prerequisites or co-requisites for an*

*associate degree credit course are required to be established pursuant to California Code of Regulations, title 5, section 55002(a)(2)(D) and (E) (e.g. a student is unlikely to receive a satisfactory grade in a course without the prerequisite or co-requisite, or success in a course is dependent on communication or computation skills):*⁴

- a) When establishing a course in communication or computation skills as a prerequisite or co-requisite for any associate degree credit course other than another course in communication or computation skills, gather data according to sound research practices and show the college or district curriculum committee and district governing board that a student is highly unlikely to succeed in a non-communication or non-computation skills course unless the student has met the proposed prerequisite or co-requisite.

This data gathering requirement does not apply when:

- i) Four-year institutions will not grant credit for a course unless it has the particular communication or computation skill prerequisite; or
- ii) The prerequisite or co-requisite is required for enrollment in a program that is subject to approval by a state agency other than the Chancellor's Office and both of the following conditions are satisfied:
 - Colleges in at least six different districts have previously satisfied the data collection requirement with respect to the same prerequisite or co-requisite for the same program; and
 - The district establishing the prerequisite or co-requisite conducts an evaluation to determine whether the prerequisite or co-requisite has a disproportionate impact on particular groups of students described in terms of race, ethnicity, gender, age or disability, as defined by the Chancellor, and if there is a disproportionate impact the district in consultation with the Chancellor develops and implements a plan setting forth the steps the district will take to correct the disproportionate impact. (Ed. Code, § 70902(b)(2)(A). Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55201(e), Register 98, No. 7; for current requirement see Cal. Code Regs., tit. 5, § 55003(e), Register 2007, No. 35.)
- b) If a prerequisite or co-requisite required to be established for an associate degree credit course is challenged on the basis that it is either unlawfully discriminatory or applied in an unlawfully discriminatory manner (pursuant to Cal. Code Regs., tit. 5, § 55201(f)(3)), advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to the title 5 regulations addressing discrimination complaint procedures (Cal. Code Regs., tit. 5, § 59300 et seq.). (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55201(g), Register 98, No. 7; for current requirement see Cal. Code Regs., tit. 5, § 55003(n), Register 2007, No. 35.)

⁴ Establishing prerequisites and co-requisites in all other situations is discretionary and not mandated by the state. (Cal. Code Regs., tit. 5, § 55201(a) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(a) (Register 2007, No. 35).)

- c) Identify prerequisites and co-requisites required to be established for an associate degree credit course in college publications available to students as well as in the course outline of any course for which they are established. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55202(a), Register 93, No. 42; for current requirement see Cal. Code Regs., tit. 5, § 55003(f), Register 2007, No. 35.)
- d) Determine whether a student meets a prerequisite for an associate degree credit course based on successful completion of an appropriate course. This determination shall be made prior to the student's enrollment in the associate degree credit course requiring the prerequisite. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55202(c)(g), Register 93, No. 42; for current requirement see Cal. Code Regs., tit. 5, § 55003(h)(l), Register 2007, No. 35.)
- e) If a prerequisite for an associate degree credit course requires precollegiate skills in reading, written expression, or mathematics, ensure precollegiate basic skills courses designed to teach the required skills are offered with reasonable frequency and that the number of sections available is reasonable given the number of students who are required to meet the associated skills prerequisites and who diligently seek enrollment in the prerequisite course.
This activity does not require reimbursement for offering the course or the costs associated with the teacher time for the course. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55202(d), Register 93, No. 42; for current requirement see Cal. Code Regs., tit. 5, § 55003(i), Register 2007, No. 35.)
- f) When a co-requisite course is established by the district for an associate degree credit course based on a finding by the college or district curriculum committee that the co-requisite is necessary for the course pursuant to section 55002(a)(2)(D) and 55002(a)(2)(E) of the Title 5 regulations, ensure sufficient sections of a co-requisite course are offered to reasonably accommodate all students who are required to take the co-requisite. Reimbursement for this activity is limited to the administrative functions of ensuring that sufficient sections of a co-requisite course are offered.
This activity does not require reimbursement for offering the co-requisite course or the costs associated with the teacher time for the course. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55202(e), Register 93, No. 42; for current requirement see Cal. Code Regs., tit. 5, § 55003(j), Register 2007, No. 35.)
- g) Waive a co-requisite for an associate degree credit course for any student for whom space in the co-requisite course is not available. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55202(e), Register 93, No. 42; for current requirement see Cal. Code Regs., tit. 5, § 55003(j), Register 2007, No. 35.)

6. Degrees and Certificates (Cal. Code Regs., tit. 5, §§ 55800, 55805, and 55806)

Reimbursement is authorized for the following ongoing activities:

- a. Adopt policy consistent with the subchapter regarding degrees and certificates consisting of California Code of Regulations, title 5, section 55800 – 55810. (Cal. Code Regs., tit. 5, § 55800, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55060, Register 2007, No. 35.)

Include in the policy the requirement to condition receipt of an associate degree by a student on the satisfactory completion of at least 60 semester units or 90 quarter units of college work that is fulfilled in a curriculum accepted toward the degree by a college within the district (as shown in its catalog). This course work includes 18 semester or 27 quarter units in general education and at least 18 semester or 27 quarter units in a major, at least 12 semester or 18 quarter units completed in residence at the college granting the degree.

The 18 semester or 27 quarter units in a major must be taken in a single discipline or related disciplines, as listed in the Community Colleges “Taxonomy of Programs.”

The 18 semester or 27 quarter units in general education requirements must include a minimum of three semester or four quarter units in each of the following areas: (1) Natural Sciences, (2) Social and Behavioral Sciences, (3) Humanities, (4) Language and Rationality – English Composition, and (5) Language and Rationality – Communication and Analytical Thinking.

The remainder of the unit requirement is also to be selected from among these five divisions of learning or as determined by local option. (Cal. Code Regs., tit. 5, § 55806(a) and (b)(1), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(a) and (b), Register 2007, No. 35.)

- b. Publish in the college catalog under appropriate headings the policy that is consistent with the subchapter in title 5 of the California Code of Regulations regarding degrees and certificates. (Cal. Code Regs., tit. 5, § 55800, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55060, Register 2007, No. 35.)
- c. File a copy of the policy regarding degrees and certificates, and any amendments, with the Chancellor. (Cal. Code Regs., tit. 5, § 55800, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55060, Register 2007, No. 35.)
- d. Adopt a policy which states its specific philosophy on General Education. (Cal. Code Regs., tit. 5, § 55805(a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55061(a) (Register 2007, No. 35).)
- e. When developing the policy stating its specific philosophy on General Education, consider the policy of the Board of Governors specified in California Code Regulations, title 5, section 55805(a) (Register 91, No. 23). (Cal. Code Regs., tit. 5, § 55805(a), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55061(a), Register 2007, No. 35.)
- f. Establish criteria, subject to the limitations in California Code of Regulations, title 5, section 55805.5 (Register 91, No. 23), to determine which courses may be used in implementing its philosophy on the associate degree and general education. (Cal. Code Regs., tit. 5, §§ 55805(b) and 55805.5, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, §§ 55061(b) and 55062, Register 2007, No. 35.)

- g. Review the policy and criteria for General Education, established pursuant to California Code of Regulations, title 5, section 55805(a) and (b), on a regular basis. (Cal. Code Regs., tit. 5, § 55805(c), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55061(c), Register 2007, No. 35.)
- h. Offer ethnic studies in at least one of the general education areas of learning listed in California Code of Regulations, title 5, section 55806(b)(1)(A)-D) (i.e. Natural Sciences, Social and Behavioral Sciences, Humanities, Language and Rationality-English Composition, and Language and Rationality-Communication and Analytical Thinking). (Cal. Code Regs., tit. 5, § 55806(b)(3), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(2), Register 2007, No. 35.)
- i. Design a course to help students develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities, in order to satisfy the general education requirement in natural sciences. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(A), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(1)(A), Register 2007, No. 35.)
- j. Design a course to develop an awareness of the method of inquiry used by the social and behavioral sciences and to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate, in order to satisfy the general education requirement in social and behavioral sciences. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(B), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(1)(B), Register 2007, No. 35.)
- k. Design a course to help students to develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and ability to make value judgments, in order to satisfy the general education requirement in humanities. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(C), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(1)(C), Register 2007, No. 35.)
- l. Design courses fulfilling the written composition (English composition) requirement to include both expository and argumentative writing. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(D)(1), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(1)(D)(1), Register 2007, No. 35.)
- m. Design a course to fulfill the communication and analytical thinking requirement. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(D)(2), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(1)(D)(2), Register 2007, No. 35.)

7. Open Courses (Cal. Code Regs., tit. 5, §§ 58102, 58104, and 58106)

- a. Publish a description of each course that is clear and understandable to the prospective student in the official catalog, schedule of classes, and addenda. (Cal. Code Regs., tit. 5, §§ 58102 and 58104, Register 93, No. 25.)
- b. Handle challenges to enrollment limitations made by students pursuant to title 5, section 58106(c), in a timely manner. (Cal. Code Regs., tit. 5, § 58106, Register 93, No. 42.)

- c. Waive the enrollment limitation with respect to a student that challenged an enrollment limitation, if the challenge is upheld. (Cal. Code Regs., tit. 5, § 58106, Register 93, No. 42.)
- d. Advise a student that he or she may file a formal complaint of unlawful discrimination pursuant to title 5, section 59300 et seq., upon completion of handling a challenge to an enrollment limitation made by a student alleging that an enrollment limitation is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner (pursuant to Cal. Code Regs., tit. 5, § 58106(c)(1), Register 93, No. 42). (Cal. Code Regs., tit. 5, § 58106, Register 93, No. 42.)

Statewide Cost Estimate

Assumptions

Staff reviewed the reimbursement claims data submitted by 5 community college districts and compiled by the SCO.⁵ The actual claims data showed that 55 initial claims were filed for fiscal years 2001-2002 through 2011-2012 for a total of \$267,115,424. Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

- *The actual amount claimed for reimbursement may increase and exceed the statewide cost estimate.*
 - There are currently 73 community college districts in California. Of those, only 5 community college districts filed initial reimbursement claims totaling \$267,115,424 for this program for fiscal years 2001-2002 through 2011-2012. If other eligible claimants file late or amended initial claims, the amount of reimbursement claims may exceed the statewide cost estimate. Late initial reimbursement claims for this program for fiscal years 2001-2002 through 2011-2012 may be filed until November 19, 2014. There also may be several reasons that non-claiming community college districts did not file reimbursement claims, including but not limited to: (1) they did not incur more than \$1,000 in increased costs for this program; and (2) they did not have supporting documentation to file a reimbursement claim.
 - Additionally, the total costs claimed in the most recent three years of the initial claiming period are trending upward. It is likely that the costs of the activities will continue to increase with the costs of living moving forward.
- *The total amount of reimbursement for this program may be lower than the statewide cost estimate because the SCO may reduce any reimbursement claim for this program.*
 - The SCO may conduct audits and reduce any claims it deems to be excessive or unreasonable. This test claim was partially approved, primarily for administrative activities, and the scope of what was approved is narrower than what was pled in the test claim. As a result, it is possible that reimbursement claims may have been submitted for activities that go beyond the scope of what was approved in the test claim decision and parameters and guidelines.

⁵ Claims data reported as of December 4, 2013.

- *Block grant funding is available for this program beginning fiscal year 2013-2013 and participation of claimants from year to year will vary, thus a fluctuation in the number of claims eligible for submission to the SCO.*
 - Community college districts may opt to be recipients of block grant funding apportioned to fund the costs of this program as specified in Government Code section 17581.7. Community college districts that take this discretionary action are not eligible to submit claims to the SCO for reimbursement.

Methodology

Fiscal Years 2001-2002 through 2011-2012

The statewide cost estimate for fiscal years 2001-2002 through 2011-2012 was developed by totaling the 55 reimbursement claims filed with the SCO for these years totaling \$267,115,424. For the reasons discussed above, staff finds that the averages for the most recent three-year period are most indicative of potential future annual costs. For the most recent three-year period, costs averaged \$27,211,419 annually. Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2001-2002	5	\$19,589,533
2002-2003	5	\$21,396,084
2003-2004	5	\$19,426,344
2004-2005	5	\$20,930,305
2005-2006	5	\$22,981,381
2006-2007	5	\$26,724,451
2007-2008	5	\$26,468,760
2008-2009	5	\$27,964,310
2009-2010	5	\$27,027,397
2010-2011	5	\$27,100,455
2011-2012	5	\$27,506,404
TOTAL	55	\$267,115,424

Draft Staff Analysis and Proposed Statewide Cost Estimate

Commission staff issued a draft staff analysis on December 16, 2013.⁶ No comments were received.

Conclusion

On January 24, 2014, the Commission adopted the proposed statewide cost estimate of **\$267,115,424 (Approximate Prospective Cost of \$27,211,419 Annually)** for costs incurred in complying with the *Minimum Conditions for State Aid* program.

⁶ Exhibit C.