**The California Community College Board of Governors’ regulations are found in Title 5.** The following are the provisions of Title 5, Division 6. I have included some specific sections that might be of interest to faculty and staff and students. For example, Section 58120 is where the 3 hour rule for counting a day to meet the 175 day requirement can be found. The rules for calculating full-time versus part-time faculty requirements are included in these regulations.

Prepared by Marty Hittelman from Source:

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**Title 5, Division 6. California Community Colleges**

**Chapter 1. Board of Governors**

Subchapter 1. Board of Governors' Procedures

Subchapter 2. Board of Governors of the California Community Colleges-Conflict of Interest Code

Subchapter 3. Committees [Repealed]

Subchapter 4. Coordinating Council of Higher Education [Repealed]

Subchapter 5. Chancellor [Repealed]

Subchapter 6. Board of Governors and Chancellor's Office - Conflict of Interest Code [Renumbered]

**Chapter 2. Community College Standards**

Subchapter 1. Minimum Conditions

§ 51000. Scope.

§ 51002. Standards of Scholarship.

§ 51004. Degrees and Certificates.

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§ 51016.5. Emergency Exception to Accreditation Requirement.

§ 51018. Counseling Programs.

§ 51020. Objectives.

§ 51021. Curriculum.

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§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty;

(b) adopt procedures which are consistent with the provisions of sections 53200-53206, regarding the role of academic senates and faculty councils;

(c) substantially comply with district adopted policy and procedures adopted pursuant to subdivisions (a) and (b).

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

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

(2) Participation structures and procedures for the staff positions defined or categorized.

(3) In performing the requirements of subsections (a)(1) and (2), the governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations, and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.

(7) When a college or district task force, committee, or other governance group, is used to consult with staff regarding implementation of this section or to deal with other issues which have been determined to significantly affect staff pursuant to subdivision (a)(4), the appointment of staff representatives shall be made as follows:

(A) The exclusive representative shall appoint representatives for the respective bargaining unit employees, unless the exclusive representative and the governing board mutually agree in a memorandum of understanding to an alternative appointment process.

(B) Where a group of employees is not represented by an exclusive agent, the appointment of a representative of such employees on any task force, committee or governance group shall be made by, or in consultation with, any other councils, committees, employee organizations, or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation.

(C) When the task force, committee or governance group will deal with issues outside the scope of collective bargaining, any other council, committee or staff group, other than an exclusive agent, that the governing board has officially recognized in its policies and procedures for staff participation may be allowed to designate an additional representative. These organizations shall not receive release time, rights, or representation on such task forces, committees, or other governance groups exceeding that offered to the exclusive representative of classified employees.

(D) In all cases, representatives shall be selected from the category that they represent.

(b) In developing and carrying out policies and procedures pursuant to subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code sections 3540, et seq., such procedures for staff participation shall not intrude on matters within the scope of representation under section 3543.2 of the Government Code. Governing boards shall not interfere with the exercise of employee rights to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards. It is the intent of the Board of Governors to respect lawful agreements between staff and exclusive representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to staff pursuant to these regulations.

(c) Nothing in this section shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to sections 53200-53204, and section 51023.7, respectively.

(d) The governing board of a community college district shall comply substantially with the provisions of this section.

Note: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70901.2 and 70902, Education Code; and Sections 3540 et seq., Government Code.

§ 51023.7. Students.

(a) The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance. Among other matters, said policies and procedures shall include the following:

(1) Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures.

(2) Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

(3) Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration.

(4) For the purpose of this Section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code Section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.

(b) For the purposes of this Section, district and college policies and procedures that have or will have a “significant effect on students” includes the following:

(1) grading policies;

(2) codes of student conduct;

(3) academic disciplinary policies;

(4) curriculum development;

(5) courses or programs which should be initiated or discontinued;

(6) processes for institutional planning and budget development;

(7) standards and policies regarding student preparation and success;

(8) student services planning and development;

(9) student fees within the authority of the district to adopt; and

(10) any other district and college policy, procedure, or related matter that the district governing board determines will have a significant effect on students.

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration,and staff.

(d) Nothing in this Section shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to the regulations on academic senates contained in Sections 53200-53206.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this Section.

Note: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901 (b)(1)(E), 70902(b)(7) and 76060, Education Code.

§ 51024. Student Success and Support Program.

**§ 51025. Full-Time/Part-Time Faculty.**

This section relates to and should be read in conjunction with subchapter 3 (commencing with section 53300) of chapter 4 of this division.

(a) By November 20 of each fiscal year the Board of Governors shall determine whether funds provided for cost-of-living adjustment, less any net reductions to the programs and allocations specified in subsection (b), are adequate to allow full or partial implementation of the provisions of paragraph (1) of subsection (c) and whether additional funds have been provided to allow implementation of the provisions of paragraph (6) of subsection (c). The Board of Governors may revise these determinations, and may revise the district's full-time faculty hiring obligations, based on the above criteria, at any time subsequent to the state enacting mid-year reductions to one or more of the programs or allocations specified in subsection (b).

(b) For the purposes of this section the following programs and allocations are deemed to be essential and core to the mission and budgets of the California Community Colleges: general apportionment, growth for apportionment, cost-of-living adjustments, basic skills, Partnership for Excellence, financial aid administration, Extended Opportunity Programs and Services, Disabled Student Programs and Services, matriculation, part-time faculty compensation, part-time faculty health insurance, part-time faculty office hours, program improvement and allocations directed specifically to help reach the 75 percent full-time faculty standard.

(c) If a district's full-time faculty percentage, as calculated pursuant to section 53308, is less than 75 percent, the following shall apply:

(1) If the Board of Governors has determined pursuant to subsection (a) that adequate funds have been provided for implementation of this paragraph, the district's base full-time faculty obligation (as defined in section 53311) shall be increased for the fall term of the succeeding fiscal year, by the product of the base full-time faculty obligation multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

In computing the district's full-time faculty obligation for the succeeding fiscal year, the base obligation will be increased by the lower of the projected fundable growth at the time of the budget enactment or the actual percentage change in funded credit FTES. For the second succeeding fall term the obligation will be adjusted to the actual percentage change in funded credit FTES.

(2) Districts which, as determined from their base data, had a full-time faculty percentage of 67 percent or greater, but less than 75 percent shall apply up to 33 percent of their program improvement allocation pursuant to subsection (b) of section 58775, as necessary to reach the 75 percent standard pursuant to paragraph (4) below.

(3) Districts which, as determined from their base data, had a full-time faculty percentage of less than 67 percent shall apply up to 40 percent of their program improvement allocation pursuant to subsection (b) of section 58775, as necessary to reach the 75 percent standard pursuant to paragraph (4) below.

(4) For program improvement funds identified in paragraph (2) or (3), as appropriate, the district's base full-time faculty obligation shall be further increased for the fall term of the succeeding fiscal year, by the quotient of the applicable program improvement funds divided by the statewide average replacement cost for the current fiscal year, rounded down to the nearest whole number.

(5) If the number of full-time faculty derived in paragraphs (1) and (4), or in paragraph (6), result in the district exceeding the 75 percent standard, the Chancellor shall reduce the number of the full-time obligation to a point that leaves the district as close as possible to, but in excess of, the 75 percent standard.

(6) If the Board of Governors determines pursuant to subsection (a) that additional funds have been provided for the purpose of increasing the full-time faculty percentage, the district's base full-time faculty obligation shall be further increased for the fall term of the succeeding fiscal year by the quotient of the applicable funds divided by the statewide average replacement costs for the current fiscal year, rounded down to the nearest whole number.

(7) If the Board of Governors determines pursuant to subsection (a) that adequate funds have not been provided to implement paragraph (1), the district's base full-time faculty obligation shall be unchanged. However, for the fall term of the succeeding fiscal year the district may choose, in lieu of maintaining its base obligation, to maintain, at a minimum, the full-time faculty percentage attained in the prior fall term.

(d) Statewide average replacement cost is the statewide average faculty salary plus benefits, minus the product of the statewide average hourly rate of compensation for part-time faculty times the statewide average full-time teaching load.

(e) On or before January 31 of each year, the Chancellor shall determine, based on information submitted by districts, the extent to which each district, by the fall term of that fiscal year, has maintained or hired the number of full-time faculty, or maintained the full-time faculty percentage if applicable, determined pursuant to subsection (c) for the prior fiscal year. To the extent that the number of full-time faculty or percentage of full-time faculty has not been maintained or additional full-time faculty have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equal to the average replacement cost for the prior fiscal year times the deficiency in the number or percentage equivalent of full-time faculty. If the Board has determined, pursuant to subsection (a), that there are not adequate funds in the current fiscal year to allow full implementation of paragraph (1) of subsection (c), then the Chancellor may defer this reduction of revenue until the subsequent fiscal year in which the Board determines that adequate funds have been provided to allow full implementation of that paragraph. To the extent a district hires the additional full-time faculty in subsequent fiscal years, the reductions will no longer be levied. Notwithstanding this provision, the Chancellor may not waive reductions that are deferred under the authority of this subsection. The Chancellor may authorize a funding reduction that is deferred under the authority of this subsection to be made over a period not to exceed three fiscal years, provided that the district is meeting its full-time faculty obligation and it is the Chancellor's judgment that the district's financial integrity otherwise would be jeopardized.

(f) All revenues available due to reductions made pursuant to subsection (e), shall be made available for statewide distribution on a one-time basis for that fiscal year, for purposes of promoting equal employment opportunities for faculty and staff pursuant to Education Code section 87107.

(g) For districts that experience a reduction in base credit FTES, the Chancellor shall make a proportionate reduction to their base number of full-time faculty.

Note: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

§ 51025.5. Elimination of Reduction Requirements for Fiscal Years 2002-03 and 2003-04. [Repealed]

§ 51026. Student Equity.

§ 51027. Transfer Centers: Minimum Program Standards.

Subchapter 2. Investigation and Enforcement of Minimum Conditions

Subchapter 3. Faculty [Repealed]

Subchapter 4. Standards of Scholarship [Repealed]

Subchapter 5. Facilities [Repealed]

Subchapter 6. Counseling Services [Repealed]

Subchapter 7. Degrees and Certificates [Repealed]

Subchapter 8. Degrees and Certificates [Repealed]

Subchapter 9. Minimum Class Size [Repealed]

Subchapter 10. New Colleges and Educational Centers [Repealed]

Subchapter 11. Open Courses [Repealed]

Subchapter 15. Minimum Standards for Colleges Operating Pursuant to Education Code 78007 and Not Receiving or Utilizing State or Local Funds [Repealed]

**Chapter 3. General Provisions**

§ 52000. Effect of Specified Board of Governors Regulations.

§ 52010. Effect of Regulations, Revision of District Policies and Publications.

Chapter 4. Employees

Subchapter 1. Equal Employment Opportunity Programs

Subchapter 2. Certificated Positions

Article 1. Special Non-Credentialed Employees [Repealed]

Article 1.5. Sick Leave Transfer

Article 1.6. Evaluation of Academic Employees

§ 53130. Availability of Rules and Regulations for Evaluation of Performance.

The governing board of a community college district shall adopt and cause to be printed and made available to each academic employee of the district reasonable rules and regulations providing for the evaluation of the performance of academic employees in their assigned duties.

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

**Article 2. Academic Senates**

§ 53200. Definitions.

§ 53201. Academic Senate or Faculty Council.

§ 53202. Formation; Procedures; Membership.

§ 53203. Powers.

§ 53204. Scope of Regulations.

§ 53205. Duties Assigned by Administration and Governing Board.

§ 53206. Academic Senate for California Community Colleges.

§ 53207. Reimbursement for Release or Reassigned Time.

**Subchapter 3. Full-Time and Part-Time Faculty**

Article 1. Scope and Definitions

§ 53300. Scope.

§ 53301. Part-Time Faculty.

The term “part-time faculty” includes any faculty member, as defined in Section 53402(c), who is not a regular employee or contract employee of the district pursuant to Sections 87601, 87605, 87608, 87608.5, or 87609 of the Education Code.

Note: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750, 87482.7, 87601, 87605, 87608, 87608.5 and 87609, Education Code.

§ 53302. Full-Time Faculty.

For purposes of this Chapter the term “full-time faculty” means any faculty member, as defined in Section 53402(c), who is a regular or contract employee of the district pursuant to Sections 87601, 87605, 87608, 87608.5 or 87609 of the Education Code.

Note: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750, 87482.6, 87601, 87605, 87608, 87608.5 and 87609, Education Code.

§ 53308. **Full-Time Faculty Percentage**.

For purposes of this Subchapter and Section 51025, a district's full-time faculty percentage is determined as follows:

(a) Using the rules set forth in Section 53309, calculate the district's full-time equivalent faculty (FTEF) attributable to full-time faculty, as defined in Section 53302.

(b) Determine the district's total FTEF by adding together:

(1) FTEF attributable to full-time faculty, using the rules set forth in Section 53309; and

(2) FTEF attributable to part-time faculty, calculated using the rules set forth in Section 53310.

(c) To obtain the full-time faculty percentage, divide the figure from subdivision (a) (FTEF attributable to full-time faculty) by the figure from subdivision (b) (total FTEF).

Note: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

§ 53309. Rules for Calculating Full-Time Equivalent Faculty (FTEF) Attributable to Full-Time Faculty.

In calculating full-time equivalent faculty (FTEF) attributable to full-time faculty, the following rules shall be applicable:

(a) With respect to instruction, FTEF shall be calculated based on the percentage of instructional hours per week considered a full-time assignment for regular instructional employees having comparable duties, excluding any noncredit instructional assignments.

(b) With respect to non-instructional activities, FTEF shall be calculated based on the percentage of working hours per week considered a full-time assignment for regular non-instructional employees having comparable duties.

(c) Regular Assignment. Include the regular assignment of full-time faculty as defined in section 53302.

(d) Overload. Exclude full-time faculty overload from the calculation of FTEF.

(e) Sabbatical. Include full-time faculty sabbatical FTEF, whether paid or unpaid, and exclude the FTEF of replacement faculty, whether full-time or part-time, from the computation to determine the full-time faculty percentage pursuant to section 53308.

(f) Released/Reassigned Time. Include FTEF for full-time faculty who are released or reassigned. The FTEF of a full-time faculty member on released or reassigned time shall be counted as if the faculty member was teaching/working full-time and had not been provided released or reassigned time. The FTEF of replacement faculty, whether full-time or part-time, shall be excluded from the computation to determine the full-time faculty percentage pursuant to section 53308.

(g) Unpaid Leave. Include unpaid leave FTEF for a faculty member on unpaid leave. The FTEF of a full-time faculty member on unpaid leave shall be counted as if the faculty member was teaching/working full-time and had not been provided with unpaid leave. The FTEF of replacement faculty, whether full-time or part-time, shall be excluded from the computation to determine the full-time faculty percentage pursuant to section 53308.

(h) Teaching by Others. Include credit instruction FTEF taught by classified staff or administrators who are appropriately qualified to teach, under the following conditions:

(1) Only the actual hours of teaching by such individuals shall be included in determining the FTEF; and

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

(i) **Late Retirement**. The FTEF of a faculty member who resigned or retired and who provided written notice thereof within 45 faculty duty days of the end of the previous Spring primary term and whose position has not been replaced by another full-time faculty member by the current Fall primary term, shall be included. The FTEF of replacement faculty, whether full-time or part-time, shall be excluded from the computation to determine the full-time faculty percentage pursuant to section 53308.

Districts are required to fill the position(s) by the following Spring primary term unless designees for the district governing board and academic senate jointly agree that it is in the best interests of the district to delay the filling of the position. In such cases, replacement must be made by the following primary term or the Chancellor shall reduce the district's state apportionment revenues for the current year in accordance with the provisions of section 51025. If the number of late retirees exceeds fifteen percent (15%) of the district's total number of full-time faculty, and the district's governing board and academic senate jointly agree, a district may file a request with the Chancellor's Office for a one-year extension to fulfill its hiring obligation to replace those retirees.

(j) Parcel Tax. Exclude FTEF of full-time faculty funded from temporary local sources as authorized by Government Code section 50079.1.

Note: Authority cited: Sections 66700, 70901 and 87482.7, Education Code; and section 50079.1, Government Code. Reference: Sections 84750 and 87482.7, Education Code.

Article 2. Proportions of Full-Time and Part-Time Faculty, Computation and Reports

§53310. **Rules for Calculating Full-Time Equivalent Faculty (FTEF) Attributable to Part-Time Faculty.**

In calculating full-time equivalent faculty (FTEF) attributable to part-time faculty, the following rules shall be applicable:

(a) With respect to instruction, FTEF shall be calculated based on the percentage of instructional hours per week considered a full-time assignment for regular instructional employees having comparable duties, excluding any noncredit instructional assignments.

(b) With respect to non-instructional activities, FTEF shall be calculated based on the percentage of working hours per week considered a full-time assignment for regular non-instructional employees having comparable duties.

(c) All instructional and noninstructional activities of part-time faculty shall be included, except the following:

(1) FTEF attributable to part-time faculty who replace full-time faculty on sabbatical leave.

(2) FTEF attributable to part-time faculty who replace full-time faculty on released or reassigned time.

(3) FTEF of part-time faculty replacing full-time faculty on unpaid leave.

(4) FTEF of part-time faculty replacing full-time faculty who resigned or retired late as defined in section 53309(i).

(5) FTEF of part-time faculty funded from temporary local sources as authorized by Government Code section 50079.1.

Note: Authority cited: Sections 66700, 70901 and 87482.7, Education Code; and section 50079.1, Government Code. Reference: Sections 84750 and 87482.7, Education Code.

§ 53311. Base Data.

For purposes of this Subchapter, “base data” means both the district's base full-time faculty percentage and its base full-time faculty obligation (the number of full-time faculty the district is required to maintain or the number of additional full-time faculty to be hired by the Fall term of the subsequent year.) The data necessary to calculate the base full-time faculty percentage shall be determined from the current year's Fall management information system staff data submission to the Chancellor's Office.

Note: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code..

§ 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute the number of full-time faculty which each district is to secure in accordance with Sections 51025 and 53308, as the result of applying additional FTES growth and program improvement revenue allotments.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average “replacement cost” (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient determined in paragraph (b) is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

(d) The computation for the funded growth in full-time equivalent student workload obligation to secure additional full-time faculty shall, when required pursuant to the provisions of Section 51025(a)(1) and (e), be made by multiplying the percentage of funded credit FTES growth times the base number of full-time faculty that were to be in place by Fall of the current year.

Note: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

§ 53314. Report to Districts.

By the Spring term of each year, the Chancellor shall report to districts the estimated number of full-time faculty each district must secure by the following Fall term based upon the appropriation of revenues contained in that year's Budget Act and the Board of Governors' action pursuant to Section 51025(e).

Note: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

Article 3. Enforcement [Repealed]

Subchapter 4. Minimum Qualifications

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**Chapter 5. Students**

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Subchapter 2. Parking for Students with Disabilities

Subchapter 2.5. Medical Insurance for Hazardous Activities [Repealed]

Subchapter 3. Attendance [Repealed]

Subchapter 4. Student Equity

Subchapter 4.5. Electronic Submissions

Subchapter 5. Commercial Solicitation on Campus

Subchapter 6. Student Records

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**Chapter 6. Curriculum and Instruction**

Subchapter 1. Programs, Courses and Classes

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§ 55040. District Policy for Course Repetition.

§ 55041. Repeatable Courses.

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§ 55044. Repetition of Variable Unit Courses.

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§ 55046. Academic Renewal Without Course Repetition.

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Subchapter 5. Educational Master Plans [Repealed]

Subchapter 5.5. Excursions and Field Trips [Repealed]

Subchapter 6. Matriculation Programs

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Subchapter 9. Libraries

Subchapter 11. New Colleges and Education Centers [Repealed]

Subchapter 12. Libraries [Repealed]

**Chapter 7. Special Programs**

Subchapter 1. Disabled Student Programs and Services

Subchapter 2. Extended Opportunity Programs and Services [Repealed]

Subchapter 2.5. Extended Opportunity Programs and Services

Subchapter 3. Educational Programs and Services for Students with Learning Disabilities [Repealed]

Subchapter 3.5. Cooperating Agencies Foster Youth Educational Services

Subchapter 4. The Community College Real Estate Education Endowment Fund

Subchapter 5. Fund for the Improvement of Instruction

Subchapter 6. Underrepresented Students Special Project Fund

**Chapter 8. Construction**

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Subchapter 1.5. Energy and Resource Conservation

Subchapter 2. Environmental Quality

Subchapter 3. District Funded Construction Projects

Subchapter 4. Deferred Maintenance

**Chapter 9. Fiscal Support**

Subchapter 1. Attendance

Article 1. General Provisions

§ 58000. Introduction.

§ 58002. Change in Academic Year Terms.

Article 2. Attendance Reporting Procedures

§ 58003. Computation of ADA. [Repealed]

§ 58003.1. Full-Time Equivalent Student; Computation.

§ 58003.2. Credit Courses; Full Term; Less than Full Term.

§ 58003.3. **Apportionment for Noncredit Courses.**

§ 58003.4. Full-Time Equivalent Student; Periodic Reports; Increases and Decreases in Apportionments.

§ 58003.5. Computation of ADA for Fiscal Year 1982-83. [Repealed]

§ 58003.6. Apportionment for Certain Nonresidents Attending High School in California.

§ 58004. Application of Census Procedures.

§ 58005. Census Weeks and Census Days. [Repealed]

§ 58006. Application of Actual Student Contact Hours of Attendance Procedure.

§ 58007. Noncredit Courses.

§ 58008. Application of Actual Clock Hours of Teaching Procedure.

§ 58009. Application of Alternate Attendance Procedure for Independent Study, Work-Experience and Certain Distance Education Courses.

§ 58009.5. Computation for Work-Experience Education Programs.

§ 58010. Reporting Date Procedures.

§ 58012. Decimals; Rounding off; References to Whole Numbers.

Article 3. Tabulations

§ 58020. Census Day Procedure Tabulations.

§ 58022. Actual Student Contact Hours of Attendance Procedure Tabulations.

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§ 58024. Actual Apprentice Hours of Teaching Procedure Tabulations.

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§ 58050. Conditions for Claiming Attendance.

§ 58051. Method for Computing Full-Time Equivalent Student (FTES).

§ 58051.5. Reports for Apportionment; Prohibited Classes.

§ 58051.6. Full-Time Equivalent Student; Adult Education for Inmates of City, County, or City and County Jail, Road Camp, Farm or Federal Correctional Facility.

§ 58052. Basic Requirement.

§ 58054. Educational Activities Required of Students. [Repealed]

§ 58055. Immediate Supervision.

§ 58056. **Immediate Supervision and Control.**

(a) Subdivision (a)(1) of section 58051 requires, as a condition for claiming attendance for apportionment purposes, the immediate supervision and control of an academic employee authorized to render service in a capacity and during the period in which he or she served. Immediate supervision and control requires the presence of the authorized employee. More specifically, immediate supervision or presence is characterized by all of the following:

(1) The authorized employee is able, in terms of physical proximity and range of communication, to provide immediate instructional supervision and control; and

(2) The authorized employee is in a position to provide the supervision and control necessary for the protection of the health and safety of students; and

(3) The authorized employee is not to have any other assigned duty during the instructional activity for which attendance is being claimed. The criteria specified above are to be applied in recognition of the fact that the need for immediate supervision will vary according to the course being offered, as well as with the design or mode of instruction of such course or program.

(b) Under the following limited circumstances, attendance of students enrolled in a course or program which does not meet the requirements of subdivision (a) shall qualify for apportionment purposes if:

(1) The course or program is approved and being conducted as distance education in accordance with article 1 (commencing with section 55200) of subchapter 3 of chapter 6; or

(2) The course or program is approved and being conducted as independent study in accordance with subchapter 4 (commencing with section 55300) of chapter 6; or

(3) The course or program is approved and being conducted as work experience education in accordance with article 4 (commencing with section 55250) of subchapter 3 of chapter 6 of this part; or

(4) The course or program is approved and is being conducted as health sciences education in accordance with section 58055(a).

(c) Attendance generated solely under an instructional assistant or aide does not qualify for apportionment. In addition, instructional aides shall not be used to increase the number of students in relation to the number of classroom instructors in the district. However, attendance may qualify for apportionment under the following limited circumstances:

(1) The assistant or aide functions under the exclusive direction of the authorized employee assigned to that educational activity, and not independently; and

(2) The assistant or aide performs only those duties specifically authorized by law, including, but not limited to, sections 88240-88249 of the Education Code; and,

(3) The authorized employee is able, in terms of physical proximity and range of communication, to provide necessary supervision and control of students, so that by working in conjunction with the assistant or aide, the requirements of subsection (a) of this section are met.

Note: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901 and 84500, Education Code.

§ 58058. Employee of the District.

§ 58060. Valid Employment Qualifications.

Subchapter 2. Limitations on State Aid

Article 1. Open Courses

§ 58100. Open Enrollment. [Repealed]

§ 58102. Course Description.

§ 58104. Dissemination of Information.

§ 58106. Limitations on Enrollment.

§ 58107. Facilities and Opportunities for Participation.

§ 58108. Registration and Enrollment Procedures.

§ 58110. Enrollment Limitations. [Repealed]

Article 2. 175-Day Rule

(a) For a day to count towards meeting the requirements of section 58142, courses of instruction must be offered for a **minimum of three hours** during the period of 7 a.m. and 11 p.m.

(b) Notwithstanding subsection (a) of this section, days of final examination may be counted toward meeting the requirements of section 58142, provided that:

(1) such examinations are administered under the immediate supervision and control of an appropriate academic employee of the district; and

(2) not more than fourteen days of final examinations shall be counted for any academic year, as defined by the district.

Note: Authority cited: Sections 70901 and 78401, Education Code. Reference: Section 70901, Education Code.

Article 3. (Reserved)

Article 4. (Reserved)

Article 5. Other Limitations

§ 58130. Noncredit Classes in Dancing or Recreational Physical Education; State Aid or Apportionment for Attendance.

§ 58130.5. Estimate of School Money to be Apportioned.

§ 58131. Second Principal Apportionment.

§ 58132. Final Apportionment. [Repealed]

§ 58134. Adjustive Apportionment.

§ 58136. Authority to Make Adjustive Apportionments or Adjustive Deductions Where Required by a Judgment.

§ 58138. Authority to Make Adjustive Apportionments on Inclusion of Additional Full-Time Equivalent Student.

§ 58139. Criteria for Allocation of Funds.

§ 58140. Limitation on District Use of Apportionment.

§ 58142. Required Time for Maintaining Colleges During Preceding Fiscal Year; Withholding of Apportionment upon Failure to Comply.

§ 58144. Newly Formed District. [Repealed]

§ 58146. District Unable to Maintain School for Prescribed Time; Full-Time Equivalent Student Materially Decreased.

§ 58148. Lost or Destroyed Records. [Repealed]

§ 58160. Noncredit Course Funding.

§ 58161. Apportionment for Course Enrollment.

§ 58161.5. Apportionment for RE-Enrollment After Withdrawal. [Repealed]

§ 58161.7. Recommendations Regarding Repetition of Noncredit Courses and Related Issues.

§ 58162. Intercollegiate Athletics.

§ 58164. Open Entry/Open Exit Courses.

§ 58166. Field Trips.

§ 58168. Tutoring.

§ 58170. Apportionment for Tutoring.

§ 58172. Learning Assistance.

§ 58180. Offering Classes Under Flexible Calendar; Approval; Accountability of Employees Under Contract for 175 Days; Activities. [Repealed]

§ 58182. Scheduling Configurations. [Repealed]

§ 58184. Review of District Plans; Approval. [Repealed]

§ 58186. Distribution of Appropriations. [Repealed]

§ 58188. Average Daily Attendance Units; Adjustments to Reflect Activities; Computation by Multiplier Factor. [Repealed]

§ 58190. Requirement to Prepare and File Annual Statement. [Repealed]

§ 58191. Proposed Budget; Hearing; Notice; Publication. [Repealed]

§ 58192. ''Budget''. [Repealed]

§ 58194. Contents of Budget Report. [Repealed]

§ 58195. Form of Budget Report. [Repealed]

§ 58196. Tentative Budget; Filing; Contents; Computation of Tax Levy; Adoption; Filing and Approval of Final Budget. [Repealed]

§ 58198. Effect of Neglect or Refusal to Make a Budget. [Repealed]

§ 58199. District Budget Limitation on Expenditure. [Repealed]

§ 58199.5. Appropriations of Excess Funds and Limitations Thereon. [Repealed]

Subchapter 3. Interstate Attendance

Subchapter 4. Budgets and Reports

§ 58300. Requirements to Prepare and File Annual Statement.

§ 58301. Proposed Budget; Hearing; Notice; Publication.

The governing board of each district shall hold a public hearing on the proposed budget for the ensuing fiscal year in a district facility, or some other place conveniently accessible to the residents of the district, on or before the 15th day of September but at least three days following availability of the proposed budget for public inspection, at which any resident in the district may appear and object to the proposed budget or any item in the budget.

The hearing may be concluded on the proposed budget when there are no requests for further hearing on file. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held.

The proposed budget, containing such fiscal information as may be required by the Chancellor, shall be made available by the district for public inspection in a facility of the district or in some other place conveniently accessible to residents of the district, during or before the first week in September.

Notification of dates and location(s) at which the proposed budget may be inspected by the public and date, time, and location of the public hearing on the proposed budget shall be published by the district in a newspaper of general circulation in the district, at least three days prior to the availability of the proposed budget for public inspection. The cost of the publication shall be a legal proper charge against the district for which the publication is made.

Note: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 70901, Education Code.

§ 58302. Budget.

§ 58303. Contents of Budget Report.

§ 58304. Form of Budget Report.

§ 58305. Tentative Budget; Filing; Contents; Computation of Tax Levy; Adoption; Filing and Approval of Final Budget.

§ 58306. Effect of Neglect or Refusal to Make a Budget.

§ 58307. District Budget Limitation on Expenditure.

§ 58308. Appropriation of Excess Funds and Limitations.

§ 58310. Report on District's Financial Condition.

The chief executive officer or other designee of the governing board of each district shall regularly report in detail to the governing board of the district the district's financial condition and shall submit reports showing the financial and budgetary conditions of the district, including outstanding obligations, to the governing board at least once every three months. The chief executive officer or other designee shall also prepare a quarterly report on forms provided by the Chancellor. The district shall submit a copy of the certified report to the appropriate county offices and the Chancellor no later than forty-five days following the completion of each quarter. The certified report shall be reviewed by the district governing board at a regularly scheduled meeting and entered into the minutes of the meeting.

Upon review and analysis of the report, the Chancellor or his/her designee shall determine if follow-up or intervention is needed. Intervention may be necessary if a district's financial data indicate a high probability that, if trends continue unabated, the district will need an emergency apportionment within three years or that the district is not in compliance with the principles of sound fiscal management specified in section 58311. Such follow-up or intervention may include, but shall not be limited to, requiring the submission of additional or more frequent reports, requiring the district to respond to specific concerns, and directing the district to prepare and adopt a detailed plan for achieving fiscal stability and an educational plan demonstrating the impact of the fiscal plan on the district's educational program.

Intervention may also include the assignment of a special trustee having the authority described in section 58312 to any district that requires intervention within the five fiscal years immediately following the ending date of the services of a previously assigned special trustee. The renewed assignment of a special trustee under this paragraph may be made upon a finding by the Chancellor or his/her designee that if trends continue unabated, the district will need an emergency apportionment within three years or that the district is noncompliant with the principles of sound fiscal management specified in section 58311, except that the special trustee may only assume management and control of the district if authorized to do so by the Board of Governors. The costs incurred by the performance of the special trustee shall be paid in the manner described in subdivision (f) of section 58312 from funds which would have otherwise been apportioned to the district.

The Chancellor shall develop and maintain procedures for the administration of the fiscal monitoring program specified in Education Code section 84040 and this section.

Note: Authority cited: Sections 66700, 70901 and 84040, Education Code. Reference: Section 70901, Education Code.

§ 58311. Principles for Sound Fiscal Management.

§ 58312. Inadequate Plans by District or Failure to Implement Plans; Authorized Actions by the Chancellor.

§ 58314. Failure of Procedures to Achieve District Financial Stability; Authorized Actions of Chancellor.

If the procedures pursuant to sections 58310 and 58312 fail to achieve district financial stability, as determined by the Chancellor, the Chancellor shall do any or all of the following:

(a) Reduce or withhold any apportionment to the district in any amount he or she deems appropriate.

(b) Report to the Board of Governors and the chairs of the educational policy and fiscal committees of both houses of the Legislature, the Director of Finance, and the Governor regarding the reasons for the continuing lack of fiscal stability at the district, any actions taken against the district, and the Chancellor's recommendations regarding further steps necessary to restore the district to fiscal stability or solvency or to bring it into compliance with the principles of sound fiscal management.

(c) Seek an emergency apportionment pursuant to section 58316.

Note: Authority cited: Sections 66700, 70901 and 84040, Education Code. Reference: Section 70901, Education Code.

§ 58316. Appropriation for Emergency Apportionment; Repayment Schedule.

§ 58317. Special Trustee Following Notice of Inadequate Plan. [Repealed]

§ 58318. Requirement for Employee Indemnity Bond.

Subchapter 6. Student Fees

Article 1. Enrollment Fee and Differential Enrollment Fee

§ 58500. Definition.

Each district governing board shall charge each student a fee for enrolling in credit courses pursuant to the requirements of Education Code section 76300 and the requirements of this article. The fee prescribed by section 76300 shall be known as the enrollment fee.

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

§ 58501. **Enrollment Fee.**

(a) Semester: The enrollment fee charged of students enrolled in a regular semester shall be a per credit unit rate prescribed by the Legislature.

(b) Quarter: The enrollment fee charged of students enrolled in a regular quarter session shall be two-thirds of the per credit unit rate for a regular semester.

(c) Fractional Units: The enrollment fee charged for courses with fractional unit value shall be computed by multiplying the fraction times the applicable semester or quarter unit rate and rounding off to the nearest dollar.

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

§ 58501.1. Differential Enrollment Fee. [Repealed]

§ 58502. Fee Charged at Enrollment.

§ 58503. Variable Unit Classes.

A student shall be charged for a variable unit class at the time the student enrolls in the class. The enrollment fee shall be based on the number of units in which the college enrolls the student. If the student later earns additional units, the student may add those units pursuant to the district's policy for adding classes. Any additional enrollment fee shall then be charged of the student. No refund shall be made for units not earned by the student, except as provided in section 58508.

Note: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

§ 58504. Short-Term Classes. [Repealed]

§ 58505. Courses Extending Beyond One Term. [Repealed]

§ 58506. Summer Session or Intersession. [Repealed]

§ 58507. Program Changes.

§ 58508. Refunds.

§ 58509. Authority of Chancellor to Waive Provisions to Accommodate Students Impacted by Extraordinary Conditions.

Article 2. Student Center Fee

Article 3. Baccalaureate Degree Program Fees

Subchapter 7. Student Financial Aid

Subchapter 8. Community College General Apportionment Funding

Chapter 10. Community College Administration

Subchapter 1. Warrants [Repealed]

Subchapter 2. Community College Budget and Accounting Manual

Subchapter 2.5. Retention and Destruction of Records

Subchapter 3. Audits and Reviews

Subchapter 4. Administration of Education Code 84362

Subchapter 4.5. Auxiliary Organizations

Subchapter 5. Nondiscrimination in Programs Receiving State Financial Assistance Through the Chancellor or Board of Governors of the California Community Colleges

Subchapter 6. Waiver of Part-Time Instructor Limit [Repealed]

Subchapter 7. Instructional Materials

Subchapter 7.5. Student Financial Obligations

Subchapter 8. District Reorganization

Subchapter 9. Nondiscrimination in Public Works Contracting in the California Community Colleges

Subchapter 10. Community College Property Direct Costs for Use

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